

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 96

Representative Stewart

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subsequently amended and 125.11 as subsequently 304
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to make operating appropriations for the 306
biennium beginning July 1, 2025, and ending June 307
30, 2027, to levy taxes, and to provide 308
authorization and conditions for the operation 309
of state programs. 310

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

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5104.50 (5180.04), and 5180.40 (5180.73) be amended for the 500
purpose of adopting new section numbers as indicated in 501
parentheses; and new sections 3312.02, 3313.902, 3314.38, 502
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5747.051, 5747.073, and 5747.761 of the Revised Code be enacted 522
to read as follows: 523

Sec. 9.239. (A) As used in this section: 524

(1) "Public building" means a building owned by a public 525
entity. 526

(2) "Public entity" means a subdivision, the general 527
assembly, a court, any department, division, institution, board, 528
commission, authority, bureau or other agency ~~or~~ or 529

instrumentality of the state, the five state retirement systems, 530
or any other governmental entity. 531

(3) "Subdivision" has the same meaning as in section 532
2744.01 of the Revised Code. 533

(B) A person that is primarily responsible for designing 534
energy efficient commercial building property installed in a 535
public building may seek allocation of any deduction allowed 536
under section 179D of the Internal Revenue Code in connection 537
with that installation by submitting a written request to the 538
public entity that owns the building ~~and the tax commissioner.~~ 539
Within fifteen days of receiving such a request, the public 540
entity shall respond and, if merited, formally allocate the 541
deduction as required under that section and any associated 542
rules or guidance of the internal revenue service or the United 543
States department of the treasury. ~~The public entity shall send~~ 544
~~to the commissioner a copy of the response and, if applicable,~~ 545
~~the document or documents formally allocating the deduction.~~ 546

(C) If a public entity does not respond within fifteen 547
days of receiving a request under division (B) of this section, 548
the entity shall be considered to have approved the request. ~~The~~ 549
~~commissioner shall provide the person that submitted the request~~ 550
~~with any documentation necessary to formally allocate the~~ 551
~~deduction.~~ 552

(D) No public entity and no employee or agent of a public 553
entity acting in the employee's or agent's official capacity 554
shall seek, solicit, charge, or accept a fee, payment, or other 555
consideration in exchange for allocating a deduction allowed 556
under section 179D of the Internal Revenue Code or providing 557
documentation of such an allocation as required under that 558
section and any associated rules or guidance of the internal 559

revenue service or the United States department of the treasury. 560

Sec. 9.27. (A) As used in this section, "state" and "state 561
agency" mean the state of Ohio, including the governor, 562
lieutenant governor, secretary of state, auditor of state, 563
attorney general, and treasurer of state, and all departments, 564
boards, offices, commissions, agencies, institutions, and other 565
instrumentalities of the state of Ohio, but not including the 566
general assembly or any legislative agency, or any court or 567
judicial agency. 568

(B) Except as otherwise required or permitted by state or 569
federal law, a contract entered into by the state for the 570
procurement of goods or services shall not include any of the 571
following: 572

(1) A provision that requires the state to indemnify or 573
hold harmless another person. 574

(2) A provision by which the state agrees to binding 575
arbitration or any other binding extra-judicial dispute 576
resolution process. 577

(3) A provision that names a venue for any action or 578
dispute against the state other than a court of proper 579
jurisdiction in Franklin county, Ohio. 580

(4) A provision that requires the state to agree to limit 581
the liability for any direct loss to the state for bodily 582
injury, death, or damage to property of the state caused by the 583
negligence, intentional or willful misconduct, fraudulent act, 584
recklessness, or other tortious conduct of a person or a 585
person's employees or agents, or a provision that would 586
otherwise impose an indemnification obligation on the state. 587

(5) A provision that requires the state to be bound by a 588

term or condition that is unknown to the state at the time of 589
signing a contract, that is not specifically negotiated with the 590
state, that may be unilaterally changed by the other party, or 591
that is electronically accepted by a state employee. 592

(6) A provision that provides for a person other than the 593
attorney general to serve as legal counsel for the state or for 594
any state agency, unless allowed for under the process set forth 595
in section 109.07 of the Revised Code. 596

(7) A provision that is inconsistent with the state's 597
obligations under section 149.43 of the Revised Code. 598

(8) A provision for automatic renewal such that state 599
funds are or would be obligated in subsequent fiscal years. 600

(9) A provision that limits the state's ability to recover 601
the cost of cover for a replacement contractor. 602

(10) With respect to a purchase in which a state agency 603
receives a license to use a software application designed to run 604
on generally available desktop or server hardware or cloud 605
platforms, a requirement that the state agency install or run 606
the software on hardware or in a cloud platform dedicated solely 607
to the state agency, or a provision that otherwise restricts the 608
state agency from installing or running the software on hardware 609
or in a cloud platform of the state agency's choosing. 610

(C) If a contract contains a term or condition described 611
in division (B) of this section, the term or condition is void 612
ab initio, and the contract containing that term or condition 613
otherwise shall be enforceable as if it did not contain such 614
term or condition. 615

(D) A contract that contains a term or condition described 616
in division (B) of this section shall be governed by and 617

construed in accordance with Ohio law notwithstanding any term 618
or condition to the contrary in the contract. 619

(E) This section does not apply to a contract in effect 620
~~before the effective date of this section~~ September 30, 2021, or 621
to the renewal or extension of a contract in effect before ~~the~~
~~effective date of this section~~ that date. 622
623

Sec. 9.28. (A) As used in this section: 624

(1) "~~Competitive solicitation~~selection" means ~~a request~~ 625
~~for proposal or any other solicitation or announcement by a~~ 626
~~public office requiring bids or proposals for the provision of~~ 627
~~goods or services to that office~~ the procedures for making 628
purchases as defined in section 125.01 of the Revised Code. 629

(2) "Public office" includes any state agency, public 630
institution, political subdivision, or other organized body, 631
office, agency, institution, or entity established by the laws 632
of this state for the exercise of any function of government. 633
"Public office" does not include the nonprofit corporation 634
formed under section 187.01 of the Revised Code. 635

(3) "State agency" includes every department, bureau, 636
board, commission, office, or other organized body established 637
by the constitution and laws of this state for the exercise of 638
any function of state government, including any state-supported 639
institution of higher education, the general assembly, any 640
legislative agency, any court or judicial agency, or any 641
political subdivision or agency of a political subdivision. 642
"State agency" does not include the nonprofit corporation formed 643
under section 187.01 of the Revised Code. 644

(B) Except as provided in division (C) of this section, 645
materials ~~submitted to a public office in response~~ relating to a 646

~~competitive solicitation through competitive selection shall not~~ 647
~~be considered public records for purposes of under section~~ 648
~~149.43 of the Revised Code until the date the public office~~ 649
~~announces after the award of a the contract based on the~~ 650
~~competitive solicitation or the cancellation of the competitive~~ 651
~~solicitationselection.~~ 652

(C) If a public office rejects all bids or proposals 653
received in response to a ~~competitive solicitation through~~ 654
~~competitive selection~~ and, concurrently with the announcement of 655
the rejection gives notice of its intent to reissue the 656
solicitation ~~through competitive selection~~, the materials 657
submitted in response to the original ~~competitive solicitation~~ 658
and the materials submitted in response to the reissued 659
~~competitive solicitation~~ shall not be considered public records 660
~~for purposes of under section 149.43 of the Revised Code until~~ 661
~~the date the public office announces after the award of a the~~ 662
contract based on the reissued ~~competitive solicitation through~~ 663
~~or the cancellation of the reissued competitive~~ 664
~~solicitationselection.~~ 665

Sec. 9.312. (A) If a state agency or political subdivision 666
is required by law or by an ordinance or resolution adopted 667
under division (C) of this section to award a contract to the 668
lowest responsive and responsible bidder, a bidder on the 669
contract shall be considered responsive if the bidder's proposal 670
responds to bid specifications in all material respects and 671
contains no irregularities or deviations from the specifications 672
which would affect the amount of the bid or otherwise give the 673
bidder a competitive advantage. The factors that the state 674
agency or political subdivision shall consider in determining 675
whether a bidder on the contract is responsible include the 676
experience of the bidder, the bidder's financial condition, 677

conduct and performance on previous contracts, facilities, 678
management skills, and ability to execute the contract properly. 679

For purposes of this division, the provision of a bid 680
guaranty in accordance with divisions (A)(1) and (B) of section 681
153.54 of the Revised Code issued by a surety licensed to do 682
business in this state is evidence of financial responsibility, 683
but a state agency or political subdivision may request 684
additional financial information for review from an apparent low 685
bidder after it opens all submitted bids. A state agency or 686
political subdivision shall keep additional financial 687
information it receives pursuant to a request under this 688
division confidential, except under proper order of a court. The 689
additional financial information is not a public record under 690
section 149.43 of the Revised Code. 691

An apparent low bidder found not to be responsive and 692
responsible shall be notified by the state agency or political 693
subdivision of that finding and the reasons for it. Except for 694
contracts awarded by the department of administrative services 695
pursuant to section 125.11 of the Revised Code, the notification 696
shall be given in writing ~~and either by certified mail or, if~~ 697
~~the state agency or political subdivision has record of an~~ 698
internet identifier of record associated with the bidder, or by 699
ordinary certified mail ~~and by that if no~~ internet identifier of 700
record is available. When awarding contracts pursuant to section 701
125.11 of the Revised Code, the department may send such notice 702
in writing by first class mail or by electronic means. 703

(B) Where a state agency or a political subdivision that 704
has adopted an ordinance or resolution under division (C) of 705
this section determines to award a contract to a bidder other 706
than the apparent low bidder or bidders for the construction, 707

reconstruction, improvement, enlargement, alteration, repair, 708
painting, or decoration of a public improvement, it shall meet 709
with the apparent low bidder or bidders upon a filing of a 710
timely written protest. The protest must be received within five 711
days of the notification required in division (A) of this 712
section. No final award shall be made until the state agency or 713
political subdivision either affirms or reverses its earlier 714
determination. Notwithstanding any other provisions of the 715
Revised Code, the procedure described in this division is not 716
subject to Chapter 119. of the Revised Code. 717

(C) A municipal corporation, township, school district, 718
board of county commissioners, any other county board or 719
commission, or any other political subdivision required by law 720
to award contracts by competitive bidding may by ordinance or 721
resolution adopt a policy of requiring each competitively bid 722
contract it awards to be awarded to the lowest responsive and 723
responsible bidder in accordance with this section. 724

(D) As used in this section, "internet identifier of 725
record" means an electronic mail address, or any other 726
designation used for self-identification or routing in internet 727
communication or posting, provided for the purpose of receiving 728
communication. 729

Sec. 9.331. (A) Before entering into a contract to employ 730
a construction manager or construction manager at risk, a public 731
authority ~~shall may~~ advertise, ~~in a newspaper of general~~ 732
~~circulation news media available~~ in the county where the 733
contract is to be performed, and ~~may shall~~ advertise by 734
electronic means ~~pursuant to rules adopted by the director of~~ 735
~~administrative services~~, notice of its intent to employ a 736
construction manager or construction manager at risk. The notice 737

shall invite interested parties to submit proposals for 738
consideration and shall be published at least ~~thirty-fourteen~~ 739
calendar days prior to the date for accepting the proposals. The 740
public authority also may advertise the information contained in 741
the notice in appropriate trade journals and otherwise notify 742
persons believed to be interested in employment as a 743
construction manager or construction manager at risk. 744

(B) The advertisement shall include a general description 745
of the project, a statement of the specific management services 746
required, and a description of the qualifications required for 747
the project. 748

Sec. 9.334. ~~(A)~~ (A) (1) Every public authority planning to 749
contract for construction management services with a 750
construction manager at risk shall evaluate the proposals 751
submitted and select not fewer than three construction managers 752
at risk the public authority considers to be the most qualified 753
to provide the required construction management services, except 754
that the public authority shall select and rank fewer than three 755
when the public authority determines in writing that fewer than 756
three qualified construction managers at risk are available. 757

(2) For projects valued at less than four million dollars, 758
the public authority may require the construction manager at 759
risk to submit a proposal described in division (A) (1) of this 760
section along with a pricing proposal described in division (C) 761
of this section, and proceed under division (B) (2) of this 762
section before proceeding with selection and ranking as 763
described in division (A) (1) of this section. The Ohio 764
facilities construction commission shall biannually adjust for 765
the rate of inflation, as defined in section 107.032 of the 766
Revised Code and as of the effective date of this amendment, the 767

maximum project value amount indicated in this division and post 768
that amount on the commission's web site. 769

~~(B)~~ (B) (1) The public authority shall provide each 770
construction manager at risk selected under division ~~(A)~~ (A) (1) 771
of this section with a description of the project, including a 772
statement of available design detail, a description of how the 773
guaranteed maximum price for the project shall be determined, 774
including the estimated level of design detail upon which the 775
guaranteed maximum price shall be based, the form of the 776
construction management contract, and a request for a pricing 777
proposal. 778

(2) The public authority shall provide each construction 779
manager at risk who desires to submit a proposal under division 780
(A) (2) of this section a pre-proposal meeting to explore the 781
proposals further, in which the public authority shall provide 782
the construction manager at risk with a description of the 783
project, including the scope and nature of the proposed services 784
and potential technical approaches. 785

(C) The pricing proposal of each construction manager at 786
risk shall include at least the following regarding the 787
construction manager at risk: 788

(1) A list of key personnel for the project; 789

(2) A statement of the general conditions and contingency 790
requirements; 791

(3) A fee proposal divided into a preconstruction fee, a 792
construction fee, and the portion of the construction fee to be 793
at risk in a guaranteed maximum price. 794

(D) The public authority shall evaluate the submitted 795
pricing proposals and may hold discussions with individual 796

construction managers at risk to explore their proposals 797
further, including the scope and nature of the proposed services 798
and potential technical approaches. 799

(E) After evaluating the pricing proposals, the public 800
authority shall rank the selected construction managers at risk 801
based on its evaluation of the value of each pricing proposal, 802
with such evaluation considering the proposed cost and 803
qualifications. 804

(F) The public authority shall enter into negotiations for 805
a construction management contract with the construction manager 806
at risk whose pricing proposal the public authority determines 807
to be the best value under division (E) of this section. 808
Contract negotiations shall be directed toward: 809

(1) Ensuring that the construction manager at risk and the 810
public authority mutually understand the essential requirements 811
involved in providing the required construction management 812
services, including the provisions for the use of contingency 813
funds and the possible distribution of savings in the final 814
costs of the project; 815

(2) Ensuring that the construction manager at risk will be 816
able to provide the necessary personnel, equipment, and 817
facilities to perform the construction management services 818
within the time required by the construction management 819
contract; 820

(3) Agreeing upon a procedure and schedule for determining 821
a guaranteed maximum price using an open book pricing method 822
that shall represent the total maximum amount to be paid by the 823
public authority to the construction manager at risk for the 824
project and that shall include the costs of all the work, the 825

cost of its general conditions, the contingency, and the fee 826
payable to the construction manager at risk. 827

(G) (1) If the public authority fails to negotiate a 828
construction management contract with the construction manager 829
at risk whose pricing proposal the public authority determines 830
to be the best value under division (E) of this section, the 831
public authority shall inform the construction manager at risk, 832
in writing, of the termination of negotiations. 833

(2) Upon terminating negotiations, the public authority 834
may enter into negotiations as provided in this section with the 835
construction manager at risk that the public authority ranked 836
next highest under division (E) of this section. If negotiations 837
fail, the public authority may enter into negotiations as 838
provided in this section with the construction manager at risk 839
the public authority ranked next highest under division (E) of 840
this section. 841

(3) If a public authority fails to negotiate a 842
construction management contract with a construction manager at 843
risk whose pricing proposal the public authority determines to 844
be the best value under division (E) of this section, the public 845
authority may select additional construction managers at risk to 846
provide pricing proposals to the public authority pursuant to 847
this section or may select an alternative delivery method for 848
the project. 849

(H) If the public authority and construction manager at 850
risk fail to agree on a guaranteed maximum price, nothing in 851
this section shall prohibit the public authority from allowing 852
the construction manager at risk to provide the management 853
services that a construction manager is authorized to provide. 854

(I) Nothing in this section affects a public authority's 855
right to accept or reject any or all proposals in whole or in 856
part. 857

Sec. 9.47. (A) Any person desiring to bid on a contract 858
awarded pursuant to Chapter 153. of the Revised Code by an owner 859
referred to in section 153.01 of the Revised Code or awarded by 860
the director of transportation pursuant to Chapter 5525. of the 861
Revised Code may make application for a certificate of 862
compliance with affirmative action programs. Application shall 863
be made to the department of development. The director of 864
development's designee shall promptly determine whether the 865
person has complied with all federal affirmative action programs 866
to which the person was subject and any state affirmative action 867
program to which the person was subject pursuant to section 868
153.59 of the Revised Code which state or federal affirmative 869
action program arose out of a contract the person had with the 870
federal government, the state, or a political subdivision of the 871
state. Where the director's designee determines the person has 872
not committed any violation of such prior affirmative action 873
programs during the five years immediately preceding the date of 874
determination, the director's designee shall issue a dated 875
certificate of compliance with affirmative action programs. The 876
director's designee may issue an updated certificate to a person 877
upon request but not more frequently than once every ~~one hundred~~ 878
~~eighty days~~ two years. A person who violates an affirmative 879
action program during the five years preceding the date of 880
determination is ineligible to bid on a contract awarded 881
pursuant to Chapter 153. of the Revised Code by an owner 882
referred to in section 153.01 of the Revised Code or awarded by 883
the director of transportation pursuant to Chapter 5525. of the 884
Revised Code for a period of three years after the date of 885

determination. 886

(B) Any person denied a certificate or an updated 887
certificate may appeal to the director of development for a 888
review of that determination. The appeal must be filed within 889
ten days of the date of the determination. The director shall, 890
within five days after receipt of the appeal, either affirm or 891
reverse the determination. 892

(C) Any person dissatisfied with the decision of the 893
director on review may, within thirty days, appeal the decision 894
of the director to the court of common pleas of Franklin county. 895
The court may affirm or reverse the decision of the director. At 896
the hearing before the court, evidence may be introduced for and 897
against the decision of the director. The decision of the court 898
may be appealed as in other cases. 899

(D) The director of development, in accordance with 900
Chapter 119. of the Revised Code, shall adopt, and may amend or 901
rescind, rules to implement this section. 902

Sec. 9.821. (A) The department of administrative services 903
shall direct and manage for state agencies all risk management 904
and insurance programs authorized under section 9.822 of the 905
Revised Code. 906

(B) The office of risk management is hereby established 907
within the department of administrative services. The director 908
of administrative services, or a deputy director appointed by 909
the director, shall control and supervise the office. 910

(C) The office may take any of the following actions that 911
it determines to be in the best interests of the state: 912

(1) Provide all insurance coverages for the state, 913
including, but not limited to, vehicle liability, casualty, 914

property, public liability, and fidelity bonding. The cost of 915
insurance coverage shall be paid from appropriations made to the 916
state agencies that the office has designated to receive the 917
coverage. 918

(2) Provide coverage of legal expenses that are necessary 919
and related to the legal defense of claims against the state; 920

(3) Purchase insurance policies consistent with sections 921
125.01 to 125.111 of the Revised Code, develop and administer 922
self-insurance programs, or do both; 923

(4) Consolidate and combine state insurance coverages; 924

(5) Provide technical services in risk management and 925
insurance to state agencies; 926

(6) Adopt and publish, in accordance with section 111.15 927
of the Revised Code, necessary rules and procedures governing 928
the administration of the state's insurance and risk management 929
activities. 930

(D) No state agency, except a state agency exempted under 931
section 125.02 or 125.04 of the Revised Code from the 932
department's purchasing authority, shall purchase any insurance 933
described in this section except as authorized by the 934
department, when the office of risk management determines that 935
the purchase is in the best interest of the state pursuant to 936
division (C)(1) of this section, and in accordance with terms, 937
conditions, and procurement methods established by the 938
department. 939

(E) With respect to any civil action, demand, or claim 940
against the state that could be filed in the court of claims, 941
nothing in sections 9.82 to 9.823 of the Revised Code shall be 942
interpreted to permit the settlement or compromise of those 943

civil actions, demands, or claims, except in the manner provided 944
in Chapter 2743. of the Revised Code. 945

(F) The department of administrative services and the 946
office of risk management, while acting pursuant to the 947
responsibilities prescribed in sections 9.82 to 9.83 of the 948
Revised Code, are performing a public duty, as defined in 949
section 2743.01 of the Revised Code. 950

(G) The office of the attorney general or counsel 951
appointed by the office of the attorney general, including any 952
legal representatives thereof, shall provide and share 953
communications and documents that are made for the purpose of 954
seeking or providing legal advice or counsel in connection with 955
actual or potential litigation, liability claims, contract 956
disputes, risk management issues, and other matters involving 957
the programs of the office of risk management with the office. 958
All such communications and documents shared between the office, 959
a state agency, and the office of the attorney general or 960
counsel appointed by the office of the attorney general, 961
including any legal representatives thereof, are privileged and 962
confidential. 963

Sec. 102.02. (A) (1) Except as otherwise provided in 964
division (H) of this section, all of the following shall file 965
with the appropriate ethics commission the disclosure statement 966
described in this division on a form prescribed by the 967
appropriate commission: every person who is elected to or is a 968
candidate for a state, county, or city office and every person 969
who is appointed to fill a vacancy for an unexpired term in such 970
an elective office; all members of the state board of education; 971
the director, assistant directors, deputy directors, division 972
chiefs, or persons of equivalent rank of any administrative 973

department of the state; the president or other chief 974
administrative officer of every state institution of higher 975
education as defined in section 3345.011 of the Revised Code; 976
the executive director and the members of the capitol square 977
review and advisory board appointed or employed pursuant to 978
section 105.41 of the Revised Code; all members of the Ohio 979
casino control commission, the executive director of the 980
commission, all professional employees of the commission, and 981
all technical employees of the commission who perform an 982
internal audit function; the individuals set forth in division 983
(B) (2) of section 187.03 of the Revised Code; the chief 984
executive officer and the members of the board of each state 985
retirement system; each employee of a state retirement board who 986
is a state retirement system investment officer licensed 987
pursuant to section 1707.163 of the Revised Code; the members of 988
the Ohio retirement study council appointed pursuant to division 989
(C) of section 171.01 of the Revised Code; employees of the Ohio 990
retirement study council, other than employees who perform 991
purely administrative or clerical functions; the administrator 992
of workers' compensation and each member of the bureau of 993
workers' compensation board of directors; the bureau of workers' 994
compensation director of investments; the chief investment 995
officer of the bureau of workers' compensation; all members of 996
the board of commissioners on grievances and discipline of the 997
supreme court and the ethics commission created under section 998
102.05 of the Revised Code; every business manager, treasurer, 999
or superintendent of a city, local, exempted village, joint 1000
vocational, or cooperative education school district or an 1001
educational service center; every person who is elected to or is 1002
a candidate for the office of member of a board of education of 1003
a city, local, exempted village, joint vocational, or 1004
cooperative education school district or of a governing board of 1005

an educational service center that has a total student count of 1006
twelve thousand or more as most recently determined by the 1007
department of education and workforce pursuant to section 1008
3317.03 of the Revised Code; every person who is appointed to 1009
the board of education of a municipal school district pursuant 1010
to division (B) or (F) of section 3311.71 of the Revised Code; 1011
all members of the board of directors of a sanitary district 1012
that is established under Chapter 6115. of the Revised Code and 1013
organized wholly for the purpose of providing a water supply for 1014
domestic, municipal, and public use, and that includes two 1015
municipal corporations in two counties; every public official or 1016
employee who is paid a salary or wage in accordance with 1017
schedule C of section 124.15 or schedule E-2 created by the 1018
director of administrative services under section 124.152 of the 1019
Revised Code; all members appointed to the Ohio livestock care 1020
standards board under section 904.02 of the Revised Code; ~~all~~ 1021
~~entrepreneurs in residence assigned by the LeanOhio office in~~ 1022
~~the department of administrative services under section 125.65~~ 1023
~~of the Revised Code~~ and every other public official or employee 1024
who is designated by the appropriate ethics commission pursuant 1025
to division (B) of this section. 1026

(2) The disclosure statement shall include all of the 1027
following: 1028

(a) The name of the person filing the statement and each 1029
member of the person's immediate family and all names under 1030
which the person or members of the person's immediate family do 1031
business; 1032

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 1033
this section and except as otherwise provided in section 102.022 1034
of the Revised Code, identification of every source of income, 1035

other than income from a legislative agent identified in 1036
division (A) (2) (b) (ii) of this section, received during the 1037
preceding calendar year, in the person's own name or by any 1038
other person for the person's use or benefit, by the person 1039
filing the statement, and a brief description of the nature of 1040
the services for which the income was received. If the person 1041
filing the statement is a member of the general assembly, the 1042
statement shall identify the amount of every source of income 1043
received in accordance with the following ranges of amounts: 1044
zero or more, but less than one thousand dollars; one thousand 1045
dollars or more, but less than ten thousand dollars; ten 1046
thousand dollars or more, but less than twenty-five thousand 1047
dollars; twenty-five thousand dollars or more, but less than 1048
fifty thousand dollars; fifty thousand dollars or more, but less 1049
than one hundred thousand dollars; and one hundred thousand 1050
dollars or more. Division (A) (2) (b) (i) of this section shall not 1051
be construed to require a person filing the statement who 1052
derives income from a business or profession to disclose the 1053
individual items of income that constitute the gross income of 1054
that business or profession, except for those individual items 1055
of income that are attributable to the person's or, if the 1056
income is shared with the person, the partner's, solicitation of 1057
services or goods or performance, arrangement, or facilitation 1058
of services or provision of goods on behalf of the business or 1059
profession of clients, including corporate clients, who are 1060
legislative agents. A person who files the statement under this 1061
section shall disclose the identity of and the amount of income 1062
received from a person who the public official or employee knows 1063
or has reason to know is doing or seeking to do business of any 1064
kind with the public official's or employee's agency. 1065

(ii) If the person filing the statement is a member of the 1066

general assembly, the statement shall identify every source of 1067
income and the amount of that income that was received from a 1068
legislative agent during the preceding calendar year, in the 1069
person's own name or by any other person for the person's use or 1070
benefit, by the person filing the statement, and a brief 1071
description of the nature of the services for which the income 1072
was received. Division (A) (2) (b) (ii) of this section requires 1073
the disclosure of clients of attorneys or persons licensed under 1074
section 4732.12 of the Revised Code, or patients of persons 1075
licensed under section 4731.14 of the Revised Code, if those 1076
clients or patients are legislative agents. Division (A) (2) (b) 1077
(ii) of this section requires a person filing the statement who 1078
derives income from a business or profession to disclose those 1079
individual items of income that constitute the gross income of 1080
that business or profession that are received from legislative 1081
agents. 1082

(iii) Except as otherwise provided in division (A) (2) (b) 1083
(iii) of this section, division (A) (2) (b) (i) of this section 1084
applies to attorneys, physicians, and other persons who engage 1085
in the practice of a profession and who, pursuant to a section 1086
of the Revised Code, the common law of this state, a code of 1087
ethics applicable to the profession, or otherwise, generally are 1088
required not to reveal, disclose, or use confidences of clients, 1089
patients, or other recipients of professional services except 1090
under specified circumstances or generally are required to 1091
maintain those types of confidences as privileged communications 1092
except under specified circumstances. Division (A) (2) (b) (i) of 1093
this section does not require an attorney, physician, or other 1094
professional subject to a confidentiality requirement as 1095
described in division (A) (2) (b) (iii) of this section to disclose 1096
the name, other identity, or address of a client, patient, or 1097

other recipient of professional services if the disclosure would 1098
threaten the client, patient, or other recipient of professional 1099
services, would reveal details of the subject matter for which 1100
legal, medical, or professional advice or other services were 1101
sought, or would reveal an otherwise privileged communication 1102
involving the client, patient, or other recipient of 1103
professional services. Division (A) (2) (b) (i) of this section 1104
does not require an attorney, physician, or other professional 1105
subject to a confidentiality requirement as described in 1106
division (A) (2) (b) (iii) of this section to disclose in the brief 1107
description of the nature of services required by division (A) 1108
(2) (b) (i) of this section any information pertaining to specific 1109
professional services rendered for a client, patient, or other 1110
recipient of professional services that would reveal details of 1111
the subject matter for which legal, medical, or professional 1112
advice was sought or would reveal an otherwise privileged 1113
communication involving the client, patient, or other recipient 1114
of professional services. 1115

(c) The name of every corporation on file with the 1116
secretary of state that is incorporated in this state or holds a 1117
certificate of compliance authorizing it to do business in this 1118
state, trust, business trust, partnership, or association that 1119
transacts business in this state in which the person filing the 1120
statement or any other person for the person's use and benefit 1121
had during the preceding calendar year an investment of over one 1122
thousand dollars at fair market value as of the thirty-first day 1123
of December of the preceding calendar year, or the date of 1124
disposition, whichever is earlier, or in which the person holds 1125
any office or has a fiduciary relationship, and a description of 1126
the nature of the investment, office, or relationship. Division 1127
(A) (2) (c) of this section does not require disclosure of the 1128

name of any bank, savings and loan association, credit union, or 1129
building and loan association with which the person filing the 1130
statement has a deposit or a withdrawable share account. 1131

(d) All fee simple and leasehold interests to which the 1132
person filing the statement holds legal title to or a beneficial 1133
interest in real property located within the state, excluding 1134
the person's residence and property used primarily for personal 1135
recreation; 1136

(e) The names of all persons residing or transacting 1137
business in the state to whom the person filing the statement 1138
owes, in the person's own name or in the name of any other 1139
person, more than one thousand dollars. Division (A) (2) (e) of 1140
this section shall not be construed to require the disclosure of 1141
debts owed by the person resulting from the ordinary conduct of 1142
a business or profession or debts on the person's residence or 1143
real property used primarily for personal recreation, except 1144
that the superintendent of financial institutions and any deputy 1145
superintendent of banks shall disclose the names of all state- 1146
chartered banks and all bank subsidiary corporations subject to 1147
regulation under section 1109.44 of the Revised Code to whom the 1148
superintendent or deputy superintendent owes any money. 1149

(f) The names of all persons residing or transacting 1150
business in the state, other than a depository excluded under 1151
division (A) (2) (c) of this section, who owe more than one 1152
thousand dollars to the person filing the statement, either in 1153
the person's own name or to any person for the person's use or 1154
benefit. Division (A) (2) (f) of this section shall not be 1155
construed to require the disclosure of clients of attorneys or 1156
persons licensed under section 4732.12 of the Revised Code, or 1157
patients of persons licensed under section 4731.14 of the 1158

Revised Code, nor the disclosure of debts owed to the person 1159
resulting from the ordinary conduct of a business or profession. 1160

(g) Except as otherwise provided in section 102.022 of the 1161
Revised Code, the source of each gift of over seventy-five 1162
dollars, or of each gift of over twenty-five dollars received by 1163
a member of the general assembly from a legislative agent, 1164
received by the person in the person's own name or by any other 1165
person for the person's use or benefit during the preceding 1166
calendar year, except gifts received by will or by virtue of 1167
section 2105.06 of the Revised Code, or received from spouses, 1168
parents, grandparents, children, grandchildren, siblings, 1169
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1170
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 1171
or any person to whom the person filing the statement stands in 1172
loco parentis, or received by way of distribution from any inter 1173
vivos or testamentary trust established by a spouse or by an 1174
ancestor; 1175

(h) Except as otherwise provided in section 102.022 of the 1176
Revised Code, identification of the source and amount of every 1177
payment of expenses incurred for travel to destinations inside 1178
or outside this state that is received by the person in the 1179
person's own name or by any other person for the person's use or 1180
benefit and that is incurred in connection with the person's 1181
official duties, except for expenses for travel to meetings or 1182
conventions of a national or state organization to which any 1183
state agency, including, but not limited to, any legislative 1184
agency or state institution of higher education as defined in 1185
section 3345.011 of the Revised Code, pays membership dues, or 1186
any political subdivision or any office or agency of a political 1187
subdivision pays membership dues; 1188

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

(j) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

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

(4) A person who is required to file a statement under this section shall file that statement according to the

following deadlines, as applicable: 1219

(a) Except as otherwise provided in divisions (A) (4) (b), 1220
(c), and (d) of this section, the person shall file the 1221
statement not later than the fifteenth day of May of each year. 1222

(b) A person who is a candidate for elective office shall 1223
file the statement no later than the thirtieth day before the 1224
primary, special, or general election at which the candidacy is 1225
to be voted on, whichever election occurs soonest, except that a 1226
person who is a write-in candidate shall file the statement no 1227
later than the twentieth day before the earliest election at 1228
which the person's candidacy is to be voted on. 1229

(c) A person who is appointed to fill a vacancy for an 1230
unexpired term in an elective office shall file the statement 1231
within fifteen days after the person qualifies for office. 1232

(d) A person who is appointed or employed after the 1233
fifteenth day of May, other than a person described in division 1234
(A) (4) (c) of this section, shall file an annual statement within 1235
ninety days after appointment or employment. 1236

(5) No person shall be required to file with the 1237
appropriate ethics commission more than one statement or pay 1238
more than one filing fee for any one calendar year. 1239

(6) The appropriate ethics commission, for good cause, may 1240
extend for a reasonable time the deadline for filing a statement 1241
under this section. 1242

(7) A statement filed under this section is subject to 1243
public inspection at locations designated by the appropriate 1244
ethics commission except as otherwise provided in this section. 1245

(B) The Ohio ethics commission, the joint legislative 1246

ethics committee, and the board of commissioners on grievances 1247
and discipline of the supreme court, using the rule-making 1248
procedures of Chapter 119. of the Revised Code, may require any 1249
class of public officials or employees under its jurisdiction 1250
and not specifically excluded by this section whose positions 1251
involve a substantial and material exercise of administrative 1252
discretion in the formulation of public policy, expenditure of 1253
public funds, enforcement of laws and rules of the state or a 1254
county or city, or the execution of other public trusts, to file 1255
an annual statement under division (A) of this section. The 1256
appropriate ethics commission shall send the public officials or 1257
employees written notice of the requirement not less than thirty 1258
days before the applicable filing deadline unless the public 1259
official or employee is appointed after that date, in which case 1260
the notice shall be sent within thirty days after appointment, 1261
and the filing shall be made not later than ninety days after 1262
appointment. 1263

Disclosure statements filed under this division with the 1264
Ohio ethics commission by members of boards, commissions, or 1265
bureaus of the state for which no compensation is received other 1266
than reasonable and necessary expenses shall be kept 1267
confidential. Disclosure statements filed with the Ohio ethics 1268
commission under division (A) of this section by business 1269
managers, treasurers, and superintendents of city, local, 1270
exempted village, joint vocational, or cooperative education 1271
school districts or educational service centers shall be kept 1272
confidential, except that any person conducting an audit of any 1273
such school district or educational service center pursuant to 1274
Chapter 117. of the Revised Code may examine the disclosure 1275
statement of any business manager, treasurer, or superintendent 1276
of that school district or educational service center. 1277

Disclosure statements filed with the Ohio ethics commission 1278
under division (A) of this section by the individuals set forth 1279
in division (B) (2) of section 187.03 of the Revised Code shall 1280
be kept confidential. The Ohio ethics commission shall examine 1281
each disclosure statement required to be kept confidential to 1282
determine whether a potential conflict of interest exists for 1283
the person who filed the disclosure statement. A potential 1284
conflict of interest exists if the private interests of the 1285
person, as indicated by the person's disclosure statement, might 1286
interfere with the public interests the person is required to 1287
serve in the exercise of the person's authority and duties in 1288
the person's office or position of employment. If the commission 1289
determines that a potential conflict of interest exists, it 1290
shall notify the person who filed the disclosure statement and 1291
shall make the portions of the disclosure statement that 1292
indicate a potential conflict of interest subject to public 1293
inspection in the same manner as is provided for other 1294
disclosure statements. Any portion of the disclosure statement 1295
that the commission determines does not indicate a potential 1296
conflict of interest shall be kept confidential by the 1297
commission and shall not be made subject to public inspection, 1298
except as is necessary for the enforcement of Chapters 102. and 1299
2921. of the Revised Code and except as otherwise provided in 1300
this division. 1301

(C) No person shall knowingly fail to file, on or before 1302
the applicable filing deadline established under this section, a 1303
statement that is required by this section. 1304

(D) No person shall knowingly file a false statement that 1305
is required to be filed under this section. 1306

(E) (1) Except as provided in divisions (E) (2) and (3) of 1307

this section, the statement required by division (A) or (B) of 1308
this section shall be accompanied by a filing fee of sixty 1309
dollars. 1310

(2) The statement required by division (A) of this section 1311
shall be accompanied by the following filing fee to be paid by 1312
the person who is elected or appointed to, or is a candidate 1313
for, any of the following offices: 1314
1315

1

2

A	For state office, except member of the state board of education	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35
E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30
G	For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$30

(3) No judge of a court of record or candidate for judge 1316
of a court of record, and no referee or magistrate serving a 1317
court of record, shall be required to pay the fee required under 1318

division (E)(1) or (2) or (F) of this section. 1319

(4) For any public official who is appointed to a 1320
nonelective office of the state and for any employee who holds a 1321
nonelective position in a public agency of the state, the state 1322
agency that is the primary employer of the state official or 1323
employee shall pay the fee required under division (E)(1) or (F) 1324
of this section. 1325

(F) If a statement required to be filed under this section 1326
is not filed by the date on which it is required to be filed, 1327
the appropriate ethics commission shall assess the person 1328
required to file the statement a late filing fee of ten dollars 1329
for each day the statement is not filed, except that the total 1330
amount of the late filing fee shall not exceed two hundred fifty 1331
dollars. 1332

(G)(1) The appropriate ethics commission other than the 1333
Ohio ethics commission and the joint legislative ethics 1334
committee shall deposit all fees it receives under divisions (E) 1335
and (F) of this section into the general revenue fund of the 1336
state. 1337

(2) The Ohio ethics commission shall deposit all receipts, 1338
including, but not limited to, fees it receives under divisions 1339
(E) and (F) of this section, investigative or other fees, costs, 1340
or other funds it receives as a result of court orders, and all 1341
moneys it receives from settlements under division (G) of 1342
section 102.06 of the Revised Code, into the Ohio ethics 1343
commission fund, which is hereby created in the state treasury. 1344
All moneys credited to the fund shall be used solely for 1345
expenses related to the operation and statutory functions of the 1346
commission. 1347

(3) The joint legislative ethics committee shall deposit 1348
all receipts it receives from the payment of financial 1349
disclosure statement filing fees under divisions (E) and (F) of 1350
this section into the joint legislative ethics committee 1351
investigative and financial disclosure fund. 1352

(H) Division (A) of this section does not apply to a 1353
person elected or appointed to the office of precinct, ward, or 1354
district committee member under Chapter 3517. of the Revised 1355
Code; a presidential elector; a delegate to a national 1356
convention; village or township officials and employees; any 1357
physician or psychiatrist who is paid a salary or wage in 1358
accordance with schedule C of section 124.15 or schedule E-2 1359
created by the director of administrative services under section 1360
124.152 of the Revised Code and whose primary duties do not 1361
require the exercise of administrative discretion; or any member 1362
of a board, commission, or bureau of any county or city who 1363
receives less than one thousand dollars per year for serving in 1364
that position. 1365

Sec. 107.71. The office of innovateohio is hereby 1366
established within the office of the governor. The governor 1367
shall appoint a director of the office who shall receive an 1368
annual salary equal to the maximum compensation specified in pay 1369
range 48 of salary schedule E-2 ~~in~~ created by the director of 1370
administrative services under division ~~(B)-(1)~~(B) of section 1371
124.152 of the Revised Code. The governor shall appoint 1372
necessary professional, technical, and clerical personnel. The 1373
employees serve at the pleasure of the governor. The governor 1374
shall set the duties of the office. 1375

Sec. 109.872. (A) As used in this section: 1376

(1) "Sworn employee" means any of the following: 1377

<u>(a) An enforcement agent of the Ohio investigative unit</u>	1378
<u>appointed pursuant to section 5502.14 of the Revised Code.</u>	1379
<u>(b) The superintendent and troopers of the state highway</u>	1380
<u>patrol appointed pursuant to section 5503.01 of the Revised</u>	1381
<u>Code.</u>	1382
<u>(c) Special police officers of the state highway patrol</u>	1383
<u>appointed pursuant to section 5503.09 of the Revised Code.</u>	1384
<u>(d) Other employees of any department, agency, or board of</u>	1385
<u>this state who are under the executive branch and ultimately</u>	1386
<u>report to the governor and are authorized to investigate,</u>	1387
<u>execute the laws of the state, protect public safety, or enforce</u>	1388
<u>the laws of this state as part of their job duties.</u>	1389
<u>(2) "Physical harm to persons" and "serious physical harm</u>	1390
<u>to persons" have the same meanings as in section 2901.01 of the</u>	1391
<u>Revised Code.</u>	1392
<u>(B) A sworn employee may be represented by an attorney</u>	1393
<u>selected pursuant to division (C) of this section when all of</u>	1394
<u>the following apply:</u>	1395
<u>(1) The sworn employee was involved in a use of force that</u>	1396
<u>resulted in death, serious physical harm to persons, or physical</u>	1397
<u>harm to persons.</u>	1398
<u>(2) The sworn employee's involvement in the use of force</u>	1399
<u>occurred within the scope and in the course of the sworn</u>	1400
<u>employee's assigned duties.</u>	1401
<u>(3) The sworn employee's involvement in the use of force</u>	1402
<u>is being investigated by a prosecuting attorney, the bureau of</u>	1403
<u>criminal identification and investigation, or another criminal</u>	1404
<u>investigating authority for possible criminal charges.</u>	1405

(C) When all of the conditions set forth in division (B) 1406
of this section apply, the sworn employee may submit a request 1407
in writing for legal representation to the director of the sworn 1408
employee's appointing authority and to the governor or the 1409
governor's designee. If the governor or the governor's designee 1410
determines that all of the conditions in that division apply, 1411
and if the governor or the governor's designee considers the 1412
requested legal representation to be appropriate, the governor 1413
or the governor's designee, in the governor's or the governor's 1414
designee's sole discretion, may approve the request. If the 1415
governor or the governor's designee approves the request, the 1416
governor or the governor's designee shall furnish the sworn 1417
employee the names of three attorneys who are admitted to the 1418
practice of law in this state and are experienced in the defense 1419
of criminal charges. The sworn employee may select one of the 1420
attorneys to represent the sworn employee until the grand jury 1421
concludes its proceedings, a criminal complaint is filed, or the 1422
case is disposed of before the grand jury concludes its 1423
proceedings or a criminal complaint is filed. 1424

(D) An attorney who represents a sworn employee pursuant 1425
to division (C) of this section shall be paid at the usual rate 1426
for like services in the community in which the criminal 1427
proceedings occur or at the usual rate paid to special counsel 1428
under section 109.07 of the Revised Code. The appointing 1429
authority shall pay the attorney's compensation and all 1430
reasonable expenses and court costs incurred in the defense of 1431
the sworn employee. 1432

(E) If a criminal investigation described in division (B) 1433
(3) of this section of a sworn employee results in an indictment 1434
or the filing of a criminal complaint based on the sworn 1435
employee's involvement in the use of force, an attorney who 1436

represents the sworn employee pursuant to division (C) of this 1437
section may continue to represent the sworn employee in the 1438
criminal proceeding on any terms to which the attorney and sworn 1439
employee mutually agree. Neither the governor or the governor's 1440
designee nor the appointing authority is obligated to provide 1441
the sworn employee with legal representation or to pay 1442
attorney's fees, expenses, or court costs incurred by the sworn 1443
employee following the indictment or criminal complaint charging 1444
the sworn employee with an offense, but the governor or the 1445
governor's designee, in the governor's or the governor's 1446
designee's sole discretion, may approve a request to pay 1447
attorney's fees, expenses, or court costs incurred by the sworn 1448
employee following the indictment or criminal complaint. 1449

(F) If a sworn employee is represented by an attorney as 1450
described in division (C) of this section and if the sworn 1451
employee is subsequently convicted of or pleads guilty to a 1452
criminal offense based on the sworn employee's involvement in 1453
the use of force, the governor or the governor's designee or the 1454
appointing authority may direct the attorney general to seek to 1455
recover, including by means of a civil action, from the sworn 1456
employee the costs of legal representation paid by the 1457
appointing authority pursuant to division (C) of this section. 1458

(G) A decision of the governor or the governor's designee 1459
made under division (C) or (E) of this section is not subject to 1460
appeal or review in any court or other forum. No person has a 1461
right of action against the appointing authority, the governor, 1462
or the governor's designee in the court of claims or any other 1463
court based on a decision of the governor or the governor's 1464
designee made under this section. 1465

(H) The indemnification of a sworn employee pursuant to 1466

this section shall be accomplished only through the following 1467
procedure: 1468

(1) If the governor or the governor's designee determines 1469
that the actions or omissions of the employee that gave rise to 1470
the claim were within the scope of the employee's employment and 1471
that the costs of legal representation should be indemnified, 1472
the sworn officer's appointing authority shall prepare an 1473
indemnity agreement. The indemnity agreement shall specify that 1474
the appointing authority will indemnify the employee for the 1475
expenses of legal representation. The agreement is not effective 1476
until it is approved by the employee, the director or appointing 1477
authority, and the governor or the governor's designee. 1478

(2) The appointing authority shall forward a copy of the 1479
indemnity agreement to the director of budget and management. 1480

(3) The director of budget and management shall direct the 1481
appointing authority to pay the indemnification pursuant to this 1482
section against available unencumbered money in the 1483
appropriations of the appointing authority. The director of 1484
budget and management has sole discretion to determine whether 1485
unencumbered money in a particular appropriation is available 1486
for payment of the indemnification. 1487

(4) If sufficient money does not exist to pay the 1488
indemnification, the appointing authority shall request the 1489
general assembly to make an appropriation sufficient to pay the 1490
indemnification, and no payment shall be made until the 1491
appropriation is made. The appointing authority shall make the 1492
appropriation request during the current biennium and during 1493
each succeeding biennium until a sufficient appropriation is 1494
made. 1495

Sec. 113.05. (A) As used in sections 113.05 to 113.40 of 1496
the Revised Code: 1497

(1) "Account," "appropriation," "disbursement," 1498
"electronic funds transfer," "fund," and "warrant" have the same 1499
meanings as in section 131.01 of the Revised Code. 1500

(2) "Assets" has the same meaning as in section 131.01 of 1501
the Revised Code, but does not include items held in safekeeping 1502
by the treasurer of state including, but not limited to, 1503
collateral pledged to a state agency. 1504

(3) "Custodial funds" do not include items held in 1505
safekeeping by the treasurer of state including, but not limited 1506
to, collateral pledged to a state agency. 1507

(B) The state treasury consists of the moneys, claims, 1508
bonds, notes, other obligations, stocks, and other securities, 1509
receipts or other evidences of ownership, and other intangible 1510
assets of the state that are required by law to be deposited in 1511
the state treasury or are otherwise a part of the state 1512
treasury. All assets of the state treasury shall be kept in the 1513
rooms assigned the treasurer of state, with the vaults, safes, 1514
and other appliances therein; provided, that: 1515

(1) Securities required by law to be deposited or kept in 1516
the state treasury may be deposited for safekeeping with the 1517
federal reserve bank of Cleveland, Ohio or secured and insured 1518
depositories in or out of this state as designated by the 1519
treasurer of state. 1520

(2) Public moneys may be kept in constituted state 1521
depositories. 1522

(C) The custodial funds of the treasurer of state consist 1523
of the moneys, claims, bonds, notes, other obligations, stocks, 1524

and other securities, receipts or other evidences of ownership, 1525
and other intangible assets that are required by law to be kept 1526
in the custody of the treasurer of state but are not part of the 1527
state treasury. All assets of the custodial funds of the 1528
treasurer of state shall be kept in either or both of the 1529
following: 1530

(1) The rooms assigned the treasurer of state, with the 1531
vaults, safes, and other appliances therein; 1532

(2) The federal reserve bank of Cleveland, Ohio or secured 1533
and insured depositories in or out of this state as designated 1534
by the treasurer of state. 1535

(D) Assets of the state treasury shall not be commingled 1536
with assets of the custodial funds of the treasurer of state. 1537

~~The repositing and deposit of payments pursuant to section 1538
113.06 of the Revised Code is in compliance with this section. 1539~~

Sec. 113.13. The treasurer of state shall have available 1540
and, as requested, transmit to the director of budget and 1541
management and to the governor information concerning the amount 1542
in the ~~inactive account, the amount in the active account,~~ and 1543
the amount of cash on hand. 1544

Sec. 113.40. (A) As used in this section: 1545

(1) "Financial transaction device" includes a credit card, 1546
debit card, ~~charge~~ banking card, prepaid or stored value card, 1547
~~or automated clearinghouse network credit, debit, or e-check-~~ 1548
~~entry that includes, but is not limited to, accounts receivable-~~ 1549
~~and internet-initiated, point of purchase, and telephone-~~ 1550
~~initiated applications, or any other device or method for making~~ 1551
an electronic payment or transfer of funds denominated in United 1552
States dollars. 1553

(2) "Processor" means an entity conducting the settlement 1554
of an electronic payment or transfer of funds, which shall be 1555
denominated in United States dollars. 1556

(3) "State expenses" includes fees, costs, taxes, 1557
assessments, fines, penalties, payments, or any other expense a 1558
person owes to a state office under the authority of a state 1559
elected official or to a state entity. 1560

~~(3)~~(4) "State elected official" means the governor, 1561
lieutenant governor, attorney general, secretary of state, 1562
treasurer of state, and auditor of state. 1563

~~(4)~~(5) "State entity" includes any state department, 1564
agency, board, ~~or~~ commission, or office under the authority of a 1565
state elected official that deposits funds into the state 1566
treasury or into an account in the custody of the treasurer of 1567
state. 1568

(B) Notwithstanding any other section of the Revised Code 1569
and subject to division (D) of this section, the board of 1570
deposit ~~may~~ shall adopt a resolution authorizing the acceptance 1571
of payments by financial transaction device to pay for state 1572
expenses. ~~The resolution shall include all of the following:~~ 1573

~~(1) A designation of those state elected officials and~~ 1574
~~state entities authorized to accept payments by financial~~ 1575
~~transaction device;~~ 1576

~~(2) A list of state expenses that may be paid by the use~~ 1577
~~of a financial transaction device;~~ 1578

~~(3) Specific identification of financial transaction~~ 1579
~~devices that a state elected official or state entity may~~ 1580
~~authorize as acceptable means of payment for state expenses.~~ 1581
~~Division (B) (3) of this section does not require that the same~~ 1582

~~financial transaction devices be accepted for the payment of~~ 1583
~~different types of state expenses.~~ 1584

~~(4) The amount, if any, authorized as a surcharge or~~ 1585
~~convenience fee under division (E) of this section for persons~~ 1586
~~using a financial transaction device. Division (B) (4) of this~~ 1587
~~section does not require that the same surcharges or convenience~~ 1588
~~fees be applied to the payment of different types of state~~ 1589
~~expenses.~~ 1590

~~(5) A specific requirement, as provided in division (G) of~~ 1591
~~this section, for the payment of a penalty if a payment made by~~ 1592
~~means of a financial transaction device is returned or~~ 1593
~~dishonored for any reason.~~ 1594

The board of deposit's resolution ~~also~~ shall designate the 1595
treasurer of state as the administrative agent to solicit 1596
proposals for financial transaction device services, within 1597
guidelines established by the board of deposit in the resolution 1598
and in compliance with the procedures provided in division (C) 1599
of this section, ~~from financial institutions, issuers of~~ 1600
~~financial transaction devices, and processors of financial~~ 1601
~~transaction devices; to make recommendations about those~~ 1602
~~proposals to the state elected officials; and to assist state~~ 1603
~~offices entities and state elected officials in implementing the~~ 1604
~~state's any~~ financial transaction device acceptance, and 1605
processing, and settlement program authorized under this 1606
section. The board of deposit's resolution applies to financial 1607
transaction device services related to any and all bank accounts 1608
comprising the state treasury as well as those in the custody of 1609
the treasurer of state but not part of the state treasury. 1610

(C) The administrative agent shall follow the procedures 1611
provided in this division whenever it plans to contract with 1612

~~financial institutions, issuers of financial transaction-~~ 1613
~~devices, one or more processors of financial transaction devices-~~ 1614
for the purposes of this section. The administrative agent shall 1615
request proposals ~~from at least three financial institutions,~~ 1616
~~issuers of financial transaction devices, or processors of~~ 1617
~~financial transaction devices,~~for acceptance, processing, and 1618
settlement services as appropriate in accordance with the 1619
resolution adopted under division (B) of this section. Prior to 1620
~~sending any financial institution, issuer, or processor a copy-~~ 1621
~~of any such~~making the request for proposals available, the 1622
administrative agent shall advertise its intent to request 1623
proposals for two consecutive weeks by electronic publication on 1624
~~a state agency~~the administrative agent's web site made 1625
available to the general public. The notice shall state that the 1626
administrative agent intends to request proposals; specify the 1627
purpose of the request; indicate the date, which shall be at 1628
least ~~ten~~fifteen calendar days after the initial publication, 1629
on which the request for proposals will be ~~electronically mailed~~ 1630
~~to financial institutions, issuers, or processors; and require~~ 1631
~~that any financial institution, issuer, or processor, whichever-~~ 1632
~~is appropriate, interested in receiving the request for~~ 1633
~~proposals submit written notice of this interest to the~~ 1634
~~administrative agent not later than the day on which the request~~ 1635
~~for proposals will be electronically mailed~~available. 1636

Upon receiving the proposals, the administrative agent 1637
shall review them and make a recommendation to the board of 1638
deposit regarding which proposal or proposals to accept. The 1639
board of deposit shall consider the agent's recommendation ~~and~~ 1640
~~review all proposals submitted,~~ and then may choose to authorize 1641
the administrative agent, on the board's behalf, to contract 1642
with ~~any or all~~one or more of the ~~entities~~processors 1643

submitting proposals, as appropriate; whereupon the 1644
administrative agent may enter into one or more contracts to 1645
provide acceptance, processing and settlement services to the 1646
state entities and state elected officials. Through its 1647
administrative agent, The~~the~~ board of deposit shall provide any 1648
~~financial institution, issuer, or processor~~ that submitted a 1649
proposal, but with which the board of deposit's administrative 1650
agent does not enter into a contract, notice that its proposal 1651
is rejected. 1652

~~(D) The board of deposit shall send a copy of the~~ 1653
~~resolution adopted under division (B) of this section to each~~ 1654
~~state elected official and state entity authorized to accept~~ 1655
~~payments for state expenses by financial transaction device.~~ 1656
~~After receiving the resolution and before accepting such~~ 1657
~~payments by financial transaction device, such a state elected~~ 1658
~~official or state entity shall provide written notification to~~ 1659
~~the administrative agent of the official's or entity's intent to~~ 1660
~~implement the resolution within the official's or entity's~~ 1661
~~office. Each state office~~ elected official or state entity 1662
subject to the ~~board's resolution adopted under division (B) of~~ 1663
this section shall use only the ~~financial institutions, issuers~~ 1664
~~of financial transaction devices, and processors of financial~~ 1665
transaction devices with which the board of ~~deposit~~deposit's 1666
administrative agent contracts, and each such ~~office~~state 1667
elected official or state entity is subject to the terms of 1668
those contracts. 1669

~~If a state entity under the authority of a state elected~~ 1670
~~official is directly responsible for collecting one or more~~ 1671
~~state expenses and the state elected official determines not to~~ 1672
~~accept payments by financial transaction device for one or more~~ 1673
~~of those expenses, the office is not required to accept payments~~ 1674

~~by financial transaction device for those expenses,~~ 1675
~~notwithstanding the adoption of a resolution by the board of~~ 1676
~~deposit under division (B) of this section.~~ 1677

(E) ~~The board of deposit~~ state elected official or state 1678
entity may establish a surcharge or convenience fee that may be 1679
imposed upon a person making payment by a financial transaction 1680
device. ~~The surcharge or convenience fee shall not be imposed~~ 1681
~~unless authorized or otherwise permitted by the rules prescribed~~ 1682
~~under a contract, between the financial institution, issuer, or~~ 1683
~~processor and the administrative agent, governing the use and~~ 1684
~~acceptance of the financial transaction device.~~ 1685

~~The establishment of a~~ Any surcharge or convenience fee 1686
shall follow the guidelines of the ~~financial institution, issuer~~ 1687
~~of financial transaction devices, or processor or processors~~ of 1688
financial transaction devices with which the board of 1689
~~deposit~~ deposit's administrative agent contracts. 1690

If a surcharge or convenience fee is imposed, every state 1691
elected official and state entity accepting payment by a 1692
financial transaction device, ~~regardless of whether that entity~~ 1693
~~is subject to a resolution adopted by the board of deposit,~~ 1694
~~shall clearly post a notice in the entity's office, and shall~~ 1695
notify each person making a payment by such a device, about the 1696
surcharge or fee. Notice to each person making a payment shall 1697
be provided regardless of the medium used to make the payment 1698
and in a manner appropriate to that medium. Each notice shall 1699
include ~~all~~ both of the following: 1700

(1) A statement that there is a surcharge or convenience 1701
fee for using a financial transaction device; 1702

(2) The total amount of the charge or fee expressed in 1703

dollars and cents for each transaction, or the rate of the 1704
charge or fee expressed as a percentage of the total amount of 1705
the transaction, whichever is applicable, 1706

~~(3) A clear statement that the surcharge or convenience~~ 1707
~~fee is nonrefundable.~~ 1708

~~(F) If a person elects to make a payment by a financial~~ 1709
~~transaction device and a surcharge or convenience fee is~~ 1710
~~imposed, the payment of the surcharge or convenience fee is not~~ 1711
~~refundable.~~ 1712

~~(G) If a person makes payment by a financial transaction~~ 1713
~~device and the payment is returned or dishonored~~ 1714
~~reversed for~~
any reason, the person is liable to the state elected official 1715
or state entity for the state expense and any reimbursable costs 1716
for collection, including banking charges, legal fees, or other 1717
expenses incurred by the state elected official or state entity 1718
in collecting the ~~returned or dishonored~~ reversed payment. The 1719
remedies and procedures provided in this section are in addition 1720
to any other available civil or criminal remedies provided by 1721
law. 1722

~~(H)~~ (G) No person making any payment by a financial 1723
transaction device to a state ~~office~~ elected official or state 1724
entity shall be relieved from liability for the underlying 1725
obligation, except to the extent that the state elected official 1726
or state entity realizes final payment of the underlying 1727
obligation in cash or its equivalent. If final payment is not 1728
made by the financial transaction device issuer, or by other 1729
means of payment, or by other guarantor of payment in the 1730
transaction, the underlying obligation survives and the state 1731
elected official or state entity shall retain all remedies for 1732
enforcement that would have applied if the transaction had not 1733

occurred. 1734

~~(I)~~(H) A state ~~entity~~ elected official or employee of a 1735
state entity or state elected official who accepts a financial 1736
transaction device payment in accordance with this section and 1737
any applicable state or local statutes, laws, policies, or rules 1738
is immune from personal liability for the final collection of 1739
such payments as specified in section 9.87 of the Revised Code. 1740

~~(J)~~(I) If the board of deposit determines that it is 1741
necessary and in the state's best interest to contract with an 1742
additional ~~entity~~ processor subsequent to the contract award 1743
made under division (C) of this section, the board may meet and 1744
choose to contract with one or more additional ~~entities~~ 1745
processors for the remainder of the period previously 1746
established by a contract award made under division (C) of this 1747
section. 1748

~~(K)~~(J) The administrative agent, in cooperation with the 1749
office of budget and management, may adopt, amend, and rescind 1750
rules in accordance with section 111.15 of the Revised Code to 1751
implement and administer this section. 1752

Sec. 113.51. (A) The treasurer of state shall implement 1753
and administer a program under the terms and conditions 1754
established under sections 113.50 to 113.56 of the Revised Code. 1755
For that purpose, the treasurer shall do all of the following: 1756

(1) Develop and implement the program in a manner 1757
consistent with the provisions of sections 113.50 to 113.56 of 1758
the Revised Code; 1759

(2) Engage the services of consultants on a contract basis 1760
for rendering professional and technical assistance and advice; 1761

(3) Seek rulings and other guidance from the secretary and 1762

the internal revenue service relating to the program; 1763

(4) Make modifications to the program as necessary for 1764
participants in the program to qualify for the federal income 1765
tax benefits or treatment provided under section 529A of the 1766
Internal Revenue Code or rules adopted thereunder; 1767

(5) Impose and collect administrative fees and service 1768
charges in connection with any agreement or transaction relating 1769
to the program; 1770

(6) Develop marketing plans and promotional materials to 1771
publicize the program; 1772

(7) Establish the procedures by which funds held in 1773
program accounts shall be disbursed; 1774

(8) Administer the issuance of interests by the Ohio ABLE 1775
savings program trust fund to designated beneficiaries; 1776

(9) Establish the procedures by which funds held in 1777
program accounts shall be allocated to pay for administrative 1778
costs; 1779

(10) Take any other action necessary to implement and 1780
administer the program; 1781

(11) Adopt rules in accordance with Chapter 119. of the 1782
Revised Code necessary to implement and administer the program; 1783

(12) Notify the secretary when a program account has been 1784
opened for a designated beneficiary and submit other reports 1785
concerning the program as required by the secretary or under 1786
section 529A of the Internal Revenue Code. 1787

(B) The treasurer of state may enter into agreements with 1788
other states or agencies of, subdivisions of, or residents of 1789

those states related to the program or a similar ABLE account 1790
program established by another state in accordance with section 1791
529A of the Internal Revenue Code. 1792

(C) Any record of the treasurer of state indicating the 1793
identity of account beneficiaries and the balances and activity 1794
in ABLE accounts is not a public record under section 149.43 of 1795
the Revised Code. 1796

Sec. 119.062. (A) Notwithstanding section 119.06 of the 1797
Revised Code, the registrar of motor vehicles is not required to 1798
hold any hearing in connection with an order canceling or 1799
suspending a motor vehicle driver's or commercial driver's 1800
license pursuant to section 2903.06, 2903.08, 2921.331, 4549.02, 1801
4549.021, or 5743.99 or any provision of Chapter 2925., 4509., 1802
4510., or 4511. of the Revised Code or in connection with an 1803
out-of-service order issued under Chapter 4506. of the Revised 1804
Code. 1805

(B) Notwithstanding section 119.07 of the Revised Code, 1806
the registrar is not required to comply with section 119.05 of 1807
the Revised Code in connection with an order canceling or 1808
suspending a motor vehicle driver's or commercial driver's 1809
license or a notification to a person to surrender a certificate 1810
of registration and registration plates. 1811

(C) Regarding a written report and recommendation issued 1812
after an adjudication hearing concerning an order of the 1813
registrar, a party may submit written objections to the report 1814
and recommendation within fifteen days of the report's mailing 1815
date to the party, notwithstanding section 119.09 of the Revised 1816
Code. 1817

(D) Notwithstanding section 119.12 of the Revised Code, 1818

notice of an appeal of an order of the registrar shall be filed 1819
within fifteen days of the order's mailing date to the party. 1820

Sec. 120.06. (A) (1) The state public defender, when 1821
designated by the court or requested by a county public defender 1822
or joint county public defender, may provide legal 1823
representation in all courts throughout the state to indigent 1824
adults and juveniles who are charged with the commission of an 1825
offense or act for which the penalty or any possible 1826
adjudication includes the potential loss of liberty. 1827

(2) The state public defender may provide legal 1828
representation to any indigent person who, while incarcerated in 1829
any state correctional institution, is charged with a felony 1830
offense, for which the penalty or any possible adjudication that 1831
may be imposed by a court upon conviction includes the potential 1832
loss of liberty. 1833

(3) The state public defender may provide legal 1834
representation to any person incarcerated in any correctional 1835
institution of the state, in any matter in which the person 1836
asserts the person is unlawfully imprisoned or detained. 1837

(4) The state public defender, in any case in which the 1838
state public defender has provided legal representation or is 1839
requested to do so by a county public defender or joint county 1840
public defender, may provide legal representation on appeal. 1841

~~(5) The~~ (5) (a) Except as provided in division (A) (5) (b) of 1842
this section, the state public defender, when designated by the 1843
court or requested by a county public defender, joint county 1844
public defender, or the director of rehabilitation and 1845
correction, shall provide legal representation in parole and 1846
probation revocation matters or matters relating to the 1847

revocation of community control or post-release control under a 1848
community control sanction or post-release control sanction, 1849
unless the state public defender finds that the alleged parole 1850
or probation violator or alleged violator of a community control 1851
sanction or post-release control sanction has the financial 1852
capacity to retain the alleged violator's own counsel. 1853

(b) If the state public defender determines that the state 1854
public defender does not have the capacity to provide the legal 1855
representation described in division (A) (5) (a) of this section, 1856
the state public defender may contract with private legal 1857
counsel to provide the legal representation described in that 1858
division. 1859

(6) If the state public defender contracts with a county 1860
public defender commission, a joint county public defender 1861
commission, or a board of county commissioners for the provision 1862
of services, under authority of division (C) (7) of section 1863
120.04 of the Revised Code, the state public defender shall 1864
provide legal representation in accordance with the contract. 1865

(B) The state public defender shall not be required to 1866
prosecute any appeal, postconviction remedy, or other proceeding 1867
pursuant to division (A) (3), (4), or (5) of this section, unless 1868
the state public defender first is satisfied that there is 1869
arguable merit to the proceeding. 1870

(C) A court may appoint counsel or allow an indigent 1871
person to select the indigent's own personal counsel to assist 1872
the state public defender as co-counsel when the interests of 1873
justice so require. When co-counsel is appointed to assist the 1874
state public defender, the co-counsel shall receive any 1875
compensation that the court may approve, not to exceed the 1876
amounts provided for in section 2941.51 of the Revised Code. 1877

(D) (1) When the state public defender is designated by the 1878
court or requested by a county public defender or joint county 1879
public defender to provide legal representation for an indigent 1880
person in any case, other than pursuant to a contract entered 1881
into under authority of division (C) (7) of section 120.04 of the 1882
Revised Code, the state public defender shall send to the county 1883
in which the case is filed a bill detailing the actual cost of 1884
the representation that separately itemizes legal fees and 1885
expenses. The county, upon receipt of an itemized bill from the 1886
state public defender pursuant to this division, shall pay the 1887
state public defender one hundred per cent of the amount 1888
identified as legal fees and expenses in the itemized bill. 1889

(2) Upon payment of the itemized bill under division (D) 1890
(1) of this section, the county may submit the cost of the legal 1891
fees and expenses to the state public defender for reimbursement 1892
pursuant to section 120.33 of the Revised Code. 1893

(3) When the state public defender provides investigation 1894
or mitigation services to private appointed counsel or to a 1895
county or joint county public defender as approved by the 1896
appointing court, other than pursuant to a contract entered into 1897
under authority of division (C) (7) of section 120.04 of the 1898
Revised Code, the state public defender shall send to the county 1899
in which the case is filed a bill itemizing the actual cost of 1900
the services provided. The county, upon receipt of an itemized 1901
bill from the state public defender pursuant to this division, 1902
shall pay one hundred per cent of the amount as set forth in the 1903
itemized bill. Upon payment of the itemized bill received 1904
pursuant to this division, the county may submit the cost of the 1905
investigation and mitigation services to the state public 1906
defender for reimbursement pursuant to section 120.33 of the 1907
Revised Code. 1908

(4) There is hereby created in the state treasury the
county representation fund for the deposit of moneys received
from counties under this division. All moneys credited to the
fund shall be used by the state public defender to provide legal
representation for indigent persons when designated by the court
or requested by a county or joint county public defender or to
provide investigation or mitigation services, including
investigation or mitigation services to private appointed
counsel or a county or joint county public defender, as approved
by the court.

(5) If the state public defender determines that the state
public defender does not have the capacity to provide the legal
representation described in division (A) (5) (a) of this section
and the state public defender contracts with private legal
counsel to provide the legal representation, the state public
defender shall directly pay private legal counsel's fees and
expenses from the indigent defense support fund pursuant to
section 120.08 of the Revised Code.

(E) (1) Notwithstanding any contrary provision of sections
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised
Code that pertains to representation by the attorney general, an
assistant attorney general, or special counsel of an officer or
employee, as defined in section 109.36 of the Revised Code, or
of an entity of state government, the state public defender may
elect to contract with, and to have the state pay pursuant to
division (E) (2) of this section for the services of, private
legal counsel to represent the Ohio public defender commission,
the state public defender, assistant state public defenders,
other employees of the commission or the state public defender,
and attorneys described in division (C) of section 120.41 of the
Revised Code in a malpractice or other civil action or

proceeding that arises from alleged actions or omissions related 1940
to responsibilities derived pursuant to this chapter, or in a 1941
civil action that is based upon alleged violations of the 1942
constitution or statutes of the United States, including section 1943
1983 of Title 42 of the United States Code, 93 Stat. 1284 1944
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 1945
alleged actions or omissions related to responsibilities derived 1946
pursuant to this chapter, if the state public defender 1947
determines, in good faith, that the defendant in the civil 1948
action or proceeding did not act manifestly outside the scope of 1949
the defendant's employment or official responsibilities, with 1950
malicious purpose, in bad faith, or in a wanton or reckless 1951
manner. If the state public defender elects not to contract 1952
pursuant to this division for private legal counsel in a civil 1953
action or proceeding, then, in accordance with sections 109.02, 1954
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 1955
attorney general shall represent or provide for the 1956
representation of the Ohio public defender commission, the state 1957
public defender, assistant state public defenders, other 1958
employees of the commission or the state public defender, or 1959
attorneys described in division (C) of section 120.41 of the 1960
Revised Code in the civil action or proceeding. 1961

(2) (a) Subject to division (E) (2) (b) of this section, 1962
payment from the state treasury for the services of private 1963
legal counsel with whom the state public defender has contracted 1964
pursuant to division (E) (1) of this section shall be 1965
accomplished only through the following procedure: 1966

(i) The private legal counsel shall file with the attorney 1967
general a copy of the contract; a request for an award of legal 1968
fees, court costs, and expenses earned or incurred in connection 1969
with the defense of the Ohio public defender commission, the 1970

state public defender, an assistant state public defender, an 1971
employee, or an attorney in a specified civil action or 1972
proceeding; a written itemization of those fees, costs, and 1973
expenses, including the signature of the state public defender 1974
and the state public defender's attestation that the fees, 1975
costs, and expenses were earned or incurred pursuant to division 1976
(E) (1) of this section to the best of the state public 1977
defender's knowledge and information; a written statement 1978
whether the fees, costs, and expenses are for all legal services 1979
to be rendered in connection with that defense, are only for 1980
legal services rendered to the date of the request and 1981
additional legal services likely will have to be provided in 1982
connection with that defense, or are for the final legal 1983
services rendered in connection with that defense; a written 1984
statement indicating whether the private legal counsel 1985
previously submitted a request for an award under division (E) 1986
(2) of this section in connection with that defense and, if so, 1987
the date and the amount of each award granted; and, if the fees, 1988
costs, and expenses are for all legal services to be rendered in 1989
connection with that defense or are for the final legal services 1990
rendered in connection with that defense, a certified copy of 1991
any judgment entry in the civil action or proceeding or a signed 1992
copy of any settlement agreement entered into between the 1993
parties to the civil action or proceeding. 1994

(ii) Upon receipt of a request for an award of legal fees, 1995
court costs, and expenses and the requisite supportive 1996
documentation described in division (E) (2) (a) (i) of this 1997
section, the attorney general shall review the request and 1998
documentation; determine whether any of the limitations 1999
specified in division (E) (2) (b) of this section apply to the 2000
request; and, if an award of legal fees, court costs, or 2001

expenses is permissible after applying the limitations, prepare 2002
a document awarding legal fees, court costs, or expenses to the 2003
private legal counsel. The document shall name the private legal 2004
counsel as the recipient of the award; specify the total amount 2005
of the award as determined by the attorney general; itemize the 2006
portions of the award that represent legal fees, court costs, 2007
and expenses; specify any limitation applied pursuant to 2008
division (E) (2) (b) of this section to reduce the amount of the 2009
award sought by the private legal counsel; state that the award 2010
is payable from the state treasury pursuant to division (E) (2) 2011
(a) (iii) of this section; and be approved by the inclusion of 2012
the signatures of the attorney general, the state public 2013
defender, and the private legal counsel. 2014

(iii) The attorney general shall forward a copy of the 2015
document prepared pursuant to division (E) (2) (a) (ii) of this 2016
section to the director of budget and management. The award of 2017
legal fees, court costs, or expenses shall be paid out of the 2018
state public defender's appropriations, to the extent there is a 2019
sufficient available balance in those appropriations. If the 2020
state public defender does not have a sufficient available 2021
balance in the state public defender's appropriations to pay the 2022
entire award of legal fees, court costs, or expenses, the 2023
director shall make application for a transfer of appropriations 2024
out of the emergency purposes account or any other appropriation 2025
for emergencies or contingencies in an amount equal to the 2026
portion of the award that exceeds the sufficient available 2027
balance in the state public defender's appropriations. A 2028
transfer of appropriations out of the emergency purposes account 2029
or any other appropriation for emergencies or contingencies 2030
shall be authorized if there are sufficient moneys greater than 2031
the sum total of then pending emergency purposes account 2032

requests, or requests for releases from the other appropriation. 2033
If a transfer of appropriations out of the emergency purposes 2034
account or other appropriation for emergencies or contingencies 2035
is made to pay an amount equal to the portion of the award that 2036
exceeds the sufficient available balance in the state public 2037
defender's appropriations, the director shall cause the payment 2038
to be made to the private legal counsel. If sufficient moneys do 2039
not exist in the emergency purposes account or other 2040
appropriation for emergencies or contingencies to pay an amount 2041
equal to the portion of the award that exceeds the sufficient 2042
available balance in the state public defender's appropriations, 2043
the private legal counsel shall request the general assembly to 2044
make an appropriation sufficient to pay an amount equal to the 2045
portion of the award that exceeds the sufficient available 2046
balance in the state public defender's appropriations, and no 2047
payment in that amount shall be made until the appropriation has 2048
been made. The private legal counsel shall make the request 2049
during the current biennium and during each succeeding biennium 2050
until a sufficient appropriation is made. 2051

(b) An award of legal fees, court costs, and expenses 2052
pursuant to division (E) of this section is subject to the 2053
following limitations: 2054

(i) The maximum award or maximum aggregate of a series of 2055
awards of legal fees, court costs, and expenses to the private 2056
legal counsel in connection with the defense of the Ohio public 2057
defender commission, the state public defender, an assistant 2058
state public defender, an employee, or an attorney in a 2059
specified civil action or proceeding shall not exceed fifty 2060
thousand dollars. 2061

(ii) The private legal counsel shall not be awarded legal 2062

fees, court costs, or expenses to the extent the fees, costs, or 2063
expenses are covered by a policy of malpractice or other 2064
insurance. 2065

(iii) The private legal counsel shall be awarded legal 2066
fees and expenses only to the extent that the fees and expenses 2067
are reasonable in light of the legal services rendered by the 2068
private legal counsel in connection with the defense of the Ohio 2069
public defender commission, the state public defender, an 2070
assistant state public defender, an employee, or an attorney in 2071
a specified civil action or proceeding. 2072

(c) If, pursuant to division (E)(2)(a) of this section, 2073
the attorney general denies a request for an award of legal 2074
fees, court costs, or expenses to private legal counsel because 2075
of the application of a limitation specified in division (E)(2) 2076
(b) of this section, the attorney general shall notify the 2077
private legal counsel in writing of the denial and of the 2078
limitation applied. 2079

(d) If, pursuant to division (E)(2)(c) of this section, a 2080
private legal counsel receives a denial of an award notification 2081
or if a private legal counsel refuses to approve a document 2082
under division (E)(2)(a)(ii) of this section because of the 2083
proposed application of a limitation specified in division (E) 2084
(2)(b) of this section, the private legal counsel may commence a 2085
civil action against the attorney general in the court of claims 2086
to prove the private legal counsel's entitlement to the award 2087
sought, to prove that division (E)(2)(b) of this section does 2088
not prohibit or otherwise limit the award sought, and to recover 2089
a judgment for the amount of the award sought. A civil action 2090
under division (E)(2)(d) of this section shall be commenced no 2091
later than two years after receipt of a denial of award 2092

notification or, if the private legal counsel refused to approve 2093
a document under division (E) (2) (a) (ii) of this section because 2094
of the proposed application of a limitation specified in 2095
division (E) (2) (b) of this section, no later than two years 2096
after the refusal. Any judgment of the court of claims in favor 2097
of the private legal counsel shall be paid from the state 2098
treasury in accordance with division (E) (2) (a) of this section. 2099

(F) If a court appoints the office of the state public 2100
defender to represent a petitioner in a postconviction relief 2101
proceeding under section 2953.21 of the Revised Code, the 2102
petitioner has received a sentence of death, and the proceeding 2103
relates to that sentence, all of the attorneys who represent the 2104
petitioner in the proceeding pursuant to the appointment, 2105
whether an assistant state public defender, the state public 2106
defender, or another attorney, shall be certified under Rule 20 2107
of the Rules of Superintendence for the Courts of Ohio to 2108
represent indigent defendants charged with or convicted of an 2109
offense for which the death penalty can be or has been imposed. 2110

(G) (1) The state public defender may conduct a legal 2111
assistance referral service for children committed to the 2112
department of youth services relative to conditions of 2113
confinement claims. If the legal assistance referral service 2114
receives a request for assistance from a child confined in a 2115
facility operated, or contracted for, by the department of youth 2116
services and the state public defender determines that the child 2117
has a conditions of confinement claim that has merit, the state 2118
public defender may refer the child to a private attorney. If no 2119
private attorney who the child has been referred to by the state 2120
public defender accepts the case within a reasonable time, the 2121
state public defender may prepare, as appropriate, pro se 2122
pleadings in the form of a complaint regarding the conditions of 2123

confinement at the facility where the child is confined with a 2124
motion for appointment of counsel and other applicable pleadings 2125
necessary for sufficient pro se representation. 2126

(2) Division (G) (1) of this section does not authorize the 2127
state public defender to represent a child committed to the 2128
department of youth services in general civil matters arising 2129
solely out of state law. 2130

(3) The state public defender shall not undertake the 2131
representation of a child in court based on a conditions of 2132
confinement claim arising under this division. 2133

(H) A child's right to representation or services under 2134
this section is not affected by the child, or another person on 2135
behalf of the child, previously having paid for similar 2136
representation or services or having waived legal 2137
representation. 2138

(I) The state public defender shall have reasonable access 2139
to any child committed to the department of youth services, 2140
department of youth services institution, and department of 2141
youth services record as needed to implement this section. 2142

(J) As used in this section: 2143

(1) "Community control sanction" has the same meaning as 2144
in section 2929.01 of the Revised Code. 2145

(2) "Conditions of confinement" means any issue involving 2146
a constitutional right or other civil right related to a child's 2147
incarceration, including, but not limited to, actions cognizable 2148
under 42 U.S.C. 1983. 2149

(3) "Post-release control sanction" has the same meaning 2150
as in section 2967.01 of the Revised Code. 2151

Sec. 120.08. There is hereby created in the state treasury 2152
the indigent defense support fund, consisting of money paid into 2153
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 2154
4511.19 of the Revised Code and pursuant to sections 2937.22, 2155
2949.091, and 2949.094 of the Revised Code out of the additional 2156
court costs imposed under those sections. The state public 2157
defender shall use at least eighty-three per cent of the money 2158
in the fund for the purposes of reimbursing county governments 2159
for expenses incurred pursuant to sections 120.18, 120.28, and 2160
120.33 of the Revised Code ~~and~~, operating its system pursuant 2161
to division (C) (7) of section 120.04 of the Revised Code and 2162
division (B) of section 120.33 of the Revised Code, and directly 2163
paying private legal counsel's fees and expenses incurred 2164
pursuant to division (D) (5) of section 120.06 of the Revised 2165
Code. Disbursements from the fund to county governments shall be 2166
made at least once per year and shall be allocated 2167
proportionately so that each county receives an equal percentage 2168
of its cost for operating its county public defender system, its 2169
joint county public defender system, its county appointed 2170
counsel system, or its system operated under division (C) (7) of 2171
section 120.04 of the Revised Code and division (B) of section 2172
120.33 of the Revised Code. The state public defender may use 2173
not more than seventeen per cent of the money in the fund for 2174
the purposes of appointing assistant state public defenders, 2175
providing other personnel, equipment, and facilities necessary 2176
for the operation of the state public defender office, and 2177
providing training, developing and implementing electronic 2178
forms, or establishing and maintaining an information technology 2179
system used for the uniform operation of this chapter. 2180

Sec. 121.02. The following administrative departments and 2181
their respective directors are hereby created: 2182

(A) The office of budget and management, which shall be	2183
administered by the director of budget and management;	2184
(B) The department of commerce, which shall be	2185
administered by the director of commerce;	2186
(C) The department of administrative services, which shall	2187
be administered by the director of administrative services;	2188
(D) The department of transportation, which shall be	2189
administered by the director of transportation;	2190
(E) The department of agriculture, which shall be	2191
administered by the director of agriculture;	2192
(F) The department of natural resources, which shall be	2193
administered by the director of natural resources;	2194
(G) The department of health, which shall be administered	2195
by the director of health;	2196
(H) The department of job and family services, which shall	2197
be administered by the director of job and family services;	2198
(I) The department of children and youth, which shall be	2199
administered by the director of children and youth;	2200
(J) The department of public safety, which shall be	2201
administered by the director of public safety;	2202
(K) The department of mental behavioral health and	2203
addiction services , which shall be administered by the director	2204
of mental behavioral health and addiction services ;	2205
(L) The department of developmental disabilities, which	2206
shall be administered by the director of developmental	2207
disabilities;	2208
(M) The department of insurance, which shall be	2209

administered by the superintendent of insurance as director 2210
thereof; 2211

(N) The department of development, which shall be 2212
administered by the director of development; 2213

(O) The department of youth services, which shall be 2214
administered by the director of youth services; 2215

(P) The department of rehabilitation and correction, which 2216
shall be administered by the director of rehabilitation and 2217
correction; 2218

(Q) The environmental protection agency, which shall be 2219
administered by the director of environmental protection; 2220

(R) The department of aging, which shall be administered 2221
by the director of aging; 2222

(S) The department of veterans services, which shall be 2223
administered by the director of veterans services; 2224

(T) The department of medicaid, which shall be 2225
administered by the medicaid director; 2226

(U) The department of education and workforce, which shall 2227
be administered by the director of education and workforce. 2228

The director of each department shall exercise the powers 2229
and perform the duties vested by law in such department. 2230

Sec. 121.03. The following administrative department heads 2231
shall be appointed by the governor, with the advice and consent 2232
of the senate, and shall hold their offices during the term of 2233
the appointing governor, and are subject to removal at the 2234
pleasure of the governor. 2235

(A) The director of budget and management; 2236

(B) The director of commerce;	2237
(C) The director of transportation;	2238
(D) The director of agriculture;	2239
(E) The director of job and family services;	2240
(F) The director of children and youth;	2241
(G) The director of public safety;	2242
(H) The superintendent of insurance;	2243
(I) The director of development;	2244
(J) The tax commissioner;	2245
(K) The director of administrative services;	2246
(L) The director of natural resources;	2247
(M) The director of mental behavioral health and addiction services;	2248 2249
(N) The director of developmental disabilities;	2250
(O) The director of health;	2251
(P) The director of youth services;	2252
(Q) The director of rehabilitation and correction;	2253
(R) The director of environmental protection;	2254
(S) The director of aging;	2255
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	2256 2257 2258
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised	2259 2260

Code; 2261

(V) The chancellor of higher education; 2262

(W) The medicaid director; 2263

(X) The director of education and workforce. 2264

Sec. 121.084. (A) All The industrial compliance operating 2265
fund is created in the state treasury. All of the following 2266
shall be paid into the state treasury to the credit of the fund: 2267

(1) All moneys collected under sections 3783.05, 3791.07, 2268
4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 4169.03, and 2269
5104.051 of the Revised Code, ~~and any;~~ 2270

(2) All fines collected under division (D) of section 2271
4111.99 of the Revised Code; 2272

(3) Any other moneys collected by the division of 2273
industrial compliance ~~shall be paid into the state treasury to~~ 2274
~~the credit of the industrial compliance operating fund, which is~~ 2275
~~hereby created.~~ 2276

(B) The department of commerce shall use the moneys in the 2277
fund for paying the operating expenses of the division and the 2278
administrative assessment described in division ~~(B)~~ (C) of this 2279
section. 2280

~~(B)~~ (C) The director of commerce shall prescribe procedures 2281
for assessing the industrial compliance operating fund a 2282
proportionate share of the administrative costs of the 2283
department of commerce. The assessment shall be made in 2284
accordance with those procedures and be paid from the industrial 2285
compliance operating fund to the division of administration fund 2286
created in section 121.08 of the Revised Code. 2287

Sec. 121.085. The financial literacy education fund is 2288
hereby created in the state treasury. The fund shall consist of 2289
funds transferred to it from the consumer finance fund pursuant 2290
to section 1321.21 of the Revised Code. The fund shall be used 2291
to support various adult financial literacy education programs 2292
developed or implemented by the director of commerce. The fund 2293
shall be administered by the director of commerce who shall 2294
adopt rules for the distribution of fund moneys. ~~The director of~~ 2295
~~commerce shall adopt a rule to require that at least one-half of~~ 2296
~~the financial literacy education programs developed or~~ 2297
~~implemented pursuant to this section, and offered to the public,~~ 2298
~~be presented by or available at public community colleges or~~ 2299
~~state institutions throughout the state. The director of~~ 2300
~~commerce shall deliver to the president of the senate, the~~ 2301
~~speaker of the house of representatives, the minority leader of~~ 2302
~~the senate, the minority leader of the house of representatives,~~ 2303
~~and the governor an annual report that includes an outline of~~ 2304
~~each adult financial literacy education program developed or~~ 2305
~~implemented, the number of individuals who were educated by each~~ 2306
~~program, and an accounting for all funds distributed.~~ 2307

Sec. 121.22. (A) This section shall be liberally construed 2308
to require public officials to take official action and to 2309
conduct all deliberations upon official business only in open 2310
meetings unless the subject matter is specifically excepted by 2311
law. 2312

(B) As used in this section: 2313

(1) "Public body" means any of the following: 2314

(a) Any board, commission, committee, council, or similar 2315
decision-making body of a state agency, institution, or 2316
authority, and any legislative authority or board, commission, 2317

committee, council, agency, authority, or similar decision- 2318
making body of any county, township, municipal corporation, 2319
school district, or other political subdivision or local public 2320
institution; 2321

(b) Any committee or subcommittee of a body described in 2322
division (B) (1) (a) of this section; 2323

(c) A court of jurisdiction of a sanitary district 2324
organized wholly for the purpose of providing a water supply for 2325
domestic, municipal, and public use when meeting for the purpose 2326
of the appointment, removal, or reappointment of a member of the 2327
board of directors of such a district pursuant to section 2328
6115.10 of the Revised Code, if applicable, or for any other 2329
matter related to such a district other than litigation 2330
involving the district. As used in division (B) (1) (c) of this 2331
section, "court of jurisdiction" has the same meaning as "court" 2332
in section 6115.01 of the Revised Code. 2333

(2) "Meeting" means any prearranged discussion of the 2334
public business of the public body by a majority of its members. 2335

(3) "Regulated individual" means either of the following: 2336

(a) A student in a state or local public educational 2337
institution; 2338

(b) A person who is, voluntarily or involuntarily, an 2339
inmate, patient, or resident of a state or local institution 2340
because of criminal behavior, mental illness, an intellectual 2341
disability, disease, disability, age, or other condition 2342
requiring custodial care. 2343

(4) "Public office" has the same meaning as in section 2344
149.011 of the Revised Code. 2345

(C) All meetings of any public body are declared to be 2346
public meetings open to the public at all times. A member of a 2347
public body shall be present in person at a meeting open to the 2348
public to be considered present or to vote at the meeting and 2349
for purposes of determining whether a quorum is present at the 2350
meeting. 2351

The minutes of a regular or special meeting of any public 2352
body shall be promptly prepared, filed, and maintained and shall 2353
be open to public inspection. The minutes need only reflect the 2354
general subject matter of discussions in executive sessions 2355
authorized under division (G) or (J) of this section. 2356

(D) This section does not apply to any of the following: 2357

(1) A grand jury; 2358

(2) An audit conference conducted by the auditor of state 2359
or independent certified public accountants with officials of 2360
the public office that is the subject of the audit; 2361

(3) The adult parole authority when its hearings are 2362
conducted at a correctional institution for the sole purpose of 2363
interviewing inmates to determine parole or pardon and the 2364
department of rehabilitation and correction when its hearings 2365
are conducted at a correctional institution for the sole purpose 2366
of making determinations under section 2967.271 of the Revised 2367
Code regarding the release or maintained incarceration of an 2368
offender to whom that section applies; 2369

(4) The organized crime investigations commission 2370
established under section 177.01 of the Revised Code; 2371

(5) Meetings of a child fatality review board established 2372
under section 307.621 of the Revised Code, meetings related to a 2373
review conducted pursuant to guidelines established by the 2374

director of health under section 3701.70 of the Revised Code, 2375
and meetings conducted pursuant to sections 5153.171 to 5153.173 2376
of the Revised Code; 2377

(6) The state medical board when determining whether to 2378
suspend a license or certificate without a prior hearing 2379
pursuant to division (G) of either section 4730.25 or 4731.22 of 2380
the Revised Code; 2381

(7) The board of nursing when determining whether to 2382
suspend a license or certificate without a prior hearing 2383
pursuant to division (B) of section 4723.281 of the Revised 2384
Code; 2385

(8) The state board of pharmacy when determining whether 2386
to do either of the following: 2387

(a) Suspend a license, certification, or registration 2388
without a prior hearing, including during meetings conducted by 2389
telephone conference, pursuant to Chapters 3719., 3796., 4729., 2390
and 4752. of the Revised Code and rules adopted thereunder; or 2391

(b) Restrict a person from obtaining further information 2392
from the drug database established in section 4729.75 of the 2393
Revised Code without a prior hearing pursuant to division (C) of 2394
section 4729.86 of the Revised Code. 2395

(9) The state chiropractic board when determining whether 2396
to suspend a license without a hearing pursuant to section 2397
4734.37 of the Revised Code; 2398

(10) The executive committee of the emergency response 2399
commission when determining whether to issue an enforcement 2400
order or request that a civil action, civil penalty action, or 2401
criminal action be brought to enforce Chapter 3750. of the 2402
Revised Code; 2403

- (11) The board of directors of the nonprofit corporation 2404
formed under section 187.01 of the Revised Code or any committee 2405
thereof, and the board of directors of any subsidiary of that 2406
corporation or a committee thereof; 2407
- (12) An audit conference conducted by the audit staff of 2408
the department of job and family services with officials of the 2409
public office that is the subject of that audit under section 2410
5101.37 of the Revised Code; 2411
- (13) The occupational therapy section of the occupational 2412
therapy, physical therapy, and athletic trainers board when 2413
determining whether to suspend a license without a hearing 2414
pursuant to division (E) of section 4755.11 of the Revised Code; 2415
- (14) The physical therapy section of the occupational 2416
therapy, physical therapy, and athletic trainers board when 2417
determining whether to suspend a license without a hearing 2418
pursuant to division (F) of section 4755.47 of the Revised Code; 2419
- (15) The athletic trainers section of the occupational 2420
therapy, physical therapy, and athletic trainers board when 2421
determining whether to suspend a license without a hearing 2422
pursuant to division (E) of section 4755.64 of the Revised Code; 2423
- (16) Meetings of the pregnancy-associated mortality review 2424
board established under section ~~3738.01~~5180.27 of the Revised 2425
Code; 2426
- (17) Meetings of a fetal-infant mortality review board 2427
established under section 3707.71 of the Revised Code; 2428
- (18) Meetings of a drug overdose fatality review committee 2429
described in section 307.631 of the Revised Code; 2430
- (19) Meetings of a suicide fatality review committee 2431

described in section 307.641 of the Revised Code; 2432

(20) Meetings of the officers, members, or directors of an 2433
existing qualified nonprofit corporation that creates a special 2434
improvement district under Chapter 1710. of the Revised Code, at 2435
which the public business of the corporation pertaining to a 2436
purpose for which the district is created is not discussed; 2437

(21) Meetings of a domestic violence fatality review board 2438
established under section 307.651 of the Revised Code; 2439

(22) Any nonprofit agency that has received an endorsement 2440
under section ~~122.69~~5101.315 of the Revised Code. 2441

(E) The controlling board, the tax credit authority, or 2442
the minority development financing advisory board, when meeting 2443
to consider granting assistance pursuant to Chapter 122. or 166. 2444
of the Revised Code, in order to protect the interest of the 2445
applicant or the possible investment of public funds, by 2446
unanimous vote of all board or authority members present, may 2447
close the meeting during consideration of the following 2448
information confidentially received by the authority or board 2449
from the applicant: 2450

(1) Marketing plans; 2451

(2) Specific business strategy; 2452

(3) Production techniques and trade secrets; 2453

(4) Financial projections; 2454

(5) Personal financial statements of the applicant or 2455
members of the applicant's immediate family, including, but not 2456
limited to, tax records or other similar information not open to 2457
public inspection. 2458

The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.

(F) Every public body, ~~by rule,~~ shall establish a reasonable method available on the public body's web site whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The ~~rule~~ reasonable method shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, electronically mailing the agenda of meetings to all subscribers on ~~a an electronic mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.~~

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

(1) To consider the appointment, employment, dismissal, 2489
discipline, promotion, demotion, or compensation of a public 2490
employee or official, or the investigation of charges or 2491
complaints against a public employee, official, licensee, or 2492
regulated individual, unless the public employee, official, 2493
licensee, or regulated individual requests a public hearing. 2494
Except as otherwise provided by law, no public body shall hold 2495
an executive session for the discipline of an elected official 2496
for conduct related to the performance of the elected official's 2497
official duties or for the elected official's removal from 2498
office. If a public body holds an executive session pursuant to 2499
division (G)(1) of this section, the motion and vote to hold 2500
that executive session shall state which one or more of the 2501
approved purposes listed in division (G)(1) of this section are 2502
the purposes for which the executive session is to be held, but 2503
need not include the name of any person to be considered at the 2504
meeting. 2505

(2) To consider the purchase of property for public 2506
purposes, the sale of property at competitive bidding, or the 2507
sale or other disposition of unneeded, obsolete, or unfit-for- 2508
use property in accordance with section 505.10 of the Revised 2509
Code, if premature disclosure of information would give an 2510
unfair competitive or bargaining advantage to a person whose 2511
personal, private interest is adverse to the general public 2512
interest. No member of a public body shall use division (G)(2) 2513
of this section as a subterfuge for providing covert information 2514
to prospective buyers or sellers. A purchase or sale of public 2515
property is void if the seller or buyer of the public property 2516
has received covert information from a member of a public body 2517
that has not been disclosed to the general public in sufficient 2518
time for other prospective buyers and sellers to prepare and 2519

submit offers. 2520

If the minutes of the public body show that all meetings 2521
and deliberations of the public body have been conducted in 2522
compliance with this section, any instrument executed by the 2523
public body purporting to convey, lease, or otherwise dispose of 2524
any right, title, or interest in any public property shall be 2525
conclusively presumed to have been executed in compliance with 2526
this section insofar as title or other interest of any bona fide 2527
purchasers, lessees, or transferees of the property is 2528
concerned. 2529

(3) Conferences with an attorney for the public body 2530
concerning disputes involving the public body that are the 2531
subject of pending or imminent court action; 2532

(4) Preparing for, conducting, or reviewing negotiations 2533
or bargaining sessions with public employees concerning their 2534
compensation or other terms and conditions of their employment; 2535

(5) Matters required to be kept confidential by federal 2536
law or regulations or state statutes; 2537

(6) Details relative to the security arrangements and 2538
emergency response protocols for a public body or a public 2539
office, if disclosure of the matters discussed could reasonably 2540
be expected to jeopardize the security of the public body or 2541
public office; 2542

(7) In the case of a county hospital operated pursuant to 2543
Chapter 339. of the Revised Code, a joint township hospital 2544
operated pursuant to Chapter 513. of the Revised Code, or a 2545
municipal hospital operated pursuant to Chapter 749. of the 2546
Revised Code, to consider trade secrets, as defined in section 2547
1333.61 of the Revised Code; 2548

(8) To consider confidential information related to the 2549
marketing plans, specific business strategy, production 2550
techniques, trade secrets, or personal financial statements of 2551
an applicant for economic development assistance, or to 2552
negotiations with other political subdivisions respecting 2553
requests for economic development assistance, provided that both 2554
of the following conditions apply: 2555

(a) The information is directly related to a request for 2556
economic development assistance that is to be provided or 2557
administered under any provision of Chapter 715., 725., 1724., 2558
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 2559
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 2560
5709.81 of the Revised Code, or that involves public 2561
infrastructure improvements or the extension of utility services 2562
that are directly related to an economic development project. 2563

(b) A unanimous quorum of the public body determines, by a 2564
roll call vote, that the executive session is necessary to 2565
protect the interests of the applicant or the possible 2566
investment or expenditure of public funds to be made in 2567
connection with the economic development project. 2568

If a public body holds an executive session to consider 2569
any of the matters listed in divisions (G)(2) to (8) of this 2570
section, the motion and vote to hold that executive session 2571
shall state which one or more of the approved matters listed in 2572
those divisions are to be considered at the executive session. 2573

A public body specified in division (B)(1)(c) of this 2574
section shall not hold an executive session when meeting for the 2575
purposes specified in that division. 2576

(H) A resolution, rule, or formal action of any kind is 2577

invalid unless adopted in an open meeting of the public body. A 2578
resolution, rule, or formal action adopted in an open meeting 2579
that results from deliberations in a meeting not open to the 2580
public is invalid unless the deliberations were for a purpose 2581
specifically authorized in division (G) or (J) of this section 2582
and conducted at an executive session held in compliance with 2583
this section. A resolution, rule, or formal action adopted in an 2584
open meeting is invalid if the public body that adopted the 2585
resolution, rule, or formal action violated division (F) of this 2586
section. 2587

(I) (1) Any person may bring an action to enforce this 2588
section. An action under division (I) (1) of this section shall 2589
be brought within two years after the date of the alleged 2590
violation or threatened violation. Upon proof of a violation or 2591
threatened violation of this section in an action brought by any 2592
person, the court of common pleas shall issue an injunction to 2593
compel the members of the public body to comply with its 2594
provisions. 2595

(2) (a) If the court of common pleas issues an injunction 2596
pursuant to division (I) (1) of this section, the court shall 2597
order the public body that it enjoins to pay a civil forfeiture 2598
of five hundred dollars to the party that sought the injunction 2599
and shall award to that party all court costs and, subject to 2600
reduction as described in division (I) (2) of this section, 2601
reasonable attorney's fees. The court, in its discretion, may 2602
reduce an award of attorney's fees to the party that sought the 2603
injunction or not award attorney's fees to that party if the 2604
court determines both of the following: 2605

(i) That, based on the ordinary application of statutory 2606
law and case law as it existed at the time of violation or 2607

threatened violation that was the basis of the injunction, a 2608
well-informed public body reasonably would believe that the 2609
public body was not violating or threatening to violate this 2610
section; 2611

(ii) That a well-informed public body reasonably would 2612
believe that the conduct or threatened conduct that was the 2613
basis of the injunction would serve the public policy that 2614
underlies the authority that is asserted as permitting that 2615
conduct or threatened conduct. 2616

(b) If the court of common pleas does not issue an 2617
injunction pursuant to division (I)(1) of this section and the 2618
court determines at that time that the bringing of the action 2619
was frivolous conduct, as defined in division (A) of section 2620
2323.51 of the Revised Code, the court shall award to the public 2621
body all court costs and reasonable attorney's fees, as 2622
determined by the court. 2623

(3) Irreparable harm and prejudice to the party that 2624
sought the injunction shall be conclusively and irrebuttably 2625
presumed upon proof of a violation or threatened violation of 2626
this section. 2627

(4) A member of a public body who knowingly violates an 2628
injunction issued pursuant to division (I)(1) of this section 2629
may be removed from office by an action brought in the court of 2630
common pleas for that purpose by the prosecuting attorney or the 2631
attorney general. 2632

(J)(1) Pursuant to division (C) of section 5901.09 of the 2633
Revised Code, a veterans service commission shall hold an 2634
executive session for one or more of the following purposes 2635
unless an applicant requests a public hearing: 2636

(a) Interviewing an applicant for financial assistance 2637
under sections 5901.01 to 5901.15 of the Revised Code; 2638

(b) Discussing applications, statements, and other 2639
documents described in division (B) of section 5901.09 of the 2640
Revised Code; 2641

(c) Reviewing matters relating to an applicant's request 2642
for financial assistance under sections 5901.01 to 5901.15 of 2643
the Revised Code. 2644

(2) A veterans service commission shall not exclude an 2645
applicant for, recipient of, or former recipient of financial 2646
assistance under sections 5901.01 to 5901.15 of the Revised 2647
Code, and shall not exclude representatives selected by the 2648
applicant, recipient, or former recipient, from a meeting that 2649
the commission conducts as an executive session that pertains to 2650
the applicant's, recipient's, or former recipient's application 2651
for financial assistance. 2652

(3) A veterans service commission shall vote on the grant 2653
or denial of financial assistance under sections 5901.01 to 2654
5901.15 of the Revised Code only in an open meeting of the 2655
commission. The minutes of the meeting shall indicate the name, 2656
address, and occupation of the applicant, whether the assistance 2657
was granted or denied, the amount of the assistance if 2658
assistance is granted, and the votes for and against the 2659
granting of assistance. 2660

Sec. 121.35. (A) Subject to division (B) of this section, 2661
the following state agencies shall collaborate to revise and 2662
make more uniform the eligibility standards and eligibility 2663
determination procedures of programs the state agencies 2664
administer: 2665

(1) The department of aging;	2666
(2) The department of development;	2667
(3) The department of developmental disabilities;	2668
(4) The department of education and workforce;	2669
(5) The department of health;	2670
(6) The department of job and family services;	2671
(7) The department of medicaid;	2672
(8) The department of mental behavioral health and addiction services;	2673 2674
(9) The opportunities for Ohioans with disabilities agency;	2675 2676
(10) The department of children and youth.	2677
(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.	2678 2679 2680 2681 2682 2683
Sec. 121.36. (A) As used in this section, "home care dependent adult" means an individual who resides in a private home or other noninstitutional and unlicensed living arrangement, without the presence of a parent or guardian, but has health and safety needs that require the provision of regularly scheduled home care services to remain in the home or other living arrangement because one of the following is the case:	2684 2685 2686 2687 2688 2689 2690 2691
(1) The individual is at least twenty-one years of age but	2692

less than sixty years of age and has a physical disability or 2693
mental impairment. 2694

(2) The individual is sixty years of age or older, 2695
regardless of whether the individual has a physical disability 2696
or mental impairment. 2697

(B) Except as provided in division (D) of this section, 2698
the departments of developmental disabilities, aging, job and 2699
family services, and health shall each implement this section 2700
with respect to all contracts entered into by the department for 2701
the provision of home care services to home care dependent 2702
adults that are paid for in whole or in part with federal, 2703
state, or local funds. Except as provided in division (D) of 2704
this section, each department shall also require all public and 2705
private entities that receive money from or through the 2706
department to comply with this section when entering into 2707
contracts for the provision of home care services to home care 2708
dependent adults that are paid for in whole or in part with 2709
federal, state, or local funds. Such entities may include county 2710
boards of developmental disabilities, area agencies on aging, 2711
county departments of job and family services, and boards of 2712
health of city and general health districts. 2713

(C) ~~Beginning one year after September 26, 2003, each~~ Each 2714
contract subject to this section shall include terms requiring 2715
that the provider of home care services to home care dependent 2716
adults have a system in place that effectively monitors the 2717
delivery of the services by its employees. To be considered an 2718
effective monitoring system for purposes of the contract, the 2719
system established by a provider must include at least the 2720
following components: 2721

(1) When providing home care services to home care 2722

dependent adults who have a mental impairment or life- 2723
threatening health condition, a mechanism to verify whether the 2724
provider's employees are present at the location where the 2725
services are to be provided and at the time the services are to 2726
be provided; 2727

(2) When providing home care services to all other home 2728
care dependent adults, a system to verify at the end of each 2729
working day whether the provider's employees have provided the 2730
services at the proper location and time; 2731

(3) A protocol to be followed in scheduling a substitute 2732
employee when the monitoring system identifies that an employee 2733
has failed to provide home care services at the proper location 2734
and time, including standards for determining the length of time 2735
that may elapse without jeopardizing the health and safety of 2736
the home care dependent adult; 2737

(4) Procedures for maintaining records of the information 2738
obtained through the monitoring system; 2739

(5) Procedures for compiling annual reports of the 2740
information obtained through the monitoring system, including 2741
statistics on the rate at which home care services were provided 2742
at the proper location and time; 2743

(6) Procedures for conducting random checks of the 2744
accuracy of the monitoring system. For purposes of conducting 2745
these checks, a random check is considered to be a check of not 2746
more than five per cent of the home care visits the provider's 2747
employees make to different home care dependent adults within a 2748
particular work shift. 2749

(D) In implementing this section, the departments shall 2750
~~exempt providers~~ the following from the section's requirements: 2751

(1) Providers of home care services who are self-employed 2752
providers with no other employees or are otherwise considered by 2753
the departments not to be agency providers. ~~The departments~~ 2754
~~shall conduct a study on how the exempted providers may be made~~ 2755
~~subject to the requirement of effectively monitoring whether~~ 2756
~~home care services are being provided and have been provided at~~ 2757
~~the proper location and time. Not later than two years after~~ 2758
~~September 26, 2003, the departments shall prepare a report of~~ 2759
~~their findings and recommendations. The report shall be~~ 2760
~~submitted to the president of the senate and the speaker of the~~ 2761
~~house of representatives;~~ 2762

(2) Providers who utilize an electronic visit verification 2763
system as described in section 12006 of the "21st Century Cures 2764
Act of 2016," 42 U.S.C. 1903(1). 2765

(E) The departments of developmental disabilities, aging, 2766
job and family services, and health shall each adopt rules as 2767
necessary to implement this section. The rules shall be adopted 2768
in accordance with Chapter 119. of the Revised Code. 2769

Sec. 121.37. (A) (1) There is hereby created the Ohio 2770
family and children first cabinet council. The council shall be 2771
composed of the director of education and workforce, the 2772
executive director of the opportunities for Ohioans with 2773
disabilities agency, the medicaid director, and the directors of 2774
youth services, job and family services, mental behavioral 2775
~~health and addiction services,~~ health, developmental 2776
disabilities, aging, rehabilitation and correction, children and 2777
youth, and budget and management. The chairperson of the council 2778
shall be the governor or the governor's designee and shall 2779
establish procedures for the council's internal control and 2780
management. 2781

The purpose of the cabinet council is to help families 2782
seeking government services. This section shall not be 2783
interpreted or applied to usurp the role of parents, but solely 2784
to streamline and coordinate existing government services for 2785
families seeking assistance for their children. 2786

(2) In seeking to fulfill its purpose, the council may do 2787
any of the following: 2788

(a) Advise and make recommendations to the governor and 2789
general assembly regarding the provision of services to 2790
children; 2791

(b) Advise and assess local governments on the 2792
coordination of service delivery to children; 2793

(c) Hold meetings at such times and places as may be 2794
prescribed by the council's procedures and maintain records of 2795
the meetings, except that records identifying individual 2796
children are confidential and shall be disclosed only as 2797
provided by law; 2798

(d) Develop programs and projects, including pilot 2799
projects, to encourage coordinated efforts at the state and 2800
local level to improve the state's social service delivery 2801
system; 2802

(e) Enter into contracts with and administer grants to 2803
county family and children first councils, as well as other 2804
county or multicounty organizations to plan and coordinate 2805
service delivery between state agencies and local service 2806
providers for families and children; 2807

(f) Enter into contracts with and apply for grants from 2808
federal agencies or private organizations; 2809

(g) Enter into interagency agreements to encourage 2810
coordinated efforts at the state and local level to improve the 2811
state's social service delivery system. The agreements may 2812
include provisions regarding the receipt, transfer, and 2813
expenditure of funds; 2814

(h) Identify public and private funding sources for 2815
services provided to alleged or adjudicated unruly children and 2816
children who are at risk of being alleged or adjudicated unruly 2817
children, including regulations governing access to and use of 2818
the services; 2819

(i) Collect information provided by local communities 2820
regarding successful programs for prevention, intervention, and 2821
treatment of unruly behavior, including evaluations of the 2822
programs; 2823

(j) Identify and disseminate publications regarding 2824
alleged or adjudicated unruly children and children who are at 2825
risk of being alleged or adjudicated unruly children and 2826
regarding programs serving those types of children; 2827

(k) Maintain an inventory of strategic planning 2828
facilitators for use by government or nonprofit entities that 2829
serve alleged or adjudicated unruly children or children who are 2830
at risk of being alleged or adjudicated unruly children. 2831

(3) The cabinet council shall provide for the following: 2832

(a) Reviews of service and treatment plans for children 2833
for which such reviews are requested; 2834

(b) Assistance as the council determines to be necessary 2835
to meet the needs of children referred by county family and 2836
children first councils; 2837

(c) Monitoring and supervision of a statewide, 2838
comprehensive, coordinated, multi-disciplinary, interagency 2839
system for infants and toddlers with developmental disabilities 2840
or delays and their families, as established pursuant to federal 2841
grants received and administered by the department of children 2842
and youth for early intervention services under the "Individuals 2843
with Disabilities Education Act of 2004," 118 Stat. 2744, 20 2844
U.S.C.A. 1400, as amended; 2845

(d) Establishing and maintaining the Ohio automated 2846
service coordination system pursuant to section 121.376 of the 2847
Revised Code. 2848

(4) The cabinet council shall develop and implement the 2849
following: 2850

(a) An interagency process to select the indicators that 2851
will be used to measure progress toward increasing child well- 2852
being in the state and to update the indicators on an annual 2853
basis. 2854

(b) An interagency system to offer guidance and monitor 2855
progress toward increasing child well-being in the state and in 2856
each county; 2857

(c) An annual plan that identifies state-level agency 2858
efforts taken to ensure progress towards increasing child well- 2859
being in the state; 2860

(d) A state appeals process to resolve disputes among the 2861
members of a county council, established under division (B) of 2862
this section, concerning whether reasonable responsibilities are 2863
being shared. The appeals process may be accessed only by a 2864
majority vote of the council members who are required to serve 2865
on the council. Upon appeal, the cabinet council may order that 2866

state funds for services to children and families be redirected 2867
to a county's board of county commissioners. 2868

(5) On an annual basis, the cabinet council shall submit 2869
to the governor and the general assembly a report on the status 2870
of efforts to increase child well-being in the state. This 2871
report shall be made available to any other person on request. 2872

(6) The cabinet council state office may adopt rules 2873
governing the responsibilities of county family and children 2874
first councils established in division (B)(3) of this section. 2875

(B)(1) Each board of county commissioners shall establish 2876
a county family and children first council. The board may invite 2877
any local public or private agency or group that funds, 2878
advocates, or provides services to children and families to have 2879
a representative become a permanent or temporary member of its 2880
county council. Each county council must include the following 2881
individuals: 2882

(a) At least three individuals ~~who are not employed by an~~ 2883
~~agency represented on the council and whose families are~~ 2884
receiving or have received services from an agency represented 2885
on the council or another county's council. If such an 2886
individual is employed by an agency represented on the council, 2887
the individual shall complete a conflict of interest disclosure 2888
form and abstain from any vote that involves the agency that 2889
employs the individual. Where possible, the number of members 2890
representing families ~~shall~~ may be equal to twenty per cent of 2891
the council's membership. 2892

(b) The director of the board of alcohol, drug addiction, 2893
and mental health services that serves the county, or, in the 2894
case of a county that has a board of alcohol and drug addiction 2895

services and a community mental health board, the directors of 2896
both boards. If a board of alcohol, drug addiction, and mental 2897
health services covers more than one county, the director may 2898
designate a person to participate on the county's council. 2899

(c) The health commissioner, or the commissioner's 2900
designee, of the board of health of each city and general health 2901
district in the county. If the county has two or more health 2902
districts, the health commissioner membership may be limited to 2903
the commissioners of the two districts with the largest 2904
populations. 2905

(d) The director of the county department of job and 2906
family services; 2907

(e) The executive director of the public children services 2908
agency; 2909

(f) The superintendent of the county board of 2910
developmental disabilities or, if the superintendent serves as 2911
superintendent of more than one county board of developmental 2912
disabilities, the superintendent's designee; 2913

(g) The superintendent of the city, exempted village, or 2914
local school district with the largest number of pupils residing 2915
in the county, or a district-level administrative designee with 2916
decision-making authority, as determined by the department of 2917
education and workforce, which shall notify each board of county 2918
commissioners of its determination at least biennially; 2919

(h) A school superintendent representing all other school 2920
districts with territory in the county, or a district-level 2921
administrative designee with decision-making authority, as 2922
designated at a biennial meeting of the superintendents of those 2923
districts; 2924

(i) A representative of the municipal corporation with the 2925
largest population in the county; 2926

(j) The president of the board of county commissioners or 2927
an individual designated by the board; 2928

(k) A representative of the department of youth services 2929
or an individual designated by the department; 2930

(l) A representative of the county's head start agencies, 2931
as defined in section 3301.32 of the Revised Code; 2932

(m) A representative of the county's early intervention 2933
collaborative established pursuant to the federal early 2934
intervention program operated under the "Individuals with 2935
Disabilities Education Act of 2004"; 2936

(n) A representative of a local nonprofit entity that 2937
funds, advocates, or provides services to children and families. 2938

Notwithstanding any other provision of law, the public 2939
members of a county council are not prohibited from serving on 2940
the council and making decisions regarding the duties of the 2941
council, including those involving the funding of joint projects 2942
and those outlined in the county's service coordination 2943
mechanism implemented pursuant to division (C) of this section. 2944

The county's juvenile court judge senior in service or 2945
another judge of the juvenile court designated by the 2946
administrative judge or, where there is no administrative judge, 2947
by the judge senior in service shall serve as the judicial 2948
advisor to the county family and children first council. The 2949
judge may advise the county council on the court's utilization 2950
of resources, services, or programs provided by the entities 2951
represented by the members of the county council and how those 2952
resources, services, or programs assist the court in its 2953

administration of justice. Service of a judge as a judicial 2954
advisor pursuant to this section is a judicial function. 2955

(2) The purpose of the county council is to streamline and 2956
coordinate existing government services for families seeking 2957
services for their children. In seeking to fulfill its purpose, 2958
a county council shall provide for the following: 2959

(a) Referrals to the cabinet council of those children for 2960
whom the county council cannot provide adequate services; 2961

(b) Development and implementation of a process that 2962
annually evaluates and prioritizes services, fills service gaps 2963
where possible, and invents new approaches to achieve better 2964
results for families and children; 2965

(c) Participation in the development of a countywide, 2966
comprehensive, coordinated, multi-disciplinary, interagency 2967
system for infants and toddlers with developmental disabilities 2968
or delays and their families, as established pursuant to federal 2969
grants received and administered by the department of children 2970
and youth for early intervention services under the "Individuals 2971
with Disabilities Education Act of 2004"; 2972

(d) Maintenance of an accountability system to monitor the 2973
county council's progress in achieving results for families and 2974
children; 2975

(e) Establishment of a mechanism to ensure ongoing input 2976
from a broad representation of families who are receiving 2977
services within the county system. 2978

(3) A county council shall develop and implement the 2979
following: 2980

(a) An interagency process to establish local indicators 2981

and monitor the county's progress toward increasing child well-being in the county; 2982
2983

(b) An interagency process to identify local priorities to increase child well-being. 2984
2985

(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county. 2986
2987

On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request. 2988
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(4) (a) Except as provided in division (B) (4) (b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements. 2993
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(b) On application of a county council, the cabinet council may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being implemented, including a 2999
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reasonable period during which the program or approach is being 3011
evaluated for effectiveness. 3012

(5) (a) Each county council shall designate an 3013
administrative agent for the council from among the following 3014
public entities: the board of alcohol, drug addiction, and 3015
mental health services, including a board of alcohol and drug 3016
addiction or a community mental health board if the county is 3017
served by separate boards; the board of county commissioners; 3018
any board of health of the county's city and general health 3019
districts; the county department of job and family services; the 3020
county agency responsible for the administration of children 3021
services pursuant to section 5153.15 of the Revised Code; the 3022
county board of developmental disabilities; any of the county's 3023
boards of education or governing boards of educational service 3024
centers; or the county's juvenile court. Any of the foregoing 3025
public entities, other than the board of county commissioners, 3026
may decline to serve as the council's administrative agent. 3027

A county council's administrative agent shall serve as the 3028
council's appointing authority for any employees of the council. 3029
The council shall file an annual budget with its administrative 3030
agent, with copies filed with the county auditor and with the 3031
board of county commissioners, unless the board is serving as 3032
the council's administrative agent. The council's administrative 3033
agent shall ensure that all expenditures are handled in 3034
accordance with policies, procedures, and activities prescribed 3035
by state departments in rules, grant agreements, or interagency 3036
agreements that are applicable to the council's functions. 3037

The administrative agent of a county council ~~shall~~ may 3038
send notice of a member's absence if a member listed in division 3039
(B) (1) of this section has been absent from either three 3040

consecutive meetings of the county council or a county council 3041
subcommittee, or from one-quarter of such meetings in a calendar 3042
year, whichever is less. The notice shall be sent to the board 3043
of county commissioners that establishes the county council and, 3044
for the members listed in divisions (B) (1) (b), (c), (e), and (l) 3045
of this section, to the governing board overseeing the 3046
respective entity; for the member listed in division (B) (1) (f) 3047
of this section, to the county board of developmental 3048
disabilities that employs the superintendent; for a member 3049
listed in division (B) (1) (g) or (h) of this section, to the 3050
school board that employs the superintendent; for the member 3051
listed in division (B) (1) (i) of this section, to the mayor of 3052
the municipal corporation; for the member listed in division (B) 3053
(1) (k) of this section, to the director of youth services; and 3054
for the member listed in division (B) (1) (n) of this section, to 3055
that member's board of trustees. 3056

The administrative agent for a county council may do any 3057
of the following on behalf of the council: 3058

(i) Enter into agreements or administer contracts with 3059
public or private entities to fulfill specific council business. 3060
Such agreements and contracts are exempt from the competitive 3061
bidding requirements of section 307.86 of the Revised Code if 3062
they have been approved by the county council and they are for 3063
the purchase of services for families and children. The approval 3064
of the county council is not required to exempt agreements or 3065
contracts entered into under section 5139.34, 5139.41, or 3066
5139.43 of the Revised Code from the competitive bidding 3067
requirements of section 307.86 of the Revised Code. 3068

(ii) As determined by the council, provide financial 3069
stipends, reimbursements, or both, to family representatives for 3070

expenses related to council activity; 3071

(iii) Receive by gift, grant, devise, or bequest any 3072
moneys, lands, or other property for the purposes for which the 3073
council is established. The agent shall hold, apply, and dispose 3074
of the moneys, lands, or other property according to the terms 3075
of the gift, grant, devise, or bequest. Any interest or earnings 3076
shall be treated in the same manner and are subject to the same 3077
terms as the gift, grant, devise, or bequest from which it 3078
accrues. 3079

(b) (i) If the county council designates the board of 3080
county commissioners as its administrative agent, the board may, 3081
by resolution, delegate any of its powers and duties as 3082
administrative agent to an executive committee the board 3083
establishes from the membership of the county council. The board 3084
shall name to the executive committee at least the individuals 3085
described in divisions (B) (1) (b) to (h) of this section and may 3086
appoint the president of the board or another individual as the 3087
chair of the executive committee. The executive committee must 3088
include at least one family county council representative who 3089
does not have a family member employed by an agency represented 3090
on the council. 3091

(ii) The executive committee may, with the approval of the 3092
board, hire an executive director to assist the county council 3093
in administering its powers and duties. The executive director 3094
shall serve in the unclassified civil service at the pleasure of 3095
the executive committee. The executive director may, with the 3096
approval of the executive committee, hire other employees as 3097
necessary to properly conduct the county council's business. 3098

(iii) The board may require the executive committee to 3099
submit an annual budget to the board for approval and may amend 3100

or repeal the resolution that delegated to the executive 3101
committee its authority as the county council's administrative 3102
agent. 3103

(6) Two or more county councils may enter into an 3104
agreement to administer their county councils jointly by 3105
creating a regional family and children first council. A 3106
regional council possesses the same duties and authority 3107
possessed by a county council, except that the duties and 3108
authority apply regionally rather than to individual counties. 3109
Prior to entering into an agreement to create a regional 3110
council, the members of each county council to be part of the 3111
regional council shall meet to determine whether all or part of 3112
the members of each county council will serve as members of the 3113
regional council. 3114

(7) A board of county commissioners may approve a 3115
resolution by a majority vote of the board's members that 3116
requires the county council to submit a statement to the board 3117
each time the council proposes to enter into an agreement, adopt 3118
a plan, or make a decision, other than a decision pursuant to 3119
section 121.38 of the Revised Code, that requires the 3120
expenditure of funds for two or more families. The statement 3121
shall describe the proposed agreement, plan, or decision. 3122

Not later than fifteen days after the board receives the 3123
statement, it shall, by resolution approved by a majority of its 3124
members, approve or disapprove the agreement, plan, or decision. 3125
Failure of the board to pass a resolution during that time 3126
period shall be considered approval of the agreement, plan, or 3127
decision. 3128

An agreement, plan, or decision for which a statement is 3129
required to be submitted to the board shall be implemented only 3130

if it is approved by the board. 3131

(C) Each county shall develop a county service 3132
coordination mechanism. The county service coordination 3133
mechanism shall serve as the guiding document for coordination 3134
of services in the county. For children who also receive 3135
services under the early intervention program, the main provider 3136
of service coordination shall be an early intervention service 3137
coordinator to ensure compliance with section ~~5123.02~~ 5180.30 of 3138
the Revised Code. All family service coordination plans shall be 3139
developed in accordance with the county service coordination 3140
mechanism. The mechanism shall be developed and approved with 3141
the participation of the county entities representing child 3142
welfare; developmental disabilities; alcohol, drug addiction, 3143
and mental health services; health; juvenile judges; education; 3144
the county family and children first council; and the county 3145
early intervention collaborative established pursuant to the 3146
federal early intervention program operated under the 3147
"Individuals with Disabilities Education Act of 2004." The 3148
county shall establish an implementation schedule for the 3149
mechanism. The cabinet council may monitor the implementation 3150
and administration of each county's service coordination 3151
mechanism. 3152

Each mechanism shall include all of the following: 3153

(1) A procedure for an agency, including a juvenile court, 3154
or a family voluntarily seeking service coordination, to refer 3155
the child and family to the county council for service 3156
coordination in accordance with the mechanism; 3157

(2) A procedure ensuring that a family and all appropriate 3158
staff from involved agencies, including a representative from 3159
the appropriate school district, are notified of and invited to 3160

participate in all family service coordination plan meetings; 3161

(3) A procedure that permits a family to initiate a 3162
meeting to develop or review the family's service coordination 3163
plan and allows the family to invite a family advocate, mentor, 3164
or support person of the family's choice to participate in any 3165
such meeting; 3166

(4) A procedure for ensuring that a family service 3167
coordination plan meeting is conducted for each child who 3168
receives service coordination under the mechanism and for whom 3169
an emergency out-of-home placement has been made or for whom a 3170
nonemergency out-of-home placement is being considered. The 3171
meeting shall be conducted within ten days of an emergency out- 3172
of-home placement. The meeting shall be conducted before a 3173
nonemergency out-of-home placement. The family service 3174
coordination plan shall outline how the county council members 3175
will jointly pay for services, where applicable, and provide 3176
services in the least restrictive environment. 3177

(5) A procedure for monitoring the progress and tracking 3178
the outcomes of each service coordination plan requested in the 3179
county including monitoring and tracking children in out-of-home 3180
placements to assure continued progress, appropriateness of 3181
placement, and continuity of care after discharge from placement 3182
with appropriate arrangements for housing, treatment, and 3183
education; 3184

(6) A procedure for protecting the confidentiality of all 3185
personal family information disclosed during service 3186
coordination meetings or contained in the comprehensive family 3187
service coordination plan; 3188

(7) A procedure for assessing the needs and strengths of 3189

any child or family that has been referred to the council for 3190
service coordination, including a child whose parent or 3191
custodian is voluntarily seeking services, and for ensuring that 3192
parents and custodians are afforded the opportunity to 3193
participate; 3194

(8) A procedure for development of a family service 3195
coordination plan described in division (D) of this section; 3196

(9) A local dispute resolution process to serve as the 3197
process that must be used first to resolve disputes among the 3198
agencies represented on the county council concerning the 3199
provision of services to children, including children who are 3200
abused, neglected, dependent, unruly, alleged unruly, or 3201
delinquent children and under the jurisdiction of the juvenile 3202
court and children whose parents or custodians are voluntarily 3203
seeking services. The local dispute resolution process shall 3204
comply with sections 121.38, 121.381, and 121.382 of the Revised 3205
Code. The local dispute resolution process shall be used to 3206
resolve disputes between a child's parents or custodians and the 3207
county council regarding service coordination. The county 3208
council shall inform the parents or custodians of their right to 3209
use the dispute resolution process. Parents or custodians shall 3210
use existing local agency grievance procedures to address 3211
disputes not involving service coordination. The dispute 3212
resolution process is in addition to and does not replace other 3213
rights or procedures that parents or custodians may have under 3214
other sections of the Revised Code. 3215

The cabinet council shall adopt rules in accordance with 3216
Chapter 119. of the Revised Code establishing an administrative 3217
review process to address problems that arise concerning the 3218
operation of a local dispute resolution process. 3219

Nothing in division (C) (4) of this section shall be 3220
interpreted as overriding or affecting decisions of a juvenile 3221
court or public children services agency regarding an out-of- 3222
home placement, long-term placement, or emergency out-of-home 3223
placement. 3224

(D) Each county shall develop a family service 3225
coordination plan that does all of the following: 3226

(1) Designates service responsibilities among the various 3227
state and local agencies that provide services to children and 3228
their families, including children who are abused, neglected, 3229
dependent, unruly, or delinquent children and under the 3230
jurisdiction of the juvenile court and children whose parents or 3231
custodians are voluntarily seeking services; 3232

(2) Designates an individual, approved by the family, to 3233
track the progress of the family service coordination plan, 3234
schedule reviews as necessary, and facilitate the family service 3235
coordination plan meeting process; 3236

(3) Ensures that assistance and services to be provided 3237
are responsive to the strengths and needs of the family, as well 3238
as the family's culture, race, and ethnic group, by allowing the 3239
family to offer information and suggestions and participate in 3240
decisions. Identified assistance and services shall be provided 3241
in the least restrictive environment possible. 3242

(4) Includes a process for dealing with a child who is 3243
alleged to be an unruly child. The process shall include methods 3244
to divert the child from the juvenile court system; 3245

(5) Includes timelines for completion of goals specified 3246
in the plan with regular reviews scheduled to monitor progress 3247
toward those goals; 3248

(6) Includes a plan for dealing with short-term crisis 3249
situations and safety concerns. 3250

(E) (1) The process provided for under division (D) (4) of 3251
this section may include, but is not limited to, the following: 3252

(a) Designation of the person or agency to conduct the 3253
assessment of the child and the child's family as described in 3254
division (C) (7) of this section and designation of the 3255
instrument or instruments to be used to conduct the assessment; 3256

(b) An emphasis on the personal responsibilities of the 3257
child and the parental responsibilities of the parents, 3258
guardian, or custodian of the child; 3259

(c) Involvement of local law enforcement agencies and 3260
officials. 3261

(2) The method to divert a child from the juvenile court 3262
system that must be included in the service coordination process 3263
may include, but is not limited to, the following: 3264

(a) The preparation of a complaint under section 2151.27 3265
of the Revised Code alleging that the child is an unruly child 3266
and notifying the child and the parents, guardian, or custodian 3267
that the complaint has been prepared to encourage the child and 3268
the parents, guardian, or custodian to comply with other methods 3269
to divert the child from the juvenile court system; 3270

(b) Conducting a meeting with the child, the parents, 3271
guardian, or custodian, and other interested parties to 3272
determine the appropriate methods to divert the child from the 3273
juvenile court system; 3274

(c) A method to provide to the child and the child's 3275
family a short-term respite from a short-term crisis situation 3276

involving a confrontation between the child and the parents, 3277
guardian, or custodian; 3278

(d) A program to provide a mentor to the child or the 3279
parents, guardian, or custodian; 3280

(e) A program to provide parenting education to the 3281
parents, guardian, or custodian; 3282

(f) An alternative school program for children who are 3283
truant from school, repeatedly disruptive in school, or 3284
suspended or expelled from school; 3285

(g) Other appropriate measures, including, but not limited 3286
to, any alternative methods to divert a child from the juvenile 3287
court system that are identified by the Ohio family and children 3288
first cabinet council. 3289

(F) Each county may review and revise the service 3290
coordination process described in division (D) of this section 3291
based on the availability of funds under Title IV-A of the 3292
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 3293
as amended, or to the extent resources are available from any 3294
other federal, state, or local funds. 3295

(G) As used in this section, "early intervention service 3296
coordinator" means a person who holds an early intervention 3297
service coordinator credential or an early intervention service 3298
coordination supervisor credential issued by the department of 3299
~~developmental disabilities~~ children and youth and who assists 3300
and enables an infant or toddler with a developmental delay or 3301
disability and the child's family to receive the services and 3302
rights, including procedural safeguards, required under part C 3303
of the "Individuals with Disabilities Education Act of 2004," 20 3304
U.S.C. 1400, as amended. 3305

Sec. 122.175. (A) As used in this section: 3306

(1) "Capital investment project" means a plan of 3307
investment at a project site for the acquisition, construction, 3308
renovation, expansion, replacement, or repair of a computer data 3309
center or of computer data center equipment, but does not 3310
include any of the following: 3311

(a) Project costs paid before a date determined by the tax 3312
credit authority for each capital investment project; 3313

(b) Payments made to a related member as defined in 3314
section 5733.042 of the Revised Code or to a consolidated 3315
elected taxpayer or a combined taxpayer as defined in section 3316
5751.01 of the Revised Code. 3317

(2) "Computer data center" means a facility used or to be 3318
used primarily to house computer data center equipment used or 3319
to be used in conducting one or more computer data center 3320
businesses, as determined by the tax credit authority. 3321

(3) "Computer data center business" means, as may be 3322
further determined by the tax credit authority, a business that 3323
provides electronic information services as defined in division 3324
(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 3325
a facility to one or more such businesses. "Computer data center 3326
business" does not include providing electronic publishing as 3327
defined in that section. 3328

(4) "Computer data center equipment" means tangible 3329
personal property used or to be used for any of the following: 3330

(a) To conduct a computer data center business, including 3331
equipment cooling systems to manage the performance of computer 3332
data center equipment; 3333

(b) To generate, transform, transmit, distribute, or 3334
manage electricity necessary to operate the tangible personal 3335
property used or to be used in conducting a computer data center 3336
business; 3337

(c) As building and construction materials sold to 3338
construction contractors for incorporation into a computer data 3339
center. 3340

(5) "Eligible computer data center" means a computer data 3341
center that satisfies all of the following requirements: 3342

(a) One or more taxpayers operating a computer data center 3343
business at the project site will, in the aggregate, make 3344
payments for a capital investment project of at least one 3345
hundred million dollars at the project site during one of the 3346
following cumulative periods: 3347

(i) For projects beginning in 2013, six consecutive 3348
calendar years; 3349

(ii) For projects beginning in 2014, four consecutive 3350
calendar years; 3351

(iii) For projects beginning in or after 2015, three 3352
consecutive calendar years. 3353

(b) One or more taxpayers operating a computer data center 3354
business at the project site will, in the aggregate, pay annual 3355
compensation that is subject to the withholding obligation 3356
imposed under section 5747.06 of the Revised Code of at least 3357
one million five hundred thousand dollars to employees employed 3358
at the project site for each year of the agreement beginning on 3359
or after the first day of the twenty-fifth month after the 3360
agreement was entered into under this section. 3361

(6) "Person" has the same meaning as in section 5701.01 of the Revised Code. 3362
3363

(7) "Project site," "related member," and "tax credit authority" have the same meanings as in sections 122.17 and 122.171 of the Revised Code. 3364
3365
3366

(8) "Taxpayer" means any person subject to the taxes imposed under Chapters 5739. and 5741. of the Revised Code. 3367
3368

(B) The tax credit authority may completely or partially exempt from the taxes levied under Chapters 5739. and 5741. of the Revised Code the sale, storage, use, or other consumption of computer data center equipment used or to be used at an eligible computer data center. Any such exemption shall extend to charges for the delivery, installation, or repair of the computer data center equipment subject to the exemption under this section. 3369
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(C) A taxpayer that proposes a capital improvement project for an eligible computer data center in this state may apply to the tax credit authority to enter into an agreement under this section authorizing a complete or partial exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code on computer data center equipment purchased by the applicant or any other taxpayer that operates a computer data center business at the project site and used or to be used at the eligible computer data center. The director of development services shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to ~~the director of budget and management and the tax commissioner, each of whom~~ who shall review the application to determine the economic impact that the proposed eligible computer data center would have on the state and any affected political subdivisions and submit to the authority a summary of 3376
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their determinations. The authority shall also forward a copy of 3392
the application to the director of development services who 3393
shall review the application to determine the economic impact 3394
that the proposed eligible computer data center would have on 3395
the state and the affected political subdivisions and shall 3396
submit a summary of their determinations and recommendations to 3397
the authority. 3398

(D) Upon review and consideration of such determinations 3399
and recommendations, the tax credit authority may enter into an 3400
agreement with the applicant and any other taxpayer that 3401
operates a computer data center business at the project site for 3402
a complete or partial exemption from the taxes imposed under 3403
Chapters 5739. and 5741. of the Revised Code on computer data 3404
center equipment used or to be used at an eligible computer data 3405
center if the authority determines all of the following: 3406

(1) The capital investment project for the eligible 3407
computer data center will increase payroll and the amount of 3408
income taxes to be withheld from employee compensation pursuant 3409
to section 5747.06 of the Revised Code. 3410

(2) The applicant is economically sound and has the 3411
ability to complete or effect the completion of the proposed 3412
capital investment project. 3413

(3) The applicant intends to and has the ability to 3414
maintain operations at the project site for the term of the 3415
agreement. 3416

(4) Receiving the exemption is a major factor in the 3417
applicant's decision to begin, continue with, or complete the 3418
capital investment project. 3419

(E) An agreement entered into under this section shall 3420

include all of the following: 3421

(1) A detailed description of the capital investment 3422
project that is the subject of the agreement, including the 3423
amount of the investment, the period over which the investment 3424
has been or is being made, the annual compensation to be paid by 3425
each taxpayer subject to the agreement to its employees at the 3426
project site, and the anticipated amount of income taxes to be 3427
withheld from employee compensation pursuant to section 5747.06 3428
of the Revised Code. 3429

(2) The percentage of the exemption from the taxes imposed 3430
under Chapters 5739. and 5741. of the Revised Code for the 3431
computer data center equipment used or to be used at the 3432
eligible computer data center, the length of time the computer 3433
data center equipment will be exempted, and the first date on 3434
which the exemption applies. 3435

(3) A requirement that the computer data center remain an 3436
eligible computer data center during the term of the agreement 3437
and that the applicant maintain operations at the eligible 3438
computer data center during that term. An applicant does not 3439
violate the requirement described in division (E) (3) of this 3440
section if the applicant ceases operations at the eligible 3441
computer data center during the term of the agreement but 3442
resumes those operations within eighteen months after the date 3443
of cessation. The agreement shall provide that, in such a case, 3444
the applicant and any other taxpayer that operates a computer 3445
data center business at the project site shall not claim the tax 3446
exemption authorized in the agreement for any purchase of 3447
computer data center equipment made during the period in which 3448
the applicant did not maintain operations at the eligible 3449
computer data center. 3450

(4) A requirement that, for each year of the term of the 3451
agreement beginning on or after the first day of the twenty- 3452
fifth month after the date the agreement was entered into, one 3453
or more taxpayers operating a computer data center business at 3454
the project site will, in the aggregate, pay annual compensation 3455
that is subject to the withholding obligation imposed under 3456
section 5747.06 of the Revised Code of at least one million five 3457
hundred thousand dollars to employees at the eligible computer 3458
data center. 3459

(5) A requirement that each taxpayer subject to the 3460
agreement annually report to the director of development 3461
services employment, tax withholding, capital investment, and 3462
other information required by the director to perform the 3463
director's duties under this section. 3464

(6) A requirement that the director of development 3465
services annually review the annual reports of each taxpayer 3466
subject to the agreement to verify the information reported 3467
under division (E) (5) of this section and compliance with the 3468
agreement. Upon verification, the director shall issue a 3469
certificate to each such taxpayer stating that the information 3470
has been verified and that the taxpayer remains eligible for the 3471
exemption specified in the agreement. 3472

(7) A provision providing that the taxpayers subject to 3473
the agreement may not relocate a substantial number of 3474
employment positions from elsewhere in this state to the project 3475
site unless the director of development services determines that 3476
the appropriate taxpayer notified the legislative authority of 3477
the county, township, or municipal corporation from which the 3478
employment positions would be relocated. For purposes of this 3479
paragraph, the movement of an employment position from one 3480

political subdivision to another political subdivision shall be 3481
considered a relocation of an employment position unless the 3482
movement is confined to the project site. The transfer of an 3483
employment position from one political subdivision to another 3484
political subdivision shall not be considered a relocation of an 3485
employment position if the employment position in the first 3486
political subdivision is replaced by another employment 3487
position. 3488

(8) A waiver by each taxpayer subject to the agreement of 3489
any limitations periods relating to assessments or adjustments 3490
resulting from the taxpayer's failure to comply with the 3491
agreement. 3492

(F) The term of an agreement under this section shall be 3493
determined by the tax credit authority, and the amount of the 3494
exemption shall not exceed one hundred per cent of such taxes 3495
that would otherwise be owed in respect to the exempted computer 3496
data center equipment. 3497

(G) If any taxpayer subject to an agreement under this 3498
section fails to meet or comply with any condition or 3499
requirement set forth in the agreement, the tax credit authority 3500
may amend the agreement to reduce the percentage of the 3501
exemption or term during which the exemption applies to the 3502
computer data center equipment used or to be used by the 3503
noncompliant taxpayer at an eligible computer data center. The 3504
reduction of the percentage or term may take effect in the 3505
current calendar year. 3506

(H) Financial statements and other information submitted 3507
to the department of development services or the tax credit 3508
authority by an applicant for or recipient of an exemption under 3509
this section, and any information taken for any purpose from 3510

such statements or information, are not public records subject 3511
to section 149.43 of the Revised Code. However, the chairperson 3512
of the authority may make use of the statements and other 3513
information for purposes of issuing public reports or in 3514
connection with court proceedings concerning tax exemption 3515
agreements under this section. Upon the request of the tax 3516
commissioner, the chairperson of the authority shall provide to 3517
the tax commissioner any statement or other information 3518
submitted by an applicant for or recipient of an exemption under 3519
this section. The tax commissioner shall preserve the 3520
confidentiality of the statement or other information. 3521

(I) The tax commissioner shall issue a direct payment 3522
permit under section 5739.031 of the Revised Code to each 3523
taxpayer subject to an agreement under this section. Such direct 3524
payment permit shall authorize the taxpayer to pay any sales and 3525
use taxes due on purchases of computer data center equipment 3526
used or to be used in an eligible computer data center and to 3527
pay any sales and use taxes due on purchases of tangible 3528
personal property or taxable services other than computer data 3529
center equipment used or to be used in an eligible computer data 3530
center directly to the tax commissioner. Each such taxpayer 3531
shall pay pursuant to such direct payment permit all sales tax 3532
levied on such purchases under sections 5739.02, 5739.021, 3533
5739.023, and 5739.026 of the Revised Code and all use tax 3534
levied on such purchases under sections 5741.02, 5741.021, 3535
5741.022, and 5741.023 of the Revised Code, consistent with the 3536
terms of the agreement entered into under this section. 3537

During the term of an agreement under this section each 3538
taxpayer subject to the agreement shall submit to the tax 3539
commissioner a return that shows the amount of computer data 3540
center equipment purchased for use at the eligible computer data 3541

center, the amount of tangible personal property and taxable 3542
services other than computer data center equipment purchased for 3543
use at the eligible computer data center, the amount of tax 3544
under Chapter 5739. or 5741. of the Revised Code that would be 3545
due in the absence of the agreement under this section, the 3546
exemption percentage for computer data center equipment 3547
specified in the agreement, and the amount of tax due under 3548
Chapter 5739. or 5741. of the Revised Code as a result of the 3549
agreement under this section. Each such taxpayer shall pay the 3550
tax shown on the return to be due in the manner and at the times 3551
as may be further prescribed by the tax commissioner. Each such 3552
taxpayer shall include a copy of the director of development 3553
services' certificate of verification issued under division (E) 3554
(6) of this section. Failure to submit a copy of the certificate 3555
with the return does not invalidate the claim for exemption if 3556
the taxpayer submits a copy of the certificate to the tax 3557
commissioner within the time prescribed by section 5703.0510 of 3558
the Revised Code. 3559

(J) If the director of development services determines 3560
that one or more taxpayers received an exemption from taxes due 3561
on the purchase of computer data center equipment purchased for 3562
use at a computer data center that no longer complies with the 3563
requirement under division (E) (3) of this section, the director 3564
shall notify the tax credit authority and, if applicable, the 3565
taxpayer that applied to enter the agreement for the exemption 3566
under division (C) of this section of the noncompliance. After 3567
receiving such a notice, and after giving each taxpayer subject 3568
to the agreement an opportunity to explain the noncompliance, 3569
the authority may terminate the agreement and require each such 3570
taxpayer to pay to the state all or a portion of the taxes that 3571
would have been owed in regards to the exempt equipment in 3572

previous years, all as determined under rules adopted pursuant 3573
to division (K) of this section. In determining the portion of 3574
the taxes that would have been owed on the previously exempted 3575
equipment to be paid to this state by a taxpayer, the authority 3576
shall consider the effect of market conditions on the eligible 3577
computer data center, whether the taxpayer continues to maintain 3578
other operations in this state, and, with respect to agreements 3579
involving multiple taxpayers, the taxpayer's level of 3580
responsibility for the noncompliance. After making the 3581
determination, the authority shall certify to the tax 3582
commissioner the amount to be paid by each taxpayer subject to 3583
the agreement. The tax commissioner shall make an assessment for 3584
that amount against each such taxpayer under Chapter 5739. or 3585
5741. of the Revised Code. The time limitations on assessments 3586
under those chapters do not apply to an assessment under this 3587
division, but the tax commissioner shall make the assessment 3588
within one year after the date the authority certifies to the 3589
tax commissioner the amount to be paid by the taxpayer. 3590

(K) The director of development services, after 3591
consultation with the tax commissioner and in accordance with 3592
Chapter 119. of the Revised Code, shall adopt rules necessary to 3593
implement this section. The rules may provide for recipients of 3594
tax exemptions under this section to be charged fees to cover 3595
administrative costs incurred in the administration of this 3596
section. The fees collected shall be credited to the tax 3597
incentives operating fund created in section 122.174 of the 3598
Revised Code. At the time the director gives public notice under 3599
division (A) of section 119.03 of the Revised Code of the 3600
adoption of the rules, the director shall submit copies of the 3601
proposed rules to the chairpersons of the standing committees on 3602
economic development in the senate and the house of 3603

representatives. 3604

(L) On or before the first day of August of each year, the 3605
director of development services shall submit a report to the 3606
governor, the president of the senate, and the speaker of the 3607
house of representatives on the tax exemption authorized under 3608
this section. The report shall include information on the number 3609
of agreements that were entered into under this section during 3610
the preceding calendar year, a description of the eligible 3611
computer data center that is the subject of each such agreement, 3612
and an update on the status of eligible computer data centers 3613
under agreements entered into before the preceding calendar 3614
year. 3615

(M) A taxpayer may be made a party to an existing 3616
agreement entered into under this section by the tax credit 3617
authority and another taxpayer or group of taxpayers. In such a 3618
case, the taxpayer shall be entitled to all benefits and bound 3619
by all obligations contained in the agreement and all 3620
requirements described in this section. When an agreement 3621
includes multiple taxpayers, each taxpayer shall be entitled to 3622
a direct payment permit as authorized in division (I) of this 3623
section. 3624

Sec. 122.1710. (A) As used in this section: 3625

(1) "Low-income individual" has the same meaning as "low- 3626
income person" in section ~~122.66~~ 5101.311 of the Revised Code. 3627

(2) "Microcredential" has the same meaning as in section 3628
122.178 of the Revised Code. 3629

(3) "OhioMeansJobs web site" has the same meaning as in 3630
section 6301.01 of the Revised Code. 3631

(4) "Partially unemployed" and "totally unemployed" have 3632

the same meanings as in section 4141.01 of the Revised Code. 3633

(5) "Training provider" means all of the following: 3634

(a) A state institution of higher education as defined in 3635
section 3345.011 of the Revised Code; 3636

(b) An Ohio technical center as defined in section 3333.94 3637
of the Revised Code; 3638

(c) A private business or institution that offers training 3639
to allow an individual to earn one or more microcredentials. 3640

(B) There is hereby created the individual microcredential 3641
assistance program to reimburse training providers for training 3642
costs for individuals to earn a microcredential. The department 3643
of development, in consultation with the governor's office of 3644
workforce transformation, shall administer the program. 3645

(C) A training provider seeking to participate in the 3646
program shall submit an application to the director of 3647
development. The training provider shall include in the 3648
application all of the following information: 3649

(1) The number of microcredentials the training provider 3650
will seek a reimbursement for and the names of the 3651
microcredentials; 3652

(2) The cost of the training for each microcredential; 3653

(3) The total amount of the reimbursement the training 3654
provider will seek; 3655

(4) The training provider's plan to provide opportunities 3656
for individuals who are low income, partially unemployed, or 3657
totally unemployed to participate in a training program and 3658
receive a microcredential; 3659

(5) Any other information the director requires. 3660

(D) (1) The director shall consider the following factors 3661
in determining whether to approve an application submitted under 3662
division (C) of this section: 3663

(a) The duration of the training program; 3664

(b) The cost of the training; 3665

(c) Whether approving an application will promote regional 3666
diversity in apportioning reimbursements uniformly across the 3667
state; 3668

(d) The training provider's commitment to providing 3669
opportunities for individuals who are low income, partially 3670
unemployed, or totally unemployed to participate in a training 3671
program and receive a microcredential. 3672

(2) In determining regional diversity under division (D) 3673
(1) (c) of this section, the director shall use the regions 3674
established under division (G) of section 122.178 of the Revised 3675
Code. 3676

(3) The director shall not approve an application 3677
submitted under this section if either of the following apply: 3678

(a) The microcredentials identified in the application are 3679
not included in the list the chancellor of higher education 3680
establishes under section 122.178 of the Revised Code. 3681

(b) The training provider has violated Chapter 4111. of 3682
the Revised Code within the four fiscal years immediately 3683
preceding the date of application. 3684

(4) The director shall notify a training provider in 3685
writing of the director's decision to approve or deny the 3686

training provider's application to participate in the program. 3687

(E) A participating training provider shall not charge an 3688
individual participating in a training program to earn a 3689
microcredential for which the training provider is seeking a 3690
reimbursement for either of the following: 3691

(1) Any costs associated with the individual's 3692
participation in the training program; 3693

(2) Any costs to the training provider resulting from an 3694
individual not completing the training program. 3695

(F) (1) Each participating training provider seeking 3696
reimbursement for training costs for one or more 3697
microcredentials earned by one or more individuals in a training 3698
program shall submit an application to the director after the 3699
individual or individuals have earned a microcredential. The 3700
training provider shall include in the reimbursement application 3701
all of the following information: 3702

(a) The actual cost for the training provider to provide 3703
each individual with the training; 3704

(b) Evidence that each individual earned a 3705
microcredential; 3706

(c) Any demographic information of each individual that 3707
the individual provides to the training provider, including race 3708
and gender. 3709

(2) The amount of the reimbursement shall be not more than 3710
three thousand dollars for each microcredential an individual 3711
receives. A participating training provider may not receive a 3712
reimbursement for any additional individual who earns a 3713
microcredential beyond the number of microcredentials included 3714

in the application under division (C) of this section. A 3715
participating training provider may receive a total 3716
reimbursement of five hundred thousand dollars in a fiscal year. 3717

(3) A training provider may request that an individual 3718
participating in the training provider's program provide 3719
demographic information to the training provider, including race 3720
and gender. An individual is not required to provide that 3721
information. 3722

(G) The director shall do both of the following regarding 3723
the operation of the program: 3724

(1) Create an application to participate in the program 3725
and an application for reimbursement; 3726

(2) Create and distribute a survey to each individual who 3727
successfully earned a microcredential because of a reimbursement 3728
to a training provider under this section inquiring as to the 3729
individual's occupation and wages at the time of completing the 3730
survey. 3731

(H) The director shall include on the internet web site 3732
maintained by the department, and the governor's office of 3733
workforce transformation shall include on the office's internet 3734
web site and the OhioMeansJobs web site, all of the content 3735
created under division (G) of this section. 3736

(I) The director may adopt rules in accordance with 3737
Chapter 119. of the Revised Code as the director considers 3738
necessary to implement this section, including establishing 3739
priority guidelines for approving applications under division 3740
(D) of this section. 3741

(J) Any personal information of an individual the director 3742
receives in connection with the individual microcredential 3743

assistance program created under this section is not a public 3744
record for purposes of section 149.43 of the Revised Code. 3745
However, the director may use the information as necessary to 3746
complete the reports required under section 122.1711 of the 3747
Revised Code. 3748

Sec. 122.4041. (A) ~~As used in this section, "passes" means~~ 3749
~~the residential addresses in close proximity to a broadband~~ 3750
~~provider's broadband infrastructure network to which residents~~ 3751
~~at those addresses may opt to connect.~~ 3752

~~(B)~~ The scoring system required under section 122.4040 of 3753
the Revised Code shall include the factors and scoring rubric as 3754
described in divisions ~~(C)~~ (B) to ~~(J)~~ (I) of this section. 3755
Applications for a grant under the Ohio residential broadband 3756
expansion grant program shall be prioritized from the highest to 3757
the lowest point score under those factors and rubric. 3758

~~(C)~~ (B) Of a possible maximum score of three hundred 3759
points, the score for eligible projects for unserved and 3760
underserved areas shall be calculated as ~~the sum of the~~ 3761
~~following~~ follows: 3762

(1) ~~The point value determined by multiplying three~~ 3763
~~hundred times the percentage of passes~~ application will receive 3764
one-half point for each residential address in unserved areas of 3765
the application. 3766

(2) ~~One half of the point value determined by multiplying~~ 3767
~~three hundred times the percentage of passes~~ The application 3768
will receive one-quarter point for each residential address in 3769
underserved areas of the application. 3770

~~(D)~~ (C) Of a possible maximum score of two hundred points, 3771
the score for broadband service speed, based on a graduated 3772

scale, shall be: 3773

(1) Twenty-five points for broadband speeds that are one 3774
hundred megabits per second downstream or greater and twenty 3775
megabits per second or greater upstream, but less than two 3776
hundred fifty megabits per second downstream and fifty megabits 3777
upstream; 3778

(2) Fifty points for broadband speeds that are two hundred 3779
fifty megabits per second or greater downstream and fifty 3780
megabits or greater per second upstream, but less than five 3781
hundred megabits per second downstream and one hundred megabits 3782
per second upstream; 3783

(3) One hundred points for broadband speeds that are five 3784
hundred megabits per second or greater downstream and one 3785
hundred megabits per second or greater upstream, but less than 3786
seven hundred fifty megabits per second downstream and two 3787
hundred fifty megabits per second upstream; 3788

(4) One hundred twenty-five points for broadband speeds 3789
that are seven hundred fifty megabits per second or greater 3790
downstream and two hundred fifty megabits per second or greater 3791
upstream, but less than one gigabit per second downstream and 3792
five hundred megabits per second upstream; 3793

(5) One hundred fifty points for broadband speeds that are 3794
one gigabit per second or greater downstream and five hundred 3795
megabits per second or greater upstream, but less than one 3796
gigabit per second upstream; 3797

(6) Two hundred points for broadband speeds that are one 3798
gigabit per second or greater downstream and one gigabit per 3799
second or greater upstream. 3800

~~(E) (1)~~ (D) (1) Of a possible maximum score of one hundred 3801

fifty points, the score for rating broadband service cost shall 3802
be the sum of divisions ~~(E) (1) (a)~~ (D) (1) (a) and (b) of this 3803
section as follows: 3804

(a) Of a possible maximum of seventy-five points, the 3805
number of points equal to the application's grant cost 3806
percentile multiplied by seventy-five; 3807

(b) Of a possible maximum score of seventy-five points, 3808
the number of points equal to one half of the application's 3809
percentage of eligible project funding from all sources other 3810
than the Ohio residential broadband expansion grant program. 3811

(2) (a) For each application submission period, the 3812
broadband expansion program authority shall determine the grant 3813
cost percentile for each application submitted during that 3814
period. The authority shall determine the grant cost percentile 3815
by doing the following: 3816

(i) Determining, for each individual application in the 3817
state, the total grant cost per eligible address in the 3818
application by calculating the quotient of the amount of program 3819
grant funds requested for the application divided by the number 3820
of eligible addresses in the application; 3821

(ii) Ranking, from lowest to highest cost, all individual 3822
applications by total grant cost per eligible address; 3823

(iii) Assigning each individual application a percentile 3824
based on its total grant cost per eligible address relative to 3825
all other applications' total grant cost per eligible address. 3826

(b) Percentiles under division ~~(E) (2) (a) (iii)~~ (D) (2) (a) 3827
(iii) of this section shall be assigned so that the highest 3828
percentile is assigned to the application with the lowest total 3829
grant cost per eligible address and percentiles for all other 3830

applications assigned based on each application's relative grant 3831
cost per eligible address. 3832

~~(F)~~(E) Of a possible maximum score of one hundred points, 3833
the score for providing tier two broadband service or greater to 3834
eligible addresses located in an eligible project shall be 3835
calculated as follows: 3836

(1) Ten points for the number of eligible addresses equal 3837
to five hundred or more, but less than one thousand; 3838

(2) Twenty points for the number of eligible addresses 3839
equal to one thousand or more, but less than one thousand five 3840
hundred; 3841

(3) Thirty points for the number of eligible addresses 3842
equal to one thousand five hundred or more, but less than two 3843
thousand; 3844

(4) Forty points for the number of eligible addresses 3845
equal to two thousand or more, but less than two thousand five 3846
hundred; 3847

(5) Fifty points for the number of eligible addresses 3848
equal to two thousand five hundred or more, but less than three 3849
thousand; 3850

(6) Sixty points for the number of eligible addresses 3851
equal to three thousand or more, but less than three thousand 3852
five hundred; 3853

(7) Seventy points for the number of eligible addresses 3854
equal to three thousand five hundred or more, but less than four 3855
thousand; 3856

(8) Eighty points for the number of eligible addresses 3857
equal to four thousand or more, but less than four thousand five 3858

hundred; 3859

(9) Ninety points for the number of eligible addresses 3860
equal to four thousand five hundred or more, but less than five 3861
thousand; 3862

(10) One hundred points for the number of eligible 3863
addresses equal to five thousand or more. 3864

~~(G)~~(F) Of a possible maximum score of fifty points, the 3865
score for local support for the application shall be calculated 3866
as follows: 3867

(1) (a) Twenty-five points if the application includes a 3868
resolution of support from the board of county commissioners in 3869
the county where the eligible project is located; or 3870

(b) If an application's eligible project spans multiple 3871
counties, of a possible maximum score of twenty-five points for 3872
resolutions adopted by boards of county commissioners, the 3873
number of points awarded on a pro rata basis based on the 3874
percentage of eligible addresses for the eligible project in 3875
each affected county for which the board of county commissioners 3876
adopted a resolution of support. 3877

(2) (a) Fifteen points if the application includes a letter 3878
of support from a board of township trustees, village, or 3879
municipal corporation; or 3880

(b) If an application's eligible project spans multiple 3881
townships, villages, and municipal corporations, of a possible 3882
maximum score of fifteen points for letters from boards of 3883
township trustees, villages, or municipal corporations, the 3884
number of points awarded on a pro rata basis according to the 3885
percentage of eligible addresses for the project in each 3886
affected village, municipal corporation, and unincorporated area 3887

of the township for which a board of township trustees, village, 3888
or municipal corporation submitted a letter of support; 3889

(c) Ten points for letters of support from a local 3890
economic development agency or a chamber of commerce that 3891
advocates for an area of the eligible project with the majority 3892
of eligible addresses in the application. 3893

~~(H)~~(G) Of a possible maximum score of seventy-five points, 3894
the score for broadband provider general experience and 3895
technical and financial ability shall be based on the judgment 3896
of the broadband expansion program authority. The authority may 3897
award partial points for scores awarded under division ~~(H)~~(G) of 3898
this section. 3899

~~(I)~~(H) Of a possible maximum score of seventy-five points, 3900
the score for broadband provider experience based on the number 3901
of years that the provider has been providing tier two broadband 3902
service shall be calculated as follows: 3903

(1) Ten points for four years, but less than five years of 3904
experience; 3905

(2) Twenty points for five years, but less than six years 3906
of experience; 3907

(3) Thirty points for six years, but less than seven years 3908
of experience; 3909

(4) Forty points for seven years, but less than eight 3910
years of experience; 3911

(5) Fifty points for eight years, but less than nine years 3912
of experience; 3913

(6) Sixty points for nine years, but less than ten years 3914
of experience; 3915

(7) Seventy-five points for ten or more years of 3916
experience. 3917

~~(J)(1)~~ (I)(1) Of a possible maximum score of fifty points, 3918
the score for county median income, based on the median county 3919
per capita income of the United States as determined by the most 3920
recently available data from the United States census bureau, 3921
shall be calculated as follows: 3922

(a) Zero points for a county median income that is equal 3923
to or greater than one hundred sixty per cent of the county 3924
median income; 3925

(b) Ten points for a county median income that is equal to 3926
or greater than one hundred forty per cent, but less than one 3927
hundred sixty per cent of the county median income; 3928

(c) Twenty points for a county median income that is equal 3929
to or greater than one hundred twenty per cent, but less than 3930
one hundred forty per cent of the county median income; 3931

(d) Thirty points for a county median income that is equal 3932
to or greater than one hundred per cent, but less than one 3933
hundred twenty per cent of the county median income; 3934

(e) Forty points for a county median income that is equal 3935
to or greater than eighty per cent, but less than one hundred 3936
per cent of the county median income; 3937

(f) Fifty points for a county median income that is less 3938
than eighty per cent of the county median income. 3939

(2) If an application's eligible project spans multiple 3940
counties, the points awarded as specified in division ~~(J)(1)~~ (I) 3941
(1) of this section shall be based on the percentage of eligible 3942
addresses for the eligible project in each affected county. 3943

Sec. 122.41. The director of development ~~services~~ is 3944
invested with the powers and duties provided in Chapter 122. of 3945
the Revised Code, in order to promote the welfare of the people 3946
of the state, to stabilize the economy, to provide employment, 3947
to assist in the development within the state of industrial, 3948
commercial, distribution, and research activities required for 3949
the people of the state, and for their gainful employment, or 3950
otherwise to create or preserve jobs and employment 3951
opportunities, or improve the economic welfare of the people of 3952
the state, ~~and also to assist in the financing of air, water, or~~ 3953
~~thermal pollution control facilities and solid waste disposal~~ 3954
~~facilities by mortgage insurance as provided in section 122.451~~ 3955
~~of the Revised Code.~~ It is hereby determined that the 3956
accomplishment of such purposes is essential so that the people 3957
of the state may maintain their present high standards in 3958
comparison with the people of other states and so that 3959
opportunities for employment and for favorable markets for the 3960
products of the state's natural resources, agriculture, and 3961
manufacturing shall be improved and that it is necessary for the 3962
state to establish the programs authorized pursuant to Chapter 3963
122. of the Revised Code and invest the director of development 3964
~~services~~ with the powers and duties provided in Chapter 122. of 3965
the Revised Code. The powers granted to the director by Chapter 3966
165. of the Revised Code are independent of and in addition and 3967
alternate to, and are not limited or restricted by, Chapter 122. 3968
of the Revised Code. 3969

Sec. 122.42. (A) The director of development shall do all 3970
of the following: 3971

(1) Receive applications for assistance under sections 3972
122.39 and 122.41 to 122.62 of the Revised Code; 3973

(2) Make a final determination whether to approve the 3974
application for assistance; 3975

(3) Transmit determinations to approve assistance to the 3976
controlling board together with any information the controlling 3977
board requires for the board's review and decision as to whether 3978
to approve the assistance; 3979

(4) Issue revenue bonds of the state through the treasurer 3980
of state, as necessary, payable solely from revenues and other 3981
sources as provided in sections 122.39 and 122.41 to 122.62 of 3982
the Revised Code. 3983

(B) The director may do all of the following: 3984

(1) Fix the rate of interest and charges to be made upon 3985
or with respect to moneys loaned by the director and the terms 3986
upon which mortgages and lease rentals may be guaranteed and the 3987
rates of charges to be made for the loans and guarantees and to 3988
make provisions for the operation of the funds established by 3989
the director in accordance with this section and ~~sections~~ 3990
section 122.54, 122.55, 122.56, and 122.57 of the Revised Code; 3991

(2) Loan moneys from the fund established in accordance 3992
with section 122.54 of the Revised Code pursuant to and in 3993
compliance with sections 122.39 and 122.41 to 122.62 of the 3994
Revised Code; 3995

(3) Acquire in the name of the director any property of 3996
any kind or character in accordance with sections 122.39 and 3997
122.41 to 122.62 of the Revised Code, by purchase, purchase at 3998
foreclosure, or exchange on such terms and in such manner as the 3999
director considers proper; 4000

(4) Make and enter into all contracts and agreements 4001
necessary or incidental to the performance of the director's 4002

duties and the exercise of the director's powers under sections 4003
122.39 and 122.41 to 122.62 of the Revised Code; 4004

(5) Maintain, protect, repair, improve, and insure any 4005
property which the director has acquired and dispose of the same 4006
by sale, exchange, or lease for the consideration and on the 4007
terms and in the manner as the director considers proper, but is 4008
not authorized to operate any such property as a business except 4009
as the lessor of the property; 4010

(6) (a) When the cost of any contract for the maintenance, 4011
protection, repair, or improvement of any property held by the 4012
director other than compensation for personal services involves 4013
an expenditure of more than one thousand dollars, the director 4014
shall make a written contract with the lowest responsive and 4015
responsible bidder in accordance with section 9.312 of the 4016
Revised Code after advertisement for not less than two 4017
consecutive weeks in a newspaper of general circulation in the 4018
county where such contract, or some substantial part of it, is 4019
to be performed, and in such other publications as the director 4020
determines, which notice shall state the general character of 4021
the work and the general character of the materials to be 4022
furnished, the place where plans and specifications may be 4023
examined, and the time and place of receiving bids. 4024

(b) Each bid for a contract for the construction, 4025
demolition, alteration, repair, or reconstruction of an 4026
improvement shall contain the full name of every person 4027
interested in it and meet the requirements of section 153.54 of 4028
the Revised Code. 4029

(c) Each bid for a contract, except as provided in 4030
division (B) (6) (b) of this section, shall contain the full name 4031
of every person interested in it and shall be accompanied by 4032

bond or certified check on a solvent bank, in such amount as the 4033
director considers sufficient, that if the bid is accepted a 4034
contract will be entered into and the performance of the 4035
proposal secured. 4036

(d) The director may reject any and all bids. 4037

(e) A bond with good and sufficient surety, approved by 4038
the director, shall be required of every contractor awarded a 4039
contract except as provided in division (B) (6) (b) of this 4040
section, in an amount equal to at least fifty per cent of the 4041
contract price, conditioned upon faithful performance of the 4042
contract. 4043

(7) Employ financial consultants, appraisers, consulting 4044
engineers, superintendents, managers, construction and 4045
accounting experts, attorneys, and other employees and agents as 4046
are necessary in the director's judgment and fix their 4047
compensation; 4048

(8) Assist qualified persons in the coordination and 4049
formation of a small business development company, having a 4050
statewide area of operation, conditional upon the company's 4051
agreeing to seek to obtain certification from the federal small 4052
business administration as a certified statewide development 4053
company and participation in the guaranteed loan program 4054
administered by the small business administration pursuant to 4055
the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During 4056
the initial period of formation of the statewide small business 4057
development company, the director shall provide technical and 4058
financial expertise, legal and managerial assistance, and other 4059
services as are necessary and proper to enable the company to 4060
obtain and maintain federal certification and participation in 4061
the federal guaranteed loan program. The director may charge a 4062

fee, in such amount and on such terms and conditions as the 4063
director determines necessary and proper, for assistance and 4064
services provided pursuant to division (B)(8) of this section. 4065

Persons chosen by the director to receive assistance in 4066
the formation of a statewide small business development company 4067
pursuant to division (B)(8) of this section shall make a special 4068
effort to use their participation in the federal guaranteed loan 4069
program to assist small businesses which are minority business 4070
enterprises as defined in division (E) of section 122.71 of the 4071
Revised Code. The director, with the assistance of the minority 4072
business development division of the department of development, 4073
shall provide technical and financial expertise, legal and 4074
managerial assistance, and other services in such a manner to 4075
enable the development company to provide assistance to small 4076
businesses which are minority business enterprises, and shall 4077
make available to the development company information pertaining 4078
to assistance available to minority business enterprises under 4079
programs established pursuant to sections 122.71 to 122.83, 4080
122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the 4081
Revised Code. 4082

(9) Receive and accept grants, gifts, and contributions of 4083
money, property, labor, and other things of value to be held, 4084
used, and applied only for the purpose for which such grants, 4085
gifts, and contributions are made, from individuals, private and 4086
public corporations, from the United States or any agency of the 4087
United States, from the state or any agency of the state, and 4088
from any political subdivision of the state, and may agree to 4089
repay any contribution of money or to return any property 4090
contributed or the value of the property at such times, in such 4091
amounts, and on such terms and conditions, excluding the payment 4092
of interest, as the director determines at the time such 4093

contribution is made, and may evidence such obligations by 4094
notes, bonds, or other written instruments; 4095

(10) Establish with the treasurer of state the ~~funds~~ fund 4096
provided in ~~sections~~ section 122.54, ~~122.55, 122.56, and 122.57~~ 4097
of the Revised Code, in addition to such funds as the director 4098
determines are necessary or proper; 4099

(11) Do all acts and things necessary or proper to carry 4100
out the powers expressly granted and the duties imposed in 4101
sections 122.39 and 122.41 to 122.62 and Chapter 163. of the 4102
Revised Code. 4103

(C) All expenses and obligations incurred by the director 4104
in carrying out the director's powers and in exercising the 4105
director's duties under sections 122.39 and 122.41 to 122.62 of 4106
the Revised Code, shall be payable solely from the proceeds of 4107
revenue bonds issued pursuant to those sections, from revenues 4108
or other receipts or income of the director, from grants, gifts, 4109
and contributions, or funds established in accordance with those 4110
sections. Those sections do not authorize the director to incur 4111
indebtedness or to impose liability on the state or any 4112
political subdivision of the state. 4113

(D) Financial statements and financial data submitted to 4114
the director by any corporation, partnership, or person in 4115
connection with a loan application, or any information taken 4116
from such statements or data for any purpose, shall not be open 4117
to public inspection. 4118

Sec. 122.47. At the request of the director of 4119
development, the treasurer of state shall issue revenue bonds of 4120
the state for the purpose of acquiring moneys for the purposes 4121
of this chapter, which moneys shall be credited by the treasurer 4122

of state as the director of development shall determine to and 4123
among the funds established in accordance with or pursuant to 4124
sections 122.35, 122.42, and 122.54, ~~122.55, 122.56, 122.561,~~ 4125
~~and 122.57~~ of the Revised Code. ~~The principal of and interest on~~ 4126
~~such~~ Such revenue bonds ~~shall be payable solely from the sinking~~ 4127
~~funds established in accordance with section 122.57 of the~~ 4128
~~Revised Code at the times and in the order and manner provided~~ 4129
~~in the bond issuing proceedings or in any trust agreements~~ 4130
~~securing such bonds,~~ and shall be secured by the revenue bond 4131
guaranty fund established in accordance with section 122.571 of 4132
the Revised Code and shall also be secured by moneys in the 4133
other funds established by the director to the extent and on the 4134
terms ~~he~~ the director specifies and by covenants of the director 4135
~~that he will~~ to so manage the loans and leases and fix interest 4136
rates, charges, and rentals so as to assure receipt of net 4137
income and revenue sufficient to provide for the payment of the 4138
principal of and the interest on the revenue bonds. 4139

Sec. 122.49. The proceeds of each issue of revenue bonds 4140
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 4141
Revised Code shall be used for the making of loans authorized in 4142
sections 122.43 and 122.45 of the Revised Code, for the purchase 4143
and improvement of property authorized in section 122.46 of the 4144
Revised Code, ~~for insuring mortgage payments authorized in~~ 4145
~~section 122.451 of the Revised Code,~~ and for the crediting into 4146
and among the funds established in accordance with sections 4147
122.35, and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the 4148
Revised Code, but subject to such conditions, limitations, and 4149
covenants with the purchasers and holders of the bonds as shall 4150
be provided for in the bond authorization proceedings and in the 4151
trust agreement securing the same. 4152

Provision shall be made by the director of development 4153

~~services~~ for the payment of the expenses of the director in 4154
operating the assistance programs authorized under this chapter 4155
in such manner and to such extent as shall be determined by the 4156
director. 4157

Sec. 122.53. In the discretion of the treasurer of state, 4158
any bonds issued under sections 122.39 and 122.41 to 122.62 of 4159
the Revised Code, may be secured by a trust agreement between 4160
the treasurer of state and a corporate trustee, which trustee 4161
may be any trust company or bank having the powers of a trust 4162
company within or without the state. 4163

Any such trust agreement may pledge or assign payments of 4164
principal of and interest on loans, charges, fees, and other 4165
revenue to be received by the director of development ~~services,~~ 4166
all rentals received under leases made by the director, and all 4167
proceeds of the sale or other disposition of property held by 4168
the director, ~~and may provide for the holding in trust by the~~ 4169
~~trustee to the extent provided for in the proceedings~~ 4170
~~authorizing such bonds, of all such moneys and moneys otherwise~~ 4171
~~payable into the mortgage guarantee fund created by section~~ 4172
~~122.56 of the Revised Code, and all moneys otherwise payable~~ 4173
~~into the mortgage insurance fund created by section 122.561 of~~ 4174
~~the Revised Code, and of moneys payable into the sinking fund or~~ 4175
~~funds referred to in section 122.57 of the Revised Code, but~~ 4176
shall not convey or mortgage any of the real or personal 4177
property held by the director or any part thereof. Any such 4178
trust agreement, or any proceedings providing for the issuance 4179
of such bonds, may contain such provisions for protecting and 4180
enforcing the rights and remedies of the bondholders as are 4181
reasonable and proper and not in violation of law, including 4182
covenants setting forth the duties of the director in relation 4183
to the acquisition of property, and the construction, 4184

improvement, maintenance, repair, operation, and insurance of 4185
facilities, the making of loans and leases and the terms and 4186
provisions thereof, and the custody, safeguarding, investment, 4187
and application of all moneys, and provisions for the employment 4188
of consulting engineers or other consultants in connection with 4189
the making of loans and leases and the construction or operation 4190
of any facility. Any bank or trust company incorporated under 4191
the laws of this state which may act as trustee or as depository 4192
of the proceeds of bonds or of revenue may furnish such 4193
indemnifying bonds or may pledge such securities as are required 4194
by the treasurer of state. Any such trust agreement may set 4195
forth the rights and remedies of the bondholders and of the 4196
trustee, and may restrict the individual right of action by 4197
bondholders as is customary in trust agreements or trust 4198
indentures securing bonds or debentures of corporations. Such 4199
trust agreement may contain such other provisions as the 4200
treasurer of state deems reasonable and proper for the security 4201
of the bondholders. All expenses incurred by the treasurer of 4202
state in carrying out the provisions of any such trust agreement 4203
shall be treated as a part of the cost of the operation of the 4204
assistance programs authorized pursuant to Chapter 122. of the 4205
Revised Code. Any such trust agreement may provide the method 4206
whereby general administrative overhead expense of the director 4207
with respect to those assistance programs shall be allocated 4208
among the funds established pursuant to Chapter 122. of the 4209
Revised Code with respect to the operating expenses of the 4210
director payable out of the income of the assistance programs. 4211

Sec. 122.571. ~~In addition to the separate sinking funds~~ 4212
~~created under section 122.57 of the Revised Code, there~~ There is 4213
hereby created the revenue bond guaranty fund to consist of all 4214
money allocated by the director of development to guarantee 4215

payment of interest on, principal of and redemption premium on, 4216
the revenue bonds issued by the director under Chapter 122. of 4217
the Revised Code, all grants, gifts, and contributions made to 4218
the director for such purpose, and all money and property 4219
provided by law for such purpose. 4220

Sec. 122.59. In the event of a default with respect to any 4221
loan or lease, the director of development shall take such 4222
action as ~~he~~ the director deems proper in the circumstances to 4223
enforce and protect the rights of the director, and such action 4224
as may be required by the provisions of any proceedings 4225
authorizing the revenue bonds or of any trust agreement securing 4226
such bonds, which may include any appropriate action at law or 4227
in equity, enforcement or waiver of any provision of any 4228
mortgage or security agreement or lease, or reinstatement of any 4229
forfeited or cancelled right, title, or privilege. 4230

~~Notwithstanding any such action, the director shall transfer~~ 4231
~~from the mortgage guarantee fund created by section 122.56 of~~ 4232
~~the Revised Code to the sinking fund or funds referred to in~~ 4233
~~section 122.57 of the Revised Code amounts not greater than the~~ 4234
~~amounts which would have been paid upon such loan or under such~~ 4235
~~lease but for such default, at the time or times when such~~ 4236
~~amounts would have been paid but for such defaults, to the~~ 4237
~~extent provided in the proceedings authorizing and the trust~~ 4238
~~agreements securing such bonds, to be held and applied as other~~ 4239
~~moneys in the sinking fund, and shall make such other transfers~~ 4240
~~and take such other action as shall be required of the director~~ 4241
~~by any such bond issuance proceedings or trust agreement.~~ 4242

Sec. 122.85. (A) As used in this section and in sections 4243
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 4244

(1) "Tax credit-eligible production" means a motion 4245

picture or Broadway theatrical production certified by the 4246
director of development under division (B) of this section as 4247
qualifying the production company for a tax credit under section 4248
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code. 4249

(2) "Certificate owner" means a production company to 4250
which a tax credit certificate is issued. 4251

(3) "Production company" means an individual, corporation, 4252
partnership, limited liability company, or other form of 4253
business association that is registered with the secretary of 4254
state and that is producing a motion picture or Broadway 4255
theatrical production. 4256

(4) "Eligible expenditures" means expenditures made after 4257
June 30, 2009, for goods or services purchased and consumed in 4258
this state by a production company directly for the production 4259
of a tax credit-eligible production, for postproduction 4260
activities, or for advertising and promotion of the production. 4261

"Eligible expenditures" do not include qualified 4262
expenditures for which a production company receives a tax 4263
credit under section 122.852 of the Revised Code. 4264

"Eligible expenditures" include expenditures for cast and 4265
crew wages, accommodations, costs of set construction and 4266
operations, editing and related services, photography, sound 4267
synchronization, lighting, wardrobe, makeup and accessories, 4268
film processing, transfer, sound mixing, special and visual 4269
effects, music, location fees, and the purchase or rental of 4270
facilities and equipment. 4271

(5) "Motion picture" means entertainment content created 4272
in whole or in part within this state for distribution or 4273
exhibition to the general public, including, but not limited to, 4274

feature-length films; documentaries; long-form, specials, 4275
miniseries, series, and interstitial television programming; 4276
interactive web sites; sound recordings; videos; music videos; 4277
interactive television; interactive games; video games; 4278
commercials; any format of digital media; and any trailer, 4279
pilot, video teaser, or demo created primarily to stimulate the 4280
sale, marketing, promotion, or exploitation of future investment 4281
in either a product or a motion picture by any means and media 4282
in any digital media format, film, or videotape, provided the 4283
motion picture qualifies as a motion picture. "Motion picture" 4284
does not include any television program created primarily as 4285
news, weather, or financial market reports, a production 4286
featuring current events or sporting events, an awards show or 4287
other gala event, a production whose sole purpose is 4288
fundraising, a long-form production that primarily markets a 4289
product or service or in-house corporate advertising or other 4290
similar productions, a production for purposes of political 4291
advocacy, or any production for which records are required to be 4292
maintained under 18 U.S.C. 2257 with respect to sexually 4293
explicit content. 4294

(6) "Broadway theatrical production" means a prebroadway 4295
production, long run production, or tour launch that is 4296
directed, managed, and performed by a professional cast and crew 4297
and that is directly associated with New York city's Broadway 4298
theater district. 4299

(7) "Prebroadway production" means a live stage production 4300
that is scheduled for presentation in New York city's Broadway 4301
theater district after the original or adaptive version is 4302
performed in a qualified production facility. 4303

(8) "Long run production" means a live stage production 4304

that is scheduled to be performed at a qualified production 4305
facility for more than five weeks, with an average of at least 4306
six performances per week. 4307

(9) "Tour launch" means a live stage production for which 4308
the activities comprising the technical period are conducted at 4309
a qualified production facility before a tour of the original or 4310
adaptive version of the production begins. 4311

(10) "Qualified production facility" means a facility 4312
located in this state that is used in the development or 4313
presentation to the public of theater productions. 4314

(B) For the purpose of encouraging and developing strong 4315
film and theater industries in this state, the director of 4316
development may certify a motion picture or Broadway theatrical 4317
production produced by a production company as a tax credit- 4318
eligible production. In the case of a television series, the 4319
director may certify the production of each episode of the 4320
series as a separate tax credit-eligible production. A 4321
production company shall apply for certification of a motion 4322
picture or Broadway theatrical production as a tax credit- 4323
eligible production on a form and in the manner prescribed by 4324
the director. Each application shall include the following 4325
information: 4326

(1) The name and telephone number of the production 4327
company; 4328

(2) The name and telephone number of the company's contact 4329
person; 4330

(3) A list of the first preproduction date through the 4331
last production and postproduction dates in Ohio and, in the 4332
case of a Broadway theatrical production, a list of each 4333

scheduled performance in a qualified production facility;	4334
(4) The Ohio production office or qualified production	4335
facility address and telephone number;	4336
(5) The total production budget;	4337
(6) The total budgeted eligible expenditures and the	4338
percentage that amount is of the total production budget of the	4339
motion picture or Broadway theatrical production;	4340
(7) In the case of a motion picture, the total percentage	4341
of the production being shot in Ohio;	4342
(8) The level of employment of cast and crew who reside in	4343
Ohio;	4344
(9) A synopsis of the script;	4345
(10) In the case of a motion picture, the shooting script;	4346
(11) A creative elements list that includes the names of	4347
the principal cast and crew and the producer and director;	4348
(12) Documentation of financial ability to undertake and	4349
complete the motion picture or Broadway theatrical production,	4350
including documentation that shows that the company has secured	4351
funding equal to at least fifty per cent of the total production	4352
budget;	4353
(13) Estimated value of the tax credit based upon total	4354
budgeted eligible expenditures;	4355
(14) Estimated amount of state and local taxes to be	4356
generated in this state from the production;	4357
(15) Estimated economic impact of the production in this	4358
state;	4359

(16) Any other information considered necessary by the 4360
director. 4361

Within ninety days after certification of a motion picture 4362
or Broadway theatrical production as a tax credit-eligible 4363
production, and any time thereafter upon the request of the 4364
director, the production company shall present to the director 4365
sufficient evidence of reviewable progress. If the production 4366
company fails to present sufficient evidence, the director may 4367
rescind the certification. If the production of a motion picture 4368
or Broadway theatrical production does not begin within ninety 4369
days after the date it is certified as a tax credit-eligible 4370
production, the director shall rescind the certification unless 4371
the director finds that the production company shows good cause 4372
for the delay, meaning that the production was delayed due to 4373
unforeseeable circumstances beyond the production company's 4374
control or due to action or inaction by a government agency. 4375
Upon rescission, the director shall notify the applicant that 4376
the certification has been rescinded. Nothing in this section 4377
prohibits an applicant whose tax credit-eligible production 4378
certification has been rescinded from submitting a subsequent 4379
application for certification. 4380

(C) (1) A production company whose motion picture or 4381
Broadway theatrical production has been certified as a tax 4382
credit-eligible production may apply to the director of 4383
development on or after July 1, 2009, for a refundable credit 4384
against the tax imposed by section 5726.02, 5733.06, 5747.02, or 4385
5751.02 of the Revised Code. The director in consultation with 4386
the tax commissioner shall prescribe the form and manner of the 4387
application and the information or documentation required to be 4388
submitted with the application. 4389

The credit is determined as follows:

(a) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is less than or equal to three hundred thousand dollars, no credit is allowed;

(b) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is greater than three hundred thousand dollars, the credit equals thirty per cent of the least of such budgeted or actual eligible expenditure amounts.

(2) Except as provided in division (C) (4) of this section, if the director of development approves a production company's application for a credit, the director shall issue a tax credit certificate to the company. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the eligible expenditures on which the credit is based and the amount of the credit. Upon the issuance of a certificate, the director shall certify to the tax commissioner the name of the production company to which the certificate was issued, the amount of eligible expenditures shown on the certificate, the amount of the credit, and any other information required by the rules adopted to administer this section.

(3) The amount of eligible expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Once the eligible expenditures are finally determined under section 5703.19 of the Revised Code and division (D) of this section, the credit amount is not subject to adjustment unless the director determines an error was committed in the computation of the credit amount.

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. The amount of tax credit allowed per fiscal year shall not exceed the sum of (a) fifty million dollars, (b) the difference between the maximum credit amount for that fiscal year under section 122.852 of the Revised Code and the amount the director of development elects to allow under this section pursuant to division (D)(1) of section 122.852 of the Revised Code, and (c) the difference between the maximum amount of credits that could have been awarded in the previous fiscal year under this section and the amount actually awarded. Out of that sum, five million dollars shall be reserved for Broadway theatrical productions, and the balance may be allowed for any tax credit-eligible production. For any fiscal year in which less than five million dollars of tax credits are allowed for Broadway theatrical productions, the amount of the five million dollars not allowed and added to the maximum annual amount for the following fiscal year shall be reserved for Broadway theatrical productions in the following fiscal year.

(5) The director shall review and approve applications for tax credits ~~in two rounds each fiscal year. The first round of credits shall be awarded not later than the last day of July of~~

~~the fiscal year, and the second round of credits shall be~~ 4451
~~awarded not later than the last day of the ensuing January. The~~ 4452
~~amount of credits awarded in the first round of applications~~ 4453
~~each fiscal year shall not exceed one-half of the maximum~~ 4454
~~allowance for the fiscal year calculated under division (C) (4)~~ 4455
~~of this section, two million five hundred thousand dollars of~~ 4456
~~which shall be reserved for Broadway theatrical productions. For~~ 4457
~~each round, the director shall rank applications on the basis of~~ 4458
~~the extent of positive economic impact each tax credit-eligible~~ 4459
~~production is likely to have in this state and the effect on~~ 4460
~~developing a permanent workforce in motion picture or theatrical~~ 4461
~~production industries in the state. For the purpose of such~~ 4462
~~ranking, the~~ on a rolling basis. The director shall give 4463
priority to tax-credit eligible productions that are television 4464
series or miniseries due to the long-term commitment typically 4465
associated with such productions. ~~The economic impact ranking~~ 4466
~~shall be based on the production company's total expenditures in~~ 4467
~~this state directly associated with the tax credit-eligible~~ 4468
~~production. The effect on developing a permanent workforce in~~ 4469
~~the motion picture or theatrical production industries shall be~~ 4470
~~evaluated first by the number of new jobs created and second by~~ 4471
~~amount of payroll added with respect to employees in this state.~~ 4472

~~The director shall approve productions in the order of~~ 4473
~~their ranking, from those with the greatest positive economic~~ 4474
~~impact and workforce development effect to those with the least~~ 4475
~~positive economic impact and workforce development effect.~~ 4476

(D) A production company whose motion picture or Broadway 4477
theatrical production has been certified as a tax credit- 4478
eligible production shall engage, at the company's expense, an 4479
independent certified public accountant to examine the company's 4480
production, postproduction, and advertising and promotion 4481

expenditures to identify the expenditures that qualify as 4482
eligible expenditures. The certified public accountant shall 4483
issue a report to the company and to the director of development 4484
certifying the company's eligible expenditures and any other 4485
information required by the director. Upon receiving and 4486
examining the report, the director may disallow any expenditure 4487
the director determines is not an eligible expenditure. If the 4488
director disallows an expenditure, the director shall issue a 4489
written notice to the production company stating that the 4490
expenditure is disallowed and the reason for the disallowance. 4491
Upon examination of the report and disallowance of any 4492
expenditures, the director shall determine finally the lesser of 4493
the total budgeted eligible expenditures stated in the 4494
application submitted under division (B) of this section or the 4495
actual eligible expenditures for the purpose of computing the 4496
amount of the credit. 4497

(E) No credit shall be allowed under section 5726.55, 4498
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 4499
director has reviewed the report and made the determination 4500
prescribed by division (D) of this section. 4501

(F) This state reserves the right to refuse the use of 4502
this state's name in the credits of any tax credit-eligible 4503
motion picture production or program of any Broadway theatrical 4504
production. 4505

(G) (1) The director of development in consultation with 4506
the tax commissioner shall adopt rules for the administration of 4507
this section, including rules setting forth and governing the 4508
criteria for determining whether a motion picture or Broadway 4509
theatrical production is a tax credit-eligible production; 4510
activities that constitute the production or postproduction of a 4511

motion picture or Broadway theatrical production; reporting 4512
sufficient evidence of reviewable progress; expenditures that 4513
qualify as eligible expenditures; a schedule and deadlines for 4514
applications to be submitted and reviewed; a competitive process 4515
for approving credits based on likely economic impact in this 4516
state and development of a permanent workforce in motion picture 4517
or theatrical production industries in this state; consideration 4518
of geographic distribution of credits; and implementation of the 4519
program described in division (H) of this section. The rules 4520
shall be adopted under Chapter 119. of the Revised Code. 4521

(2) To cover the administrative costs of the program, the 4522
director shall require each applicant to pay an application fee 4523
equal to the lesser of ten thousand dollars or one per cent of 4524
the estimated value of the tax credit as stated in the 4525
application. The fees collected shall be credited to the tax 4526
incentives operating fund created in section 122.174 of the 4527
Revised Code. All grants, gifts, fees, and contributions made to 4528
the director for marketing and promotion of the motion picture 4529
industry within this state shall also be credited to the fund. 4530

(H) The director of development shall establish a program 4531
for the training of Ohio residents who are or wish to be 4532
employed in the film or multimedia industry. Under the program, 4533
the director shall: 4534

(1) Certify individuals as film and multimedia trainees. 4535
In order to receive such a certification, an individual must be 4536
an Ohio resident, have participated in relevant on-the-job 4537
training or have completed a relevant training course approved 4538
by the director, and have met any other requirements established 4539
by the director. 4540

(2) Accept applications from production companies that 4541

intend to hire and provide on-the-job training to one or more 4542
certified film and multimedia trainees who will be employed in 4543
the company's tax credit-eligible production; 4544

(3) Upon completion of a tax-credit eligible production, 4545
and upon the receipt of any salary information and other 4546
documentation required by the director, authorize a 4547
reimbursement payment to each production company whose 4548
application was approved under division (H) (2) of this section. 4549
The payment shall equal fifty per cent of the salaries paid to 4550
film and multimedia trainees employed in the production. 4551

Sec. 122.97. (A) The director of development may allocate 4552
the state ceiling on the aggregate amount of private activity 4553
bonds issued in this state as provided in 26 U.S.C. 146. The 4554
allocation shall be made pursuant to rules the director adopts 4555
in accordance with Chapter 119. of the Revised Code that do all 4556
of the following: 4557

(1) Provide a formula for allocating the state ceiling, as 4558
authorized under 26 U.S.C. 146(e); 4559

(2) Authorize procedures to administer those allocations; 4560

(3) Impose fees on persons to which such allocations are 4561
issued; 4562

(4) Establish any other requirements, processes, or 4563
procedures to administer the state ceiling. 4564

(B) The development volume cap fund is created in the 4565
custody of the treasurer of state, but is not part of the state 4566
treasury. The fund shall consist of all fees paid by issuers 4567
receiving state ceiling allocations. Funds may be used to pay 4568
the department of development's costs in administering ceiling 4569
allocations. The treasurer of state shall disburse money from 4570

the fund on order of the director of development. All interest 4571
and investment income earned by the fund shall be deposited into 4572
the fund. 4573

Sec. 123.10. (A) As used in this section and section 4574
123.11 of the Revised Code, "public exigency" means an injury or 4575
obstruction that occurs in any public works of the state and 4576
that materially impairs its immediate use or places in jeopardy 4577
property adjacent to it; an immediate danger of such an injury 4578
or obstruction; or an injury or obstruction, or an immediate 4579
danger of an injury or obstruction, that occurs in any public 4580
works of the state and that materially impairs its immediate use 4581
or places in jeopardy property adjacent to it. 4582

(B) When a declaration of public exigency is issued 4583
pursuant to division (C) of this section, the Ohio facilities 4584
construction commission, or the requesting director of the state 4585
agency, state institution of higher education as defined in 4586
division (A) (1) of section 3345.12 of the Revised Code, or other 4587
state instrumentality, as determined by the executive director 4588
of the commission, shall enter into contracts with proper 4589
persons for the performance of labor, the furnishing of 4590
materials, or the construction of any structures and buildings 4591
necessary to the maintenance, control, and management of the 4592
public works of the state or any part of those public works. Any 4593
contracts awarded for the work performed pursuant to the 4594
declaration of a public exigency may be awarded without 4595
competitive bidding or selection as set forth in Chapter 153. of 4596
the Revised Code. 4597

(C) The executive director of the Ohio facilities 4598
construction commission may issue a declaration of a public 4599
exigency on the executive director's own initiative or upon the 4600

request of the director of any state agency, a state institution 4601
of higher education as defined in division (A)(1) of section 4602
3345.12 of the Revised Code, or any other state instrumentality. 4603
The executive director's declaration shall identify the specific 4604
injury, obstruction, or danger that is the subject of the 4605
declaration and shall set forth a dollar limitation for the 4606
repair, removal, or prevention of that exigency under the 4607
declaration. 4608

Before any project to repair, remove, or prevent a public 4609
exigency under the executive director's declaration may begin, 4610
the executive director shall send notice of the project, in 4611
writing, to the director of budget and management and to the 4612
members of the controlling board. That notice shall detail the 4613
project to be undertaken to address the public exigency and 4614
shall include a copy of the executive director's declaration 4615
that establishes the monetary limitations on that project. 4616

Sec. 123.21. (A) The Ohio facilities construction 4617
commission may perform any act and ensure the performance of any 4618
function necessary or appropriate to carry out the purposes of, 4619
and exercise the powers granted under this chapter or any other 4620
provision of the Revised Code, including any of the following: 4621

(1) Except as otherwise provided in section 123.211 of the 4622
Revised Code, prepare, or contract to be prepared, by licensed 4623
engineers or architects, surveys, general and detailed plans, 4624
specifications, bills of materials, and estimates of cost for 4625
any projects, improvements, or public buildings to be 4626
constructed by state agencies that may be authorized by 4627
legislative appropriations or any other funds made available 4628
therefor, provided that the construction of the projects, 4629
improvements, or public buildings is a statutory duty of the 4630

commission. This section does not require the independent 4631
employment of an architect or engineer as provided by section 4632
153.01 of the Revised Code in the cases to which section 153.01 4633
of the Revised Code applies. This section does not affect or 4634
alter the existing powers of the director of transportation. 4635

(2) Except as otherwise provided in section 123.211 of the 4636
Revised Code, have general supervision over the construction of 4637
any projects, improvements, or public buildings constructed for 4638
a state agency and over the inspection of materials prior to 4639
their incorporation into those projects, improvements, or 4640
buildings. 4641

(3) Except as otherwise provided in section 123.211 of the 4642
Revised Code, make contracts for and supervise the design and 4643
construction of any projects and improvements or the 4644
construction and repair of buildings under the control of a 4645
state agency. All such contracts may be based in whole or in 4646
part on the unit price or maximum estimated cost, with payment 4647
computed and made upon actual quantities or units. 4648

(4) Adopt, amend, and rescind rules pertaining to the 4649
administration of the construction of the public works of the 4650
state as required by law, in accordance with Chapter 119. of the 4651
Revised Code. 4652

(5) Contract with, retain the services of, or designate, 4653
and fix the compensation of, such agents, accountants, 4654
consultants, advisers, and other independent contractors as may 4655
be necessary or desirable to carry out the programs authorized 4656
under this chapter, or authorize the executive director to 4657
perform such powers and duties. 4658

(6) Receive and accept any gifts, grants, donations, and 4659

pledges, and receipts therefrom, to be used for the programs 4660
authorized under this chapter. 4661

(7) Make and enter into all contracts, commitments, and 4662
agreements, and execute all instruments, necessary or incidental 4663
to the performance of its duties and the execution of its rights 4664
and powers under this chapter, or authorize the executive 4665
director to perform such powers and duties. 4666

(8) Debar a contractor as provided in section 153.02 of 4667
the Revised Code. 4668

(9) Enter into and administer cooperative agreements for 4669
cultural projects, as provided in sections 123.28 and 123.281 of 4670
the Revised Code. 4671

(B) The following contracts awarded by competitive 4672
selection by the commission under this section are not subject 4673
to controlling board approval under section 127.16 of the 4674
Revised Code: 4675

(1) Construction management services contracts under 4676
sections 9.33 to 9.335 of the Revised Code; 4677

(2) Professional design services contracts under sections 4678
153.65 to 153.691 of the Revised Code; 4679

(3) Criteria architect or engineer services contracts 4680
under section 153.692 of the Revised Code; 4681

(4) Design-build services contracts under section 153.693 4682
of the Revised Code; 4683

(5) Integrated project delivery services contracts under 4684
section 153.695 of the Revised Code. 4685

(C) The commission shall appoint and fix the compensation 4686

of an executive director who shall serve at the pleasure of the 4687
commission. The executive director shall supervise the 4688
operations of the commission and perform such other duties as 4689
delegated by the commission. The executive director also shall 4690
employ and fix the compensation of such employees as will 4691
facilitate the activities and purposes of the commission, who 4692
shall serve at the pleasure of the executive director. The 4693
employees of the commission are exempt from Chapter 4117. of the 4694
Revised Code and are not considered public employees as defined 4695
in section 4117.01 of the Revised Code. Any agreement entered 4696
into prior to July 1, 2012, between the office of collective 4697
bargaining and the exclusive representative for employees of the 4698
commission is binding and shall continue to have effect. 4699

~~(C)~~ (D) The attorney general shall serve as the legal 4700
representative for the commission and may appoint other counsel 4701
as necessary for that purpose in accordance with section 109.07 4702
of the Revised Code. 4703

~~(D)~~ (E) Purchases for, and the custody and repair of, 4704
buildings under the management and control of the capitol square 4705
review and advisory board are not subject to the control and 4706
jurisdiction of the Ohio facilities construction commission. 4707

Sec. 123.211. (A) Notwithstanding any contrary provision 4708
of section 123.21 of the Revised Code, the executive director of 4709
the Ohio facilities construction commission may authorize any of 4710
the following agencies to administer any capital facilities 4711
project, the estimated cost of which, including design fees, 4712
construction, equipment, and contingency amounts, is less than 4713
three million dollars: 4714

(1) The department of mental health and addiction 4715
services; 4716

(2) The department of developmental disabilities;	4717
(3) The department of agriculture;	4718
(4) The department of job and family services;	4719
(5) The department of rehabilitation and correction;	4720
(6) The department of youth services;	4721
(7) The department of public safety;	4722
(8) The department of transportation;	4723
(9) The department of veterans services;	4724
(10) The bureau of workers' compensation;	4725
(11) The department of administrative services;	4726
(12) Ohio deaf and blind education services.	4727
(B) A state agency that wishes to administer a project	4728
under division (A) of this section shall submit a request for	4729
authorization through the Ohio administrative knowledge system	4730
capital improvements application. Upon the release of funds for	4731
the projects by the controlling board or the director of budget	4732
and management. <u>If approved</u> , the agency may administer the capital	4733
project or projects for which agency administration has been	4734
authorized without the supervision, control, or approval of the	4735
executive director of the Ohio facilities construction	4736
commission.	4737
(C) A state agency authorized by the executive director of	4738
the Ohio facilities construction commission to administer	4739
capital facilities projects pursuant to this section shall	4740
comply with the applicable procedures and guidelines established	4741
in Chapter 153. of the Revised Code and shall track all project	4742
information in the Ohio administrative knowledge system capital	4743

improvements application pursuant to Ohio facilities 4744
construction commission guidelines. 4745

Sec. 123.28. As used in this section and in ~~section~~ 4746
sections 123.281 and 123.282 of the Revised Code: 4747

(A) "Culture" means any of the following: 4748

(1) Visual, musical, dramatic, graphic, design, and other 4749
arts, including, but not limited to, architecture, dance, 4750
literature, motion pictures, music, painting, photography, 4751
sculpture, and theater, and the provision of training or 4752
education in these arts; 4753

(2) The presentation or making available, in museums or 4754
other indoor or outdoor facilities, of principles of science and 4755
their development, use, or application in business, industry, or 4756
commerce or of the history, heritage, development, presentation, 4757
and uses of the arts described in division (A)(1) of this 4758
section and of transportation; 4759

(3) The preservation, presentation, or making available of 4760
features of archaeological, architectural, environmental, or 4761
historical interest or significance in a state historical 4762
facility or a local historical facility. 4763

(B) "Cultural organization" means either of the following: 4764

(1) A governmental agency or Ohio nonprofit corporation, 4765
including the Ohio history connection, that provides programs or 4766
activities in areas directly concerned with culture; 4767

(2) A regional arts and cultural district as defined in 4768
section 3381.01 of the Revised Code. 4769

(C) "Cultural project" means all or any portion of an Ohio 4770
cultural facility for which the general assembly has made an 4771

appropriation or has specifically authorized the spending of 4772
money or the making of rental payments relating to the financing 4773
of construction. 4774

(D) "Cooperative use agreement" means a contract between 4775
the Ohio facilities construction commission and a cultural 4776
organization providing the terms and conditions of the 4777
cooperative use of an Ohio cultural facility. 4778

(E) "Costs of operation" means amounts required to manage 4779
an Ohio cultural facility that are incurred following the 4780
completion of construction of its cultural project, provided 4781
that both of the following apply: 4782

(1) Those amounts either: 4783

(a) Have been committed to a fund dedicated to that 4784
purpose; 4785

(b) Equal the principal of any endowment fund, the income 4786
from which is dedicated to that purpose. 4787

(2) The commission and the cultural organization have 4788
executed an agreement with respect to either of those funds. 4789

(F) "Governmental agency" means a state agency, a state 4790
institution of higher education as defined in section 3345.12 of 4791
the Revised Code, a municipal corporation, county, township, or 4792
school district, a port authority created under Chapter 4582. of 4793
the Revised Code, any other political subdivision or special 4794
district in this state established by or pursuant to law, or any 4795
combination of these entities; except where otherwise indicated, 4796
the United States or any department, division, or agency of the 4797
United States, or any agency, commission, or authority 4798
established pursuant to an interstate compact or agreement. 4799

(G) "Local contributions" means the value of an asset 4800
provided by or on behalf of a cultural organization from sources 4801
other than the state, the value and nature of which shall be 4802
approved by the Ohio facilities construction commission, in its 4803
sole discretion. "Local contributions" may include the value of 4804
the site where a cultural project is to be constructed. All 4805
"local contributions," except a contribution attributable to 4806
such a site, shall be for the costs of construction of a 4807
cultural project or the creation or expansion of an endowment 4808
for the costs of operation of a cultural facility. 4809

(H) "Local historical facility" means a site or facility, 4810
other than a state historical facility, of archaeological, 4811
architectural, environmental, or historical interest or 4812
significance, or a facility, including a storage facility, 4813
appurtenant to the operations of such a site or facility, that 4814
is owned by a cultural organization and is used for or in 4815
connection with cultural activities, including the presentation 4816
or making available of culture to the public. 4817

(I) "Manage," "operate," or "management" means the 4818
provision of, or the exercise of control over the provision of, 4819
activities: 4820

(1) Relating to culture for an Ohio cultural facility, 4821
including as applicable, but not limited to, providing for 4822
displays, exhibitions, specimens, and models; booking of 4823
artists, performances, or presentations; scheduling; and hiring 4824
or contracting for directors, curators, technical and scientific 4825
staff, ushers, stage managers, and others directly related to 4826
the cultural activities in the facility; but not including 4827
general building services; 4828

(2) Relating to sports and athletic events for an Ohio 4829

sports facility, including as applicable, but not limited to, 4830
providing for booking of athletes, teams, and events; 4831
scheduling; and hiring or contracting for staff, ushers, 4832
managers, and others directly related to the sports and athletic 4833
events in the facility; but not including general building 4834
services. 4835

(J) "Ohio cultural facility" means any of the following: 4836

(1) The theaters located in the state office tower at 77 4837
South High street in Columbus; 4838

(2) Any cultural facility in this state that is managed 4839
directly by, or is subject to a cooperative use or management 4840
agreement with, the Ohio facilities construction commission. 4841

(3) A state historical facility or a local historical 4842
facility. 4843

(K) "Construction" includes acquisition, including 4844
acquisition by lease-purchase, demolition, reconstruction, 4845
alteration, renovation, remodeling, enlargement, improvement, 4846
site improvements, and related equipping and furnishing. 4847

(L) "State historical facility" means a site or facility 4848
that has all of the following characteristics: 4849

(1) It is created, supervised, operated, protected, 4850
maintained, and promoted by the Ohio history connection pursuant 4851
to the Ohio history connection's performance of public functions 4852
under sections 149.30 and 149.302 of the Revised Code. 4853

(2) Its title must reside wholly or in part with the 4854
state, the Ohio history connection, or both the state and the 4855
Ohio history connection. 4856

(3) It is managed directly by or is subject to a 4857

cooperative use or management agreement with the Ohio facilities 4858
construction commission and is used for or in connection with 4859
cultural activities, including the presentation or making 4860
available of culture to the public. 4861

(M) "Ohio sports facility" means all or a portion of a 4862
stadium, arena, tennis facility, motorsports complex, or other 4863
capital facility in this state. A primary purpose of the 4864
facility shall be to provide a site or venue for the 4865
presentation to the public of motorsports events, professional 4866
tennis tournaments, or events of one or more major or minor 4867
league professional athletic or sports teams that are associated 4868
with the state or with a city or region of the state. The 4869
facility shall be, in the case of a motorsports complex, owned 4870
by the state or governmental agency, or in all other instances, 4871
owned by or located on real property owned by the state or a 4872
governmental agency, and includes all parking facilities, 4873
walkways, and other auxiliary facilities, equipment, 4874
furnishings, and real and personal property and interests and 4875
rights therein, that may be appropriate for or used for or in 4876
connection with the facility or its operation, for capital costs 4877
of which state funds are spent pursuant to this section and 4878
section 123.281 of the Revised Code. A facility constructed as 4879
an Ohio sports facility may be both an Ohio cultural facility 4880
and an Ohio sports facility. 4881

(N) "Motorsports" means sporting events in which motor 4882
vehicles are driven on a clearly demarcated tracked surface. 4883

(O) "Professional sports franchise" means a member of the 4884
national football league, women's national football conference, 4885
women's football alliance, women's football league association, 4886
national hockey league, professional women's hockey league, 4887

major league baseball, women's professional baseball league, 4888
major league soccer, national women's soccer league, national 4889
basketball association, or the women's national basketball 4890
association, or a successor of such an entity. 4891

(P) "Major sports facility" means an Ohio sports facility 4892
that meets all of the following criteria: 4893

(1) A primary purpose of the sports facility is to provide 4894
a site or venue for the presentation of events of a professional 4895
sports franchise that is committed to playing a majority of the 4896
franchise's home games at the sports facility for a period of at 4897
least thirty years after completion of the construction or 4898
renovation of the sports facility. 4899

(2) The initial total estimated construction cost to be 4900
incurred in connection with the construction of the sports 4901
facility, excluding any site acquisition cost, is greater than 4902
one billion dollars, or if the project is for renovation of an 4903
existing facility, the total estimated renovation cost is 4904
greater than one hundred million dollars. 4905

(3) At least sixty per cent of the total project cost has 4906
been secured from sources other than state funds. 4907

(Q) "Major sports facility mixed-use project" means the 4908
following, as applicable: 4909

(1) A mixed-use project that does all of the following: 4910

(a) Includes the construction of a major sports facility; 4911

(b) Integrates some combination of retail, office, hotel, 4912
residential, recreation, structured parking, or other similar 4913
uses into one or more mixed-use developments; 4914

(c) Has secured project funding from sources other than 4915

state funds of at least sixty per cent of the total project 4916
cost; 4917

(d) Is expected to generate increased state tax revenues 4918
pursuant to state taxes levied under Chapters 5739., 5741., 4919
5747., and 5751. of the Revised Code. 4920

(2) A major sports facility mixed-use project also may 4921
include any of the following: 4922

(a) Other projects supporting or relating to the major 4923
sports facility or the professional sports franchise 4924
constructing, renovating, or using the major sports facility, 4925
including portions of the project located on parcels of property 4926
that are noncontiguous with the primary site of the major sports 4927
facility mixed-use project, if the property is within the state, 4928
under the control of the professional sports franchise or the 4929
franchise's affiliated entities or joint venture partners, and 4930
is within a ten-mile radius of the major sports facility; 4931

(b) Any mixed-use project adjacent or otherwise relating 4932
to practice facilities for the professional sports franchise; 4933

(c) Conference centers, concert, or other entertainment 4934
venues and facilities; 4935

(d) Retail, food, restaurant, and beverage facilities, 4936
whether fixed or mobile; 4937

(e) Parks and other public open spaces or facilities; 4938

(f) Related on-site infrastructure necessary or desirable 4939
for all such elements for the major sports facility mixed-use 4940
project. 4941

(R) "Minor league sports facility" means an Ohio sports 4942
facility that meets all of the following requirements: 4943

(1) The facility's primary purpose is to provide a site or 4944
venue for the presentation of events of a minor league sports 4945
franchise that is officially affiliated as a developmental 4946
league for a professional sports franchise, or is an independent 4947
team that pays players and that meets criteria to be established 4948
by the Ohio advisory committee for sports facility construction 4949
and youth sports education under section 123.282 of the Revised 4950
Code, and that is committed to playing a majority of home games 4951
at the sports facility for a period of fifteen years after 4952
completion of the construction or renovation of the sports 4953
facility. 4954

(2) The initial total estimated construction cost to be 4955
incurred in connection with the construction of the sports 4956
facility, excluding any site acquisition cost, is greater than 4957
fifty million dollars, or if the project is for renovation of an 4958
existing facility, the total estimated renovation cost is 4959
greater than ten million dollars. 4960

(3) At least sixty per cent of the total project cost has 4961
been secured from sources other than state funds. 4962

(S) "Youth sports education" means programs, instruction, 4963
or facilities that are primarily designed for use by Ohio 4964
students and that seek to encourage, teach, or enable lifelong 4965
health, physical readiness, and sports knowledge, including 4966
programs in public and chartered nonpublic schools and programs 4967
administered by nonprofit organizations that encourage outdoor 4968
physical activity and education, as approved by the advisory 4969
committee. However, "youth sports education" does not include 4970
the use of funds to construct public school facilities. 4971

Sec. 123.281. (A) The Ohio facilities construction 4972
commission shall provide for the construction of a cultural 4973

project in conformity with Chapter 153. of the Revised Code, 4974
except for construction services provided on behalf of the state 4975
by a governmental agency or a cultural organization in 4976
accordance with divisions (B) and (C) of this section. 4977

(B) In order for a governmental agency or a cultural 4978
organization to provide construction services on behalf of the 4979
state for a cultural project, other than a state historical 4980
facility, for which the general assembly has made an 4981
appropriation or specifically authorized the spending of money 4982
or the making of rental payments relating to the financing of 4983
the construction, the governmental agency or cultural 4984
organization shall submit to the Ohio facilities construction 4985
commission a cooperative use agreement that includes, but is not 4986
limited to, provisions that: 4987

(1) Specify how the proposed project will support culture; 4988

(2) Specify that the governmental agency or cultural 4989
organization has local contributions amounting to not less than 4990
fifty per cent of the total state funding for the cultural 4991
project; 4992

(3) Specify that the funds shall be used only for 4993
construction; 4994

(4) Identify the facility to be constructed, renovated, 4995
remodeled, or improved; 4996

(5) Specify that the project scope meets the intent and 4997
purpose of the project appropriation and that the project can be 4998
completed and ready to support culture without exceeding 4999
appropriated funds; 5000

(6) Specify that the governmental agency or cultural 5001
organization shall hold the Ohio facilities construction 5002

commission harmless from all liability for the operation and 5003
maintenance costs of the facility; 5004

(7) Specify that the agreement or any actions taken under 5005
it are not subject to Chapter 123. or 153. of the Revised Code, 5006
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 5007
and 153.011 of the Revised Code, and are subject to Chapter 5008
4115. of the Revised Code; and 5009

(8) Provide that amendments to the agreement shall require 5010
the approval of the Ohio facilities construction commission. 5011

(C) In order for a cultural organization to provide 5012
construction services on behalf of the state for a state 5013
historical facility for which the general assembly has made an 5014
appropriation or specifically authorized the spending of money 5015
or the making of rental payments relating to the financing of 5016
the construction, the cultural organization shall submit to the 5017
Ohio facilities construction commission a cooperative use 5018
agreement that includes, but is not limited to, provisions that: 5019

(1) Specify how the proposed project will support culture; 5020

(2) Specify that the funds shall be used only for 5021
construction; 5022

(3) Specify that not more than three per cent of the funds 5023
may be used by the cultural organization to administer the 5024
project; 5025

(4) Identify the facility to be constructed, renovated, 5026
remodeled, or improved; 5027

(5) Specify that the project scope meets the intent and 5028
purpose of the project appropriation and that the project can be 5029
completed and ready to support culture without exceeding 5030

appropriated funds; 5031

(6) Specify that the cultural organization shall hold the 5032
Ohio facilities construction commission harmless from all 5033
liability for the operation and maintenance costs of the 5034
facility; 5035

(7) Specify that the agreement or any actions taken under 5036
it are not subject to Chapter 123., 153., or 4115. of the 5037
Revised Code, except for sections 123.20, 123.201, 123.21, 5038
123.28, and 123.281 of the Revised Code; and 5039

(8) Provide that amendments to the agreement shall require 5040
the approval of the Ohio facilities construction commission. 5041

(D) For an Ohio sports facility that is financed in part 5042
by obligations issued under Chapter 154. of the Revised Code, 5043
construction services shall be provided on behalf of the state 5044
by or at the direction of the governmental agency or nonprofit 5045
corporation that will own or be responsible for the management 5046
of the facility. Any construction services to be provided by a 5047
governmental agency or nonprofit corporation shall be specified 5048
in a cooperative use agreement between the Ohio facilities 5049
construction commission and the governmental agency or nonprofit 5050
corporation. The agreement and any actions taken under it are 5051
not subject to Chapter 123. or 153. of the Revised Code, except 5052
for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 5053
153.011 of the Revised Code, and are subject to Chapter 4115. of 5054
the Revised Code. 5055

(E) State funds shall not be used to pay or reimburse more 5056
than fifteen per cent of the initial estimated construction cost 5057
of an Ohio sports facility, excluding any site acquisition cost, 5058
and no state funds, including any state bond proceeds, shall be 5059

spent on any Ohio sports facility under this chapter unless, 5060
with respect to that facility, all of the following apply: 5061

(1) The Ohio facilities construction commission has 5062
received a financial and development plan satisfactory to it, 5063
and provision has been made, by agreement or otherwise, 5064
satisfactory to the commission, for a contribution amounting to 5065
not less than eighty-five per cent of the total estimated 5066
construction cost of the facility, excluding any site 5067
acquisition cost, from sources other than the state. 5068

(2) The general assembly has specifically authorized the 5069
spending of money on, or made an appropriation for, the 5070
construction of the facility, or for rental payments relating to 5071
state financing of all or a portion of the costs of constructing 5072
the facility. Authorization to spend money, or an appropriation, 5073
for planning or determining the feasibility of or need for the 5074
facility does not constitute authorization to spend money on, or 5075
an appropriation for, costs of constructing the facility. 5076

(3) If state bond proceeds are being used for the Ohio 5077
sports facility, the state or a governmental agency owns or has 5078
sufficient property interests in the facility or in the site of 5079
the facility or in the portion or portions of the facility 5080
financed from proceeds of state bonds, which may include, but is 5081
not limited to, the right to use or to require the use of the 5082
facility for the presentation of sport and athletic events to 5083
the public at the facility. 5084

(F) In addition to the requirements of division (E) of 5085
this section, no state funds, including any state bond proceeds, 5086
shall be spent on any Ohio sports facility that is a motorsports 5087
complex, unless, with respect to that facility, both of the 5088
following apply: 5089

(1) Motorsports events shall be presented at the facility 5090
pursuant to a lease entered into with the owner of the facility. 5091
The term of the lease shall be for a period of not less than the 5092
greater of the useful life of the portion of the facility 5093
financed from proceeds of state bonds as determined using the 5094
guidelines for maximum maturities as provided under divisions 5095
(B) and (C) of section 133.20 of the Revised Code, or the period 5096
of time remaining to the date of payment or provision for 5097
payment of outstanding state bonds allocable to costs of the 5098
facility, all as determined by the director of budget and 5099
management and certified by the executive director of the Ohio 5100
facilities construction commission and to the treasurer of 5101
state. 5102

(2) Any motorsports organization that commits to using the 5103
facility for an established period of time shall give the 5104
political subdivision in which the facility is located not less 5105
than six months' advance notice if the organization intends to 5106
cease utilizing the facility prior to the expiration of that 5107
established period. Such a motorsports organization shall be 5108
liable to the state for any state funds used on the construction 5109
costs of the facility. 5110

(G) In addition to the requirements of division (E) of 5111
this section, no state bond proceeds shall be spent on any Ohio 5112
sports facility that is a tennis facility, unless the owner or 5113
manager of the facility provides contractual commitments from a 5114
national or international professional tennis organization in a 5115
form acceptable to the Ohio facilities construction commission 5116
that assures that one or more sanctioned professional tennis 5117
events will be presented at the facility during each year that 5118
the bonds remain outstanding. 5119

(H) The Ohio facilities construction commission shall 5120
administer the sports facilities construction and sports 5121
education fund created under division (A) (5) of section 5753.031 5122
of the Revised Code. 5123

Proceeds of the sports facilities construction and sports 5124
education fund shall support construction and renovation of 5125
major sports facilities and minor league sports facilities 5126
throughout the state for the economic benefit of the state, and 5127
to support youth sports education, in accordance with section 5128
123.282 of the Revised Code. 5129

Sec. 123.282. (A) The Ohio advisory committee for sports 5130
facility construction and youth sports education is created. The 5131
committee shall evaluate and approve projects to be supported by 5132
the sports facilities construction and sports education fund 5133
created under division (A) (5) of section 5753.031 of the Revised 5134
Code and administered by the Ohio facilities construction 5135
commission in accordance with this section and division (H) of 5136
section 123.281 of the Revised Code. 5137

(B) The committee shall consist of the following members: 5138

(1) The executive director of the Ohio facilities 5139
construction commission, who shall serve as the chair; 5140

(2) Two members appointed by the governor; 5141

(3) One member appointed by the speaker of the house of 5142
representatives; 5143

(4) One member appointed by the minority leader of the 5144
house of representatives; 5145

(5) One member appointed by the president of the senate; 5146

(6) One member appointed by the minority leader of the 5147

senate. 5148

The members shall serve at the pleasure of the appointing 5149
authority. Members who are members of the public shall be paid a 5150
per diem rate of five hundred dollars a day on days in which the 5151
committee meets. All members shall receive any actual and 5152
necessary expenses. 5153

(C) No member of the committee shall have any financial 5154
interest in, contract with, represent, advise, or be employed by 5155
any professional sports franchise or professional sports league 5156
within one year before appointment, during the time of 5157
appointment, or for two years after appointment, and shall file 5158
a disclosure statement with the Ohio ethics commission, or with 5159
the joint legislative ethics committee in the case of the 5160
members appointed by members of the general assembly, under 5161
section 102.02 of the Revised Code, before voting on any matter. 5162
A member may purchase tickets, season tickets, or engage in 5163
another generally available transaction with a professional 5164
sports franchise or professional sports league, if the purchase 5165
or transaction is at arm's length and at the same price as 5166
generally available to the public. 5167

(D) All projects supported by the fund shall be evaluated 5168
and approved by a majority vote of the committee. The committee 5169
shall recommend policies and procedures for the administration 5170
of the fund for review and adoption by the Ohio facilities 5171
construction commission. The committee shall prioritize all of 5172
the following: 5173

(1) The economic development of communities in this state 5174
through the support of major sports facilities, major sports 5175
facility mixed-use projects, and minor league sports facilities; 5176

(2) The support of youth sports education to encourage 5177
lifelong health, physical readiness, and sports knowledge for 5178
students in grades kindergarten through twelve; 5179

(3) Facilities and programs that teach or enable training 5180
in team or individual sports, including endurance sports, 5181
aquatic sports, cold weather sports, or martial arts. Facilities 5182
and programs may include publicly accessible indoor and outdoor 5183
tracks, year-round aquatic centers, ice arenas, and indoor field 5184
houses. 5185

(E) The director of education and workforce, the director 5186
of public safety, the director of health, and the adjutant 5187
general shall advise the committee on what skills, facilities, 5188
and programs are necessary for youth sports education and shall 5189
publish, as needed, standards for youth sports education for 5190
students in grades kindergarten through twelve. For students in 5191
grades eleven and twelve, the standards shall promote physical 5192
readiness for individuals to satisfactorily complete the 5193
physical fitness requirements of the peace officer basic 5194
training program and the army combat fitness test. 5195

(F) The committee may recommend criteria to the Ohio 5196
facilities construction commission to establish, and the 5197
commission may implement, a grant program that facilitates the 5198
ability of communities in this state to secure major sporting 5199
events to benefit the economic growth of the state using funds 5200
from the sports facilities construction and sports education 5201
fund. The committee also may recommend to the tax commissioner 5202
the creation of tax credits to support youth sports education. 5203

Sec. 124.02. The director of administrative services and 5204
the state personnel board of review shall exercise all 5205
functions, powers, and duties that ~~formerly~~, on or before 5206

January 1, 1959, were by law actually devolved upon, vested in, 5207
and imposed upon the state civil service commission and the 5208
offices of commissioners and members and upon their employees, 5209
agents, and representatives. 5210

~~Whenever in any law or rule of this state or any political 5211
subdivision, "state civil service commission," "commission," 5212
"commissioner" or "member," meaning the state civil service 5213
commission or the offices of commissioners or members of said 5214
commission, is used, such terms shall be construed as referring- 5215
to the department of administrative services, the director of- 5216
administrative services, the state personnel board of review, or 5217
the members of the state personnel board of review, as this 5218
chapter may require. 5219~~

Sec. 124.07. (A) The director of administrative services 5220
shall appoint examiners, inspectors, clerks, and other 5221
assistants as necessary to carry out sections 124.01 to 124.64 5222
of the Revised Code. ~~The director may designate persons in or 5223
out of the service of the state to serve as examiners or 5224
assistants under the director's direction. An examiner or 5225
assistant shall receive the compensation for each day actually- 5226
and necessarily spent in the discharge of duties as an examiner- 5227
or assistant that the director determines; provided that, if the 5228
examiner or assistant is in the service of the state or any 5229
political subdivision of the state, it shall be a part of the 5230
examiner's or assistant's official duties to render those 5231
services in connection with an examination without extra- 5232
compensation. 5233~~

(B) Each state agency shall pay the cost of the services 5234
and facilities furnished to it by the department of 5235
administrative services that are necessary to provide and 5236

maintain payroll services as prescribed in section 125.21 of the 5237
Revised Code and state merit standards as prescribed in sections 5238
124.01 to 124.64 of the Revised Code for the agency. ~~If a state-~~ 5239
~~supported college or university or a municipal corporation~~ 5240
~~chooses to use the services and facilities furnished by the~~ 5241
~~department that are necessary to provide and maintain the~~ 5242
~~services and standards so prescribed, the state-supported~~ 5243
~~college or university or municipal corporation shall pay the~~ 5244
~~cost of the services and facilities that the department~~ 5245
~~furnishes to it.~~ The charges against a state agency, ~~a state-~~ 5246
~~supported college or university, or a municipal corporation~~ 5247
shall be computed on a reasonable cost basis in accordance with 5248
procedures prescribed by the director of budget and management. 5249
Any moneys the department receives from a state agency, ~~a state-~~ 5250
~~supported college or university, or a municipal corporation~~ 5251
under this division that are in excess of the amount necessary 5252
to pay the cost of furnishing the department's services and 5253
facilities during any fiscal year shall be either refunded to or 5254
credited for the ensuing fiscal year to the state agency, ~~the~~ 5255
~~state-supported college or university, or the municipal~~ 5256
~~corporation.~~ 5257

(C) ~~The director of administrative services may enter into~~ 5258
~~an agreement with any county, municipal corporation, or other~~ 5259
~~political subdivision to furnish services and facilities of the~~ 5260
~~department in the administration of a merit program or other~~ 5261
~~functions related to human resources that include, but are not~~ 5262
~~limited to, providing competitive examinations for positions in~~ 5263
~~the classified service. The agreement shall provide that the~~ 5264
~~department shall be reimbursed for the reasonable costs of those~~ 5265
~~services and facilities as determined by the director.~~ 5266

~~(D)~~ All moneys received by the department as reimbursement 5267

for a merit program or other human resources services performed 5268
and facilities furnished under this section, such as competitive 5269
examinations administered, shall be paid into the state treasury 5270
to the credit of the human resources services fund, which is 5271
hereby created. 5272

~~(E) In counties of the state in which are located cities 5273
having municipal civil service commissions, the director of 5274
administrative services may designate the municipal civil 5275
service commission of the largest city within the county as the 5276
director's agent for the purpose of carrying out the provisions 5277
of sections 124.01 to 124.64 of the Revised Code, within the 5278
county, that the director designates. Each municipal civil 5279
service commission designated as an agent of the director shall 5280
render to the director, at the end of each month, an itemized 5281
statement of the cost incurred by the commission for work done 5282
as the agent of the director, and the director, after approving 5283
that statement, shall pay the total amount of it to the 5284
treasurer of the municipal corporation in the same manner as 5285
other expenses of the department of administrative services. 5286~~

~~(F) The director of administrative services and the 5287
examiners, inspectors, clerks, and assistants referred to in 5288
this section shall receive, in addition to their salaries, 5289
reimbursement for necessary traveling and other expenses 5290
incurred in the actual discharge of their official duties. The 5291
director may also incur the necessary expenses for stationery, 5292
printing, and other supplies incident to the business of the 5293
department. 5294~~

Sec. 124.11. The civil service of the state and the 5295
several counties, cities, civil service townships, city health 5296
districts, general health districts, and city school districts 5297

of the state shall be divided into the unclassified service and 5298
the classified service. 5299

(A) The unclassified service shall comprise the following 5300
positions, which shall not be included in the classified 5301
service, and which shall be exempt from all examinations 5302
required by this chapter: 5303

(1) All officers elected by popular vote or persons 5304
appointed to fill vacancies in those offices; 5305

(2) All election officers as defined in section 3501.01 of 5306
the Revised Code; 5307

(3) (a) The members of all boards and commissions, and 5308
heads of principal departments, boards, and commissions 5309
appointed by the governor or by and with the governor's consent; 5310

(b) The heads of all departments appointed by a board of 5311
county commissioners; 5312

(c) The members of all boards and commissions and all 5313
heads of departments appointed by the mayor, or, if there is no 5314
mayor, such other similar chief appointing authority of any city 5315
or city school district; 5316

Except as otherwise provided in division (A) (17) or (C) of 5317
this section, this chapter does not exempt the chiefs of police 5318
departments and chiefs of fire departments of cities or civil 5319
service townships from the competitive classified service. 5320

(4) The members of county or district licensing boards or 5321
commissions and boards of revision, and not more than five 5322
deputy county auditors; 5323

(5) All officers and employees elected or appointed by 5324
either or both branches of the general assembly, and employees 5325

of the city legislative authority engaged in legislative duties; 5326

(6) All commissioned, warrant, and noncommissioned 5327
officers and enlisted persons in the Ohio organized militia, 5328
including military appointees in the adjutant general's 5329
department; 5330

(7) (a) All presidents, business managers, administrative 5331
officers, superintendents, assistant superintendents, 5332
principals, deans, assistant deans, instructors, teachers, and 5333
such employees as are engaged in educational or research duties 5334
connected with the public school system, colleges, and 5335
universities, as determined by the governing body of the public 5336
school system, colleges, and universities; 5337

(b) The library staff of any library in the state 5338
supported wholly or in part at public expense. 5339

(8) Four clerical and administrative support employees for 5340
each of the elective state officers, four clerical and 5341
administrative support employees for each board of county 5342
commissioners and one such employee for each county 5343
commissioner, and four clerical and administrative support 5344
employees for other elective officers and each of the principal 5345
appointive executive officers, boards, or commissions, except 5346
for civil service commissions, that are authorized to appoint 5347
such clerical and administrative support employees; 5348

(9) The deputies and assistants of state agencies 5349
authorized to act for and on behalf of the agency, or holding a 5350
fiduciary or administrative relation to that agency and those 5351
persons employed by and directly responsible to elected county 5352
officials or a county administrator and holding a fiduciary or 5353
administrative relationship to such elected county officials or 5354

county administrator, and the employees of such county officials 5355
whose fitness would be impracticable to determine by competitive 5356
examination, provided that division (A) (9) of this section shall 5357
not affect those persons in county employment in the classified 5358
service as of September 19, 1961. Nothing in division (A) (9) of 5359
this section applies to any position in a county department of 5360
job and family services created pursuant to Chapter 329. of the 5361
Revised Code. 5362

(10) Bailiffs, constables, official stenographers, and 5363
commissioners of courts of record, deputies of clerks of the 5364
courts of common pleas who supervise or who handle public moneys 5365
or secured documents, and such officers and employees of courts 5366
of record and such deputies of clerks of the courts of common 5367
pleas as the appointing authority finds it impracticable to 5368
determine their fitness by competitive examination; 5369

(11) Assistants to the attorney general, special counsel 5370
appointed or employed by the attorney general, assistants to 5371
county prosecuting attorneys, and assistants to city directors 5372
of law; 5373

(12) Such teachers and employees in the agricultural 5374
experiment stations; such students in normal schools, colleges, 5375
and universities of the state who are employed by the state or a 5376
political subdivision of the state in student or intern 5377
classifications; and such unskilled labor positions as the 5378
director of administrative services, with respect to positions 5379
in the service of the state, or any municipal civil service 5380
commission may find it impracticable to include in the 5381
competitive classified service; provided such exemptions shall 5382
be by order of the commission or the director, duly entered on 5383
the record of the commission or the director with the reasons 5384

for each such exemption; 5385

(13) Any physician or dentist who is a full-time employee 5386
of the department of mental health and addiction services, the 5387
department of developmental disabilities, or an institution 5388
under the jurisdiction of either department; and physicians who 5389
are in residency programs at the institutions; 5390

(14) Up to twenty positions at each institution under the 5391
jurisdiction of the department of mental health and addiction 5392
services or the department of developmental disabilities that 5393
the department director determines to be primarily 5394
administrative or managerial; and up to fifteen positions in any 5395
division of either department, excluding administrative 5396
assistants to the director and division chiefs, which are within 5397
the immediate staff of a division chief and which the director 5398
determines to be primarily and distinctively administrative and 5399
managerial; 5400

(15) Noncitizens of the United States employed by the 5401
state, or its counties or cities, as physicians or nurses who 5402
are duly licensed to practice their respective professions under 5403
the laws of this state, or medical assistants, in mental or 5404
chronic disease hospitals, or institutions; 5405

(16) Employees of the governor's office; 5406

(17) Fire chiefs and chiefs of police in civil service 5407
townships appointed by boards of township trustees under section 5408
505.38 or 505.49 of the Revised Code; 5409

(18) Executive directors, deputy directors, and program 5410
directors employed by boards of alcohol, drug addiction, and 5411
mental health services under Chapter 340. of the Revised Code, 5412
and secretaries of the executive directors, deputy directors, 5413

and program directors; 5414

(19) Superintendents, and management employees as defined 5415
in section 5126.20 of the Revised Code, of county boards of 5416
developmental disabilities; 5417

(20) Physicians, nurses, and other employees of a county 5418
hospital who are appointed pursuant to sections 339.03 and 5419
339.06 of the Revised Code; 5420

(21) The executive director of the state medical board, 5421
who is appointed pursuant to division (B) of section 4731.05 of 5422
the Revised Code; 5423

(22) County directors of job and family services as 5424
provided in section 329.02 of the Revised Code and 5425
administrators appointed under section 329.021 of the Revised 5426
Code; 5427

(23) A director of economic development who is hired 5428
pursuant to division (A) of section 307.07 of the Revised Code; 5429

(24) Chiefs of construction and compliance, of operations 5430
and maintenance, of worker protection, and of licensing and 5431
certification in the division of industrial compliance in the 5432
department of commerce; 5433

(25) The executive director of a county transit system 5434
appointed under division (A) of section 306.04 of the Revised 5435
Code; 5436

(26) Up to five positions at each of the administrative 5437
departments listed in section 121.02 of the Revised Code and at 5438
the department of taxation, department of the adjutant general, 5439
department of education, Ohio board of regents, bureau of 5440
workers' compensation, industrial commission, state lottery 5441

commission, opportunities for Ohioans with disabilities agency, 5442
and public utilities commission of Ohio that the head of that 5443
administrative department or of that other state agency 5444
determines to be involved in policy development and 5445
implementation. The head of the administrative department or 5446
other state agency shall set the compensation for employees in 5447
these positions at a rate that is not less than the minimum 5448
compensation specified in pay range 41 but not more than the 5449
maximum compensation specified in pay range 47 of salary 5450
schedule E-2 in-created by the director of administrative 5451
services under section 124.152 of the Revised Code. The 5452
authority to establish positions in the unclassified service 5453
under division (A) (26) of this section is in addition to and 5454
does not limit any other authority that an administrative 5455
department or state agency has under the Revised Code to 5456
establish positions, appoint employees, or set compensation. 5457

(27) Employees of the department of agriculture employed 5458
under section 901.09 of the Revised Code; 5459

(28) For cities, counties, civil service townships, city 5460
health districts, general health districts, and city school 5461
districts, the deputies and assistants of elective or principal 5462
executive officers authorized to act for and in the place of 5463
their principals or holding a fiduciary relation to their 5464
principals; 5465

(29) Employees who receive intermittent or temporary 5466
appointments under division (B) of section 124.30 of the Revised 5467
Code; 5468

(30) Employees appointed to administrative staff positions 5469
for which an appointing authority is given specific statutory 5470
authority to set compensation; 5471

(31) Employees appointed to highway patrol cadet or 5472
highway patrol cadet candidate classifications; 5473

(32) Employees placed in the unclassified service by 5474
another section of the Revised Code. 5475

(B) The classified service shall comprise all persons in 5476
the employ of the state and the several counties, cities, city 5477
health districts, general health districts, and city school 5478
districts of the state, not specifically included in the 5479
unclassified service. Upon the creation by the board of trustees 5480
of a civil service township civil service commission, the 5481
classified service shall also comprise, except as otherwise 5482
provided in division (A) (17) or (C) of this section, all persons 5483
in the employ of a civil service township police or fire 5484
department having ten or more full-time paid employees. The 5485
classified service consists of two classes, which shall be 5486
designated as the competitive class and the unskilled labor 5487
class. 5488

(1) The competitive class shall include all positions and 5489
employments in the state and the counties, cities, city health 5490
districts, general health districts, and city school districts 5491
of the state, and, upon the creation by the board of trustees of 5492
a civil service township of a township civil service commission, 5493
all positions in a civil service township police or fire 5494
department having ten or more full-time paid employees, for 5495
which it is practicable to determine the merit and fitness of 5496
applicants by competitive examinations. Appointments shall be 5497
made to, or employment shall be given in, all positions in the 5498
competitive class that are not filled by promotion, 5499
reinstatement, transfer, or reduction, as provided in this 5500
chapter, and the rules of the director of administrative 5501

services, by appointment from those certified to the appointing 5502
officer in accordance with this chapter. 5503

(2) The unskilled labor class shall include ordinary 5504
unskilled laborers. Vacancies in the labor class for positions 5505
in service of the state shall be filled by appointment from 5506
lists of applicants registered by the director or the director's 5507
designee. Vacancies in the labor class for all other positions 5508
shall be filled by appointment from lists of applicants 5509
registered by a commission. The director or the commission, as 5510
applicable, by rule, shall require an applicant for registration 5511
in the labor class to furnish evidence or take tests as the 5512
director or commission considers proper with respect to age, 5513
residence, physical condition, ability to labor, honesty, 5514
sobriety, industry, capacity, and experience in the work or 5515
employment for which application is made. Laborers who fulfill 5516
the requirements shall be placed on the eligible list for the 5517
kind of labor or employment sought, and preference shall be 5518
given in employment in accordance with the rating received from 5519
that evidence or in those tests. Upon the request of an 5520
appointing officer, stating the kind of labor needed, the pay 5521
and probable length of employment, and the number to be 5522
employed, the director or commission, as applicable, shall 5523
certify from the highest on the list double the number to be 5524
employed; from this number, the appointing officer shall appoint 5525
the number actually needed for the particular work. If more than 5526
one applicant receives the same rating, priority in time of 5527
application shall determine the order in which their names shall 5528
be certified for appointment. 5529

(C) A municipal or civil service township civil service 5530
commission may place volunteer firefighters who are paid on a 5531
fee-for-service basis in either the classified or the 5532

unclassified civil service. 5533

(D) (1) This division does not apply to persons in the 5534
unclassified service who have the right to resume positions in 5535
the classified service under sections 4121.121, 5119.18, 5536
5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised 5537
Code or to cities, counties, or political subdivisions of the 5538
state. 5539

(2) A person who holds a position in the classified 5540
service of the state and who is appointed to a position in the 5541
unclassified service shall retain the right to resume the 5542
position and status held by the person in the classified service 5543
immediately prior to the person's appointment to the position in 5544
the unclassified service, regardless of the number of positions 5545
the person held in the unclassified service. An employee's right 5546
to resume a position in the classified service may only be 5547
exercised when an appointing authority demotes the employee to a 5548
pay range lower than the employee's current pay range or revokes 5549
the employee's appointment to the unclassified service and any 5550
of the following apply: 5551

(a) That person held a certified position prior to July 1, 5552
2007, in the classified service within the appointing 5553
authority's agency; 5554

(b) That person held a permanent position on or after July 5555
1, 2007, in the classified service within the appointing 5556
authority's agency, and was appointed to the position in the 5557
unclassified service prior to January 1, 2016; 5558

(c) That person held a permanent position on or after 5559
January 1, 2016, in the classified service within the appointing 5560
authority's agency, and is within five years from the effective 5561

date of the person's appointment in the unclassified service. 5562

(3) An employee forfeits the right to resume a position in 5563
the classified service when: 5564

(a) The employee is removed from the position in the 5565
unclassified service due to incompetence, inefficiency, 5566
dishonesty, drunkenness, immoral conduct, insubordination, 5567
discourteous treatment of the public, neglect of duty, violation 5568
of this chapter or the rules of the director of administrative 5569
services, any other failure of good behavior, any other acts of 5570
misfeasance, malfeasance, or nonfeasance in office, or 5571
conviction of a felony while employed in the civil service; or 5572

(b) Upon transfer to a different agency. 5573

(4) Reinstatement to a position in the classified service 5574
shall be to a position substantially equal to that position in 5575
the classified service held previously, as certified by the 5576
director of administrative services. If the position the person 5577
previously held in the classified service has been placed in the 5578
unclassified service or is otherwise unavailable, the person 5579
shall be appointed to a position in the classified service 5580
within the appointing authority's agency that the director of 5581
administrative services certifies is comparable in compensation 5582
to the position the person previously held in the classified 5583
service. Service in the position in the unclassified service 5584
shall be counted as service in the position in the classified 5585
service held by the person immediately prior to the person's 5586
appointment to the position in the unclassified service. When a 5587
person is reinstated to a position in the classified service as 5588
provided in this division, the person is entitled to all rights, 5589
status, and benefits accruing to the position in the classified 5590
service during the person's time of service in the position in 5591

the unclassified service. 5592

Sec. 124.134. (A) Each full-time permanent state employee 5593
paid in accordance with the schedules created under section 5594
124.152 of the Revised Code and those employees listed in 5595
divisions (B) (2) and (4) of section 124.14 of the Revised Code 5596
shall be credited with vacation leave with full pay according to 5597
length of service and accruing at a corresponding rate per 5598
biweekly pay period, as follows: 5599
5600

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A	Length of Service Per Pay Period	Accrual Rate
B	Less than 4 years	3.1 hours
C	4 but less than 9 years	4.6 hours
D	9 but less than 14 years	6.2 hours
E	14 but less than 19 years	6.9 hours
F	19 but less than 24 years	7.7 hours
G	24 years or more	9.2 hours

Fifty-two weeks equal one year of service. 5601

The amount of an employee's service shall be determined in 5602
accordance with the standard specified in section 9.44 of the 5603
Revised Code. Credit for prior service, including an increased 5604
vacation accrual rate and longevity supplement, shall take 5605
effect during the first pay period that begins immediately 5606
following the date the director of administrative services 5607
approves granting credit for that prior service. No employee, 5608

other than an employee who submits proof of prior service within 5609
ninety days after the date of the employee's hiring, shall 5610
receive any amount of vacation leave for the period prior to the 5611
date of the director's approval of the grant of credit for prior 5612
service. 5613

Part-time permanent employees who are paid in accordance 5614
with the schedules created under section 124.152 of the Revised 5615
Code and full-time permanent employees subject to this section 5616
who are in active pay status for less than eighty hours in a pay 5617
period shall earn vacation leave on a prorated basis. The ratio 5618
between the hours worked and the vacation hours earned by these 5619
classes of employees shall be the same as the ratio between the 5620
hours worked and the vacation hours earned by a full-time 5621
permanent employee with the same amount of service as provided 5622
for in this section. 5623

Vacation leave is not available for use until it appears 5624
on the employee's earning statement and the compensation 5625
described in the earning statement is available to the employee. 5626

(B) Employees granted leave under this section shall 5627
forfeit their right to take or to be paid for any vacation leave 5628
to their credit which is in excess of the accrual for three 5629
years. Any excess leave shall be eliminated from the employees' 5630
leave balance. 5631

(C) Except as provided in division (D) of this section, 5632
beginning in fiscal year 2012, an employee may be paid for up to 5633
eighty hours of vacation leave each fiscal year if the employee 5634
requested and was denied the use of vacation leave during that 5635
fiscal year. No employee shall receive payment for more than 5636
eighty hours of denied vacation leave in a single fiscal year. 5637
An employee is only eligible to receive payment for vacation 5638

leave when the employee's vacation leave credit is at, or will 5639
reach in the immediately following pay period, the maximum of 5640
the accrual for three years and the employee has been denied the 5641
use of vacation leave. An employee is not entitled to receive 5642
payment for vacation leave denied in any pay period in which the 5643
employee's vacation leave credit is not at, or will not reach in 5644
the immediately following pay period, the maximum of accrual for 5645
three years. Any vacation leave for which an employee receives 5646
payment shall be deducted from the employee's vacation leave 5647
balance. No employee is eligible to receive payment for denied 5648
vacation leave in either fiscal year 2010 or fiscal year 2011. 5649

(D) The supreme court, general assembly, secretary of 5650
state, auditor of state, treasurer of state, and attorney 5651
general may establish by policy an alternate payment structure 5652
for employees whose vacation leave credit is at, or will reach 5653
in the immediately following pay period, the maximum of accrual 5654
for three years and the employee has been denied the use of 5655
vacation leave. An employee is not entitled to receive payment 5656
for vacation leave denied in any pay period in which the 5657
employee's vacation leave credit is not at, or will not reach in 5658
the immediately following pay period, the maximum of accrual for 5659
three years. Any vacation leave for which the employee receives 5660
payment shall be deducted from the employee's vacation leave 5661
balance. 5662

(E) Except as otherwise provided in this division, upon 5663
separation from state service, an employee granted leave under 5664
this section is entitled to compensation at the employee's 5665
current rate of pay for all unused vacation leave accrued under 5666
this section or section 124.13 of the Revised Code to the 5667
employee's credit. An employee who separates from state service 5668
with less than twelve months of total state service is not 5669

entitled to compensation for unused accrued vacation leave. In 5670
case of transfer of an employee from one state agency to 5671
another, the employee shall retain the unused accrued vacation 5672
leave. In case of the death of an employee, the unused accrued 5673
vacation leave shall be paid in accordance with section 2113.04 5674
of the Revised Code, or to the employee's estate. An employee 5675
serving in a temporary work level who is eligible to receive 5676
compensation under this division shall be compensated at the 5677
base rate of pay of the employee's normal classification. 5678

(F) (1) Except as provided in division (G) of this section, 5679
beginning in December 2023, and every year thereafter, the 5680
director shall allow an eligible full-time or part-time employee 5681
who is credited with vacation leave under this section to 5682
convert a portion of the employee's unused accrued vacation 5683
leave to cash in accordance with this division. 5684

(2) To be eligible for the conversion described in 5685
division (F) (1) of this section, an employee shall have not less 5686
than one hundred hours of unused accrued vacation leave 5687
available for use on the last day of the first pay period of 5688
November in the year that the employee chooses to make the 5689
conversion. 5690

(3) An employee who has not less than two hundred hours of 5691
unused accrued vacation leave available for use on the last day 5692
of the first pay period of November in the year that the 5693
employee chooses to make the conversion is eligible to convert 5694
up to eighty hours of unused accrued vacation leave to cash 5695
under division (F) (1) of this section. An employee who has not 5696
less than one hundred hours of unused accrued vacation leave 5697
available for use on the last day of the first pay period of 5698
November in the year that the employee chooses to make the 5699

conversion is eligible to convert up to forty hours of unused 5700
accrued vacation leave to cash under division (F) (1) of this 5701
section. 5702

(4) Unused accrued vacation leave converted to cash under 5703
division (F) (1) of this section shall be paid to the employee in 5704
the first paycheck of December at the base rate of pay for every 5705
hour of unused accrued vacation leave that the employee 5706
converts. An employee serving in a temporary work level who 5707
elects to convert unused accrued vacation leave to cash shall do 5708
so at the base rate of pay of the employee's normal 5709
classification. 5710

(5) An employee who separates from state service during 5711
the year shall not be eligible for the cash benefit provided 5712
under division (F) of this section. 5713

(6) The cash benefit set forth in division (F) of this 5714
section shall not be subject to contributions to any of the 5715
retirement systems, either by the employee or the employer. 5716

(7) The director shall establish procedures to implement 5717
this division. The director shall include in the procedures a 5718
final date by which an employee must notify the director of the 5719
amount of unused accrued vacation leave to be converted to cash. 5720
Except as provided in division (B) of this section, an 5721
employee's unused accrued vacation leave balance shall 5722
automatically carry forward if the employee does not notify the 5723
director in accordance with the procedures the director 5724
establishes. 5725

(G) Division (F) of this section does not apply to 5726
employees of the supreme court, the general assembly, the 5727
legislative service commission, the secretary of state, the 5728

auditor of state, the treasurer of state, or the attorney 5729
general unless the supreme court, the general assembly, the 5730
legislative service commission, the secretary of state, the 5731
auditor of state, the treasurer of state, or the attorney 5732
general decides that the employees of those respective entities 5733
should be eligible for the opportunity to convert unused accrued 5734
vacation leave pursuant to division (F) of this section and 5735
notifies the director in writing on or before the first day of 5736
October of the calendar year of the decision to make the 5737
employees eligible. The first year that these entities may elect 5738
to allow to make the employees eligible is 2023. After notifying 5739
the director in writing of the decision that employees of those 5740
respective entities are eligible, those employees remain 5741
eligible until the respective entity notifies the director in 5742
writing on or before the first day of October of the calendar 5743
year that the employees are ineligible. If any entity notifies 5744
the director of a decision that employees of those entities are 5745
ineligible during any calendar year, those employees remain 5746
ineligible until the entity notifies the director in writing on 5747
or before the first day of October of the calendar year that the 5748
employees are eligible. This division does not apply to 5749
employees defined as public employees under section 4117.01 of 5750
the Revised Code. 5751

Sec. 124.135. (A) State employees are entitled to paid 5752
leave when summoned for jury duty by a court of competent 5753
jurisdiction. 5754

(B) State employees are entitled to paid leave when 5755
subpoenaed to appear before any court, commission, board, or 5756
other legally constituted body authorized by law to compel the 5757
attendance of witnesses. This division does not apply if the 5758
state employee is a party to the action or proceeding involved 5759

or is subpoenaed as a result of secondary employment outside the 5760
service of the state. 5761

(C) Each full-time permanent state employee paid in 5762
accordance with the schedules created under section 124.152 of 5763
the Revised Code and those employees described in divisions (B) 5764
(2) and (4) of section 124.14 of the Revised Code also may be 5765
entitled, in their appointing authority's discretion, to paid 5766
leave when appointed to serve on advisory boards or commissions 5767
or when soliciting for charities for which payroll deductions 5768
are made. 5769

Sec. 124.136. (A) As used in this section: 5770

(1) "Fetal death" has the same meaning as in section 5771
3705.01 of the Revised Code. 5772

(2) "Stillborn" means that an infant of at least twenty 5773
weeks of gestation suffered a fetal death. 5774

(B) (1) Each permanent full-time and permanent part-time 5775
employee paid in accordance with the schedules created under 5776
section 124.152 of the Revised Code and each employee listed in 5777
division (B) (2), (3), or (4) of section 124.14 of the Revised 5778
Code who works thirty or more hours per week, and who meets the 5779
requirement of division (B) (2) (a) of this section is eligible, 5780
upon the birth, stillbirth, or adoption of a child, for a 5781
parental leave of absence and parental leave benefits under this 5782
section. If the employee takes leave under this section for a 5783
stillbirth, the employee is ineligible for leave under section 5784
124.387 of the Revised Code. 5785

(2) (a) To be eligible for leave and benefits under this 5786
section, an employee must be one of the following: 5787

(i) A parent, as listed on the birth certificate, of a 5788

newly born child; 5789

(ii) A parent, as listed on the fetal death certificate, 5790
of a stillborn child; 5791

(iii) A legal guardian of a newly adopted child who 5792
resides in the same household as that child. 5793

(b) Employees may elect to receive five thousand dollars 5794
for adoption expenses in lieu of receiving the paid leave 5795
benefit provided under this section. Such payment may be 5796
requested upon placement of the child in the employee's home. If 5797
the child is already residing in the home, payment may be 5798
requested at the time the adoption is approved. 5799

(3) The average number of regular hours worked, which 5800
shall include all hours of holiday pay and other types of paid 5801
leave, during the three-month period immediately preceding the 5802
day parental leave of absence begins shall be used to determine 5803
eligibility and benefits under this section for part-time 5804
employees, but such benefits shall not exceed forty hours per 5805
week. If an employee has not worked for a three-month period, 5806
the number of hours for which the employee has been scheduled to 5807
work per week during the employee's period of employment shall 5808
be used to determine eligibility and benefits under this 5809
section. 5810

(C) Parental leave granted under this section shall not 5811
exceed twelve consecutive weeks, which shall include four 5812
hundred eighty hours of paid leave for permanent full-time 5813
employees and a prorated number of hours of paid leave for 5814
permanent part-time employees. Parental leave shall be taken 5815
within one year of the birth of the child, delivery of the 5816
stillborn child, or placement of the child for adoption. During 5817

the leave period, employees shall receive paid leave equal to 5818
seventy per cent of their base rate of pay. All of the following 5819
apply to employees granted parental leave: 5820

(1) They remain eligible to receive all employer-paid 5821
benefits and continue to accrue all other forms of paid leave as 5822
if they were in active pay status. 5823

(2) They are ineligible to receive overtime pay, and no 5824
portion of their parental leave shall be included in calculating 5825
their overtime pay. 5826

(3) They are ineligible to receive holiday pay. A holiday 5827
occurring during the leave period shall be counted as one day of 5828
parental leave and be paid as such. 5829

(D) Employees receiving parental leave may utilize 5830
available sick leave, personal leave, vacation leave, or 5831
compensatory time balances in order to supplement the seventy 5832
per cent of their base rate of pay received during the parental 5833
leave period, in an amount sufficient to give them up to one 5834
hundred per cent of their pay for time on parental leave. 5835

Use of parental leave does not affect an employee's 5836
eligibility for other forms of paid leave granted under this 5837
chapter and does not prohibit an employee from taking leave 5838
under the "Family and Medical Leave Act of 1993," 107 Stat. 6, 5839
29 U.S.C.A. 2601, except that parental leave shall be included 5840
in any leave time provided under that act. An employee may not 5841
receive parental leave under this section after exhausting leave 5842
under the Family and Medical Leave Act of 1993 for the birth of 5843
the child, delivery of the stillborn child, or placement of the 5844
child for adoption. 5845

(E) Employees receiving disability leave benefits under 5846

section 124.385 of the Revised Code prior to becoming eligible 5847
for parental leave shall continue to receive disability leave 5848
benefits for the duration of their disabling condition or as 5849
otherwise provided under the disability leave benefits program. 5850
If an employee is receiving disability leave benefits because of 5851
pregnancy and these benefits expire prior to the expiration date 5852
of any benefits the employee would have been entitled to receive 5853
under this section, the employee shall receive parental leave 5854
for such additional time. 5855

Sec. 124.1310. (A) As used in this section: 5856

(1) "Emergency medical service," "EMT-basic," "EMT-I," 5857
"first responder," and "paramedic" have the same meanings as in 5858
section 4765.01 of the Revised Code. 5859

(2) "Volunteer firefighter" has the same meaning as in 5860
section 146.01 of the Revised Code. 5861

(B) A state employee who is an EMT-basic, EMT-I, first 5862
responder, paramedic, or volunteer firefighter shall receive 5863
~~forty one hundred twenty~~ hours of leave with pay each calendar 5864
year to use during those hours when the employee is absent from 5865
work in order to provide ~~do~~ either of the following: 5866

(1) Provide emergency medical service or fire-fighting 5867
service; 5868

(2) Attend a training or continuing education program that 5869
relates to providing emergency medical service or fire-fighting 5870
service. 5871

(C) An appointing authority shall compensate an employee 5872
who uses leave granted under this section at the employee's 5873
regular rate of pay for those regular work hours during which 5874
the employee is absent from work. 5875

Sec. 124.1312. (A) As used in this section: 5876

(1) "Foster caregiver" has the same meaning as in section 5877
5103.02 of the Revised Code. 5878

(2) "Kinship caregiver" has the same meaning as in section 5879
~~5101.85~~ 5180.50 of the Revised Code. 5880

(B) Each permanent full-time and permanent part-time 5881
employee paid in accordance with the schedules created under 5882
section 124.152 of the Revised Code and each employee listed in 5883
division (B) (2), (3), or (4) of section 124.14 of the Revised 5884
Code who works thirty or more hours per week, and who is a 5885
foster caregiver or kinship caregiver is eligible, on placement 5886
of a child in the employee's home, to a maximum of five days of 5887
caregiver leave with full pay in a calendar year. Caregiver 5888
leave eligibility begins on the day on which the child is placed 5889
with the prospective foster caregiver or kinship caregiver. 5890

(C) The average number of regular hours worked, which 5891
shall include all hours of holiday pay and other types of paid 5892
leave, during the three-month period immediately preceding the 5893
day caregiver leave begins shall be used to determine 5894
eligibility for leave under this section for part-time 5895
employees. If an employee has not worked for a three-month 5896
period, the number of hours for which the employee has been 5897
scheduled to work per week during the employee's period of 5898
employment shall be used to determine eligibility for leave 5899
under this section. 5900

(D) Use of caregiver leave does not affect an employee's 5901
eligibility for other forms of paid leave granted under this 5902
chapter and does not prohibit an employee from taking leave 5903
under the "Family and Medical Leave Act of 1993," 29 U.S.C. 5904

2601, except that caregiver leave shall be included in any leave 5905
time provided under that act. 5906

(E) The director of administrative services may adopt 5907
rules in accordance with Chapter 119. of the Revised Code 5908
governing caregiver leave established under this section. 5909

Sec. 124.142. Twenty-five per cent of the compensation 5910
paid under section 124.15 of the Revised Code or the schedules 5911
created under section 124.152 of the Revised Code to a person 5912
designated as a chaplain or religious services administrator, 5913
while serving in a full-time capacity in such position, shall be 5914
considered to be a housing allowance. The amount of the housing 5915
allowance shall not affect the requirement of section 145.47 of 5916
the Revised Code as to the contribution to be made to the 5917
employees' savings fund of the public employees retirement 5918
system, and the amount of the contributions shall be based on 5919
the member's earnable salary, including the housing allowance. 5920

Sec. 124.15. (A) Board and commission members appointed 5921
prior to July 1, 1991, shall be paid a salary or wage in 5922
accordance with the following schedules of rates: 5923

Schedule B 5924

Pay Ranges and Step Values 5925
5926

	1	2	3	4	5	6
A	Range		Step 1	Step 2	Step 3	Step 4
B	23	Hourly	5.72	5.91	6.10	6.31
C		Annually	11897.60	12292.80	12688.00	13124.80

D			Step 5	Step 6		
E		Hourly	6.52	6.75		
F		Annually	13561.60	14040.00		
G			Step 1	Step 2	Step 3	Step 4
H	24	Hourly	6.00	6.20	6.41	6.63
I		Annually	12480.00	12896.00	13332.80	13790.40
J			Step 5	Step 6		
K		Hourly	6.87	7.10		
L		Annually	14289.60	14768.00		
M			Step 1	Step 2	Step 3	Step 4
N	25	Hourly	6.31	6.52	6.75	6.99
O		Annually	13124.80	13561.60	14040.00	14539.20
P			Step 5	Step 6		
Q		Hourly	7.23	7.41		
R		Annually	15038.40	15412.80		
S			Step 1	Step 2	Step 3	Step 4
T	26	Hourly	6.63	6.87	7.10	7.32
U		Annually	13790.40	14289.60	14768.00	15225.60

V			Step 5	Step 6		
W		Hourly	7.53	7.77		
X		Annually	15662.40	16161.60		
Y			Step 1	Step 2	Step 3	Step 4
Z	27	Hourly	6.99	7.23	7.41	7.64
AA		Annually	14534.20	15038.40	15412.80	15891.20
AB			Step 5	Step 6	Step 7	
AC		Hourly	7.88	8.15	8.46	
AD		Annually	16390.40	16952.00	17596.80	
AE			Step 1	Step 2	Step 3	Step 4
AF	28	Hourly	7.41	7.64	7.88	8.15
AG		Annually	15412.80	15891.20	16390.40	16952.00
AH			Step 5	Step 6	Step 7	
AI		Hourly	8.46	8.79	9.15	
AJ		Annually	17596.80	18283.20	19032.00	
AK			Step 1	Step 2	Step 3	Step 4
AL	29	Hourly	7.88	8.15	8.46	8.79
AM		Annually	16390.40	16952.00	17596.80	18283.20

AN			Step 5	Step 6	Step 7	
AO		Hourly	9.15	9.58	10.01	
AP		Annually	19032.00	19926.40	20820.80	
AQ			Step 1	Step 2	Step 3	Step 4
AR	30	Hourly	8.46	8.79	9.15	9.58
AS		Annually	17596.80	18283.20	19032.00	19926.40
AT			Step 5	Step 6	Step 7	
AU		Hourly	10.01	10.46	10.99	
AV		Annually	20820.80	21756.80	22859.20	
AW			Step 1	Step 2	Step 3	Step 4
AX	31	Hourly	9.15	9.58	10.01	10.46
AY		Annually	19032.00	19962.40	20820.80	21756.80
AZ			Step 5	Step 6	Step 7	
BA		Hourly	10.99	11.52	12.09	
BB		Annually	22859.20	23961.60	25147.20	
BC			Step 1	Step 2	Step 3	Step 4
BD	32	Hourly	10.01	10.46	10.99	11.52
BE		Annually	20820.80	21756.80	22859.20	23961.60

BF			Step 5	Step 6	Step 7	Step 8
BG		Hourly	12.09	12.68	13.29	13.94
BH		Annually	25147.20	26374.40	27643.20	28995.20
BI			Step 1	Step 2	Step 3	Step 4
BJ	33	Hourly	10.99	11.52	12.09	12.68
BK		Annually	22859.20	23961.60	25147.20	26374.40
BL			Step 5	Step 6	Step 7	Step 8
BM		Hourly	13.29	13.94	14.63	15.35
BN		Annually	27643.20	28995.20	30430.40	31928.00
BO			Step 1	Step 2	Step 3	Step 4
BP	34	Hourly	12.09	12.68	13.29	13.94
BQ		Annually	25147.20	26374.40	27643.20	28995.20
BR			Step 5	Step 6	Step 7	Step 8
BS		Hourly	14.63	15.35	16.11	16.91
BT		Annually	30430.40	31928.00	33508.80	35172.80
BU			Step 1	Step 2	Step 3	Step 4
BV	35	Hourly	13.29	13.94	14.63	15.35
BW		Annually	27643.20	28995.20	30430.40	31928.00

BX			Step 5	Step 6	Step 7	Step 8
BY		Hourly	16.11	16.91	17.73	18.62
BZ		Annually	33508.80	35172.80	36878.40	38729.60
CA			Step 1	Step 2	Step 3	Step 4
CB	36	Hourly	14.63	15.35	16.11	16.91
CC		Annually	30430.40	31928.00	33508.80	35172.80
CD			Step 5	Step 6	Step 7	Step 8
CE		Hourly	17.73	18.62	19.54	20.51
CF		Annually	36878.40	38729.60	40643.20	42660.80

Schedule C 5927

Pay Range and Values 5928

5929

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	10.44	15.72
C		Annually	21715.20	32697.60
D	42	Hourly	11.51	17.35
E		Annually	23940.80	36088.00
F	43	Hourly	12.68	19.12

G		Annually	26374.40	39769.60
H	44	Hourly	13.99	20.87
I		Annually	29099.20	43409.60
J	45	Hourly	15.44	22.80
K		Annually	32115.20	47424.00
L	46	Hourly	17.01	24.90
M		Annually	35380.80	51792.00
N	47	Hourly	18.75	27.18
O		Annually	39000.00	56534.40
P	48	Hourly	20.67	29.69
Q		Annually	42993.60	61755.20
R	49	Hourly	22.80	32.06
S		Annually	47424.00	66684.80

(B) The pay schedule of all employees shall be on a 5930
biweekly basis, with amounts computed on an hourly basis. 5931

(C) Part-time employees shall be compensated on an hourly 5932
basis for time worked, at the rates shown in division (A) of 5933
this section or in the schedules created under section 124.152 5934
of the Revised Code. 5935

(D) The salary and wage rates in division (A) of this 5936
section or in the schedules created under section 124.152 of the 5937

Revised Code represent base rates of compensation and may be 5938
augmented by the provisions of section 124.181 of the Revised 5939
Code. In those cases where lodging, meals, laundry, or other 5940
personal services are furnished an employee in the service of 5941
the state, the actual costs or fair market value of the personal 5942
services shall be paid by the employee in such amounts and 5943
manner as determined by the director of administrative services 5944
and approved by the director of budget and management, and those 5945
personal services shall not be considered as a part of the 5946
employee's compensation. An appointing authority that appoints 5947
employees in the service of the state, with the approval of the 5948
director of administrative services and the director of budget 5949
and management, may establish payments to employees for 5950
uniforms, tools, equipment, and other requirements of the 5951
department and payments for the maintenance of them. 5952

The director of administrative services may review 5953
collective bargaining agreements entered into under Chapter 5954
4117. of the Revised Code that cover employees in the service of 5955
the state and determine whether certain benefits or payments 5956
provided to the employees covered by those agreements should 5957
also be provided to employees in the service of the state who 5958
are exempt from collective bargaining coverage and are paid in 5959
accordance with the schedules created under section 124.152 of 5960
the Revised Code or are listed in division (B) (2) or (4) of 5961
section 124.14 of the Revised Code. On completing the review, 5962
the director of administrative services, with the approval of 5963
the director of budget and management, may provide to some or 5964
all of these employees any payment or benefit, except for 5965
salary, contained in such a collective bargaining agreement even 5966
if it is similar to a payment or benefit already provided by law 5967
to some or all of these employees. Any payment or benefit so 5968

provided shall not exceed the highest level for that payment or 5969
benefit specified in such a collective bargaining agreement. The 5970
director of administrative services shall not provide, and the 5971
director of budget and management shall not approve, any payment 5972
or benefit to such an employee under this division unless the 5973
payment or benefit is provided pursuant to a collective 5974
bargaining agreement to a state employee who is in a position 5975
with similar duties as, is supervised by, or is employed by the 5976
same appointing authority as, the employee to whom the benefit 5977
or payment is to be provided. 5978

As used in this division, "payment or benefit already 5979
provided by law" includes, but is not limited to, bereavement, 5980
personal, vacation, administrative, and sick leave, disability 5981
benefits, holiday pay, and pay supplements provided under the 5982
Revised Code, but does not include wages or salary. 5983

(E) New employees paid in accordance with schedule B of 5984
division (A) of this section or schedule E-1 created by the 5985
director of administrative services under section 124.152 of the 5986
Revised Code shall be employed at the minimum rate established 5987
for the range unless otherwise provided. Employees with 5988
qualifications that are beyond the minimum normally required for 5989
the position and that are determined by the director to be 5990
exceptional may be employed in, or may be transferred or 5991
promoted to, a position at an advanced step of the range. 5992
Further, in time of a serious labor market condition when it is 5993
relatively impossible to recruit employees at the minimum rate 5994
for a particular classification, the entrance rate may be set at 5995
an advanced step in the range by the director of administrative 5996
services. This rate may be limited to geographical regions of 5997
the state. Appointments made to an advanced step under the 5998
provision regarding exceptional qualifications shall not affect 5999

the step assignment of employees already serving. However, 6000
anytime the hiring rate of an entire classification is advanced 6001
to a higher step, all incumbents of that classification being 6002
paid at a step lower than that being used for hiring, shall be 6003
advanced beginning at the start of the first pay period 6004
thereafter to the new hiring rate, and any time accrued at the 6005
lower step will be used to calculate advancement to a succeeding 6006
step. If the hiring rate of a classification is increased for 6007
only a geographical region of the state, only incumbents who 6008
work in that geographical region shall be advanced to a higher 6009
step. When an employee in the unclassified service changes from 6010
one state position to another or is appointed to a position in 6011
the classified service, or if an employee in the classified 6012
service is appointed to a position in the unclassified service, 6013
the employee's salary or wage in the new position shall be 6014
determined in the same manner as if the employee were an 6015
employee in the classified service. When an employee in the 6016
unclassified service who is not eligible for step increases is 6017
appointed to a classification in the classified service under 6018
which step increases are provided, future step increases shall 6019
be based on the date on which the employee last received a pay 6020
increase. If the employee has not received an increase during 6021
the previous year, the date of the appointment to the classified 6022
service shall be used to determine the employee's annual step 6023
advancement eligibility date. In reassigning any employee to a 6024
classification resulting in a pay range increase or to a new pay 6025
range as a result of a promotion, an increase pay range 6026
adjustment, or other classification change resulting in a pay 6027
range increase, the director shall assign such employee to the 6028
step in the new pay range that will provide an increase of 6029
approximately four per cent if the new pay range can accommodate 6030
the increase. When an employee is being assigned to a 6031

classification or new pay range as the result of a class plan 6032
change, if the employee has completed a probationary period, the 6033
employee shall be placed in a step no lower than step two of the 6034
new pay range. If the employee has not completed a probationary 6035
period, the employee may be placed in step one of the new pay 6036
range. Such new salary or wage shall become effective on such 6037
date as the director determines. 6038

(F) If employment conditions and the urgency of the work 6039
require such action, the director of administrative services 6040
may, upon the application of a department head, authorize 6041
payment at any rate established within the range for the class 6042
of work, for work of a casual or intermittent nature or on a 6043
project basis. Payment at such rates shall not be made to the 6044
same individual for more than three calendar months in any one 6045
calendar year. Any such action shall be subject to the approval 6046
of the director of budget and management as to the availability 6047
of funds. This section and sections 124.14 and 124.152 of the 6048
Revised Code do not repeal any authority of any department or 6049
public official to contract with or fix the compensation of 6050
professional persons who may be employed temporarily for work of 6051
a casual nature or for work on a project basis. 6052

(G) (1) Except as provided in divisions (G) (2) and (3) of 6053
this section, each state employee paid in accordance with 6054
schedule B of this section or schedule E-1 created by the 6055
director of administrative services under section 124.152 of the 6056
Revised Code shall be eligible for advancement to succeeding 6057
steps in the range for the employee's class or grade according 6058
to the schedule established in this division. Beginning on the 6059
first day of the pay period within which the employee completes 6060
the prescribed probationary period in the employee's 6061
classification with the state, each employee shall receive an 6062

automatic salary adjustment equivalent to the next higher step 6063
within the pay range for the employee's class or grade. 6064

Except as provided in divisions (G) (2) and (3) of this 6065
section, each employee paid in accordance with schedule E-1 6066
created by the director of administrative services under section 6067
124.152 of the Revised Code shall be eligible to advance to the 6068
next higher step until the employee reaches the top step in the 6069
range for the employee's class or grade, if the employee has 6070
maintained satisfactory performance in accordance with criteria 6071
established by the employee's appointing authority. Those step 6072
advancements shall not occur more frequently than once in any 6073
twelve-month period. 6074

When an employee is promoted, the step entry date shall be 6075
set to account for a probationary period. When an employee is 6076
reassigned to a higher pay range, the step entry date shall be 6077
set to allow an employee who is not at the highest step of the 6078
range to receive a step advancement one year from the 6079
reassignment date. Step advancement shall not be affected by 6080
demotion. A promoted employee shall advance to the next higher 6081
step of the pay range on the first day of the pay period in 6082
which the required probationary period is completed. Step 6083
advancement shall become effective at the beginning of the pay 6084
period within which the employee attains the necessary length of 6085
service. Time spent on authorized leave of absence shall be 6086
counted for this purpose. 6087

If determined to be in the best interest of the state 6088
service, the director of administrative services may, either 6089
statewide or in selected agencies, adjust the dates on which 6090
annual step advancements are received by employees paid in 6091
accordance with schedule E-1 created by the director of 6092

administrative services under section 124.152 of the Revised 6093
Code. 6094

(2) (a) There shall be a moratorium on annual step 6095
advancements under division (G) (1) of this section beginning 6096
June 21, 2009, through June 20, 2011. Step advancements shall 6097
resume with the pay period beginning June 21, 2011. Upon the 6098
resumption of step advancements, there shall be no retroactive 6099
step advancements for the period the moratorium was in effect. 6100
The moratorium shall not affect an employee's performance 6101
evaluation schedule. 6102

An employee who begins a probationary period before June 6103
21, 2009, shall advance to the next step in the employee's pay 6104
range at the end of probation, and then become subject to the 6105
moratorium. An employee who is hired, promoted, or reassigned to 6106
a higher pay range between June 21, 2009, through June 20, 2011, 6107
shall not advance to the next step in the employee's pay range 6108
until the next anniversary of the employee's date of hire, 6109
promotion, or reassignment that occurs on or after June 21, 6110
2011. 6111

(b) The moratorium under division (G) (2) (a) of this 6112
section shall apply to the employees of the secretary of state, 6113
the auditor of state, the treasurer of state, and the attorney 6114
general, who are subject to this section unless the secretary of 6115
state, the auditor of state, the treasurer of state, or the 6116
attorney general decides to exempt the office's employees from 6117
the moratorium and so notifies the director of administrative 6118
services in writing on or before July 1, 2009. 6119

(3) Employees in intermittent positions shall be employed 6120
at the minimum rate established for the pay range for their 6121
classification and are not eligible for step advancements. 6122

(H) Employees in appointive managerial or professional 6123
positions paid in accordance with schedule C of this section or 6124
schedule E-2 created by the director of administrative services 6125
under section 124.152 of the Revised Code may be appointed at 6126
any rate within the appropriate pay range. This rate of pay may 6127
be adjusted higher or lower within the respective pay range at 6128
any time the appointing authority so desires as long as the 6129
adjustment is based on the employee's ability to successfully 6130
administer those duties assigned to the employee. Salary 6131
adjustments shall not be made more frequently than once in any 6132
six-month period under this provision to incumbents holding the 6133
same position and classification. 6134

(I) When an employee is assigned to duty outside this 6135
state, the employee may be compensated, upon request of the 6136
department head and with the approval of the director of 6137
administrative services, at a rate not to exceed fifty per cent 6138
in excess of the employee's current base rate for the period of 6139
time spent on that duty. 6140

(J) Unless compensation for members of a board or 6141
commission is otherwise specifically provided by law, the 6142
director of administrative services shall establish the rate and 6143
method of payment for members of boards and commissions pursuant 6144
to the pay schedules ~~listed in~~ created under section 124.152 of 6145
the Revised Code. 6146

(K) Regular full-time employees in positions assigned to 6147
classes within the instruction and education administration 6148
series under the job classification plans of the director of 6149
administrative services, except certificated employees on the 6150
instructional staff of Ohio deaf and blind education services, 6151
whose positions are scheduled to work on the basis of an 6152

academic year rather than a full calendar year, shall be paid 6153
according to the pay range assigned by the applicable job 6154
classification plan, but only during those pay periods included 6155
in the academic year of the school where the employee is 6156
located. 6157

(1) Part-time or substitute teachers or those whose period 6158
of employment is other than the full academic year shall be 6159
compensated for the actual time worked at the rate established 6160
by this section. 6161

(2) Employees governed by this division are exempt from 6162
sections 124.13 and 124.19 of the Revised Code. 6163

(3) Length of service for the purpose of determining 6164
eligibility for step advancements as provided by division (G) of 6165
this section and for the purpose of determining eligibility for 6166
longevity pay supplements as provided by division (E) of section 6167
124.181 of the Revised Code shall be computed on the basis of 6168
one full year of service for the completion of each academic 6169
year. 6170

(L) The superintendent of Ohio deaf and blind education 6171
services shall, subject to the approval of the director of 6172
education and workforce, carry out both of the following: 6173

(1) Annually, between the first day of April and the last 6174
day of June, establish for the ensuing fiscal year a schedule of 6175
hourly rates for the compensation of each certificated employee 6176
on the instructional staff of Ohio deaf and blind education 6177
services constructed as follows: 6178

(a) Determine for each level of training, experience, and 6179
other professional qualification for which an hourly rate is set 6180
forth in the current schedule, the per cent that rate is of the 6181

rate set forth in such schedule for a teacher with a bachelor's 6182
degree and no experience. If there is more than one such rate 6183
for such a teacher, the lowest rate shall be used to make the 6184
computation. 6185

(b) Determine which six city, local, and exempted village 6186
school districts with territory in Franklin county have in 6187
effect on, or have adopted by, the first day of April for the 6188
school year that begins on the ensuing first day of July, 6189
teacher salary schedules with the highest minimum salaries for a 6190
teacher with a bachelor's degree and no experience; 6191

(c) Divide the sum of such six highest minimum salaries by 6192
ten thousand five hundred sixty; 6193

(d) Multiply each per cent determined in division (L) (1) 6194
(a) of this section by the quotient obtained in division (L) (1) 6195
(c) of this section; 6196

(e) One hundred five per cent of each product thus 6197
obtained shall be the hourly rate for the corresponding level of 6198
training, experience, or other professional qualification in the 6199
schedule for the ensuing fiscal year. 6200

(2) Annually, assign each certificated employee on the 6201
instructional staff of Ohio deaf and blind education services to 6202
an hourly rate on the schedule that is commensurate with the 6203
employee's training, experience, and other professional 6204
qualifications. 6205

If an employee is employed on the basis of an academic 6206
year, the employee's annual salary shall be calculated by 6207
multiplying the employee's assigned hourly rate times one 6208
thousand seven hundred sixty. If an employee is not employed on 6209
the basis of an academic year, the employee's annual salary 6210

shall be calculated in accordance with the following formula: 6211

(a) Multiply the number of days the employee is required 6212
to work pursuant to the employee's contract by eight; 6213

(b) Multiply the product of division (L) (2) (a) of this 6214
section by the employee's assigned hourly rate. 6215

Each employee shall be paid an annual salary in biweekly 6216
installments. The amount of each installment shall be calculated 6217
by dividing the employee's annual salary by the number of 6218
biweekly installments to be paid during the year. 6219

Sections 124.13 and 124.19 of the Revised Code do not 6220
apply to an employee who is paid under this division. 6221

As used in this division, "academic year" means the number 6222
of days in each school year that the state school for the deaf 6223
and the state school for the blind are required to be open for 6224
instruction with pupils in attendance. Upon completing an 6225
academic year, an employee paid under this division shall be 6226
deemed to have completed one year of service. An employee paid 6227
under this division is eligible to receive a pay supplement 6228
under division (L) (1), (2), or (3) of section 124.181 of the 6229
Revised Code for which the employee qualifies, but is not 6230
eligible to receive a pay supplement under division (L) (4) or 6231
(5) of that section. An employee paid under this division is 6232
eligible to receive a pay supplement under division (L) (6) of 6233
section 124.181 of the Revised Code for which the employee 6234
qualifies, except that the supplement is not limited to a 6235
maximum of five per cent of the employee's regular base salary 6236
in a calendar year. 6237

(M) Division (A) of this section does not apply to "exempt 6238
employees," as defined in section 124.152 of the Revised Code, 6239

who are paid under that section.

6240

Notwithstanding any other provisions of this chapter, when
an employee transfers between bargaining units or transfers out
of or into a bargaining unit, the director of administrative
services shall establish the employee's compensation and adjust
the maximum leave accrual schedule as the director deems
equitable.

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Sec. 124.152. (A) (1) Except as provided in division (A) (2)
of this section, each exempt employee shall be paid a salary or
wage in accordance with schedule E-1 or schedule E-2 ~~of~~ created
in accordance with division (B) of this section.

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(2) Each exempt employee who holds a position in the
unclassified civil service pursuant to division (A) (26) or (30)
of section 124.11 of the Revised Code may be paid a salary or
wage in accordance with schedule E-1 or schedule E-2 ~~of~~ created
in accordance with division (B) of this section, as applicable.

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~~(B) (1) Each exempt employee who must be paid in accordance
with schedule E-1 or schedule E-2 of this section shall be paid
a salary or wage in accordance with the following schedule of
rates as of the pay period that includes July 1, 2021:~~

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~~Schedule E-1~~

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1	2	3	4	5	6	7	8	9	10
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A ~~Pay Ranges and Step Values~~

B

C ~~Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8~~

D Range

6262

	1	2	3	4	5	6	7	8	9	10
A	1	Hourly	12.14	12.69	13.21	13.80				
B		Annually	25251	26395	27476	28704				
C	2	Hourly	14.73	15.36	16.01	16.72				
D		Annually	30638	31948	33300	34777				
E	3	Hourly	15.44	16.13	16.84	17.56				
F		Annually	32115	33550	35027	36524				
G	4	Hourly	16.20	16.93	17.75	18.51				
H		Annually	33696	35214	36920	38500				
I	5	Hourly	17.00	17.78	18.51	19.33				
J		Annually	35360	36982	38500	40206				
K	6	Hourly	17.91	18.66	19.47	20.27				
L		Annually	37252	38812	40497	42161				
M	7	Hourly	19.01	19.72	20.54	21.25	22.07			
N		Annually	39540	41017	42723	44200	45905			
O	8	Hourly	20.11	21.00	21.90	22.89	23.97			
P		Annually	41828	43680	45552	47611	49857			

Q	9	Hourly	21.45	22.56	23.67	24.85	26.11			
R		Annually	44616	46924	49233	51688	54308			
S	10	Hourly	23.13	24.41	25.72	27.20	28.64			
T		Annually	48110	50772	53497	56576	59571			
U	11	Hourly	25.20	26.66	28.20	29.80	31.49			
V		Annually	52416	55452	58656	61984	65499			
W	12	Hourly	27.80	29.36	30.93	32.64	34.46	36.34	37.82	39.60
X		Annually	57824	61068	64334	67891	71676	75587	78665	82368
Y	13	Hourly	30.64	32.32	34.09	35.92	37.95	39.99	41.63	43.59
Z		Annually	63731	67225	70907	74713	78936	83179	86590	90667
AA	14	Hourly	33.69	35.61	37.52	39.56	41.80	44.13	45.95	48.10
AB		Annually	70075	74068	78041	82284	86944	91790	95576	100048
AC	15	Hourly	37.02	39.10	41.30	43.57	45.99	48.51	50.50	52.88
AD		Annually	77001	81328	85904	90625	95659	100900	105040	109990
AE	16	Hourly	40.81	43.08	45.45	48.00	50.63	53.53	55.73	58.34
AF		Annually	84884	89606	94536	99840	105310	111342	115918	121347
AG	17	Hourly	44.96	47.44	50.10	52.86	55.83	58.94		
AH		Annually	93516	98675	104208	109948	116126	122595		

AI 18 Hourly 49.55 52.29 55.24 58.28 61.50 64.94

AJ Annually 103064 108763 114899 121222 127920 135075

~~Schedule E-2~~

6263

6264

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	48.99
C		Annually	33758	101899
D	42	Hourly	17.89	54.09
E		Annually	37211	112507
F	43	Hourly	19.70	59.56
G		Annually	40976	123884
H	44	Hourly	21.73	65.08
I		Annually	45198	135366
J	45	Hourly	24.01	71.05
K		Annually	49941	147784
L	46	Hourly	26.43	77.65
M		Annually	54974	161512
N	47	Hourly	29.14	84.75

O		Annually	60611	176280
P	48	Hourly	32.14	92.45
Q		Annually	66851	192296
R	49	Hourly	35.44	99.83
S		Annually	73715	207646

~~(2) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, 2022:~~

~~Schedule E-1~~

1	2	3	4	5	6	7	8	9	10
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A ~~Pay Ranges and Step Values~~

B ~~Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8~~

C Range

1	2	3	4	5	6	7	8	9	10
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A 1 Hourly 12.50 13.07 13.61 14.21

B Annually 26000 27185 28308 29556

C 2 Hourly 15.17 15.82 16.49 17.22

D Annually 31553 32905 34299 35817

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E	3	Hourly	15.90	16.61	17.35	18.09	
F		Annually	33072	34548	36088	37627	
G	4	Hourly	16.69	17.44	18.28	19.07	
H		Annually	34715	36275	38022	39665	
I	5	Hourly	17.51	18.31	19.07	19.91	
J		Annually	36420	38084	39665	41412	
K	6	Hourly	18.45	19.22	20.05	20.88	
L		Annually	38376	39977	41704	43430	
M	7	Hourly	19.58	20.31	21.16	21.89	22.73
N		Annually	40726	42244	44012	45531	47278
O	8	Hourly	20.71	21.63	22.56	23.58	24.69
P		Annually	43076	44990	46924	49046	51355
Q	9	Hourly	22.09	23.24	24.38	25.60	26.89
R		Annually	45947	48339	50710	53248	55931
S	10	Hourly	23.82	25.14	26.49	28.02	29.50
T		Annually	49545	52291	55099	58281	61360
U	11	Hourly	25.96	27.46	29.05	30.69	32.43
V		Annually	53996	57116	60424	63835	67454

W	12 Hourly	28.63	30.24	31.86	33.62	35.49	37.43	38.95	40.79
X	Annually	59550	62889	66268	69929	73819	77854	81016	84843
Y	13 Hourly	31.56	33.29	35.11	37.00	39.09	41.19	42.88	44.90
Z	Annually	65644	69243	73028	76960	81307	85675	89190	93392
AA	14 Hourly	34.70	36.68	38.65	40.75	43.05	45.45	47.33	49.54
AB	Annually	72176	76294	80392	84760	89544	94536	98446	103043
AC	15 Hourly	38.13	40.27	42.54	44.88	47.37	49.97	52.02	54.47
AD	Annually	79310	83761	88483	93350	98529	103937	108201	113297
AE	16 Hourly	42.03	44.37	46.81	49.44	52.15	55.14	57.40	60.09
AF	Annually	87422	92289	97364	102835	108472	114691	119392	124987
AG	17 Hourly	46.31	48.86	51.60	54.45	57.50	60.71		
AH	Annually	96324	101628	107328	113256	119600	126276		
AI	18 Hourly	51.04	53.86	56.90	60.03	63.35	66.89		
AJ	Annually	106163	112028	118352	124862	131768	139131		

~~Schedule E-2~~

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	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	50.46

C		Annually	33758	104956
D	42	Hourly	17.89	55.71
E		Annually	37211	115876
F	43	Hourly	19.70	61.35
G		Annually	40976	127608
H	44	Hourly	21.73	67.03
I		Annually	45198	139422
J	45	Hourly	24.01	73.18
K		Annually	49941	152214
L	46	Hourly	26.43	79.98
M		Annually	54974	166358
N	47	Hourly	29.14	87.29
O		Annually	60611	181563
P	48	Hourly	32.14	95.22
Q		Annually	66851	198057
R	49	Hourly	35.44	102.82
S		Annually	73715	213865

~~(3) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid~~

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~~a salary or wage in accordance with the following schedule of~~ 6276

~~rates as of the pay period that includes July 1, 2023:~~ 6277

~~Schedule E-1~~ 6278

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	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
C	Range									
D	1	Hourly	12.88	13.46	14.02	14.64				
E		Annually	26790	27996	29161	30451				
F	2	Hourly	15.63	16.29	16.98	17.74				
G		Annually	32510	33883	35318	36899				
H	3	Hourly	16.38	17.11	17.87	18.63				
I		Annually	34070	35588	37169	38750				
J	4	Hourly	17.19	17.96	18.83	19.64				
K		Annually	35755	37356	39166	40851				
L	5	Hourly	18.04	18.86	19.64	20.51				
M		Annually	37523	39228	40851	42660				
N	6	Hourly	19.00	19.80	20.65	21.51				
O		Annually	39520	41184	42952	44740				

P	7	Hourly	20.17	20.92	21.79	22.55	23.41			
Q		Annually	41953	43513	45323	46904	48692			
R	8	Hourly	21.33	22.28	23.24	24.29	25.43			
S		Annually	44366	46342	48339	50523	52894			
T	9	Hourly	22.75	23.94	25.11	26.37	27.70			
U		Annually	47320	49795	52228	54849	57616			
V	10	Hourly	24.53	25.89	27.28	28.86	30.39			
W		Annually	51022	53851	56742	60028	63211			
X	11	Hourly	26.74	28.28	29.92	31.61	33.40			
Y		Annually	55619	58822	62233	65748	69472			
Z	12	Hourly	29.49	31.15	32.82	34.63	36.55	38.55	40.12	42.01
AA		Annually	61339	64792	68265	72030	76024	80184	83449	87380
AB	13	Hourly	32.51	34.29	36.16	38.11	40.26	42.43	44.17	46.25
AC		Annually	67620	71323	75212	79268	83740	88254	91873	96200
AD	14	Hourly	35.74	37.78	39.81	41.97	44.34	46.81	48.75	51.03
AE		Annually	74339	78582	82804	87297	92227	97364	101400	106142
AF	15	Hourly	39.27	41.48	43.82	46.23	48.79	51.47	53.58	56.10
AG		Annually	81681	86278	91145	96158	101483	107057	111446	116688

AH	16	Hourly	43.29	45.70	48.21	50.92	53.71	56.79	59.12	61.89
AI		Annually	90043	95056	100276	105913	111716	118123	122969	128731
AJ	17	Hourly	47.70	50.33	53.15	56.08	59.23	62.53	65.97	
AK		Annually	99216	104686	110552	116646	123198	130062	137217	
AL	18	Hourly	52.57	55.48	58.61	61.83	65.25	68.90		
AM		Annually	109345	115398	121908	128606	135720	143312		
AN	19	Hourly	57.83	61.03	64.47	68.01	71.78	75.79		
AO		Annually	120286	126942	134097	141460	149302	157643		

~~Schedule E-2~~

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	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	51.97
C		Annually	33758	108097
D	42	Hourly	17.89	57.38
E		Annually	37211	119350
F	43	Hourly	19.70	63.19
G		Annually	40976	131435
H	44	Hourly	21.73	69.04

I		Annually	45198	143603
J	45	Hourly	24.01	75.38
K		Annually	49941	156790
L	46	Hourly	26.43	82.38
M		Annually	54974	171350
N	47	Hourly	29.14	89.91
O		Annually	60611	187012
P	48	Hourly	32.14	98.08
Q		Annually	66851	204006
R	49	Hourly	35.44	105.90
S		Annually	73715	220272

(B) As soon as possible after the effective date of this 6282
amendment, the director of administrative services, in 6283
consultation with the director of budget and management, shall 6284
create pay schedules E-1 and E-2. In the schedules, the director 6285
of administrative services shall create pay ranges and assign an 6286
hourly wage, annual salary, or both to each value within a pay 6287
range. The director shall report the schedules to the 6288
controlling board and publish the schedules. 6289

The director of administrative services, in consultation 6290
with the director of budget and management, may periodically 6291
revise pay schedules E-1 and E-2. The director of administrative 6292
services shall report revisions to the controlling board and 6293

publish the revised schedules. 6294

The director of administrative services shall assign each 6295
classification identified in the job classification plan 6296
established under division (A) of section 124.14 of the Revised 6297
Code to a pay range in pay schedules E-1 or E-2 created under 6298
this section. 6299

(C) As used in this section: 6300

(1) "Exempt employee" means a permanent full-time or 6301
permanent part-time employee paid directly by warrant of the 6302
director of budget and management whose position is included in 6303
the job classification plan established under division (A) of 6304
section 124.14 of the Revised Code but who is not considered a 6305
public employee for the purposes of Chapter 4117. of the Revised 6306
Code. "Exempt employee" also includes a permanent full-time or 6307
permanent part-time employee of the secretary of state, auditor 6308
of state, treasurer of state, or attorney general who has not 6309
been placed in an appropriate bargaining unit by the state 6310
employment relations board. 6311

(2) "Base rate of pay" means the rate of pay established 6312
under schedule E-1 ~~of~~ created by the director of administrative 6313
services under this section, plus the supplement provided under 6314
division (E) of section 124.181 of the Revised Code, plus any 6315
supplements enacted into law that are added to schedule E-1 ~~of~~ 6316
created by the director under this section. 6317

~~(D) Notwithstanding any division of this section to the~~ 6318
~~contrary, or division (E) or (G) of section 124.15 of the~~ 6319
~~Revised Code with respect to requirements for step placement and~~ 6320
~~advancement, no exempt employee other than a captain or~~ 6321
~~equivalent officer in the state highway patrol shall be placed~~ 6322

~~in step value 7 in range 17 of schedule E-1 of division (B) (3) of this section.~~

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Sec. 124.17. The director of administrative services may institute an employee awards system designed to encourage all state employees to submit suggestions that will reduce the costs, or improve the quality, of state services. Employee awards granted under the system may be either monetary or nonmonetary. The director shall provide, by rule, reasonable standards for determining the amount, not to exceed five thousand dollars per employee, of any cash award, and for determining the value of any nonmonetary award, that may be given for a suggestion. The department of administrative services shall review each adopted suggestion and determine the amount or type of award, if any, to be given.

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In addition to the employees award system, the director may establish a program for the recognition of exemplary performance of employees paid in accordance with the schedules created under section 124.152 of the Revised Code and those employees listed in divisions (B) (2) and (4) of section 124.14 of the Revised Code. The program may include, but is not limited to, cash awards, additional leave, or other provisions as the director considers appropriate, and the director shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the administration of the program.

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Sec. 124.181. (A) Except as provided in divisions (M) and (P) of this section, any employee paid in accordance with schedule B of section 124.15 of the Revised Code or schedule E-1 created by the director of administrative services under section 124.152 of the Revised Code is eligible for the pay supplements provided in this section upon application by the appointing

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authority substantiating the employee's qualifications for the 6353
supplement and with the approval of the director of 6354
administrative services except as provided in division (E) of 6355
this section. 6356

(B) (1) In computing any of the pay supplements provided in 6357
this section for an employee paid in accordance with schedule B 6358
of section 124.15 of the Revised Code, the classification salary 6359
base shall be the minimum hourly rate of the pay range, provided 6360
in that section, in which the employee is assigned at the time 6361
of computation. 6362

(2) In computing any of the pay supplements provided in 6363
this section for an employee paid in accordance with schedule 6364
E-1 created by the director of administrative services under 6365
section 124.152 of the Revised Code, the classification salary 6366
base shall be the minimum hourly rate of the pay range, provided 6367
in ~~that section~~ the schedule, in which the employee is assigned 6368
at the time of computation. 6369

(C) ~~The~~ Unless otherwise provided in this section, the 6370
effective date of any pay supplement, ~~except as provided in~~ 6371
~~section 124.183 of the Revised Code or unless otherwise provided~~ 6372
~~in this section,~~ shall be determined by the director. 6373

(D) The director shall, by rule, establish standards 6374
regarding the administration of this section. 6375

(E) (1) Except as otherwise provided in this division, 6376
beginning on the first day of the pay period within which the 6377
employee completes five years of total service with the state 6378
government or any of its political subdivisions, each employee 6379
in positions paid in accordance with schedule B of section 6380
124.15 of the Revised Code or in accordance with schedule E-1 6381

created by the director of administrative services under section 6382
124.152 of the Revised Code shall receive an automatic salary 6383
adjustment equivalent to two and one-half per cent of the 6384
classification salary base, to the nearest whole cent. Each 6385
employee shall receive thereafter an annual adjustment 6386
equivalent to one-half of one per cent of the employee's 6387
classification salary base, to the nearest whole cent, for each 6388
additional year of qualified employment until a maximum of ten 6389
per cent of the employee's classification salary base is 6390
reached. The granting of longevity adjustments shall not be 6391
affected by promotion, demotion, or other changes in 6392
classification held by the employee, nor by any change in pay 6393
range for the employee's class or grade. Longevity pay 6394
adjustments shall become effective at the beginning of the pay 6395
period within which the employee completes the necessary length 6396
of service, except that when an employee requests credit for 6397
prior service, the effective date of the prior service credit 6398
and of any longevity adjustment shall be the first day of the 6399
pay period following approval of the credit by the director of 6400
administrative services. No employee, other than an employee who 6401
submits proof of prior service within ninety days after the date 6402
of the employee's hiring, shall receive any longevity adjustment 6403
for the period prior to the director's approval of a prior 6404
service credit. Time spent on authorized leave of absence shall 6405
be counted for this purpose. 6406

(2) An employee who has retired in accordance with the 6407
provisions of any retirement system offered by the state and who 6408
is employed by the state or any political subdivision of the 6409
state on or after June 24, 1987, shall not have prior service 6410
with the state or any political subdivision of the state counted 6411
for the purpose of determining the amount of the salary 6412

adjustment provided under this division. 6413

(3) There shall be a moratorium on employees' receipt 6414
under this division of credit for service with the state 6415
government or any of its political subdivisions during the 6416
period from July 1, 2003, through June 30, 2005. In calculating 6417
the number of years of total service under this division, no 6418
credit shall be included for service during the moratorium. The 6419
moratorium shall apply to the employees of the secretary of 6420
state, the auditor of state, the treasurer of state, and the 6421
attorney general, who are subject to this section unless the 6422
secretary of state, the auditor of state, the treasurer of 6423
state, or the attorney general decides to exempt the office's 6424
employees from the moratorium and so notifies the director of 6425
administrative services in writing on or before July 1, 2003. 6426

If an employee is exempt from the moratorium, receives 6427
credit for a period of service during the moratorium, and takes 6428
a position with another entity in the state government or any of 6429
its political subdivisions, either during or after the 6430
moratorium, and if that entity's employees are or were subject 6431
to the moratorium, the employee shall continue to retain the 6432
credit. However, if the moratorium is in effect upon the taking 6433
of the new position, the employee shall cease receiving 6434
additional credit as long as the employee is in the position, 6435
until the moratorium expires. 6436

(F) When an exceptional condition exists that creates a 6437
temporary or a permanent hazard for one or more positions in a 6438
class paid in accordance with schedule B of section 124.15 of 6439
the Revised Code or in accordance with schedule E-1 created by 6440
the director of administrative services under section 124.152 of 6441
the Revised Code, a special hazard salary adjustment may be 6442

granted for the time the employee is subjected to the hazardous 6443
condition. All special hazard conditions shall be identified for 6444
each position and incidence from information submitted to the 6445
director on an appropriate form provided by the director and 6446
categorized into standard conditions of: some unusual hazard not 6447
common to the class; considerable unusual hazard not common to 6448
the class; and exceptional hazard not common to the class. 6449

(1) A hazardous salary adjustment of five per cent of the 6450
employee's classification salary base may be applied in the case 6451
of some unusual hazardous condition not common to the class for 6452
those hours worked, or a fraction of those hours worked, while 6453
the employee was subject to the unusual hazard condition. 6454

(2) A hazardous salary adjustment of seven and one-half 6455
per cent of the employee's classification salary base may be 6456
applied in the case of some considerable hazardous condition not 6457
common to the class for those hours worked, or a fraction of 6458
those hours worked, while the employee was subject to the 6459
considerable hazard condition. 6460

(3) A hazardous salary adjustment of ten per cent of the 6461
employee's classification salary base may be applied in the case 6462
of some exceptional hazardous condition not common to the class 6463
for those hours worked, or a fraction of those hours worked, 6464
when the employee was subject to the exceptional hazard 6465
condition. 6466

(4) Each claim for temporary hazard pay shall be submitted 6467
as a separate payment and shall be subject to an administrative 6468
audit by the director as to the extent and duration of the 6469
employee's exposure to the hazardous condition. 6470

(G) When a full-time employee whose salary or wage is paid 6471

directly by warrant of the director of budget and management and 6472
who also is eligible for overtime under the "Fair Labor 6473
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 6474
amended, is ordered by the appointing authority to report back 6475
to work after termination of the employee's regular work 6476
schedule and the employee reports, the employee shall be paid 6477
for such time. The employee shall be entitled to four hours at 6478
the employee's total rate of pay or overtime compensation for 6479
the actual hours worked, whichever is greater. This division 6480
does not apply to work that is a continuation of or immediately 6481
preceding an employee's regular work schedule. 6482

(H) When a certain position or positions paid in 6483
accordance with schedule B of section 124.15 of the Revised Code 6484
or in accordance with schedule E-1 created by the director of 6485
administrative services under section 124.152 of the Revised 6486
Code require the ability to speak or write a language other than 6487
English, a special pay supplement may be granted to attract 6488
bilingual individuals, to encourage present employees to become 6489
proficient in other languages, or to retain qualified bilingual 6490
employees. The bilingual pay supplement provided in this 6491
division may be granted in the amount of five per cent of the 6492
employee's classification salary base for each required foreign 6493
language and shall remain in effect as long as the bilingual 6494
requirement exists. 6495

(I) The director of administrative services may establish 6496
a shift differential for employees. The differential shall be 6497
paid to employees in positions working in other than the regular 6498
or first shift. In those divisions or agencies where only one 6499
shift prevails, no shift differential shall be paid regardless 6500
of the hours of the day that are worked. The director and the 6501
appointing authority shall designate which positions shall be 6502

covered by this division. 6503

(J) An appointing authority may assign an employee to work 6504
in a higher level position for a continuous period of more than 6505
two weeks but no more than two years. The employee's pay shall 6506
be established at a rate that is approximately four per cent 6507
above the employee's current base rate for the period the 6508
employee occupies the position, provided that this temporary 6509
assignment is approved by the director. Employees paid under 6510
this division shall continue to receive any of the pay 6511
supplements due them under other divisions of this section based 6512
on the step one base rate for their normal classification. 6513

(K) If a certain position, or positions, within a class 6514
paid in accordance with schedule B of section 124.15 of the 6515
Revised Code or in accordance with schedule E-1 created by the 6516
director of administrative services under section 124.152 of the 6517
Revised Code are mandated by state or federal law or regulation 6518
or other regulatory agency or other certification authority to 6519
have special technical certification, registration, or licensing 6520
to perform the functions which are under the mandate, a special 6521
professional achievement pay supplement may be granted. This 6522
special professional achievement pay supplement shall not be 6523
granted when all incumbents in all positions in a class require 6524
a license as provided in the classification description 6525
published by the department of administrative services; to 6526
licensees where no special or extensive training is required; 6527
when certification is granted upon completion of a stipulated 6528
term of in-service training; when an appointing authority has 6529
required certification; or any other condition prescribed by the 6530
director. 6531

(1) Before this supplement may be applied, evidence as to 6532

the requirement must be provided by the agency for each position 6533
involved, and certification must be received from the director 6534
as to the director's concurrence for each of the positions so 6535
affected. 6536

(2) The professional achievement pay supplement provided 6537
in this division shall be granted in an amount up to ten per 6538
cent of the employee's classification salary base and shall 6539
remain in effect as long as the mandate exists. 6540

(L) Those employees assigned to teaching supervisory, 6541
principal, assistant principal, or superintendent positions who 6542
have attained a higher educational level than a basic bachelor's 6543
degree may receive an educational pay supplement to remain in 6544
effect as long as the employee's assignment and classification 6545
remain the same. 6546

(1) An educational pay supplement of two and one-half per 6547
cent of the employee's classification salary base may be applied 6548
upon the achievement of a bachelor's degree plus twenty quarter 6549
hours of postgraduate work. 6550

(2) An educational pay supplement of an additional five 6551
per cent of the employee's classification salary base may be 6552
applied upon achievement of a master's degree. 6553

(3) An educational pay supplement of an additional two and 6554
one-half per cent of the employee's classification salary base 6555
may be applied upon achievement of a master's degree plus thirty 6556
quarter hours of postgraduate work. 6557

(4) An educational pay supplement of five per cent of the 6558
employee's classification salary base may be applied when the 6559
employee is performing as a master teacher. 6560

(5) An educational pay supplement of five per cent of the 6561

employee's classification salary base may be applied when the 6562
employee is performing as a special education teacher. 6563

(6) Those employees in teaching supervisory, principal, 6564
assistant principal, or superintendent positions who are 6565
responsible for specific extracurricular activity programs shall 6566
receive overtime pay for those hours worked in excess of their 6567
normal schedule, at their straight time hourly rate up to a 6568
maximum of five per cent of their regular base salary in any 6569
calendar year. 6570

(M) (1) A state agency, board, or commission may establish 6571
a supplementary compensation schedule for those licensed 6572
physicians employed by the agency, board, or commission in 6573
positions requiring a licensed physician. The supplementary 6574
compensation schedule, together with the compensation otherwise 6575
authorized by this chapter, shall provide for the total 6576
compensation for these employees to range appropriately, but not 6577
necessarily uniformly, for each classification title requiring a 6578
licensed physician, in accordance with a schedule approved by 6579
the state controlling board. The individual salary levels 6580
recommended for each such physician employed shall be approved 6581
by the director. Notwithstanding section 124.11 of the Revised 6582
Code, such personnel are in the unclassified civil service. 6583

(2) The director of administrative services may approve 6584
supplementary compensation for the director of health, if the 6585
director is a licensed physician, in accordance with a 6586
supplementary compensation schedule approved under division (M) 6587
(1) of this section or in accordance with another supplementary 6588
compensation schedule the director of administrative services 6589
considers appropriate. The supplementary compensation shall not 6590
exceed twenty per cent of the director of health's base rate of 6591

pay. 6592

(N) Notwithstanding sections 117.28, 117.30, 117.33, 6593
117.36, 117.42, and 131.02 of the Revised Code, the state shall 6594
not institute any civil action to recover and shall not seek 6595
reimbursement for overpayments made in violation of division (E) 6596
of this section or division (C) of section 9.44 of the Revised 6597
Code for the period starting after June 24, 1987, and ending on 6598
October 31, 1993. 6599

(O) Employees of the office of the treasurer of state who 6600
are exempt from collective bargaining coverage may be granted a 6601
merit pay supplement of up to one and one-half per cent of their 6602
step rate. The rate at which this supplement is granted shall be 6603
based on performance standards established by the treasurer of 6604
state. Any supplements granted under this division shall be 6605
administered on an annual basis. 6606

(P) Intermittent employees appointed under section 124.30 6607
of the Revised Code are not eligible for the pay supplements 6608
provided by this section. 6609

Sec. 124.382. (A) As used in this section and sections 6610
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 6611

(1) "Pay period" means the fourteen-day period of time 6612
during which the payroll is accumulated, as determined by the 6613
director of administrative services. 6614

(2) "Active pay status" means the conditions under which 6615
an employee is eligible to receive pay, and includes, but is not 6616
limited to, vacation leave, sick leave, personal leave, 6617
bereavement leave, and administrative leave. 6618

(3) "No pay status" means the conditions under which an 6619
employee is ineligible to receive pay and includes, but is not 6620

limited to, leave without pay, leave of absence, and disability 6621
leave. 6622

(4) "Disability leave" means the leave granted pursuant to 6623
section 124.385 of the Revised Code. 6624

(5) "Full-time permanent employee" means an employee whose 6625
regular hours of duty total eighty hours in a pay period in a 6626
state agency and whose appointment is not for a limited period 6627
of time. 6628

(6) "Base rate of pay" means the rate of pay established 6629
under schedule B or C of section 124.15 of the Revised Code or 6630
under schedule E-1 or schedule E-2 created by the director of 6631
administrative services under section 124.152 of the Revised 6632
Code, plus any supplement provided under section 124.181 of the 6633
Revised Code, plus any supplements enacted into law which are 6634
added to schedule B or C of section 124.15 of the Revised Code 6635
or to schedule E-1 or schedule E-2 created by the director of 6636
administrative services under section 124.152 of the Revised 6637
Code. 6638

(7) "Part-time permanent employee" means an employee whose 6639
regular hours of duty total less than eighty hours in a pay 6640
period in a state agency and whose appointment is not for a 6641
limited period of time. 6642

(B) Each full-time permanent and part-time permanent 6643
employee whose salary or wage is paid directly by warrant of the 6644
director of budget and management shall be credited with sick 6645
leave of three and one-tenth hours for each completed eighty 6646
hours of service, excluding overtime hours worked. Sick leave is 6647
not available for use until it appears on the employee's earning 6648
statement and the compensation described in the earning 6649

statement is available to the employee. 6650

(C) Any sick leave credit provided pursuant to division 6651
(B) of this section, remaining as of the last day of the pay 6652
period preceding the first paycheck the employee receives in 6653
December, shall be converted pursuant to section 124.383 of the 6654
Revised Code. 6655

(D) Employees may use sick leave, provided a credit 6656
balance is available, upon approval of the responsible 6657
administrative officer of the employing unit, for absence due to 6658
personal illness, pregnancy, injury, exposure to contagious 6659
disease that could be communicated to other employees, and 6660
illness, injury, or death in the employee's immediate family. 6661
When sick leave is used, it shall be deducted from the 6662
employee's credit on the basis of absence from previously 6663
scheduled work in such increments of an hour and at such a 6664
compensation rate as the director of administrative services 6665
determines. The appointing authority of each employing unit may 6666
require an employee to furnish a satisfactory, signed statement 6667
to justify the use of sick leave. 6668

If, after having utilized the credit provided by this 6669
section, an employee utilizes sick leave that was accumulated 6670
prior to November 15, 1981, compensation for such sick leave 6671
used shall be at a rate as the director determines. 6672

(E) (1) The previously accumulated sick leave balance of an 6673
employee who has been separated from the public service, for 6674
which separation payments pursuant to section 124.384 of the 6675
Revised Code have not been made, shall be placed to the 6676
employee's credit upon the employee's reemployment in the public 6677
service, if the reemployment takes place within ten years of the 6678
date on which the employee was last terminated from public 6679

service. 6680

(2) The previously accumulated sick leave balance of an 6681
employee who has separated from a school district shall be 6682
placed to the employee's credit upon the employee's appointment 6683
as an unclassified employee of the state department of education 6684
and workforce, if all of the following apply: 6685

(a) The employee accumulated the sick leave balance while 6686
employed by the school district. 6687

(b) The employee did not receive any separation payments 6688
for the sick leave balance. 6689

(c) The employee's employment with the department takes 6690
place within ten years after the date on which the employee 6691
separated from the school district. 6692

(F) An employee who transfers from one public agency to 6693
another shall be credited with the unused balance of the 6694
employee's accumulated sick leave. 6695

(G) The director of administrative services shall 6696
establish procedures to uniformly administer this section. No 6697
sick leave may be granted to a state employee upon or after the 6698
employee's retirement or termination of employment. 6699

(H) As used in this division, "active payroll" means 6700
conditions under which an employee is in active pay status or 6701
eligible to receive pay for an approved leave of absence, 6702
including, but not limited to, occupational injury leave, 6703
disability leave, or workers' compensation. 6704

(1) Employees who are in active payroll status on June 18, 6705
2011, shall receive a one-time credit of additional sick leave 6706
in the pay period that begins on July 1, 2011. Full-time 6707

employees shall receive the lesser of either a one-time credit 6708
of thirty-two hours of additional sick leave or a one-time 6709
credit of additional sick leave equivalent to half the hours of 6710
personal leave the employee lost during the moratorium 6711
established under either division (A) of section 124.386 of the 6712
Revised Code or pursuant to a rule of the director of 6713
administrative services. Part-time employees shall receive a 6714
one-time credit of sixteen hours of additional sick leave. 6715

(2) Employees who are not in active payroll status due to 6716
military leave or an absence taken in accordance with the 6717
federal "Family and Medical Leave Act" are eligible to receive 6718
the one-time additional sick leave credit. 6719

(3) The one-time additional sick leave credit does not 6720
apply to employees of the supreme court, general assembly, 6721
legislative service commission, secretary of state, auditor of 6722
state, treasurer of state, or attorney general unless the 6723
supreme court, general assembly, legislative service commission, 6724
secretary of state, auditor of state, treasurer of state, or 6725
attorney general participated in the moratorium under division 6726
(H) or (I) of section 124.386 of the Revised Code and notifies 6727
in writing the director of administrative services on or before 6728
June 1, 2011, of the decision to participate in the one-time 6729
additional sick leave credit. Written notice under this division 6730
shall be signed by the appointing authority for employees of the 6731
supreme court, general assembly, or legislative service 6732
commission, as the case may be. 6733

Sec. 124.384. (A) Except as otherwise provided in this 6734
section, employees whose salaries or wages are paid by warrant 6735
of the director of budget and management and who have 6736
accumulated sick leave under section 124.38 or 124.382 of the 6737

Revised Code shall be paid for a percentage of their accumulated
balances, upon separation for any reason, including death but
excluding retirement, at their last base rate of pay at the rate
of one hour of pay for every two hours of accumulated balances.
An employee who retires in accordance with any retirement plan
offered by the state shall be paid upon retirement for each hour
of the employee's accumulated sick leave balance at a rate of
fifty-five per cent of the employee's last base rate of pay.

An employee serving in a temporary work level who elects
to convert unused sick leave to cash shall do so at the base
rate of pay of the employee's normal classification. If an
employee dies, the employee's unused sick leave shall be paid in
accordance with section 2113.04 of the Revised Code or to the
employee's estate.

In order to be eligible for the payment authorized by this
section, an employee shall have at least one year of state
service and shall request all or a portion of that payment no
later than three years after separation from state service. No
person is eligible to receive all or a portion of the payment
authorized by this section at any time later than three years
after the person's separation from state service.

(B) A person initially employed on or after July 5, 1987,
by a state agency in which the employees' salaries or wages are
paid directly by warrant of the director of budget and
management shall receive payment under this section only for
sick leave accumulated while employed by state agencies in which
the employees' salaries or wages are paid directly by warrant of
the director of budget and management. Additionally, a person
initially employed on or after July 5, 1987, but before October
1, 2017, by the state department of education and workforce as

an unclassified employee shall receive payment under this 6768
section for sick leave placed to the employee's credit under 6769
division (E) (2) of section 124.382 of the Revised Code. 6770

(C) For employees paid in accordance with the schedules 6771
created under section 124.152 of the Revised Code and those 6772
employees listed in divisions (B) (2) and (4) of section 124.14 6773
of the Revised Code, the director of administrative services, 6774
with the approval of the director of budget and management, may 6775
establish a plan for early payment of accrued sick leave and 6776
vacation leave. 6777

Sec. 124.385. (A) An employee is eligible for disability 6778
leave benefits under this section if the employee has completed 6779
one year of continuous state service immediately prior to the 6780
date of the disability and if any of the following applies: 6781

(1) The employee is a full-time permanent employee and is 6782
eligible for sick leave credit pursuant to division (B) of 6783
section 124.382 of the Revised Code or is entitled to disability 6784
benefits under a collective bargaining agreement. 6785

(2) The employee is a part-time permanent employee who has 6786
worked at least fifteen hundred hours within the twelve-month 6787
period immediately preceding the date of disability and is 6788
eligible for sick leave credit under division (B) of section 6789
124.382 of the Revised Code. 6790

(3) The employee is a full-time permanent or part-time 6791
permanent employee, is on disability leave or leave of absence 6792
for medical reasons, and would be eligible for sick leave credit 6793
pursuant to division (B) of section 124.382 of the Revised Code 6794
except that the employee is in no pay status due to the 6795
employee's medical condition. 6796

(B) The director of administrative services, ~~by rule~~ 6797
~~adopted in accordance with Chapter 119. of the Revised Code,~~ 6798
shall adopt a rule to establish a disability leave program. The 6799
rule shall include, but shall not be limited to, the following: 6800

(1) Procedures to be followed for determining disability; 6801

(2) Provisions for the allowance of disability leave due 6802
to illness, condition, or injury; 6803

(3) Provisions for the continuation of service credit for 6804
employees granted disability leave, including service credit 6805
towards retirement, as provided by the applicable statute; 6806

(4) The establishment of a minimum level of benefit and of 6807
a waiting period before benefits begin; 6808

(5) Provisions setting a maximum length of benefit and 6809
requiring that employees eligible to apply for disability 6810
retirement shall do so prior to completing the first six months 6811
of their period of disability. The director's rules shall 6812
indicate those employees required to apply for disability 6813
retirement. If an employee is approved to receive disability 6814
retirement, the employee shall receive the retirement benefit 6815
and a supplement payment that equals a percentage of the 6816
employee's base rate of pay and that, when added to the 6817
retirement benefit, equals no more than the percentage of pay 6818
received by employees after the first six months of disability. 6819
This supplemental payment shall not be considered earnable 6820
salary, compensation, or salary, and is not subject to 6821
contributions, under Chapter 145., 742., 3307., 3309., or 5505. 6822
of the Revised Code. 6823

(6) Provisions that allow employees to utilize available 6824
sick leave, personal leave, compensatory time, or vacation leave 6825

balances to supplement the benefits payable under this section. 6826
The balances used to supplement the benefits, plus any amount 6827
contributed by the state ~~as provided in division (D) of this~~ 6828
~~section~~, shall be paid at the employee's base rate of pay in an 6829
amount sufficient to give employees up to one hundred per cent 6830
of pay for time on disability. 6831

(7) Procedures for appealing denial of payment of a claim, 6832
~~including the following:~~ 6833

~~(a) A maximum of thirty days to file an appeal by the~~ 6834
~~employee;~~ 6835

~~(b) A maximum of fifteen days for the parties to select a~~ 6836
~~third-party opinion pursuant to division (F) of this section,~~ 6837
~~unless an extension is agreed to by the parties;~~ 6838

~~(c) A maximum of thirty days for the third party to render~~ 6839
~~an opinion.~~ 6840

~~(8) Provisions for approving leave of absence for medical~~ 6841
~~reasons where an employee is in no pay status because the~~ 6842
~~employee has used all the employee's sick leave, personal leave,~~ 6843
~~vacation leave, and compensatory time;~~ 6844

~~(9)~~ (8) Provisions for precluding the payment of benefits 6845
if the injury for which the benefits are sought is covered by a 6846
workers' compensation plan; 6847

~~(10) Provisions for precluding the payment of benefits in~~ 6848
~~order to ensure that benefits are provided in a consistent~~ 6849
~~manner.~~ 6850

(C) ~~Except as provided in division (B) (6) of this section,~~ 6851
~~time off for an employee granted disability leave is not~~ 6852
~~chargeable to any other leave granted by other sections The~~ 6853

adjudication hearing requirements prescribed in Chapter 119. of 6854
the Revised Code do not apply to the procedures for appealing 6855
denial of payment of a claim that the director adopts by rule 6856
under division (B) (7) of this section. 6857

(D) While an employee is on an approved disability leave, 6858
the employee shall be responsible for paying the employee's 6859
share of retirement contributions and the employer's share shall 6860
be paid by the state. 6861

~~(E) The approval for disability leave shall be made by the~~ 6862
~~director, upon recommendation by the appointing authority. The~~ 6863
~~director may delegate to any appointing authority the authority~~ 6864
~~to approve disability benefits for a standard recovery period.~~ 6865

~~(F)~~ If a request for disability leave is denied based on a 6866
medical determination, the director shall obtain a medical 6867
opinion from a third party. The decision of the third party is 6868
binding. 6869

~~(G)~~ (F) The rule adopted by the director under division (B) 6870
of this section shall not deny disability leave benefits for an 6871
illness or injury to an employee who is a veteran of the United 6872
States armed forces because the employee contracted the illness 6873
or received the injury in the course of or as a result of 6874
military service and the illness or injury is or may be covered 6875
by a compensation plan administered by the United States 6876
department of veterans affairs. 6877

Sec. 124.386. (A) Each full-time permanent employee paid 6878
in accordance with the schedules created under section 124.152 6879
of the Revised Code and those full-time permanent employees 6880
listed in divisions (B) (2) and (4) of section 124.14 of the 6881
Revised Code shall be credited with thirty-two hours of personal 6882

leave each year. Each part-time permanent employee paid in 6883
accordance with the schedules created under section 124.152 of 6884
the Revised Code and those part-time permanent employees listed 6885
in divisions (B) (2) and (4) of section 124.14 of the Revised 6886
Code shall receive a pro-rated personal leave credit as 6887
determined by rule of the director of administrative services. 6888
The credit shall be made to each eligible employee in the first 6889
pay the employee receives in December. Employees, upon giving 6890
reasonable notice to the responsible administrative officer of 6891
the appointing authority, may use personal leave for absence due 6892
to mandatory court appearances, legal or business matters, 6893
family emergencies, unusual family obligations, medical 6894
appointments, weddings, religious holidays not listed in section 6895
124.19 of the Revised Code, or any other matter of a personal 6896
nature. Personal leave may not be used on a holiday when an 6897
employee is scheduled to work. 6898

Personal leave is not available for use until it appears 6899
on the employee's earning statement and the compensation 6900
described in the earning statement is available to the employee. 6901

There shall be a moratorium on personal leave accrual 6902
beginning with the credit employees would have received in 6903
December 2009, except as otherwise provided in divisions (H) (1) 6904
and (2) of this section. Personal leave accrual shall resume 6905
with employees receiving credit in December 2011 and there shall 6906
be no retroactive grant of credit for the period the moratorium 6907
was in effect. 6908

(B) When personal leave is used by an employee of either 6909
house of the general assembly or an employee of a legislative 6910
agency, it shall be deducted from the unused balance of the 6911
employee's personal leave in the manner prescribed by the 6912

employee's administrative authority. When personal leave is used 6913
by an employee described in division (A) of this section who is 6914
not an employee of either house of the general assembly or of a 6915
legislative agency, it shall be deducted from the unused balance 6916
of the employee's personal leave on the basis of absence in such 6917
increments of an hour as the director of administrative services 6918
determines. Compensation for personal leave shall be equal to 6919
the employee's base rate of pay. 6920

(C) A newly appointed full-time permanent employee or a 6921
non-full-time employee who receives a full-time permanent 6922
appointment shall be credited with personal leave of thirty-two 6923
hours, less one and two-tenths hours for each pay period that 6924
has elapsed following the first paycheck the employee receives 6925
in December, until the first day of the pay period during which 6926
the appointment was effective. 6927

(D) The director of administrative services shall allow 6928
employees to elect one of the following options with respect to 6929
the unused balance of personal leave: 6930

(1) Carry forward the balance. The maximum credit that 6931
shall be available to an employee at any one time is forty 6932
hours. 6933

(2) Convert the balance to accumulated sick leave, to be 6934
used in the manner provided by section 124.382 of the Revised 6935
Code; 6936

(3) Receive a cash benefit. The cash benefit shall equal 6937
one hour of the employee's base rate of pay for every hour of 6938
unused credit that is converted. An employee serving in a 6939
temporary work level who elects to convert unused personal leave 6940
to cash shall do so at the base rate of pay of the employee's 6941

normal classification. Such cash benefit shall not be subject to 6942
contributions to any of the retirement systems, either by the 6943
employee or the employer. 6944

There shall be a moratorium on the payment for conversion 6945
of unused personal leave until December 2011, except as 6946
otherwise provided in divisions (H) (1) and (2) of this section. 6947

(E) A full-time permanent employee who separates from 6948
state service or becomes ineligible to be credited with leave 6949
under this section shall receive a reduction of personal leave 6950
credit of one and two-tenths hours for each pay period that 6951
remains beginning with the first pay period following the date 6952
of separation or the effective date of the employee's 6953
ineligibility until the pay period preceding the next base pay 6954
period. After calculation of the reduction of an employee's 6955
personal leave credit, the employee is entitled to compensation 6956
for any remaining personal leave credit at the employee's 6957
current base rate of pay. If the reduction results in a number 6958
of hours less than zero, the cash equivalent value of such 6959
number of hours shall be deducted from any compensation that 6960
remains payable to the employee, or from the cash conversion 6961
value of any vacation or sick leave that remains credited to the 6962
employee. An employee serving in a temporary work level who is 6963
eligible to receive compensation under this section shall be 6964
compensated at the base rate of pay of the employee's normal 6965
classification. 6966

(F) An employee who transfers from one public agency to 6967
another public agency in which the employee is eligible for the 6968
credit provided under this section shall be credited with the 6969
unused balance of personal leave. 6970

(G) The director of administrative services shall 6971

establish procedures to uniformly administer this section. No 6972
personal leave may be granted to a state employee upon or after 6973
retirement or termination of employment. 6974

(H) (1) The moratoria imposed under divisions (A) and (D) 6975
(3) of this section shall apply to employees of the secretary of 6976
state, auditor of state, treasurer of state, and attorney 6977
general who are subject to this section unless the secretary of 6978
state, auditor of state, treasurer of state, or attorney general 6979
decides to exempt the office's employees from the moratoria and 6980
so notifies the director of administrative services in writing 6981
on or before November 1, 2009. 6982

(2) The moratoria imposed under divisions (A) and (D) (3) 6983
of this section do not apply to employees of the supreme court, 6984
the general assembly, and the legislative service commission who 6985
are subject to this section, unless the supreme court, general 6986
assembly, or legislative service commission decides to include 6987
those employees in the moratoria and so notifies the director of 6988
administrative services in writing on or before November 1, 6989
2009. Written notice shall be signed by the appointing authority 6990
for employees of the supreme court, general assembly, or 6991
legislative service commission as the case may be. 6992

Sec. 124.81. (A) Except as provided in division (F) of 6993
this section, the department of administrative services in 6994
consultation with the superintendent of insurance shall 6995
negotiate with and, in accordance with the competitive selection 6996
procedures of Chapter 125. of the Revised Code, contract with 6997
one or more insurance companies authorized to do business in 6998
this state, for the issuance of one of the following: 6999

(1) A policy of group life insurance covering all state 7000
employees who are paid directly by warrant of the director of 7001

budget and management, including elected state officials; 7002

(2) A combined policy, or coordinated policies of one or 7003
more insurance companies or health insuring corporations in 7004
combination with one or more insurance companies providing group 7005
life and health, medical, hospital, dental, or surgical 7006
insurance, or any combination thereof, covering all such 7007
employees; 7008

(3) A policy that may include, but is not limited to, 7009
hospitalization, surgical, major medical, dental, vision, and 7010
medical care, disability, hearing aids, prescription drugs, 7011
group life, life, sickness, and accident insurance, group legal 7012
services, or a combination of the above benefits for some or all 7013
of the employees paid in accordance with the schedules created 7014
under section 124.152 of the Revised Code and for some or all of 7015
the employees listed in divisions (B) (2) and (4) of section 7016
124.14 of the Revised Code, and their immediate dependents. 7017

(B) The department of administrative services in 7018
consultation with the superintendent of insurance shall 7019
negotiate with and, in accordance with the competitive selection 7020
procedures of Chapter 125. of the Revised Code, contract with 7021
one or more insurance companies authorized to do business in 7022
this state, for the issuance of a policy of group life insurance 7023
covering all municipal and county court judges. The amount of 7024
such coverage shall be an amount equal to the aggregate salary 7025
set forth for each municipal court judge in sections 141.04 and 7026
1901.11 of the Revised Code, and set forth for each county court 7027
judge in sections 141.04 and 1907.16 of the Revised Code. 7028

(C) If a state employee uses all accumulated sick leave 7029
and then goes on an extended medical disability, the 7030
policyholder shall continue at no cost to the employee the 7031

coverage of the group life insurance for such employee for the 7032
period of such extended leave, but not beyond three years. 7033

(D) If a state employee insured under a group life 7034
insurance policy as provided in division (A) of this section is 7035
laid off pursuant to section 124.32 of the Revised Code, such 7036
employee by request to the policyholder, made no later than the 7037
effective date of the layoff, may elect to continue the 7038
employee's group life insurance for the one-year period through 7039
which the employee may be considered to be on laid-off status by 7040
paying the policyholder through payroll deduction or otherwise 7041
twelve times the monthly premium computed at the existing 7042
average rate for the group life case for the amount of the 7043
employee's insurance thereunder at the time of the employee's 7044
layoff. The policyholder shall pay the premiums to the insurance 7045
company at the time of the next regular monthly premium payment 7046
for the actively insured employees and furnish the company 7047
appropriate data as to such laid-off employees. At the time an 7048
employee receives written notice of a layoff, the policyholder 7049
shall also give such employee written notice of the opportunity 7050
to continue group life insurance in accordance with this 7051
division. When such laid-off employee is reinstated for active 7052
work before the end of the one-year period, the employee shall 7053
be reclassified as insured again as an active employee under the 7054
group and appropriate refunds for the number of full months of 7055
unearned premium payment shall be made by the policyholder. 7056

(E) This section does not affect the conversion rights of 7057
an insured employee when the employee's group insurance 7058
terminates under the policy. 7059

(F) Notwithstanding division (A) of this section, the 7060
department may provide benefits equivalent to those that may be 7061

paid under a policy issued by an insurance company, or the 7062
department may, to comply with a collectively bargained 7063
contract, enter into an agreement with a jointly administered 7064
trust fund which receives contributions pursuant to a collective 7065
bargaining agreement entered into between this state, or any of 7066
its political subdivisions, and any collective bargaining 7067
representative of the employees of this state or any political 7068
subdivision for the purpose of providing for self-insurance of 7069
all risk in the provision of fringe benefits similar to those 7070
that may be paid pursuant to division (A) of this section, and 7071
the jointly administered trust fund may provide through the 7072
self-insurance method specific fringe benefits as authorized by 7073
the rules of the board of trustees of the jointly administered 7074
trust fund. Amounts from the fund may be used to pay direct and 7075
indirect costs that are attributable to consultants or a third- 7076
party administrator and that are necessary to administer this 7077
section. Benefits provided under this section include, but are 7078
not limited to, hospitalization, surgical care, major medical 7079
care, disability, dental care, vision care, medical care, 7080
hearing aids, prescription drugs, group life insurance, sickness 7081
and accident insurance, group legal services, or a combination 7082
of the above benefits, for the employees and their immediate 7083
dependents. 7084

(G) Notwithstanding any other provision of the Revised 7085
Code, any public employer, including the state, and any of its 7086
political subdivisions, including, but not limited to, any 7087
county, county hospital, municipal corporation, township, park 7088
district, school district, state institution of higher 7089
education, public or special district, state agency, authority, 7090
commission, or board, or any other branch of public employment, 7091
and any collective bargaining representative of employees of the 7092

state or any political subdivision may agree in a collective 7093
bargaining agreement that any mutually agreed fringe benefit 7094
including, but not limited to, hospitalization, surgical care, 7095
major medical care, disability, dental care, vision care, 7096
medical care, hearing aids, prescription drugs, group life 7097
insurance, sickness and accident insurance, group legal 7098
services, or a combination thereof, for employees and their 7099
dependents be provided through a mutually agreed upon 7100
contribution to a jointly administered trust fund. Amounts from 7101
the fund may be used to pay direct and indirect costs that are 7102
attributable to consultants or a third-party administrator and 7103
that are necessary to administer this section. The amount, type, 7104
and structure of fringe benefits provided under this division is 7105
subject to the determination of the board of trustees of the 7106
jointly administered trust fund. Notwithstanding any other 7107
provision of the Revised Code, competitive bidding does not 7108
apply to the purchase of fringe benefits for employees under 7109
this division through a jointly administered trust fund. 7110

Sec. 125.01. As used in this chapter: 7111

(A) "Advertising" includes advertising in print or 7112
electronic newspapers, journals, or magazines and advertising 7113
broadcast over radio or television or placed on the internet. 7114

(B) "Buy Ohio products" means products that are mined, 7115
excavated, produced, manufactured, raised, or grown in this 7116
state or a state bordering Ohio where the input of Buy Ohio 7117
products, labor, skill, or other services constitutes not less 7118
than twenty-five per cent of the manufactured cost. With respect 7119
to mined products, such products shall be mined or excavated in 7120
this state or a state bordering Ohio. "Buy Ohio products" 7121
includes any product that includes semiconductors produced by a 7122

company with a significant Ohio economic presence. 7123

(C) "Chartered nonpublic school" has the same meaning as 7124
in section 3310.01 of the Revised Code. 7125

(D) "Community rehabilitation program" means an agency 7126
meeting all of the following requirements: 7127

(1) Organized under the laws of the United States or this 7128
state such that no part of its net income inures to the benefit 7129
of any shareholder or other individual; 7130

(2) Certified as a sheltered workshop, if applicable, by 7131
the wage and hour division of the United States department of 7132
labor; 7133

(3) Registered and in good standing with the secretary of 7134
state as a domestic nonprofit corporation; 7135

(4) Complies with applicable occupational health and 7136
safety standards required by the laws of the United States or of 7137
this state; 7138

(5) Operates in the interest of persons with work-limiting 7139
disabilities, provides vocational or other employment-related 7140
training to persons with work-limiting disabilities, and employs 7141
persons with work-limiting disabilities in the manufacture of 7142
products or the provision of services; 7143

(6) Is a nonprofit corporation for federal tax purposes. 7144

(E) "Competitive selection" means any of the following 7145
procedures for making purchases: 7146

(1) Competitive sealed bidding under section 125.07 of the 7147
Revised Code; 7148

(2) Competitive sealed proposals under section 125.071 of 7149

the Revised Code; 7150

(3) Reverse auctions under section 125.072 of the Revised 7151
Code; 7152

(4) Electronic procurement under section 125.073 of the 7153
Revised Code. 7154

(F) "Direct purchasing authority" means the authority of a 7155
state agency to make a purchase without competitive selection 7156
pursuant to sections 125.05 and 127.16 of the Revised Code. 7157

(G) "Emergency" has the same meaning as in section 5502.21 7158
of the Revised Code. 7159

(H) "Emergency medical service organization" has the same 7160
meaning as in section 4765.01 of the Revised Code. 7161

(I) "Goods" means anything that can be purchased that is 7162
not a service or real property. 7163

(J) "Governmental agency" means a political subdivision or 7164
special district in this state or any other state established by 7165
or under law, or any combination of these entities; the United 7166
States or any department, division, or agency of the United 7167
States; one or more other states or groups of states; other 7168
purchasing consortia; and any agency, commission, or authority 7169
established under an interstate compact or agreement. 7170

(K) "Government ordering office" means any state agency, 7171
excluding those listed in division (A) of section 125.02 of the 7172
Revised Code, or any political subdivision described in division 7173
(B) of section 125.04 of the Revised Code. 7174

(L) "Invoice" means an itemized listing showing delivery 7175
of the goods or performance of the services described in the 7176
order including all of the following: 7177

<u>(1) The date of the purchase or rendering of the service;</u>	7178
<u>(2) An itemization of the things done, material supplied,</u>	7179
<u>or labor furnished;</u>	7180
<u>(3) The sum due pursuant to the contract or obligation.</u>	7181
<u>(M) "Military goods or services" means goods or services</u>	7182
<u>provided through the supply chain of any branch of the United</u>	7183
<u>States military that are necessary for executing an assigned</u>	7184
<u>mission, including arms, ordnance, equipment, and all other</u>	7185
<u>military property issued to the state by the federal government.</u>	7186
<u>"Military goods or services" does not include any of the</u>	7187
<u>following:</u>	7188
<u>(1) Real property;</u>	7189
<u>(2) Construction of, or improvements or alterations to,</u>	7190
<u>public works as required by Chapter 153. of the Revised Code;</u>	7191
<u>(3) Goods or services that state agencies can purchase</u>	7192
<u>from requisite procurement programs as prescribed by section</u>	7193
<u>125.035 of the Revised Code, through competitive selection as</u>	7194
<u>prescribed by sections 125.05 and 127.16 of the Revised Code, or</u>	7195
<u>through direct purchasing authority.</u>	7196
<u>(N) "Ohio-based personal protective equipment</u>	7197
<u>manufacturer" means a manufacturer, at least two-thirds of the</u>	7198
<u>beneficial ownership of which is vested in residents of this</u>	7199
<u>state, that produces personal protective equipment in this</u>	7200
<u>state.</u>	7201
(A) <u>(O) "Order" means a copy of a contract or a statement</u>	7202
<u>of the nature of a contemplated expenditure, a description of</u>	7203
<u>the property or supplies goods to be purchased or service</u>	7204
<u>services to be performed, other than a service services</u>	7205

performed by officers and regular employees of the state, and 7206
per diem of the national guard, and the total sum of the 7207
expenditure to be made therefor, if the sum is fixed and 7208
ascertained, otherwise the estimated sum thereof, and an 7209
authorization to pay for the contemplated expenditure, signed by 7210
the person instructed and authorized to pay upon receipt of a 7211
proper invoice. 7212

~~(B) "Invoice" means an itemized listing showing delivery 7213~~
~~of the supplies or performance of the service described in the 7214~~
~~order including all of the following: 7215~~

~~(1) The date of the purchase or rendering of the service; 7216~~

~~(2) An itemization of the things done, material supplied, 7217~~
~~or labor furnished; 7218~~

~~(3) The sum due pursuant to the contract or obligation. 7219~~

~~(C) "Products" means materials, supplies, merchandise, 7220~~
~~goods, wares, and foodstuffs. 7221~~

~~(D) (P) "Personal information" has the same meaning as in 7222~~
~~section 149.45 of the Revised Code. 7223~~

(Q) "Personal protective equipment" means equipment worn 7224
to minimize exposure to hazards that cause workplace injuries 7225
and illnesses. 7226

(R) "Political subdivision" means any county, township, 7227
municipal corporation, school district, conservancy district, 7228
township park district, park district created under Chapter 7229
1545. of the Revised Code, regional transit authority, regional 7230
airport authority, regional water and sewer district, or port 7231
authority. "Political subdivision" also includes any other 7232
political subdivision described in the Revised Code that has 7233

been approved by the department of administrative services to 7234
participate in the department's contracts. 7235

(S) "Private fire company" has the same meaning as in 7236
section 9.60 of the Revised Code. 7237

(T) "Produced" means the manufacturing, processing, 7238
mining, developing, and making of a thing into a new article 7239
with a distinct character in use through the application of 7240
input, within the state or a state bordering Ohio, of Buy Ohio 7241
products, labor, skill, or other services. "Produced" does not 7242
include the mere assembling or putting together of products or 7243
materials from outside of Ohio or a state bordering Ohio. 7244

~~(E) "Buy Ohio products" means products that are mined,~~ 7245
~~excavated, produced, manufactured, raised, or grown in the state~~ 7246
~~or a state bordering Ohio where the input of Buy Ohio products,~~ 7247
~~labor, skill, or other services constitutes no less than twenty-~~ 7248
~~five per cent of the manufactured cost. With respect to mined-~~ 7249
~~products, such products shall be mined or excavated in this-~~ 7250
~~state or a state bordering Ohio.~~ 7251

~~(F)~~ (U) "Products" means materials, supplies, merchandise, 7252
goods, wares, and foodstuffs. 7253

(V) "Purchase" means to buy, rent, lease, lease purchase, 7254
or otherwise acquire supplies goods or services. "Purchase" also 7255
includes all functions that pertain to ~~the obtaining of supplies~~ 7256
goods or services, including description of requirements, 7257
selection and solicitation of sources, preparation and award of 7258
contracts, all phases of contract administration, ~~and receipt~~ 7259
and acceptance of the supplies goods and services and ~~payment-~~ 7260
~~for them~~ financial consideration for the goods and services by 7261
either a state agency or a third-party. 7262

(W) "Real property" means land or anything that is erected 7263
on or affixed to land, or below the surface, excluding 7264
infrastructure. Major classifications of real property are land, 7265
land improvements, and buildings. 7266

~~(G)~~ (X) "Services" means the furnishing of labor, time, or 7267
effort by a person, not involving the delivery of a specific end 7268
product other than a report which, if provided, is merely 7269
incidental to the required performance. "Services" does not 7270
include services furnished pursuant to employment agreements or 7271
collective bargaining agreements. 7272

~~(H) "Supplies" means all property, including, but not~~ 7273
~~limited to, equipment, materials, and other tangible assets, but~~ 7274
~~excluding real property or an interest in real property.~~ 7275

~~(I) "Competitive selection" means any of the following~~ 7276
~~procedures for making purchases:~~ 7277

~~(1) Competitive sealed bidding under section 125.07 of the~~ 7278
~~Revised Code;~~ 7279

~~(2) Competitive sealed proposals under section 125.071 of~~ 7280
~~the Revised Code;~~ 7281

~~(3) Reverse auctions under section 125.072 of the Revised~~ 7282
~~Code;~~ 7283

~~(4) Electronic procurement under section 125.073 of the~~ 7284
~~Revised Code.~~ 7285

~~(J) "Direct purchasing authority" means the authority of a~~ 7286
~~state agency to make a purchase without competitive selection~~ 7287
~~pursuant to sections 125.05 and 127.16 of the Revised Code~~ 7288

(Y) "State award" means a contract awarded by the state 7289
costing over twenty-five thousand dollars. "State award" does 7290

not include compensation received as an employee of the state or 7291
any state financial assistance and expenditure received from the 7292
general assembly or any legislative agency, any court or 7293
judicial agency, the secretary of state, auditor of state, 7294
treasurer of state, or attorney general and their respective 7295
offices. 7296

(Z) "State contract" means a contract for the purchase of 7297
goods or services awarded by the department of administrative 7298
services. 7299

(AA) "State institution of higher education" has the same 7300
meaning as in section 3345.011 of the Revised Code. 7301

(BB) "State official" means an official elected to a 7302
statewide office or a member of the general assembly. 7303

(CC) "State procurement emergency" means a situation in 7304
which the normal functioning of one or more state government 7305
agencies is threatened, creating any of the following: 7306

(1) An immediate and serious need for goods or services 7307
that cannot be met through purchasing methods required by 7308
Chapter 125. of the Revised Code; 7309

(2) A threat to public health, safety, or welfare; 7310

(3) Threats to the preservation or protection of property. 7311

Sec. 125.02. (A) The department of administrative services 7312
shall establish state contracts for supplies and to purchase 7313
goods or services, including telephone, other 7314
telecommunications, and computer services, for the use of by the 7315
department and state agencies, and may establish such contracts 7316
for the use of by any political subdivision as entity described 7317
in division (B) of section 125.04 of the Revised Code, except 7318

for the following: 7319

(1) The adjutant general for military ~~supplies and goods~~ 7320
or services; 7321

(2) The general assembly; 7322

(3) The judicial branch; 7323

(4) State institutions of higher education; 7324

(5) State elected officials as set forth in section 7325
125.041 of the Revised Code; 7326

(6) The capitol square review and advisory board. 7327

The entities set forth in divisions (A) (1) to (6) of this 7328
section may request the ~~department of administrative services'~~ 7329
department's assistance in the ~~procurement of supplies and~~ 7330
purchasing goods or services for their respective offices and, 7331
upon the department's approval, may participate in contracts 7332
awarded by the department. 7333

(B) For purchases under division ~~(C)~~ (D) of section 125.05 7334
of the Revised Code, the department shall grant a state agency a 7335
release and permit to make the purchase if the department 7336
determines that it is not possible or advantageous for the 7337
department to make a purchase. 7338

(C) Upon request, the department may grant a blanket 7339
release and permit to a state agency for specific purchases. The 7340
department may grant the blanket release and permit for a fiscal 7341
year or for a biennium as determined by the director of 7342
administrative services. 7343

(D) The director of administrative services shall adopt 7344
rules under Chapter 119. of the Revised Code regarding 7345

circumstances and criteria for obtaining a release and permit 7346
under this section. The rules adopted by the director of 7347
~~administrative services also~~ shall prescribe uniform ~~rules~~ 7348
~~governing~~ forms of specifications, advertisements for bids and 7349
proposals, the opening of bids and proposals, the making of 7350
awards and contracts, ~~and the purchase of supplies goods or~~ 7351
services, and the performance of work. 7352

(E) The director may participate in cooperative purchasing 7353
with the following: 7354

(1) The entities set forth in divisions (A) (1) to (6) of 7355
this section; 7356

(2) One or more other states; 7357

(3) Groups of states; 7358

(4) The United States or any department, division, or 7359
agency of the United States; 7360

(5) Other purchasing consortia; 7361

(6) The department of transportation; or 7362

(7) Any ~~political subdivision entity~~ of this state 7363
described in division (B) of section 125.04 of the Revised Code. 7364

(F) The United States or any department, division, or 7365
agency of the United States, one or more other states, groups of 7366
states, other purchasing consortia, or any agency, commission, 7367
or authority established under an interstate compact or 7368
agreement may purchase ~~supplies and goods or~~ services from 7369
contracts established by the department ~~of administrative~~ 7370
~~services.~~ 7371

(G) Except as provided in section 125.04 of the Revised 7372

Code, the department ~~of administrative services~~ shall purchase 7373
any policy of insurance, including a surety or fidelity bond, 7374
covering officers or employees of a state agency, for which the 7375
annual premium is more than one thousand dollars and which the 7376
state may procure. The department shall purchase the insurance 7377
in conformity with sections 125.04 to 125.15 of the Revised 7378
Code. As used in this division, "annual premium" means the total 7379
premium for one year for one type of insurance regardless of the 7380
number of policies. 7381

(H) At its discretion, the department may amend, renew, 7382
cancel, or terminate any state contract when it is in the best 7383
interest of the state. 7384

Sec. 125.035. (A) Except as otherwise provided in the 7385
Revised Code, ~~a state agency wanting to purchase supplies or~~ 7386
~~services shall make the purchase subject to the requirements of~~ 7387
~~an applicable first or second requisite procurement program~~ 7388
~~described in this section, or obtain a determination from the~~ 7389
~~department of administrative services that the purchase is not~~ 7390
~~subject to before making a purchase, a state agency shall~~ 7391
determine if the needed goods or services can be acquired from a 7392
first requisite or a second requisite procurement program. ~~State~~ 7393
~~agencies shall submit a purchase request to the department of~~ 7394
~~administrative services unless the department has determined the~~ 7395
~~request does not require a review. The director of~~ 7396
~~administrative services shall adopt rules under Chapter 119. of~~ 7397
~~the Revised Code to provide for the manner of carrying out the~~ 7398
~~function and the power and duties imposed upon and vested in the~~ 7399
~~director by this section.~~ 7400

~~(B) The following programs are first~~ (1) First requisite 7401
~~procurement programs that shall be given preference in the~~ 7402

~~following order in fulfilling a purchase request~~ are the 7403
following: 7404

~~(1)~~ (a) Ohio penal industries ~~within~~ administered by the 7405
department of rehabilitation and correction; 7406

~~(2)~~ (b) Community rehabilitation ~~programs~~ program 7407
~~administered by the department of administrative services~~ under 7408
~~sections~~ section 125.601 ~~to 125.6012~~ of the Revised Code; 7409

~~(3)~~ (c) Ohio-based personal protective equipment 7410
manufacturers program ~~established by the director of~~ 7411
~~administrative services~~ administered under ~~section 125.036~~ 7412
Chapter 125. of the Revised Code. 7413

~~(C) The following programs are second requisite~~ 7414
~~procurement programs that may be able to fulfill the purchase~~ 7415
~~request if the first requisite procurement programs are unable~~ 7416
~~to do so~~ (2) If the needed goods or services are available from 7417
more than one first requisite procurement program, preference 7418
shall be given in the following order: 7419

(a) Ohio penal industries; 7420

(b) Community rehabilitation programs; 7421

(c) Ohio-based personal protective equipment manufacturers 7422
program. 7423

(3) If the needed goods or services cannot be provided by 7424
a first requisite procurement program, a state agency shall 7425
determine if the goods or services are available from any of the 7426
second requisite procurement programs, which are the following: 7427

~~(1)~~ (a) Business enterprise program at the opportunities 7428
for Ohioans with disabilities agency as prescribed in sections 7429
3304.28 to 3304.33 of the Revised Code; 7430

~~(2) Office~~ (b) The department of administrative services 7431
office of information technology at the department of 7432
~~administrative services as established~~ prescribed in section 7433
125.18 of the Revised Code; 7434

~~(3) Office~~ (c) The department of administrative services 7435
office of state printing and mail services at the department of 7436
~~administrative services~~ as prescribed in Chapter 125. of the 7437
Revised Code; 7438

~~(4)~~ (d) Ohio pharmacy services at the department of mental 7439
health and addiction services as prescribed in section 5119.44 7440
of the Revised Code; 7441

~~(5)~~ (e) The Ohio facilities construction commission 7442
established in section 123.20 of the Revised Code; ~~and~~ 7443

~~(6)~~ (f) Any other program within, or administered by, a 7444
state agency that, by law, requires purchases to be made by, or 7445
with the approval of, the state agency. 7446

~~(D) Upon receipt of a purchase request, the department of~~ 7447
~~administrative services shall provide the requesting agency a~~ 7448
~~notification of receipt of the purchase request. The department~~ 7449
~~then shall determine whether the request can be fulfilled~~ 7450
~~through a first requisite procurement program. In making the~~ 7451
~~determination, the department may consult with each of the first~~ 7452
~~requisite procurement programs. When the department has made its~~ 7453
~~determination, it shall:~~ 7454

~~(1) Direct the requesting agency to obtain the desired~~ 7455
~~supplies or services through the proper first requisite~~ 7456
~~procurement program;~~ 7457

~~(2) Provide the agency with a waiver from the use of the~~ 7458
~~applicable first requisite procurement programs under sections~~ 7459

~~125.609 or 5147.07 of the Revised Code; or~~

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~~(3) Determine whether the purchase can be fulfilled
through a second requisite procurement program under division
(E) of this section.~~

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~~(E) In making the determination that a purchase is subject
to a second requisite procurement program, the department shall
identify potentially applicable programs and notify each program
of the requested purchase. The notified second requisite
procurement program shall respond to the department within two
business days with regard to its ability to provide the
requested purchase. If the second requisite procurement program
can provide the requested purchase, the department shall direct
the requesting agency to make the requested purchase from the
appropriate second requisite procurement program. If the
department has not received notification from a second requisite
procurement program within two business days and the department
has made the determination that the purchase is not subject to a
second requisite procurement program, the department shall
provide a waiver to the requesting agency.~~

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~~(F) Within five business days after receipt of a request,
the department shall notify the requesting agency of its
determination and provide any waiver under divisions (D) or (E)
of this section. If the department fails to respond within five
business days or fails to provide an explanation for any further
delay within that time~~
(B) When requisite procurement programs
receive a purchase request, the requesting agency may use direct
purchasing authority to make the requested purchase, subject to
the requirements of division (C) of this section, division (F)
of section 125.05, and section 127.16 of the Revised Code.
requisite procurement programs shall determine if the requisite

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procurement programs can provide the requested goods or 7490
services. In making this determination, the requisite 7491
procurement programs shall do one of the following: 7492

(1) Direct the requesting state agency to obtain the 7493
requested goods or services through the proper requisite 7494
procurement program; 7495

(2) Provide the requesting state agency with a waiver from 7496
the use of the applicable requisite procurement program within 7497
five business days, or allow the time to lapse, whereupon the 7498
department of administrative services shall issue a waiver to 7499
the requesting state agency. 7500

~~(G) As~~ (C) Upon receiving a waiver, the requesting state 7501
agency may use direct purchasing authority to make the requested 7502
purchase, subject to the requirements of division (D) of this 7503
section, division (G) of section 125.05, and section 127.16 of 7504
the Revised Code. 7505

(D) As provided in sections 125.02 and 125.05 of the 7506
Revised Code and subject to such rules as the director of 7507
administrative services may adopt, the department may issue a 7508
release and permit to ~~the agency~~ a state agency to ~~secure~~ 7509
~~supplies~~ purchase goods or services. A release and permit shall 7510
specify the ~~supplies~~ goods or services to which it applies, the 7511
time during which it is operative, and the reason for its 7512
issuance. A release and permit for telephone, other 7513
telecommunications, and computer services shall be provided in 7514
accordance with section 125.18 of the Revised Code and shall 7515
specify the type of services to be rendered, the number and type 7516
of hardware to be used, and may specify the amount of such 7517
services to be performed. The ~~director~~ department may issue a 7518
release and permit for the purchase of personal protective 7519

equipment from a foreign personal protective equipment 7520
manufacturer, if purchasing from an Ohio-based personal 7521
protective equipment manufacturer would result in the state 7522
agency paying a price that is one hundred twenty per cent or 7523
higher than the price that is available from the foreign 7524
supplier. No requesting agency shall proceed with such purchase 7525
until it has received an approved release and permit ~~from the~~ 7526
~~director of administrative services or the director's designee.~~ 7527

Sec. 125.036. ~~(A) As used in this section:~~ 7528

~~"Ohio-based personal protective equipment manufacturer"~~ 7529
~~means a manufacturer, at least two-thirds of the beneficial~~ 7530
~~ownership of which is vested in residents of this state, that~~ 7531
~~produces personal protective equipment in this state.~~ 7532

~~"Personal protective equipment" has the meaning defined in~~ 7533
~~division (E) of section 125.05 of the Revised Code.~~ 7534

~~(B)~~ The director of administrative services shall 7535
establish and maintain an Ohio-based personal protective 7536
equipment manufacturers program. Under the program, the director 7537
shall establish and maintain a list of Ohio-based personal 7538
protective equipment manufacturers qualified to fulfill a 7539
purchase request under division ~~(B) (3)~~ (A) (1) (c) of section 7540
125.035 of the Revised Code. 7541

Sec. 125.04. (A) Except for the requirements of division 7542
(B) of this section, ~~section 125.092,~~ and division (B) of 7543
section 125.11 of the Revised Code, sections 125.04 to 125.08 7544
and 125.09 to 125.15 of the Revised Code do not apply to or 7545
affect state institutions of higher education. 7546

~~(B) (1) As used in this division:~~ 7547

~~(a) "Chartered nonpublic school" has the same meaning as~~ 7548

~~in section 3310.01 of the Revised Code.~~ 7549

~~(b) "Emergency medical service organization" has the same~~ 7550
~~meaning as in section 4765.01 of the Revised Code.~~ 7551

~~(c) "Governmental agency" means a political subdivision or~~ 7552
~~special district in this state or any other state established by~~ 7553
~~or under law, or any combination of these entities; the United~~ 7554
~~States or any department, division, or agency of the United~~ 7555
~~States; one or more other states or groups of states; other~~ 7556
~~purchasing consortia; and any agency, commission, or authority~~ 7557
~~established under an interstate compact or agreement.~~ 7558

~~(d) "Political subdivision" means any county, township,~~ 7559
~~municipal corporation, school district, conservancy district,~~ 7560
~~township park district, park district created under Chapter~~ 7561
~~1545. of the Revised Code, regional transit authority, regional~~ 7562
~~airport authority, regional water and sewer district, or port~~ 7563
~~authority. "Political subdivision" also includes any other~~ 7564
~~political subdivision described in the Revised Code that has~~ 7565
~~been approved by the department of administrative services to~~ 7566
~~participate in the department's contracts under this division.~~ 7567

~~(e) "Private fire company" has the same meaning as in~~ 7568
~~section 9.60 of the Revised Code.~~ 7569

~~(f) "State institution of higher education" has the~~ 7570
~~meaning defined in section 3345.011 of the Revised Code.~~ 7571

~~(2) (B) Subject to division (C) (F) of this section, the~~ 7572
~~department of administrative services may permit a state~~ 7573
~~institution of higher education, governmental agency, political~~ 7574
~~subdivision, private fire company, private, nonprofit emergency~~ 7575
~~medical service organization, or chartered nonpublic school to~~ 7576
~~participate in state contracts into which the department has~~ 7577

~~entered for the purchase of supplies and services. With respect~~ 7578
to such participation, all of the following apply: 7579

(1) The department may charge the entity a reasonable fee 7580
to cover the administrative costs the department incurs as a 7581
result of participation by the entity in ~~such a purchase state~~ 7582
contract. 7583

(2) A political subdivision desiring to participate in 7584
~~such purchase state~~ contracts shall file with the department a 7585
certified copy of an ordinance or resolution of the legislative 7586
authority or governing board of the political subdivision. The 7587
resolution or ordinance shall request that the political 7588
subdivision be authorized to participate in ~~such state~~ contracts 7589
and shall agree that the political subdivision will be bound by 7590
~~such the~~ terms and conditions of the contract as prescribed by 7591
the department ~~prescribes,~~ and that it will directly pay the 7592
~~vendor under each purchase contracts~~ supplier providing goods or 7593
services under the contract. 7594

(3) A private fire company, private, nonprofit emergency 7595
medical service organization, or chartered nonpublic school 7596
desiring to participate in ~~such purchase state~~ contracts shall 7597
file with the department a written request for inclusion in the 7598
program signed by the chief officer of the company, 7599
organization, or chartered nonpublic school. 7600

(4) A governmental agency desiring to participate in ~~such~~ 7601
~~purchase state~~ contracts shall file with the department a 7602
written request for inclusion in the program. A state 7603
institution of higher education desiring to participate in ~~such~~ 7604
~~purchase state~~ contracts shall file with the department a 7605
certified copy of resolution of the board of trustees or similar 7606
authorizing body. The resolution shall request that the state 7607

institution of higher education be authorized to participate in
~~such state~~ contracts.

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(5) A request for inclusion shall include an agreement to
be bound by such terms and conditions as the department
prescribes and to make direct payments to the vendor under each
~~purchase state~~ contract.

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~~(3)~~ (C) The board of elections of a county that is
authorized to participate in state contracts under division ~~(B)~~
~~(2)~~ (B) of this section may participate in contracts under that
division under the same terms and conditions that apply to the
county.

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~~(4) The department shall include in its annual report, an
estimate of the purchases made by state institutions of higher
education, governmental agencies, political subdivisions, boards
of elections, private fire companies, private, nonprofit
emergency medical service organizations, and chartered nonpublic
schools from contracts pursuant to this division. (D) The
department may require ~~such entities~~ state institutions of
higher education, governmental agencies, political subdivisions,
boards of elections, private fire companies, private, nonprofit
emergency medical service organizations, and chartered nonpublic
schools to file a report with the department, as often as it
finds necessary, stating how many ~~such state~~ contracts the
entities participated in within a specified period of time, and
any other information the department requires.~~

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~~(5)~~ (E) Purchases made by a political subdivision or a
board of elections under this division are exempt from any
competitive selection procedures otherwise required by law. No
political subdivision shall make any purchase under this
division when bids have been received for such purchase by the

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subdivision, unless such purchase can be made upon the same 7638
terms, conditions, and specifications at a lower price under 7639
division ~~(B) (2)~~ (B) of this section. 7640

~~(C) (F)~~ A political subdivision ~~as defined in division (B)~~ 7641
~~of this section~~ or a board of elections may purchase ~~supplies~~ 7642
goods or services from another party, including a political 7643
subdivision, instead of through participation in ~~contracts~~ 7644
~~described in division (B) of this section~~ a state contract if 7645
the political subdivision or board of elections can purchase 7646
those ~~supplies~~ goods or services from the other party upon 7647
equivalent terms, conditions, and specifications but at a lower 7648
~~price than it can through those contracts.~~ and both of the 7649
following apply: 7650

(1) Purchases that a political subdivision or board of 7651
elections makes under this division are exempt from any 7652
competitive selection procedures otherwise required by law. 7653

(2) A political subdivision or board of elections that 7654
makes any purchase under this division shall maintain sufficient 7655
information regarding the purchase to verify that the political 7656
subdivision or board of elections satisfied the conditions for 7657
making a purchase under this division. 7658

Nothing in this division restricts any action taken by a 7659
county or township as authorized by division (B) (1) of section 7660
9.48 of the Revised Code. 7661

~~(D) (G)~~ This section does not apply to ~~supplies~~ goods or 7662
services purchased by a state agency directly as provided in 7663
section 125.05 of the Revised Code, or to purchases of ~~supplies~~ 7664
goods or services for the emergency management agency or other 7665
state agencies as provided in section 125.061 of the Revised 7666

Code. 7667

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to 7668
125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~125.71, or 7669
125.831 of the Revised Code shall be construed as limiting the 7670
attorney general, auditor of state, secretary of state, or 7671
treasurer of state in any of the following: 7672

(1) Purchases for less than the dollar amounts for the 7673
purchase of ~~supplies~~ goods or services determined under section 7674
125.05 of the Revised Code; 7675

(2) Purchases that equal or exceed the dollar amounts for 7676
the purchase of ~~supplies~~ goods or services determined under 7677
section 125.05 of the Revised Code with the approval of the 7678
controlling board, if that approval is required by section 7679
127.16 of the Revised Code; 7680

(3) The final determination of the nature or quantity of 7681
any purchase of ~~supplies~~ goods or services under division (B) of 7682
section 125.02 or under division ~~(C)~~ (C) of section 125.035 of 7683
the Revised Code; 7684

(4) The final determination and disposal of excess and 7685
surplus ~~supplies~~ property; 7686

(5) The inventory of state property; 7687

(6) The purchase of printing; 7688

(7) Activities related to information technology 7689
development and use; 7690

(8) The fleet management program. 7691

(B) Nothing in this section shall be construed as 7692
preventing the attorney general, auditor of state, secretary of 7693

state, or treasurer of state from complying with or 7694
participating in any aspect of Chapter 125. of the Revised Code 7695
through the department of administrative services. 7696

Sec. 125.05. (A) No state agency shall purchase ~~any~~ 7697
~~supplies goods~~ or services except as provided in this section 7698
and section 127.16 of the Revised Code. When exercising direct 7699
purchasing authority the agency shall utilize a competitive 7700
selection process that complies with all applicable laws, rules, 7701
~~or regulations and policies~~ of the department of administrative 7702
services. 7703

~~(A)~~ (B) A state agency may, without competitive selection, 7704
make any purchase of ~~supplies goods~~ or services that cost less 7705
than fifty thousand dollars after complying with divisions (A) 7706
to ~~(E)~~ (D) of section 125.035 of the Revised Code. The agency may 7707
make the purchase directly or may make the purchase from or 7708
through the department ~~of administrative services~~, whichever the 7709
agency determines. The agency shall adopt written purchasing 7710
procedures that are consistent with the department's ~~purchasing~~ 7711
~~procedures and laws, rules, and policies~~. The agency shall use 7712
those procedures when making purchases under this division. 7713

Section 127.16 of the Revised Code does not apply to 7714
purchases made under this division. 7715

~~(B)~~ (C) A state agency shall make purchases of ~~supplies~~ 7716
goods and services that cost fifty thousand dollars or more 7717
through the department ~~of administrative services~~ and the 7718
process provided in section 125.035 of the Revised Code, unless 7719
the department grants the state agency a waiver ~~and or~~ a release 7720
and permit under that section. 7721

~~(C) An~~ (D) A state agency that has been granted a release 7722

and permit under section 125.035 of the Revised Code to make a 7723
purchase may make the purchase without competitive selection if 7724
after making the purchase the cumulative purchase threshold as 7725
computed under division (E) of section 127.16 of the Revised 7726
Code would: 7727

(1) Be exceeded and the controlling board approves the 7728
purchase; 7729

(2) Not be exceeded and the department ~~of administrative~~ 7730
~~services~~ approves the purchase. 7731

~~(D) An~~ (E) A state agency that has been granted a release 7732
and permit under section 125.035 of the Revised Code to make a 7733
purchase ~~may~~ shall make the purchase by utilizing the electronic 7734
procurement system established by the department ~~of~~ 7735
~~administrative services~~ under section 125.073 of the Revised 7736
Code. 7737

~~(E)~~ (F) If the department of education and workforce or the 7738
Ohio education computer network determines that it can purchase 7739
software goods or ~~services or supplies~~ for specified school 7740
districts at a price less than the price for which the districts 7741
could purchase the same software goods or ~~services or supplies~~ 7742
for themselves, the department or network shall certify that 7743
fact to the department of administrative services and, acting as 7744
an agent for the specified school districts, shall make that 7745
purchase without following the provisions in divisions ~~(A)~~ (B) to 7746
~~(D)~~ (E) of this section. 7747

~~(F)~~ (G) When the purchase cost of personal protective 7748
equipment is less than fifty thousand dollars, a state agency 7749
shall comply with section 125.035 of the Revised Code. If the 7750
purchase is not subject to the requirements of an applicable 7751

first or second requisite procurement program, the agency shall 7752
apply the same preferences in section 125.09 of the Revised Code 7753
when making the purchase. ~~As used in this division, "personal-~~ 7754
~~protective equipment" means equipment worn to minimize exposure-~~ 7755
~~to hazards that cause workplace injuries and illnesses.~~ 7756

Sec. 125.051. ~~(A) As used in this section:~~ 7757

~~(1) "Advertising" includes advertising in print or 7758~~
~~electronic newspapers, journals, or magazines and advertising 7759~~
~~broadcast over radio or television or placed on the internet. 7760~~

~~(2) "State official" means an official elected to a 7761~~
~~statewide office or a member of the general assembly. 7762~~

~~(B) Any advertising purchased with public money by a state 7763~~
~~official for the same purpose that, in the aggregate, exceeds 7764~~
~~fifty thousand dollars during the fiscal year, shall be subject 7765~~
~~to controlling board approval. 7766~~

Sec. 125.061. ~~(A) As used in this section:~~ 7767

~~(1) "Emergency" has the same meaning as defined in section 7768~~
~~5502.21 of the Revised Code. 7769~~

~~(2) "State procurement emergency" means a situation that 7770~~
~~creates all of the following: 7771~~

~~(a) A threat to public health, safety, or welfare; 7772~~

~~(b) An immediate and serious need for supplies or services 7773~~
~~that cannot be met through normal procurement methods required 7774~~
~~by state law; and 7775~~

~~(c) A serious threat of harm to the functioning of state 7776~~
~~government, the preservation or protection of property, or the 7777~~
~~health or safety of any person. 7778~~

~~(B)~~ During the period of an emergency, the department of 7779
administrative services may suspend, for the emergency 7780
management agency established in section 5502.22 of the Revised 7781
Code or any other state agency participating in response and 7782
recovery activities as defined in section 5502.21 of the Revised 7783
Code, the purchasing and contracting requirements contained in 7784
Chapter 125. and any requirement of Chapter 153. of the Revised 7785
Code that otherwise would apply to the agency. The director of 7786
public safety or the executive director of the emergency 7787
management agency shall make the request for the suspension of 7788
these requirements to the department ~~of administrative services~~ 7789
concurrently with the request to the governor or the president 7790
of the United States for the declaration of an emergency. The 7791
governor also shall include in any proclamation the governor 7792
issues declaring an emergency language requesting the suspension 7793
of those requirements during the period of the emergency. 7794

~~(C)~~ (B) During the period of a state procurement emergency, 7795
the department of administrative services may suspend, for any 7796
state agency, the purchasing and contracting requirements 7797
contained in Chapter 125. of the Revised Code that would 7798
otherwise be required of the agency. 7799

(1) The director or administrative head of the state 7800
agency where the state procurement emergency exists shall 7801
request the department ~~of administrative services~~ to suspend the 7802
purchasing and contracting requirements in Chapter 125. of the 7803
Revised Code. 7804

(2) The request shall include information detailing the 7805
immediacy of the state procurement emergency and a description 7806
of the necessary ~~supplies~~ goods or services that cannot be 7807
timely purchased through normal procurement methods otherwise 7808

required by state law.

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(3) Whenever practical, the agency shall obtain a release
and permit from the department of administrative services under
section 125.035 of the Revised Code before making purchases
under this division.

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~~(D)~~ (C) Before any purchase may be made under a suspension
authorized by this section, the director of administrative
services shall send notice of the suspension as approved by the
director to the director of budget and management and to the
members of the controlling board. The notice shall provide
details of the request for suspension and shall include a copy
of the director's approval.

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~~(E)~~ (D) Purchases made by state agencies under this section
are exempt from the requirements of section 127.16 of the
Revised Code, except that state agencies making purchases under
this section shall file a report with the president of the
controlling board describing all such purchases made by the
agency during the period covered by the emergency declaration or
state procurement emergency. The report shall be filed within
ninety days after the declaration or state procurement emergency
condition expires.

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Sec. 125.07. (A) In accordance with rules the director of
administrative services shall adopt under Chapter 119. of the
Revised Code, ~~the director of administrative services a state~~
agency may make purchases for goods or services by competitive
sealed bid. The competitive sealed bid, at, and both of the
following apply:

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(1) At a minimum, a solicitation for a competitive sealed
bid shall contain a detailed description of the ~~supplies goods~~

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or services to be purchased, the terms and conditions of the 7838
~~sale~~purchase, instructions concerning submissions of bid 7839
responses, and any other information the ~~director~~ department 7840
considers ~~to be necessary for the intended purchase.~~ 7841

(2) Competitive sealed bids shall be awarded as provided 7842
in section 125.11 of the Revised Code. 7843

(B) The department of administrative services, in making a 7844
purchase by competitive sealed bid, shall give notice in the 7845
following manner: 7846

(1) The department shall advertise the intended purchases 7847
by notice posted for the benefit of competing persons producing 7848
or dealing in the ~~supplies goods~~ or services to be purchased. 7849
The notice may be in any electronic form the director ~~of~~ 7850
~~administrative services~~ considers appropriate to sufficiently 7851
notify competing persons of the intended purchases. 7852

(2) The notice required under this division shall include 7853
the time and place where bids will be accepted and opened, or, 7854
when bids are made in a reverse auction, the time when bids will 7855
be accepted; the conditions under which bids will be received; 7856
the terms of the proposed purchases; and an itemized list of the 7857
~~supplies goods~~ or services to be purchased and the estimated 7858
quantities or amounts of them. 7859

~~(3) The notice required under this division shall be~~ 7860
~~posted the number of days preceding the day when the bids will~~ 7861
~~be opened or accepted that the director determines sufficient to~~ 7862
~~enable interested bidders to prepare their bids~~ (C) A state 7863
agency purchasing goods or services by competitive sealed 7864
bidding shall do so in the manner prescribed by this section and 7865
in compliance with all applicable laws, rules, and policies of 7866

the department.

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Sec. 125.071. (A) In accordance with rules the director of administrative services shall adopt under Chapter 119. of the Revised Code, the director a state agency may make purchases by competitive sealed proposal ~~whenever the director determines that when~~ the use of competitive sealed bidding is not possible or not advantageous to the state-, and both of the following apply:

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(1) At a minimum, solicitations for competitive sealed proposals shall contain a detailed description of the goods or services to be purchased, the terms and conditions of the purchase, instructions concerning submission of proposals, and any other information prescribed by rules adopted pursuant to this section or that the department of administrative services considers necessary.

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(2) Competitive sealed solicitations shall be awarded as provided in section 125.11 of the Revised Code.

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(B) Proposals shall be solicited through a request for proposals. The request for proposals shall state the relative importance of price and other evaluation factors. Notice of the request for proposals shall be given in accordance with rules the director shall adopt.

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(C) Proposals shall be opened so as to avoid disclosure of contents to competing offerors.

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~~In order to ensure fair and impartial evaluation, proposals and related documents submitted in response to a request for proposals are not available for public inspection and copying under section 149.43 of the Revised Code until after the award of the contract.~~

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(D) As provided in the request for proposals, and under 7896
rules the director shall adopt, discussions may be conducted 7897
with responsible offerors who submit proposals determined to be 7898
reasonably susceptible of being selected for award for the 7899
purpose of ensuring full understanding of, and responsiveness 7900
to, solicitation requirements. Offerors shall be accorded fair 7901
and equal treatment with respect to any opportunity for 7902
discussion regarding any clarification, correction, or revision 7903
of proposals. No disclosure of any information derived from 7904
proposals submitted by competing offerors shall occur when 7905
discussions are conducted. 7906

(E) ~~Award~~ Awards may be made to the offerors whose 7907
proposals are determined to be the most advantageous to this 7908
state, taking into consideration factors such as price and the 7909
evaluation criteria set forth in the request for proposals. The 7910
contract file shall contain the basis on which the award is 7911
made. 7912

(F) All proposals shall be submitted through and opened in 7913
the electronic procurement system established by the department 7914
under section 125.073 of the Revised Code. Proposals received 7915
after the due date and time specified in the solicitation shall 7916
be considered nonresponsive. 7917

(G) A state agency purchasing goods and services by 7918
competitive sealed proposal shall do so in the manner prescribed 7919
by this section and in compliance with all applicable laws, 7920
rules, and policies of the department. 7921

Sec. 125.072. (A) As used in this section, "reverse 7922
auction" means a purchasing process in which ~~offerors~~ 7923
prequalified bidders submit bids ~~in competing~~ to sell goods or 7924
~~services or supplies in an open environment via the internet~~with 7925

an award being made to the lowest responsive and responsible 7926
bidder. 7927

(B) ~~Whenever the~~ The director of administrative services_ 7928
may purchase goods or services by reverse auction, in accordance 7929
with rules the director shall adopt under Chapter 119. of the 7930
Revised Code, whenever the director determines that the use of a 7931
reverse auction is advantageous to the state, ~~the director, in~~ 7932
~~accordance with rules the director shall adopt, may purchase~~ 7933
~~services or supplies by reverse auction.~~ 7934

(C) The director, by rule, may authorize a state agency 7935
that ~~is~~ has been authorized by the department to purchase goods 7936
or services or supplies directly to purchase them by reverse 7937
auction in the same manner as this section and the rules adopted 7938
under this section authorize the director to do ~~so~~. 7939

Sec. 125.073. (A) The department of administrative 7940
services shall actively promote and accelerate the use of 7941
electronic procurement, including reverse auctions as defined by 7942
section 125.072 of the Revised Code, when exercising its 7943
statutory powers. 7944

~~Beginning July 1, 2004, the department shall annually~~ (B) 7945
Annually, on or before the first day of July, the department 7946
shall provide a report to the committees in each house of the 7947
general assembly dealing with finance indicating the 7948
effectiveness of electronic procurement. 7949

(C) The department shall establish and maintain a single 7950
searchable web site, accessible by the public at no cost, that 7951
includes all of the following information for goods or services 7952
purchased by the state: 7953

(1) The name of the entity receiving the award; 7954

(2) The anticipated amount of the award; 7955

(3) Information on the award, the agency or other 7956
instrumentality of the state that is providing the award, and 7957
the commodity code; 7958

(4) Any other relevant information determined by the 7959
department. 7960

(D) The department's electronic procurement system may be 7961
used to meet the requirements of division (C) of this section. 7962
State awards shall be publicly posted within thirty days after 7963
being made. 7964

(E) Nothing in this section shall be construed as 7965
requiring the disclosure of information that is not a public 7966
record under section 149.43 of the Revised Code. 7967

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 7968
125.072 of the Revised Code, the department of administrative 7969
services may prescribe such conditions under which competitive 7970
sealed bids, competitive sealed proposals, and bids in reverse 7971
auctions will be received and terms of the proposed purchase as 7972
it considers necessary; provided, that all such conditions and 7973
terms shall be reasonable and shall not unreasonably restrict 7974
competition, and bidders may bid and offerors may propose upon 7975
all or any item of the ~~products~~ goods or services listed in such 7976
notice. Those bidders and offerors claiming the preference 7977
outlined in this chapter shall designate in their bid or offer 7978
whether the product is mined, excavated, produced, manufactured, 7979
raised, or grown in the United States and is either a Buy Ohio 7980
product or that the product or service is provided by a bidder 7981
or offeror that qualifies as having a significant economic 7982
presence in the state or a state bordering Ohio, under the rules 7983

established by the director of administrative services, and 7984
whether the bidder or offeror is a certified veteran-friendly 7985
business enterprise under section 122.925 of the Revised Code. 7986

(B) The director of administrative services shall, by rule 7987
adopted pursuant to Chapter 119. of the Revised Code, prescribe 7988
criteria and procedures for use by all state agencies in giving 7989
preference under this section as required by division (B) of 7990
section 125.11 of the Revised Code. The rules shall extend to: 7991

(1) Criteria for determining that a product is mined, 7992
excavated, produced, manufactured, raised, or grown in the 7993
United States rather than in another country or territory; 7994

(2) Criteria for determining that a product is a Buy Ohio 7995
product; 7996

(3) Information to be submitted by bidders or offerors as 7997
to the nature of a product and the location where it is mined, 7998
excavated, produced, manufactured, raised, or grown; 7999

(4) Criteria and procedures to be used by the director to 8000
qualify bidders or offerors located in states bordering Ohio who 8001
might otherwise be excluded from being awarded a contract by 8002
operation of this section and section 125.11 of the Revised 8003
Code. The criteria and procedures shall recognize the level and 8004
regularity of interstate commerce between Ohio and the border 8005
states and provide that the non-Ohio businesses may qualify for 8006
award of a contract as long as they are located in a state that 8007
imposes no greater restrictions than are contained in this 8008
section and section 125.11 of the Revised Code upon persons 8009
located in Ohio selling ~~products~~ goods or services to agencies 8010
of that state. The criteria and procedures shall also provide 8011
that a non-Ohio business shall not bid on a contract for state 8012

printing in this state if the business is located in a state 8013
that excludes Ohio businesses from bidding on state printing 8014
contracts in that state. 8015

(5) Criteria and procedures to be used to qualify bidders 8016
and offerors whose manufactured ~~products~~goods, except for mined 8017
products, are produced in other states or in North America, but 8018
the bidders or offerors have a significant Ohio economic 8019
presence in terms of the number of employees or capital 8020
investment a bidder or offeror has in this state. Bidders and 8021
offerors with a significant Ohio economic presence shall qualify 8022
for award of a contract on the same basis as if their ~~products~~ 8023
goods were produced in this state or as if the bidder or offeror 8024
was domiciled in this state. 8025

(6) Criteria and procedures for the director to grant 8026
waivers of the requirements of division (B) of section 125.11 of 8027
the Revised Code on a contract-by-contract basis where 8028
compliance with those requirements would not be in the best 8029
interest of the state or is otherwise prohibited; 8030

(7) Criteria for applying a preference to bids and offers 8031
received from a certified veteran-friendly business enterprise; 8032

(8) Such other requirements or procedures reasonably 8033
necessary to implement the system of preferences established 8034
pursuant to division (B) of section 125.11 of the Revised Code. 8035

In adopting the rules required under this division, the 8036
director shall, to the maximum extent possible, conform to the 8037
requirements of the federal "Buy American Act," 41 U.S.C. 8301- 8038
8305, as amended, and to the regulations adopted thereunder. 8039

Sec. 125.091. (A) ~~As used in this section and sections~~ 8040
~~125.092 and 125.093 of the Revised Code:~~ 8041

~~(A)~~ (1) "Agricultural materials" means agricultural-based materials or residues, including plant, animal, and marine materials or residues, used in the manufacture of commercial or industrial nonfood products.

~~(B)~~ (2) "Biobased product" means a product, other than food or feed, determined by the secretary of the United States secretary department of agriculture (USDA) to be ~~a commercial or industrial product, other than food or feed, that is composed, in whole or significant part,~~ of the minimum biobased content as defined by the USDA biopreferred program of biological products, forestry materials, or renewable domestic agricultural materials, or forestry material, or is an intermediate ingredient or feedstock including plant, animal, or marine materials.

~~(C)~~ (3) "Biological products" means products derived from living materials other than agricultural or forestry materials.

~~(D)~~ (4) "Designated item" means a ~~generic grouping category of biobased products identified in subpart B, 7 C.F.R. 2902.10 to 2902.42~~ designated by the USDA biopreferred program.

~~(E)~~ (5) "Forest thinnings" means woody materials removed from a dense forest to improve growth, enhance forest health, or remove trees to recover potential mortality.

~~(F)~~ (6) "Forestry materials" means materials derived from the practice of planting and caring for forests and the management of growing timber where such materials come from short-rotation woody crops that are less than ten years old, sustainably managed forests, wood residues, or forest thinnings.

~~(G)~~ (7) "Intermediate ingredient or feedstock" means a material or compound made, in whole or in significant part, from

biological products, renewable agricultural materials, or 8071
forestry materials that are subsequently used to make a more 8072
complex compound or product. 8073

~~(H)~~(8) "Sustainably managed forests" means the practice of 8074
land stewardship that integrates the reforestation, management, 8075
growing, nurturing, and harvesting of trees for useful products 8076
while conserving soil and improving air and water quality, 8077
wildlife, fish habitat, and aesthetics. 8078

(B) The department of administrative services, state 8079
agencies, and state institutions of higher education shall 8080
purchase biobased products in accordance with this section, 8081
sections 125.01 to 125.11 of the Revised Code, and rules 8082
established by the director of administrative services in 8083
accordance with Chapter 119. of the Revised Code. 8084

(C) Excluding motor vehicle fuel, heating oil, and 8085
electricity, to qualify as a biobased product, a product shall 8086
be an item designated by the United States department of 8087
agriculture as either qualifying for mandatory federal 8088
purchasing or being certified through the federal voluntary 8089
labeling initiative. 8090

(1) For any biobased product being offered to a state 8091
agency or state institution of higher education, a supplier 8092
shall provide information to the state agency or state 8093
institution of higher education certifying that the product 8094
meets one or both requirements of this division. 8095

(2) When purchasing biobased products, a state institution 8096
of higher education shall purchase United States department of 8097
agriculture designated items in accordance with procedures 8098
established by the institution. 8099

(D) By not later than December 30, 2025, the department of 8100
administrative services shall prepare and submit to the 8101
governor, the president of the senate, and the speaker of the 8102
house of representatives an annual report on the effectiveness 8103
of the biobased products preference program. 8104

Sec. 125.11. (A) Subject to division (B) of this section, 8105
contracts awarded pursuant to a reverse auction under section 8106
125.072 of the Revised Code or pursuant to competitive sealed 8107
bidding, including contracts awarded under section 125.081 of 8108
the Revised Code, shall be awarded to the lowest responsive and 8109
responsible bidder in accordance with section 9.312 of the 8110
Revised Code, and contracts awarded pursuant to a competitive 8111
sealed proposal shall be awarded to the offeror determined to be 8112
the most advantageous to this state. 8113

(B) Prior to awarding a contract under division (A) of 8114
this section, the department of administrative services or the 8115
state agency responsible for evaluating a contract for the 8116
purchase of ~~products~~ goods or services shall evaluate the bids 8117
and offers received according to the criteria and procedures 8118
established pursuant to division (B) of section 125.09 of the 8119
Revised Code for determining if a product is mined, excavated, 8120
produced, manufactured, raised, or grown in the United States, 8121
in this state, or in a state bordering Ohio, whether the bid or 8122
offer was received from a Buy Ohio supplier, and whether the bid 8123
or offer was received from a certified veteran-friendly business 8124
enterprise. These requirements shall be applied where sufficient 8125
competition can be generated to ensure that compliance with 8126
these requirements will be in the best interest of the state 8127
unless otherwise prohibited. 8128

(C) In order to ensure fair and impartial evaluation, 8129

materials relating to a solicitation through competitive 8130
selection shall not be considered public records under section 8131
149.43 of the Revised Code until after the award of the contract 8132
based on the competitive selection. If all bids or proposals 8133
received in response to a solicitation through competitive 8134
selection are rejected, and notice is provided of an intent to 8135
reissue the solicitation through competitive selection, the 8136
materials relating to the original solicitation and the 8137
materials relating to the reissued solicitation shall not be 8138
considered public records under section 149.43 of the Revised 8139
Code until after the award of the contract based on the reissued 8140
solicitation through competitive selection. 8141

(D) Division (B) of this section applies to contracts for 8142
which competitive selection is waived by the controlling board. 8143

~~(D)~~ (E) Division (B) of this section does not apply to the 8144
purchase by the division of liquor control of spirituous liquor. 8145

Sec. 125.13. (A) As used in this section: 8146

(1) "Emergency medical service organization" has the same 8147
meaning as in section 4765.01 of the Revised Code. 8148

(2) "Private fire company" has the same meaning as in 8149
section 9.60 of the Revised Code. 8150

(B) Whenever a state agency has excess or surplus 8151
supplies, it shall notify the director of administrative 8152
services. On forms provided by the director, the state agency 8153
shall furnish to the director a list of its excess and surplus 8154
supplies, including the location of the supplies and whether the 8155
supplies are currently in the agency's control. 8156

(C) Upon receipt of notification and at no cost to the 8157
state agency, the director of administrative services shall make 8158

arrangements for their disposition and shall take immediate 8159
control of a state agency's excess and surplus supplies, except 8160
for the following excess and surplus supplies: 8161

(1) Excess or surplus supplies that have a value below the 8162
minimum value that the director establishes for excess and 8163
surplus supplies under division (F) of this section; 8164

(2) Excess or surplus supplies that the director has 8165
authorized an agency to donate to a governmental agency, 8166
including, but not limited to, public schools and surplus 8167
computers and computer equipment transferred to a public school 8168
under division (G) of this section; 8169

(3) Excess or surplus supplies that an agency trades in as 8170
full or partial payment when purchasing a replacement item; 8171

(4) Hazardous property; 8172

(5) Excess or surplus supplies that the director has 8173
authorized to be part of an interagency transfer; 8174

(6) Excess or surplus supplies that are donated under 8175
division (H) of this section. 8176

(D) The director shall inventory excess and surplus 8177
supplies in the director's control and post on a public web site 8178
a list of the supplies available for acquisition. The director 8179
may have the supplies repaired. The director shall not charge a 8180
fee for the collection or transportation of excess and surplus 8181
supplies. 8182

(E) The director may do any of the following: 8183

(1) Dispose of declared surplus or excess supplies in the 8184
director's control by sale, lease, donation, or transfer. If the 8185
director does so, the director shall dispose of those supplies 8186

in any of the following manners: 8187

(a) To state agencies or by interagency trade; 8188

(b) To state-supported or state-assisted institutions of 8189
higher education; 8190

(c) To tax-supported agencies, municipal corporations, or 8191
other political subdivisions of this state, private fire 8192
companies, or private, nonprofit emergency medical service 8193
organizations; 8194

(d) To nonpublic elementary and secondary schools 8195
chartered by the department of education and workforce under 8196
section 3301.16 of the Revised Code; 8197

(e) To a nonprofit organization that is both exempt from 8198
federal income taxation under 26 U.S.C. 501(a) and (c)(3) and 8199
that ~~receives funds from the state or has a contract is~~ 8200
registered and in good standing with the secretary of state as a 8201
domestic nonprofit or not-for-profit corporation; 8202

(f) To the general public by auction, sealed bid, sale, or 8203
negotiation. 8204

(2) If the director has attempted to dispose of any 8205
declared surplus or excess motor vehicle that does not exceed 8206
four thousand five hundred dollars in value pursuant to 8207
divisions (E)(1)(a) to (c) of this section, donate the motor 8208
vehicle to a nonprofit organization exempt from federal income 8209
taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose 8210
of meeting the transportation needs of participants in the Ohio 8211
works first program established under Chapter 5107. of the 8212
Revised Code and participants in the prevention, retention, and 8213
contingency program established under Chapter 5108. of the 8214
Revised Code. The director may not donate a motor vehicle 8215

furnished to the state highway patrol to a nonprofit 8216
organization pursuant to this division. 8217

(F) The director may adopt rules governing the sale, 8218
lease, or transfer of surplus and excess supplies in the 8219
director's control by public auction, sealed bid, sale, or 8220
negotiation, except that no employee of the disposing agency 8221
shall be allowed to purchase, lease, or receive any such 8222
supplies. The director may dispose of declared surplus or excess 8223
supplies, including motor vehicles, in the director's control as 8224
the director determines proper if such supplies cannot be 8225
disposed of pursuant to division (E) of this section. The 8226
director shall by rule establish a minimum value for excess and 8227
surplus supplies and prescribe procedures for a state agency to 8228
follow in disposing of excess and surplus supplies in its 8229
control that have a value below the minimum value established by 8230
the director. 8231

(G) The director of administrative services may authorize 8232
any state agency to transfer surplus computers and computer 8233
equipment that are not needed by other state agencies directly 8234
to an accredited public school within the state. The computers 8235
and computer equipment may be repaired or refurbished prior to 8236
transfer. The state agency may charge a service fee to the 8237
public schools for the property not to exceed the direct cost of 8238
repairing or refurbishing it. The state agency shall deposit 8239
such funds into the account used for repair or refurbishment. 8240

(H) Excess and surplus supplies of food shall be exempt 8241
from this section and may be donated directly to nonprofit food 8242
pantries and institutions without notification to the director 8243
of administrative services. 8244

Sec. 125.18. (A) There is hereby established the office of 8245

information technology within the department of administrative 8246
services. The office shall be under the supervision of a state 8247
chief information officer to be appointed by the director of 8248
administrative services and subject to removal at the pleasure 8249
of the director. The chief information officer is an assistant 8250
director of administrative services. 8251

(B) Under the direction of the director of administrative 8252
services, the state chief information officer shall lead, 8253
oversee, and direct state agency activities related to 8254
information technology development and use. In that regard, the 8255
state chief information officer shall do all of the following: 8256

(1) Coordinate and superintend statewide efforts to 8257
promote common use and development of technology by state 8258
agencies. The office of information technology shall establish 8259
policies and standards that govern and direct state agency 8260
participation in statewide programs and initiatives. 8261

(2) Coordinate with the office of procurement services to 8262
establish policies and standards for state agency acquisition of 8263
information technology ~~supplies~~ goods and services; 8264

(3) Establish policies and standards for the use of common 8265
information technology by state agencies, including, but not 8266
limited to, hardware, software, technology services, and 8267
security, and the extension of the service life of information 8268
technology systems, with which state agencies shall comply; 8269

(4) Establish criteria and review processes to identify 8270
state agency information technology projects or purchases that 8271
require alignment or oversight. As appropriate, the department 8272
of administrative services shall provide the governor and the 8273
director of budget and management with notice and advice 8274

regarding the appropriate allocation of resources for those 8275
projects. The state chief information officer may require state 8276
agencies to provide, and may prescribe the form and manner by 8277
which they must provide, information to fulfill the state chief 8278
information officer's alignment and oversight role; 8279

(5) Establish policies and procedures for the security of 8280
personal information that is maintained and destroyed by state 8281
agencies; 8282

(6) Employ a chief information security officer who is 8283
responsible for the implementation of the policies and 8284
procedures described in division (B)(5) of this section and for 8285
coordinating the implementation of those policies and procedures 8286
in all of the state agencies; 8287

(7) Employ a chief privacy officer who is responsible for 8288
advising state agencies when establishing policies and 8289
procedures for the security of personal information and 8290
developing education and training programs regarding the state's 8291
security procedures; 8292

(8) Establish policies on the purchasing, use, and 8293
reimbursement for use of handheld computing and 8294
telecommunications devices by state agency employees; 8295

(9) Establish policies for the reduction of printing and 8296
for the increased use of electronic records by state agencies; 8297

(10) Establish policies for the reduction of energy 8298
consumption by state agencies; 8299

(11) Compute the amount of revenue attributable to the 8300
amortization of all equipment purchases and capitalized systems 8301
from information technology service delivery and major 8302
information technology purchases, MARCS administration, and 8303

enterprise applications operating appropriation items and major 8304
computer purchases capital appropriation items that is recovered 8305
as part of the information technology services rates the 8306
department of administrative services charges and deposits into 8307
the information technology fund created in section 125.15 of the 8308
Revised Code, and the user fees the department of administrative 8309
services charges and deposits in the MARCS administration fund 8310
created in section 4501.29 of the Revised Code, the rates the 8311
department of administrative services charges to benefiting 8312
agencies for the operation and management of information 8313
technology applications and deposits in the enterprise 8314
applications fund. The enterprise applications fund is hereby 8315
created in the state treasury. 8316

(12) Regularly review and make recommendations regarding 8317
improving the infrastructure of the state's cybersecurity 8318
operations with existing resources and through partnerships 8319
between government, business, and institutions of higher 8320
education; 8321

(13) Assist, as needed, with general state efforts to grow 8322
the cybersecurity industry in this state. 8323

(C) (1) The chief information security officer shall assist 8324
each state agency with the development of an information 8325
technology security strategic plan and review that plan, and 8326
each state agency shall submit that plan to the state chief 8327
information officer. The chief information security officer may 8328
require that each state agency update its information technology 8329
security strategic plan annually as determined by the state 8330
chief information officer. 8331

(2) Prior to the implementation of any information 8332
technology data system, a state agency shall prepare or have 8333

prepared a privacy impact statement for that system. 8334

(D) When a state agency requests a purchase of information 8335
technology ~~supplies goods~~ or services under Chapter 125. of the 8336
Revised Code, the state chief information officer may review and 8337
reject the requested purchase for noncompliance with information 8338
technology direction, plans, policies, standards, or project- 8339
alignment criteria. 8340

(E) The office of information technology may operate 8341
technology services for state agencies in accordance with this 8342
chapter. 8343

Notwithstanding any provision of the Revised Code to the 8344
contrary, the office of information technology may assess a 8345
transaction fee on each license or registration issued as part 8346
of an electronic licensing system operated by the office in an 8347
amount determined by the office not to exceed three dollars and 8348
fifty cents. The transaction fee shall apply to all 8349
transactions, regardless of form, that immediately precede the 8350
issuance, renewal, reinstatement, reactivation of, or other 8351
activity that results in, a license or registration to operate 8352
as a regulated professional or entity. Each license or 8353
registration is a separate transaction to which a fee under this 8354
division applies. Notwithstanding any provision of the Revised 8355
Code to the contrary, if a fee is assessed under this section, 8356
no agency, board, or commission shall issue a license or 8357
registration unless a fee required by this division has been 8358
received. The director of administrative services may collect 8359
the fee or require a state agency, board, or commission for 8360
which the system is being operated to collect the fee. Amounts 8361
received under this division shall be deposited in or 8362
transferred to the occupational licensing and regulatory fund 8363

created in section 4743.05 or the Revised Code. 8364

(F) With the approval of the director of administrative 8365
services, the office of information technology may establish 8366
cooperative agreements with federal and local government 8367
agencies and state agencies that are not under the authority of 8368
the governor for the provision of technology services and the 8369
development of technology projects. 8370

(G) The office of information technology may operate a 8371
program to make information technology purchases. The director 8372
of administrative services may recover the cost of operating the 8373
program from all participating government entities by issuing 8374
intrastate transfer voucher billings for the procured technology 8375
or through any pass-through billing method agreed to by the 8376
director of administrative services, the director of budget and 8377
management, and the participating government entities that will 8378
receive the procured technology. 8379

If the director of administrative services chooses to 8380
recover the program costs through intrastate transfer voucher 8381
billings, the participating government entities shall process 8382
the intrastate transfer vouchers to pay for the cost. Amounts 8383
received under this section for the information technology 8384
purchase program shall be deposited to the credit of the 8385
information technology governance fund created in section 125.15 8386
of the Revised Code. 8387

(H) Upon request from the director of administrative 8388
services, the director of budget and management may transfer 8389
cash from the information technology fund created in section 8390
125.15 of the Revised Code, the MARCS administration fund 8391
created in section 4501.29 of the Revised Code, or the 8392
enterprise applications fund created in division (B) (11) of this 8393

section to the major information technology purchases fund in an 8394
amount not to exceed the amount computed under division (B) (11) 8395
of this section. The major information technology purchases fund 8396
is hereby created in the state treasury. 8397

(I) As used in this section: 8398

~~(1) "Personal information" has the same meaning as in 8399
section 149.45 of the Revised Code. 8400~~

~~(2) "State, "state agency" means every organized body, 8401
office, or agency established by the laws of the state for the 8402
exercise of any function of state government, other than any 8403
state-supported institution of higher education, the office of 8404
the auditor of state, treasurer of state, secretary of state, or 8405
attorney general, the adjutant general's department, the bureau 8406
of workers' compensation, the industrial commission, the public 8407
employees retirement system, the Ohio police and fire pension 8408
fund, the state teachers retirement system, the school employees 8409
retirement system, the state highway patrol retirement system, 8410
the general assembly or any legislative agency, the capitol 8411
square review advisory board, or the courts or any judicial 8412
agency. 8413~~

Sec. 125.183. (A) As used in this section: 8414

~~(1) "Covered application" means all of the following: 8415~~

~~(a) The TikTok application and service or any successor 8416
application or service developed or provided by ByteDance 8417
limited or an entity owned by ByteDance limited; 8418~~

~~(b) The WeChat application and service or any successor 8419
application or service developed or provided by Tencent holdings 8420
limited or an entity owned by Tencent holdings limited; 8421~~

~~(c) Any application or service owned by an entity located~~ 8422
~~in China, including QQ International (Qqi), Qzone, Weibo, Xiao~~ 8423
~~HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian~~ 8424
~~Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little~~ 8425
~~Red Book, and Zhihu~~ 8426
any application owned or controlled, directly 8427
or indirectly, by an entity identified as a foreign adversary as 8427
defined in 15 C.F.R. 791.2. 8428

(2) "State agency" means every organized body, office, or 8429
agency established by the laws of this state for the exercise of 8430
any function of state government, other than any state-supported 8431
institution of higher education, the courts, or any judicial 8432
agency. "State agency" includes the general assembly, any 8433
legislative agency, and the capitol square review and advisory 8434
board. 8435

(B) Subject to division (C) of this section, the state 8436
chief information officer shall do all of the following: 8437

(1) Require state agencies immediately to remove any 8438
covered application from all equipment they own or lease; 8439

(2) Prohibit all of the following on equipment owned or 8440
leased by a state agency: 8441

(a) The downloading, installation, or use of a covered 8442
application; 8443

(b) The downloading, installation, or use of a covered 8444
application using an internet connection provided by a state 8445
agency; 8446

(c) The downloading, installation, or use of a covered 8447
application by any officer, employee, or contractor of a state 8448
agency. 8449

(3) Require state agencies to take measures to prevent the 8450
downloading, installation, or use of a covered application as 8451
described in division (B) (2) of this section. 8452

(C) Division (B) of this section shall include exceptions 8453
to allow a qualified person to download, install, or use a 8454
covered application for law enforcement or security purposes, so 8455
long as the person takes appropriate measures to mitigate the 8456
security risks involved in doing so. 8457

Sec. 125.31. (A) The department of administrative services 8458
shall have supervision of all public printing except as follows: 8459

(1) Printing for the general assembly shall be the sole 8460
responsibility of the clerk of the senate and the clerk of the 8461
house of representatives unless the clerk of the senate or the 8462
clerk of the house of representatives chooses either of the 8463
options specified in section 101.523 or 101.524 of the Revised 8464
Code. 8465

(2) Printing for the Ohio arts council shall be under the 8466
supervision of the council. 8467

(3) Printing for the capitol square review and advisory 8468
board shall be under the supervision of the board. 8469

(4) Printing for state-supported institutions of higher 8470
education shall be under the supervision of the department of 8471
purchasing of each such institution or the department or officer 8472
within each institution that performs the functions of a 8473
department of purchasing. 8474

(B) The department of administrative services shall 8475
determine, except as otherwise specifically provided by law, the 8476
number of copies to be printed of each publication or document, 8477
the source of reproduction, the manner of binding, quality of 8478

paper, the general kind, size, and spacing of type to be used in 8479
all reports, publications, bulletins, documents, or pamphlets 8480
printed at public expense. 8481

The department shall not use its authority to curtail the 8482
release of public information by any elected state official. 8483

(C) ~~For the purposes of sections 125.31 to 125.76 of the~~ 8484
~~Revised Code, all functions, powers, and duties assigned to the~~ 8485
~~department of administrative services are considered to be~~ 8486
~~assigned to the division of state printing within the department~~ 8487
~~of administrative services~~ Division (B) of this section does not 8488
apply to printing contracts requiring special security paper, of 8489
a unique nature, if compliance will result in acquiring a 8490
disproportionately inferior product or a price that exceeds by 8491
more than five per cent the lowest price submitted on a non-Ohio 8492
bid. 8493

Sec. 125.42. (A) No agency, officer, board, or commission, 8494
except the clerk of the senate and the clerk of the house of 8495
representatives, shall print or cause to be printed at the 8496
public expense, any report, bulletin, document, or pamphlet, 8497
unless such report, bulletin, document, or pamphlet is first 8498
submitted to, and the printing thereof approved by, the 8499
department of administrative services. If the department 8500
approves the printing, it shall determine the form of such 8501
printing and the number of copies. 8502

If such approval is given, the department shall cause the 8503
same to be printed and bound ~~as provided by sections 125.49,~~ 8504
~~125.51, and 125.56 of the Revised Code, except as otherwise~~ 8505
~~provided by section 125.45 of the Revised Code;~~ and when 8506
printed, such publications or forms shall be delivered to the 8507
ordering officer, board, commission, or department, or sold at a 8508

price not to exceed the total cost.

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(B) The department of administrative services annually shall set a maximum cost per page and a maximum total cost for the printing by any board, commission, council, or other public body of the state of any annual report or any other report that it is required by law to produce. No board, commission, council, or other public body of the state shall expend or incur the expenditure of any amount in excess of these maximum amounts without the prior approval of the department. This division does not apply to the general assembly or any court.

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Sec. 125.58. ~~The department of administrative services shall promptly notify each successful offeror of the acceptance of the offeror's bid or proposal for state printing. If such offeror fails to execute the contract because of death or other cause, or if the offeror fails to execute the work required by the contract in a proper manner and with reasonable promptness, or the contract is abandoned, or its execution is temporarily suspended, the department may enter into a contract with another person for the prompt execution of the work for the lowest price which may be obtained. Before any work is relet in consequence of the misconduct or default of the contractor, the department shall give the contractor written notice thereof. The department of administrative services may set a daily penalty charge for late orders, provided the penalty schedule and amount are stated in the invitation to bid or request for proposals for the printing.~~

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Sec. 125.601. (A) The director of administrative services shall establish the ~~office of procurement from community rehabilitation programs~~ program within the procurement office of the department of administrative services. The director shall

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designate an employee of the department to serve as 8539
administrator of the ~~office~~ program and shall adopt rules in 8540
accordance with Chapter 119. of the Revised Code for the 8541
effective and efficient administration of the program. 8542

(B) The community rehabilitation program shall do all of 8543
the following: 8544

(1) Establish procedures by which a nonprofit agency may 8545
apply for certification as a community rehabilitation program; 8546

(2) Establish criteria and procedures for the department 8547
to use to determine if a nonprofit agency qualifies for the 8548
community rehabilitation program; 8549

(3) Negotiate and enter into contractual agreements with 8550
qualified nonprofit agencies; 8551

(4) Establish, maintain, and periodically update a list of 8552
approved goods and services available from contracted qualified 8553
nonprofit agencies, and attempt to establish fair market pricing 8554
for each of the items on this list; 8555

(5) Monitor the procurement practices of state agencies to 8556
ensure compliance with this section and section 125.035 of the 8557
Revised Code; 8558

(6) Waive purchasing requirements for state agencies 8559
pursuant to section 125.035 of the Revised Code; 8560

(7) Structure or regulate competition among qualified 8561
nonprofit agencies for the overall benefit of the program. 8562

(C) Contracts established by the department and purchases 8563
made under this section are not subject to the competitive 8564
selection requirements of sections 125.05, 125.07, 125.071, and 8565
125.072 of the Revised Code. 8566

(D) Purchases made by state agencies under this section 8567
shall be made pursuant to section 125.035 of the Revised Code. 8568

(E) Goods and services available from qualified nonprofit 8569
agencies shall be purchased at the fair market value established 8570
by the department. 8571

(1) If a fair market value has not been established, 8572
government ordering offices may negotiate purchase pricing with 8573
the qualified nonprofit agencies offering the needed goods or 8574
services. 8575

(2) The department may accept a purchase price negotiated 8576
between a government ordering office and a qualified nonprofit 8577
agency as the fair market price for goods or services. 8578

(F) The department may assess an administrative fee to all 8579
government ordering offices purchasing goods and services from 8580
qualified nonprofit agency contracts. At the department's 8581
discretion, this fee may either be billed directly to the 8582
government ordering offices or collected by qualified nonprofit 8583
agencies that will remit them to the department. 8584

(1) Any administrative fees collected and remitted by 8585
qualified nonprofit agencies shall be considered allowable 8586
expenses in addition to the product fair market price. 8587

(2) Fees collected shall be deposited in the state 8588
treasury to the credit of the general services fund created 8589
under section 125.15 of the Revised Code. 8590

(G) Nothing in this section shall be construed to prohibit 8591
the purchase of goods or services from a qualified nonprofit 8592
agency by a political subdivision that is not a government 8593
ordering office. 8594

(1) Purchases made under this section by a political 8595
subdivision, as defined in section 125.04 of the Revised Code, 8596
are exempt from any competitive selection procedures otherwise 8597
required by law. Purchases under this section shall be made from 8598
qualified nonprofit agencies or their approved agents. 8599

(2) A political subdivision may not purchase under 8600
division (C) of section 125.04 of the Revised Code, goods or 8601
services included on the list established by the department 8602
pursuant to division (B) (4) of this section. 8603

(H) The department of administrative services, on its own 8604
or pursuant to a request from a government ordering office, may 8605
release a government ordering office from compliance with this 8606
section if either of the following apply: 8607

(1) The department determines that compliance is not 8608
possible or not advantageous to the government ordering office; 8609

(2) Conditions prescribed in rules adopted under this 8610
section for granting a release are met. 8611

(I) Releases granted under division (H) of this section 8612
shall be in writing and shall specify the goods or services to 8613
which it applies, the period of time during which it is 8614
effective, and the reason for which it is granted. 8615

(J) Government ordering offices and qualified nonprofit 8616
agencies shall provide the necessary information and 8617
documentation requested by the department to enable the 8618
effective administration of the community rehabilitation 8619
program. 8620

(K) Not later than the thirtieth day of December, the 8621
department shall prepare and submit to the governor, the 8622
president of the senate, and the speaker of the house of 8623

representatives, an annual report that identifies the number, 8624
types, and costs of purchases made by government ordering 8625
offices from qualified nonprofit agencies during the prior 8626
fiscal year. 8627

Sec. 126.10. (A) For the purposes of this section: 8628

(1) "Agency" has the same meaning as in section 111.15 of 8629
the Revised Code. 8630

(2) "State program" means any program, initiative, or 8631
service administered or overseen by an agency. 8632

(B) Notwithstanding any provision of law to the contrary 8633
or any rules adopted under it, if the federal government 8634
reduces, discontinues, pauses, or otherwise suspends any federal 8635
program that provides federal funds for any corresponding state 8636
program, such program may be reduced, discontinued, paused, or 8637
suspended. This shall include any contract, agreement, 8638
memorandum of understanding, or any other covenant entered into 8639
by the state that is dependent on federal funding. 8640

Sec. 126.14. The release of any money appropriated for the 8641
purchase of real estate shall be approved by the controlling 8642
board. ~~The release of money appropriated for all other capital-~~ 8643
~~projects is also subject to the approval of the controlling-~~ 8644
~~board, except that the director of budget and management may~~ 8645
~~approve the release of money appropriated for specific projects~~ 8646
~~in accordance with the requirements of this section and except~~ 8647
~~that the director of budget and management may approve the~~ 8648
~~release of unencumbered capital balances, for a project to~~ 8649
~~repair, remove, or prevent a public exigency declared to exist~~ 8650
~~by the executive director of the Ohio facilities construction-~~ 8651
~~commission under section 123.10 of the Revised Code in the~~ 8652

~~amount designated in that declaration.~~

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~~Within sixty days after the effective date of any act
appropriating money for capital projects, the director shall
determine which appropriations are for general projects and
which are for specific projects. Specific projects may include
specific higher education projects that are to be funded from
general purpose appropriations from the higher education
improvement fund or the higher education improvement taxable
fund created in section 154.21 of the Revised Code. Upon
determining which projects are general and which are specific,
the director shall submit to the controlling board a list that
includes a brief description of and the estimated expenditures
for each specific project. The release of money for any specific
higher education projects that are to be funded from general
purpose appropriations from the higher education improvement
fund or the higher education improvement taxable fund but that
are not included on the list, and the release of money for any
specific higher education projects included on the list that
will exceed the estimated expenditures by more than ten per
cent, are subject to the approval of the controlling board.~~

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The director may create new appropriation items and make
transfers of appropriations to them for specific higher
education projects ~~included on the list~~ that are to be funded
from general purpose appropriations for basic renovations that
are made from the higher education improvement fund or the
higher education improvement taxable fund.

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Sec. 126.141. ~~Any request for release of capital
appropriations by the director of budget and management or the
controlling board for~~ All capital facilities projects awarded on
behalf of a state agency or institution of higher education

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shall contain a contingency reserve, the amount of which shall 8683
be determined by the public authority, for payment of 8684
unanticipated project expenses. Any amount deducted from the 8685
encumbrance for a contractor's contract as an assessment for 8686
liquidated damages shall be added to the encumbrance for the 8687
contingency reserve. Contingency reserve funds shall be used to 8688
pay costs resulting from unanticipated job conditions, to comply 8689
with rulings regarding building and other codes, to pay costs 8690
related to errors, omissions, or other deficiencies in contract 8691
documents, to pay costs associated with changes in the scope of 8692
work, to pay interest due on late payments, and to pay the costs 8693
of settlements and judgments related to the project. 8694

Any funds remaining upon completion of a project may, upon 8695
approval of the controlling board, be released for the use of 8696
the agency or instrumentality to which the appropriation was 8697
made for other capital facilities projects. 8698

Sec. 126.32. (A) Any officer of any state agency may 8699
authorize reimbursement for travel, including the costs of 8700
transportation, for lodging, and for meals to any person who is 8701
interviewing for a position that is classified in pay range 13 8702
or above in schedule E-1 created by the director of 8703
administrative services under section 124.152 of the Revised 8704
Code or is classified in schedule E-2 created by the director of 8705
administrative services under section 124.152 of the Revised 8706
Code. 8707

(B) If a person is appointed to a position listed in 8708
section 121.03 of the Revised Code, to the position of 8709
chairperson of the industrial commission, adjutant general, 8710
chancellor of the Ohio board of regents, superintendent of 8711
public instruction, chairperson of the public utilities 8712

commission of Ohio, or director of the state lottery commission, 8713
to a position holding a fiduciary relationship to the governor, 8714
to a position of an appointing authority of the department of 8715
mental health and addiction services, developmental 8716
disabilities, or rehabilitation and correction, to a position of 8717
superintendent in the department of youth services, or to a 8718
position under section 122.05 of the Revised Code, and if that 8719
appointment requires a permanent change of residence, the 8720
appropriate state agency may reimburse the person for the 8721
person's actual and necessary expenses, including the cost of 8722
in-transit storage of household goods and personal effects, of 8723
moving the person and members of the person's immediate family 8724
residing in the person's household, and of moving their 8725
household goods and personal effects, to the person's new 8726
location. 8727

Until that person moves the person's permanent residence 8728
to the new location, but not for a period that exceeds thirty 8729
consecutive days, the state agency may reimburse the person for 8730
the person's temporary living expenses at the new location that 8731
the person has incurred on behalf of the person and members of 8732
the person's immediate family residing in the person's 8733
household. In addition, the state agency may reimburse that 8734
person for the person's travel expenses between the new location 8735
and the person's former residence during this period for a 8736
maximum number of trips specified by rule of the director of 8737
budget and management, but the state agency shall not reimburse 8738
the person for travel expenses incurred for those trips by 8739
members of the person's immediate family. With the prior written 8740
approval of the director, the maximum thirty-day period for 8741
temporary living expenses may be extended for a person appointed 8742
to a position under section 122.05 of the Revised Code. 8743

The director of development services may reimburse a 8744
person appointed to a position under section 122.05 of the 8745
Revised Code for the person's actual and necessary expenses of 8746
moving the person and members of the person's immediate family 8747
residing in the person's household back to the United States and 8748
may reimburse a person appointed to such a position for the cost 8749
of storage of household goods and personal effects of the person 8750
and the person's immediate family while the person is serving 8751
outside the United States, if the person's office outside the 8752
United States is the person's primary job location. 8753

(C) All reimbursement under division (A) or (B) of this 8754
section shall be made in the manner, and at rates that do not 8755
exceed those, provided by rule of the director of budget and 8756
management in accordance with section 111.15 of the Revised 8757
Code. Reimbursements may be made under division (B) of this 8758
section directly to the persons who incurred the expenses or 8759
directly to the providers of goods or services the persons 8760
receive, as determined by the director of budget and management. 8761

Sec. 126.42. (A) Notwithstanding any provision of law to 8762
the contrary, the office of budget and management shall perform 8763
routine support for the following boards and commissions: 8764

- (1) Architects board; 8765
- (2) State chiropractic board; 8766
- (3) State cosmetology and barber board; 8767
- (4) Accountancy board; 8768
- (5) State dental board; 8769
- (6) Ohio occupational therapy, physical therapy, and 8770
athletic trainers board; 8771

(7) State board of registration for professional engineers	8772
and surveyors;	8773
(8) Board of embalmers and funeral directors;	8774
(9) State board of psychology;	8775
(10) Counselor, social worker, and marriage and family	8776
therapist board;	8777
(11) State veterinary medical licensing board;	8778
(12) Commission on Hispanic-Latino affairs;	8779
(13) Commission on African-Americans;	8780
(14) Chemical dependency professionals board;	8781
(15) State vision professionals board;	8782
(16) State speech and hearing professionals board;	8783
<u>(17) New African immigrants commission.</u>	8784
(B) (1) For purposes of this section, the office of budget	8785
and management shall perform the following routine support	8786
services for the boards and commissions named in division (A) of	8787
this section unless the controlling board exempts a board or	8788
commission from this requirement on the recommendation of the	8789
office of budget and management:	8790
(a) Preparing and processing payroll and other personnel	8791
documents;	8792
(b) Preparing and processing vouchers, purchase orders,	8793
encumbrances, and other accounting documents;	8794
(c) Maintaining ledgers of accounts and balances;	8795
(d) Preparing and monitoring budgets and allotment plans	8796

in consultation with the boards and commissions; 8797

(e) Routine human resources and personnel services; 8798

(f) Other routine support services that the director of 8799
budget and management considers appropriate to achieve 8800
efficiency. 8801

(2) In addition to the routine support services listed in 8802
division (B)(1) of this section, the office of budget and 8803
management may perform other services which a board or 8804
commission named in division (A) of this section delegates to 8805
the office and the office accepts. 8806

(3) The office of budget and management may perform 8807
routine support services for any ~~professional or occupational~~ 8808
~~licensing~~ board or commission not named in division (A) of this 8809
section at the request of the board or commission. 8810

(C) The office of budget and management shall determine 8811
the fees to be charged to the boards and commissions, which 8812
shall be in proportion to the services performed for each board 8813
or commission. 8814

Sec. 126.67. The targeted addiction assistance fund is 8815
created in the state treasury. The fund shall consist of all 8816
money awarded to the state by court order that is intended to 8817
address the effects of the opioid crisis, unless such money is 8818
specifically directed elsewhere by the court. 8819

Sec. 126.70. If the federal medical assistance percentage 8820
for medical assistance provided to members of the expansion 8821
eligibility group is set below ninety per cent, the department 8822
of medicaid shall immediately discontinue all medical assistance 8823
for members of the group. 8824

As used in this section, "expansion eligibility group" has 8825
the same meaning as in section 5163.01 of the Revised Code. 8826

Sec. 127.16. (A) Upon the request of either a state agency 8827
or the director of budget and management and after the 8828
controlling board determines that an emergency or a sufficient 8829
economic reason exists, the controlling board may approve the 8830
making of a purchase without competitive selection as provided 8831
in division (B) of this section. 8832

(B) Except as otherwise provided in this section, no state 8833
agency, using money that has been appropriated to it directly, 8834
shall: 8835

(1) Make any purchase from a particular supplier, that 8836
would amount to fifty thousand dollars or more when combined 8837
with both the amount of all disbursements to the supplier during 8838
the fiscal year for purchases made by the agency and the amount 8839
of all outstanding encumbrances for purchases made by the agency 8840
from the supplier, unless the purchase is made by competitive 8841
selection or with the approval of the controlling board; 8842

(2) Lease real estate from a particular supplier, if the 8843
lease would amount to seventy-five thousand dollars or more when 8844
combined with both the amount of all disbursements to the 8845
supplier during the fiscal year for real estate leases made by 8846
the agency and the amount of all outstanding encumbrances for 8847
real estate leases made by the agency from the supplier, unless 8848
the lease is made by competitive selection or with the approval 8849
of the controlling board. 8850

(C) Any person who authorizes a purchase in violation of 8851
division (B) of this section shall be liable to the state for 8852
any state funds spent on the purchase, and the attorney general 8853

shall collect the amount from the person. 8854

(D) Nothing in division (B) of this section shall be 8855
construed as: 8856

(1) A limitation upon the authority of the director of 8857
transportation as granted in sections 5501.17, 5517.02, and 8858
5525.14 of the Revised Code; 8859

(2) Applying to medicaid provider agreements under the 8860
medicaid program; 8861

(3) Applying to the purchase of examinations from a sole 8862
supplier by a state licensing board under Title XLVII of the 8863
Revised Code; 8864

(4) Applying to entertainment contracts for the Ohio state 8865
fair entered into by the Ohio expositions commission, provided 8866
that the controlling board has given its approval to the 8867
commission to enter into such contracts and has approved a total 8868
budget amount for such contracts as agreed upon by commission 8869
action, and that the commission causes to be kept itemized 8870
records of the amounts of money spent under each contract and 8871
annually files those records with the clerk of the house of 8872
representatives and the clerk of the senate following the close 8873
of the fair; 8874

(5) Limiting the authority of the chief of the division of 8875
mineral resources management to contract for reclamation work 8876
with an operator mining adjacent land as provided in section 8877
1513.27 of the Revised Code; 8878

(6) Applying to investment transactions and procedures of 8879
any state agency, except that the agency shall file with the 8880
board the name of any person with whom the agency contracts to 8881
make, broker, service, or otherwise manage its investments, as 8882

well as the commission, rate, or schedule of charges of such 8883
person with respect to any investment transactions to be 8884
undertaken on behalf of the agency. The filing shall be in a 8885
form and at such times as the board considers appropriate. 8886

(7) Applying to purchases made with money for the per cent 8887
for arts program established by section 3379.10 of the Revised 8888
Code; 8889

(8) Applying to purchases made by the opportunities for 8890
Ohioans with disabilities agency of goods or services, ~~or~~ 8891
~~supplies~~, that are provided to persons with disabilities, or to 8892
purchases made by the agency in connection with the eligibility 8893
determinations it makes for applicants of programs administered 8894
by the social security administration; 8895

(9) Applying to payments by the department of medicaid 8896
under section 5164.85 of the Revised Code for group health plan 8897
premiums, deductibles, coinsurance, and other cost-sharing 8898
expenses; 8899

(10) Applying to any agency of the legislative branch of 8900
the state government; 8901

(11) Applying to agreements or contracts entered into 8902
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 8903
of the Revised Code; 8904

(12) Applying to purchases of services by the adult parole 8905
authority under section 2967.14 of the Revised Code or by the 8906
department of youth services under section 5139.08 of the 8907
Revised Code; 8908

(13) Applying to dues or fees paid for membership in an 8909
organization or association; 8910

(14) Applying to purchases of utility services pursuant to	8911
section 9.30 of the Revised Code;	8912
(15) Applying to purchases made in accordance with rules	8913
adopted by the department of administrative services of motor	8914
vehicle, aviation, or watercraft fuel, or emergency repairs of	8915
such vehicles;	8916
(16) Applying to purchases of tickets for passenger air	8917
transportation;	8918
(17) Applying to purchases necessary to provide public	8919
notifications required by law or to provide notifications of job	8920
openings;	8921
(18) Applying to the judicial branch of state government;	8922
(19) Applying to purchases of liquor for resale by the	8923
division of liquor control;	8924
(20) Applying to purchases of motor courier and freight	8925
services made in accordance with department of administrative	8926
services rules;	8927
(21) Applying to purchases from the United States postal	8928
service and purchases of stamps and postal meter replenishment	8929
from vendors at rates established by the United States postal	8930
service;	8931
(22) Applying to purchases of books, periodicals,	8932
pamphlets, newspapers, maintenance subscriptions, and other	8933
published materials;	8934
(23) Applying to purchases from other state agencies,	8935
including state-assisted institutions of higher education or the	8936
Ohio history connection;	8937

(24) Applying to purchases from a qualified nonprofit 8938
agency pursuant to ~~sections 125.60 to 125.6012~~ section 125.601 8939
or 4115.31 to 4115.35 of the Revised Code; 8940

(25) Applying to payments by the department of job and 8941
family services to the United States department of health and 8942
human services for printing and mailing notices pertaining to 8943
the tax refund offset program of the internal revenue service of 8944
the United States department of the treasury; 8945

(26) Applying to contracts entered into by the department 8946
of developmental disabilities under section 5123.18 of the 8947
Revised Code; 8948

(27) Applying to payments made by the department of mental 8949
health and addiction services under a physician recruitment 8950
program authorized by section 5119.185 of the Revised Code; 8951

(28) Applying to contracts entered into with persons by 8952
the director of commerce for unclaimed funds collection and 8953
remittance efforts as provided in division (G) of section 169.03 8954
of the Revised Code. The director shall keep an itemized 8955
accounting of unclaimed funds collected by those persons and 8956
amounts paid to them for their services. 8957

(29) Applying to purchases made by a state institution of 8958
higher education in accordance with the terms of a contract 8959
between the vendor and an inter-university purchasing group 8960
comprised of purchasing officers of state institutions of higher 8961
education; 8962

(30) Applying to the department of medicaid's purchases of 8963
health assistance services under the children's health insurance 8964
program; 8965

(31) Applying to payments by the attorney general from the 8966

reparations fund to hospitals and other emergency medical 8967
facilities for performing medical examinations to collect 8968
physical evidence pursuant to section 2907.28 of the Revised 8969
Code; 8970

(32) Applying to contracts with a contracting authority or 8971
administrative receiver under division (B) of section 5126.056 8972
of the Revised Code; 8973

(33) Applying to purchases of goods and services by the 8974
department of veterans services in accordance with the terms of 8975
contracts entered into by the United States department of 8976
veterans affairs; 8977

(34) Applying to payments by the superintendent of the 8978
bureau of criminal identification and investigation to the 8979
federal bureau of investigation for criminal records checks 8980
pursuant to section 109.572 of the Revised Code; 8981

(35) Applying to contracts entered into by the department 8982
of medicaid under section 5164.47 of the Revised Code; 8983

(36) Applying to contracts entered into under section 8984
5160.12 of the Revised Code; 8985

(37) Applying to payments to the Ohio history connection 8986
from other state agencies. 8987

(E) When determining whether a state agency has reached 8988
the cumulative purchase thresholds established in divisions (B) 8989
(1) and (2) of this section, the following purchases by such 8990
agency shall not be considered: 8991

(1) Purchases made through competitive selection or with 8992
controlling board approval; 8993

(2) Purchases listed in division (D) of this section; 8994

(3) For the purposes of the threshold of division (B) (1) 8995
of this section only, leases of real estate. 8996

(F) A state agency, when exercising direct purchasing 8997
authority under this section, shall utilize a selection process 8998
that complies with all applicable laws, rules, or regulations of 8999
the department of administrative services. 9000

(G) As used in this section, "competitive selection," 9001
"direct purchasing authority," "goods," "purchase," "~~supplies~~," 9002
and "services" have the same meanings as in section 125.01 of 9003
the Revised Code. 9004

Sec. 128.021. (A) Not later than January 1, 2014, and in 9005
accordance with Chapter 119. of the Revised Code, the steering 9006
committee shall adopt rules that establish technical and 9007
operational standards for public safety answering points 9008
eligible to receive disbursements under section 128.55 of the 9009
Revised Code. The rules shall incorporate industry standards and 9010
best practices for 9-1-1 services. Public safety answering 9011
points shall comply with the standards not later than two years 9012
after the effective date of the rules adopting the standards. A 9013
public safety answering point may be deemed compliant with rules 9014
for minimum staffing standards, if it can demonstrate compliance 9015
with all other rules for operational standards. 9016

(B) Not later than one year after September 29, 2015, and 9017
in accordance with Chapter 119. of the Revised Code, the 9018
steering committee shall conduct an assessment of the 9019
operational standards for public safety answering points 9020
developed under division (A) of this section and revise the 9021
standards as necessary to ensure that the operational standards 9022
contain the following: 9023

(1) Policies to ensure that public safety answering point 9024
personnel prioritize life-saving questions in responding to each 9025
call to a 9-1-1 system established under this chapter; 9026

(2) A requirement that all public safety answering point 9027
personnel complete proper training or provide proof of prior 9028
training to give instructions regarding emergency situations. 9029

(C) Upon the effective date of the amendments to this 9030
section by ~~this act~~ H.B. 33 of the 135th general assembly, 9031
October 3, 2023, all public safety answering points that answer 9032
9-1-1 calls for service ~~from wireless services~~ shall be subject 9033
to the public safety answering point operations rules. Public 9034
safety answering points not originally required to be compliant 9035
shall comply with the standards not later than two years after 9036
the effective date of the amendments to this section by ~~this act~~ 9037
H.B. 33 of the 135th general assembly, October 3, 2023. 9038

Sec. 128.46. (A) (1) An entity required to collect a 9039
wireless 9-1-1 charge under section 128.40 of the Revised Code 9040
or the next generation 9-1-1 access fee under section 128.414 or 9041
128.421 of the Revised Code shall, on or before the twenty-third 9042
day of each month, except as provided in divisions (A) (2) and 9043
(3) of this section, do both of the following: 9044

(a) Make and file a return for the preceding month, in the 9045
form prescribed by the tax commissioner, showing the amount of 9046
the charges or fees due for that month; 9047

(b) Remit the full amount due, as shown on the return, 9048
with the exception of charges or fees equivalent to the amount 9049
authorized as a collection fee under division (B) of this 9050
section. 9051

(2) The commissioner may grant one or more thirty-day 9052

extensions for making and filing returns and remitting amounts 9053
due. 9054

(3) If a seller is required to collect prepaid wireless 9- 9055
1-1 charges under section 128.40 of the Revised Code or next 9056
generation 9-1-1 access fees under section 128.421 of the 9057
Revised Code in amounts that do not merit monthly returns, the 9058
commissioner may authorize the seller to make and file returns 9059
less frequently. The commissioner shall ascertain whether this 9060
authorization is warranted upon the basis of administrative 9061
costs to the state. 9062

(B) A wireless service provider, reseller, and seller may 9063
each retain as a collection fee three per cent of the total 9064
wireless 9-1-1 charges required to be collected under sections 9065
128.40, 128.41, and 128.42 of the Revised Code, and shall 9066
account to the tax commissioner for the amount retained. 9067

(C) The return required under division (A)(1)(a) of this 9068
section shall be filed electronically using the Ohio business 9069
gateway, as defined in section 718.01 of the Revised Code, or 9070
any other electronic means prescribed by the tax commissioner. 9071
Remittance of the amount due shall be made electronically in a 9072
manner approved by the commissioner. An entity required to file 9073
the return may apply to the commissioner on a form prescribed by 9074
the commissioner to be excused from either electronic 9075
requirement of this division. For good cause shown, the 9076
commissioner may excuse the entity from either or both of the 9077
requirements and may permit the entity to file returns or make 9078
remittances by nonelectronic means. 9079

(D) (1) Each subscriber or consumer on which a wireless 9- 9080
1-1 charge is imposed under section 128.40 of the Revised Code 9081
or on which a next generation 9-1-1 access fee is imposed under 9082

section 128.41 or 128.42 of the Revised Code is liable to the 9083
state for the amount of the charge. 9084

(2) An entity required to collect the wireless 9-1-1 9085
charge under section 128.40 of the Revised Code or the next 9086
generation 9-1-1 access fee under section 128.414 or 128.421 of 9087
the Revised Code is liable to the state for any amount that was 9088
required to be collected but that was not remitted, regardless 9089
of whether the amount was collected. 9090

(3) No provider of a prepaid wireless calling service 9091
shall be liable to the state for any wireless 9-1-1 charge 9092
imposed under section 128.40 of the Revised Code or any next 9093
generation 9-1-1 access fee imposed under section 128.42 of the 9094
Revised Code that was not collected or remitted. 9095

(E) (1) If the tax commissioner has reason to believe that 9096
an entity required to collect a wireless 9-1-1 charge under 9097
section 128.40 of the Revised Code or the next generation 9-1-1 9098
access fee under section 128.414 or 128.421 of the Revised Code 9099
has failed to bill, collect, or remit the charge or fee as 9100
required by this section and sections 128.40 to 128.422 of the 9101
Revised Code or has retained more than the amount authorized 9102
under division (B) of this section, and after written notice to 9103
the entity, the tax commissioner may audit the entity for the 9104
sole purpose of making such a determination. The audit may 9105
include, but is not limited to, a sample of the entity's 9106
billings, collections, remittances, or retentions for a 9107
representative period, and the tax commissioner shall make a 9108
good faith effort to reach agreement with the entity in 9109
selecting that sample. 9110

(2) Upon written notice to the entity, the tax 9111
commissioner, after completion of the audit, may make an 9112

assessment against the entity if, pursuant to the audit, the tax 9113
commissioner determines that the entity has failed to bill, 9114
collect, or remit the charge or fee as required by sections 9115
128.40 to 128.422 of the Revised Code or has retained more than 9116
the amount authorized under division (B) of this section. The 9117
assessment shall be in the amount of any remittance that was due 9118
and unpaid on the date notice of the audit was sent by the tax 9119
commissioner to the entity or, as applicable, in the amount of 9120
the excess amount under division (B) of this section retained by 9121
the entity as of that date. 9122

(3) The portion of any assessment consisting of charges or 9123
fees due and not paid within sixty days after the date that the 9124
assessment was made under division (E) (2) of this section shall 9125
bear interest from that date until paid at the rate per annum 9126
prescribed by section 5703.47 of the Revised Code. That interest 9127
may be collected by making an assessment under division (E) (2) 9128
of this section. 9129

(4) Unless the entity assessed files with the tax 9130
commissioner within sixty days after service of the notice of 9131
assessment, ~~either personally or by certified mail,~~ a written 9132
petition for reassessment, signed by the entity assessed or that 9133
entity's authorized agent having knowledge of the facts, the 9134
assessment shall become final and the amount of the assessment 9135
shall be due and payable from the entity assessed to the 9136
treasurer of state, for deposit to the next generation 9-1-1 9137
fund, which is created under section 128.54 of the Revised Code. 9138
The petition shall indicate the objections of the entity 9139
assessed, but additional objections may be raised in writing if 9140
received by the commissioner prior to the date shown on the 9141
final determination. If the petition has been properly filed, 9142
the commissioner shall proceed under section 5703.60 of the 9143

Revised Code. 9144

(5) After an assessment becomes final, if any portion of 9145
the assessment remains unpaid, including accrued interest, a 9146
certified copy of the final assessment may be filed in the 9147
office of the clerk of the court of common pleas in the county 9148
in which the business of the assessed entity is conducted. If 9149
the entity assessed maintains no place of business in this 9150
state, the certified copy of the final assessment may be filed 9151
in the office of the clerk of the court of common pleas of 9152
Franklin county. Immediately upon the filing, the clerk shall 9153
enter a judgment for the state against the assessed entity in 9154
the amount shown on the final assessment. The judgment may be 9155
filed by the clerk in a loose-leaf book entitled "special 9156
judgments for 9-1-1 charges and fees" and shall have the same 9157
effect as other judgments. The judgment shall be executed upon 9158
the request of the tax commissioner. 9159

(6) If the commissioner determines that the commissioner 9160
erroneously has refunded a 9-1-1 charge or fee to any person, 9161
the commissioner may make an assessment against that person for 9162
recovery of the erroneously refunded charge. 9163

(7) An assessment under division (E) of this section does 9164
not discharge a subscriber's or consumer's liability to 9165
reimburse the entity for a 9-1-1 charge or fee. If, after the 9166
date of service of the audit notice under division (E)(1) of 9167
this section, a subscriber or consumer pays a 9-1-1 charge or 9168
fee for the period covered by the assessment, the payment shall 9169
be credited against the assessment. 9170

Sec. 128.99. (A) Whoever violates division (F) of section 9171
128.96 of the Revised Code is guilty of a misdemeanor of the 9172
fourth degree. 9173

(B) Whoever violates division (G) or (H) of section 128.96 9174
or division (B) (2) of section 128.60 of the Revised Code is 9175
guilty of a misdemeanor of the fourth degree on a first offense 9176
and a felony of the fifth degree on each subsequent offense. 9177

(C) If a wireless service provider, reseller, or seller 9178
violates division (A) (1) (a) of section 128.46 of the Revised 9179
Code, and does not comply with any extensions granted under 9180
division (A) (2) of that section, the tax commissioner may impose 9181
a late-filing penalty of not more than the greater of fifty 9182
dollars or five per cent of the amount required to be remitted 9183
as described in division (B) (1) (b) of that section. 9184

(D) If a wireless service provider, reseller, or seller 9185
fails to comply with division (A) (1) (b) of section 128.46 of the 9186
Revised Code, the tax commissioner may impose a late-payment 9187
penalty of not more than the greater of fifty dollars or five 9188
per cent of the wireless 9-1-1 charge required to be remitted 9189
for the reporting period minus any partial remittance made on or 9190
before the due date, including any extensions granted under 9191
division (A) (2) of section 128.46 of the Revised Code. 9192

(E) The tax commissioner may impose an assessment penalty 9193
of not more than the greater of one hundred dollars or thirty- 9194
five per cent of the wireless 9-1-1 charges due after the tax 9195
commissioner notifies the person of an audit, an examination, a 9196
delinquency, assessment, or other notice that additional 9197
wireless 9-1-1 charges are due. 9198

(F) If a wireless service provider, reseller, or seller 9199
fails to comply with either electronic requirement of division 9200
(C) of section 128.46 of the Revised Code, the tax commissioner 9201
may impose an electronic penalty, for either or both failures to 9202
comply, of not more than the lesser of the following: 9203

(1) The greater of one hundred dollars or ten per cent of 9204
the amount required to be, but not, remitted electronically; 9205

(2) Five thousand dollars. 9206

(G) Each penalty described in divisions (C) to (F) of this 9207
section is in addition to any other penalty described in those 9208
divisions. ~~The tax commissioner may abate all or any portion of~~ 9209
~~any penalty described in those divisions.~~ 9210

(H) An operator in violation of section 128.24 of the 9211
Revised Code may be assessed a fine of up to five thousand 9212
dollars per offense. 9213

(I) (1) If a business service user fails to comply with 9214
section 128.241 of the Revised Code without being exempt under 9215
section 128.242 of the Revised Code, the 9-1-1 steering 9216
committee shall request the attorney general to bring an action 9217
to recover one of the following amounts from the user: 9218

(a) One thousand dollars for an initial failure; 9219

(b) Up to five thousand dollars for each subsequent 9220
failure within each continuing six-month period in which the 9221
user remains noncompliant. 9222

(2) Any funds recovered under division (I) (1) of this 9223
section shall be deposited into the next generation 9-1-1 fund 9224
created under section 128.54 of the Revised Code. 9225

(3) Divisions (I) (1) and (2) of this section shall not 9226
apply if they are preempted by or in conflict with federal law. 9227

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 9228
125., 126., 127., and 131. of the Revised Code, and any statute 9229
that uses the terms in connection with state accounting or 9230
budgeting: 9231

(A) "Account" means any record, element, or summary in 9232
which financial transactions are identified and recorded as 9233
debit or credit transactions in order to summarize items of a 9234
similar nature or classification. 9235

(B) "Accounting procedure" means the arrangement of all 9236
processes which discover, record, and summarize financial 9237
information to produce financial statements and reports and to 9238
provide internal control. 9239

(C) "Accounting system" means the total structure of 9240
records and procedures which discover, record, classify, and 9241
report information on the financial position and operations of a 9242
governmental unit or any of its funds and organizational 9243
components. 9244

(D) "Allocation" means a portion of an appropriation which 9245
is designated for expenditure by specific organizational units 9246
or for special purposes, activities, or objects that do not 9247
relate to a period of time. 9248

(E) "Allotment" means all or part of an appropriation 9249
which may be encumbered or expended within a specific period of 9250
time. 9251

(F) "Appropriation" means an authorization granted by the 9252
general assembly to make expenditures and to incur obligations 9253
for specific purposes. 9254

(G) "Assets" means resources owned, controlled, or 9255
otherwise used or held by the state which have monetary value. 9256

(H) "Budget" means the plan of financial operation 9257
embodying an estimate of proposed expenditures and obligations 9258
for a given period and the proposed means of financing them. 9259

(I) "Check" means a negotiable financial instrument, 9260
payable upon demand, directing a financial institution to 9261
transfer money from the payer's account to the payee. 9262

(J) "Direct deposit" is a form of electronic funds 9263
transfer in which money is electronically deposited into the 9264
account of a person or entity at a financial institution. 9265

~~(J)~~ (K) "Disbursement" means a payment made for any 9266
purpose. 9267

~~(K)~~ (L) "Electronic benefit transfer" means the electronic 9268
delivery of benefits through automated teller machines, point of 9269
sale terminals, or other electronic media pursuant to section 9270
5101.33 of the Revised Code. 9271

~~(L)~~ (M) "Electronic funds transfer" means the electronic 9272
movement of funds via automated clearing house or wire transfer. 9273

~~(M)~~ (N) "Encumbrancing document" means a document reserving 9274
all or part of an appropriation. 9275

~~(N)~~ (O) "Expenditure" means a reduction of the balance of 9276
an appropriation after legal requirements have been met. 9277

~~(O)~~ (P) "Fund" means an independent fiscal and accounting 9278
entity with a self-balancing set of accounts recording cash or 9279
other resources, together with all related liabilities, 9280
obligations, reserves, and fund balances which are segregated 9281
for the purpose of carrying on specific activities or attaining 9282
certain objectives in accordance with special rules, 9283
restrictions, or limitations. 9284

~~(P)~~ (Q) "Lapse" means the automatic termination of an 9285
appropriation at the end of the fiscal period for which it was 9286
appropriated. 9287

~~(Q)~~(R) "Reappropriation" means an appropriation of a 9288
previous appropriation that is continued in force in a 9289
succeeding appropriation period. "Reappropriation" shall be 9290
equated with and incorporated in the term "appropriation." 9291

~~(R)~~(S) "Stored value card" means a payment card that may 9292
have money loaded and stored on the card and accessed through 9293
automated teller machines, point of sale terminals, or other 9294
electronic media. "Stored value card" does not include any 9295
payment card linked to, and that can access money in, an 9296
external account maintained by a financial institution. 9297

~~(S)~~(T) "Voucher" means the document used to transmit a 9298
claim for payment and evidentiary matter related to the claim. 9299

~~(T)~~(U) "Warrant" means an order drawn upon the treasurer 9300
of state by the director of budget and management, or an 9301
authorized person at a state entity that has a custodial account 9302
in the custody of the treasurer of state, directing the 9303
treasurer of state to pay a specified amount to one or more 9304
specified payees. A variety of payment instruments may be used, 9305
including but not limited to paper warrants or checks, stored 9306
value cards, direct deposit to the payee's bank account, or the 9307
drawdown of funds by electronic benefit transfer, and the 9308
resulting electronic transfer to or by the ultimate payees. 9309

The terms defined in this section shall be used, on all 9310
accounting forms, reports, formal rules, and budget requests 9311
produced by a state agency, only as defined in this section. 9312

Sec. 131.50. (A) As used in this section, "state agency" 9313
has the same meaning as in section 155.30 of the Revised Code. 9314

(B) There is hereby created in the state treasury the 9315
state land royalty fund consisting of money credited to it under 9316

section 155.33 of the Revised Code. Any investment proceeds 9317
earned on money in the fund shall be credited to the fund. 9318

~~(B) (1)~~ (C) (1) A state agency is entitled to receive from 9319
the fund the amount that the state agency contributed and a 9320
share of the investment earnings of the fund in an amount that 9321
is equivalent to the proportionate share of contributions made 9322
by the state agency to the fund. Regarding the department of 9323
natural resources, each division within the department is 9324
entitled to receive from the department's proportionate share 9325
all amounts received by the department that are attributable to 9326
the state-owned land controlled by that division. 9327

(2) ~~The treasurer of state, in consultation with~~ Upon 9328
request from a state agency entitled to receive revenue in 9329
accordance with this section, the director of budget and 9330
~~management,~~ shall ~~disburse money~~ transfer cash from the state 9331
land royalty fund to the appropriate fund designated by ~~the~~ 9332
~~state agency not later than thirty days after the deposit of any~~ 9333
~~money into the state land royalty fund~~ this section or as 9334
otherwise designated. ~~If the state agency is the department of~~ 9335
~~natural resources, the treasurer of state, in consultation with~~ 9336
~~the director of budget and management and the director of~~ 9337
~~natural resources, shall disburse the money to the appropriate~~ 9338
~~fund designated by the applicable division within the~~ 9339
~~department.~~ 9340

(3) A state agency or, as applicable, a division of the 9341
department of natural resources, may use the money for any costs 9342
and expenses the agency determines are necessary. 9343

~~(C) As used in this section, "state agency" has the same~~ 9344
~~meaning as in section 155.30 of the Revised Code.~~ (D) (1) The 9345
natural resources land royalty fund is created in the state 9346

treasury. The fund shall consist of money credited to it under 9347
division (C) of this section for leased mineral rights on land 9348
owned or controlled by the department of natural resources. All 9349
investment earnings of the fund shall be credited to the fund. 9350

(2) The transportation land royalty fund is created in the 9351
state treasury. The fund shall consist of money credited to it 9352
under division (C) of this section for leased mineral rights on 9353
land owned or controlled by the department of transportation. 9354
All Investment earnings of the fund shall be credited to the 9355
fund. 9356

Sec. 131.51. (A) On or before the seventh day of each 9357
month, the director of budget and management shall credit to the 9358
local government fund one and ~~seven-tenths~~ seventy-five one- 9359
hundredths per cent of the total tax revenue credited to the 9360
general revenue fund during the preceding month. In determining 9361
the total tax revenue credited to the general revenue fund 9362
during the preceding month, the director shall include amounts 9363
transferred from the fund during the preceding month under this 9364
division and division (B) of this section. Money shall be 9365
distributed from the local government fund as required under 9366
sections 5747.50 and 5747.503 of the Revised Code during the 9367
same month in which it is credited to the fund. 9368

(B) On or before the seventh day of each month, the 9369
director of budget and management shall credit to the public 9370
library fund one and ~~seven-tenths~~ seventy-five one-hundredths 9371
per cent of the total tax revenue credited to the general 9372
revenue fund during the preceding month. In determining the 9373
total tax revenue credited to the general revenue fund during 9374
the preceding month, the director shall include amounts 9375
transferred from the fund during the preceding month under this 9376

division and division (A) of this section. Money shall be 9377
distributed from the public library fund as required under 9378
section 5747.47 of the Revised Code during the same month in 9379
which it is credited to the fund. 9380

(C) The director of budget and management shall develop a 9381
schedule identifying the specific tax revenue sources to be used 9382
to make the monthly transfers required under divisions (A) and 9383
(B) of this section. The director may, from time to time, revise 9384
the schedule as the director considers necessary. 9385

Sec. 135.01. Except as otherwise provided in sections 9386
135.14, 135.143, 135.181, and 135.182 of the Revised Code, as 9387
used in sections 135.01 to 135.21 of the Revised Code: 9388

(A) "Active deposit" means a public deposit necessary to 9389
meet current demands on the treasury, or on a fund that is in 9390
the custody of the treasurer of state but not part of the state 9391
treasury, and that is deposited in any of the following: 9392

(1) A commercial account that is payable or withdrawable, 9393
in whole or in part, on demand; 9394

(2) A negotiable order of withdrawal account as authorized 9395
in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 9396
146, 12 U.S.C.A. 1832(a); 9397

(3) A money market deposit account as authorized in the 9398
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 9399
1501, 12 U.S.C. 3503. 9400

(B) "Auditor" includes the auditor of state and the 9401
auditor, or officer exercising the functions of an auditor, of 9402
any subdivision. 9403

(C) "Capital funds" means the sum of the following: the 9404

par value of the outstanding common capital stock, the par value 9405
of the outstanding preferred capital stock, the aggregate par 9406
value of all outstanding capital notes and debentures, and the 9407
surplus. In the case of an institution having offices in more 9408
than one county, the capital funds of such institution, for the 9409
purposes of sections 135.01 to 135.21 of the Revised Code, 9410
relative to the deposit of the public moneys of the subdivisions 9411
in one such county, shall be considered to be that proportion of 9412
the capital funds of the institution that is represented by the 9413
ratio that the deposit liabilities of such institution 9414
originating at the office located in the county bears to the 9415
total deposit liabilities of the institution. 9416

(D) "Governing board" means, in the case of the state, the 9417
state board of deposit; in the case of all school districts and 9418
educational service centers except as otherwise provided in this 9419
section, the board of education or governing board of a service 9420
center, and when the case so requires, the board of 9421
commissioners of the sinking fund; in the case of a municipal 9422
corporation, the legislative authority, and when the case so 9423
requires, the board of trustees of the sinking fund; in the case 9424
of a township, the board of township trustees; in the case of a 9425
union or joint institution or enterprise of two or more 9426
subdivisions not having a treasurer, the board of directors or 9427
trustees thereof; and in the case of any other subdivision 9428
electing or appointing a treasurer, the directors, trustees, or 9429
other similar officers of such subdivision. The governing board 9430
of a subdivision electing or appointing a treasurer shall be the 9431
governing board of all other subdivisions for which such 9432
treasurer is authorized by law to act. In the case of a county 9433
school financing district that levies a tax pursuant to section 9434
5705.215 of the Revised Code, the county board of education that 9435

serves as its taxing authority shall operate as a governing 9436
board. Any other county board of education shall operate as a 9437
governing board unless it adopts a resolution designating the 9438
board of county commissioners as the governing board for the 9439
county school district. 9440

(E) "Inactive deposit" means a public deposit other than 9441
an interim deposit or an active deposit. 9442

(F) "Interim deposit" means a deposit of interim moneys. 9443
"Interim moneys" means public moneys in the treasury of any 9444
subdivision after the award of inactive deposits has been made 9445
in accordance with section 135.07 of the Revised Code, which 9446
moneys are in excess of the aggregate amount of the inactive 9447
deposits as estimated by the governing board prior to the period 9448
of designation and which the governing board finds should not be 9449
deposited as active or inactive deposits for the reason that 9450
such moneys will not be needed for immediate use but will be 9451
needed before the end of the period of designation. In the case 9452
of the state treasury, "interim moneys" means public moneys that 9453
are not active deposits and may be invested in accordance with 9454
section 135.143 of the Revised Code. 9455

(G) "Permissible rate of interest" means a rate of 9456
interest that all eligible institutions mentioned in section 9457
135.03 of the Revised Code are permitted to pay by law or valid 9458
regulations. 9459

(H) "Warrant clearance account" means an account 9460
established by the treasurer of state for either of the 9461
following purposes: 9462

~~(a)~~ (1) The deposit of active state moneys for the purposes 9463
of clearing state paper warrants or checks through the banking 9464

system, funding electronic benefit transfer cards, issuing 9465
stored value cards, or otherwise facilitating the settlement of 9466
state obligations; 9467

~~(b)~~ (2) The deposit of custodial moneys from an account 9468
held in the custody of the treasurer of state to facilitate 9469
settlement of obligations of the custodial fund. 9470

(I) "Public deposit" means public moneys deposited in a 9471
public depository pursuant to sections 135.01 to 135.21 of the 9472
Revised Code. 9473

(J) "Public depository" means an institution which 9474
receives or holds any public deposits. 9475

(K) "Public moneys" means all moneys in the treasury of 9476
the state or any subdivision of the state, or moneys coming 9477
lawfully into the possession or custody of the treasurer of 9478
state or of the treasurer of any subdivision. "Public moneys of 9479
the state" includes all such moneys coming lawfully into the 9480
possession of the treasurer of state; and "public moneys of a 9481
subdivision" includes all such moneys coming lawfully into the 9482
possession of the treasurer of the subdivision. 9483

(L) "Subdivision" means any municipal corporation, except 9484
one which has adopted a charter under Article XVIII, Ohio 9485
Constitution, and the charter or ordinances of the chartered 9486
municipal corporation set forth special provisions respecting 9487
the deposit or investment of its public moneys, or any school 9488
district or educational service center, a county school 9489
financing district, township, municipal or school district 9490
sinking fund, special taxing or assessment district, or other 9491
district or local authority electing or appointing a treasurer, 9492
except a county. In the case of a school district or educational 9493

service center, special taxing or assessment district, or other 9494
local authority for which a treasurer, elected or appointed 9495
primarily as the treasurer of a subdivision, is authorized or 9496
required by law to act as ex officio treasurer, the subdivision 9497
for which such a treasurer has been primarily elected or 9498
appointed shall be considered to be the "subdivision." The term 9499
also includes a union or joint institution or enterprise of two 9500
or more subdivisions, that is not authorized to elect or appoint 9501
a treasurer, and for which no ex officio treasurer is provided 9502
by law. 9503

(M) "Treasurer" means, in the case of the state, the 9504
treasurer of state and in the case of any subdivision, the 9505
treasurer, or officer exercising the functions of a treasurer, 9506
of such subdivision. In the case of a board of trustees of the 9507
sinking fund of a municipal corporation, the board of 9508
commissioners of the sinking fund of a school district, or a 9509
board of directors or trustees of any union or joint institution 9510
or enterprise of two or more subdivisions not having a 9511
treasurer, such term means such board of trustees of the sinking 9512
fund, board of commissioners of the sinking fund, or board of 9513
directors or trustees. 9514

(N) "Treasury investment board" of a municipal corporation 9515
means the mayor or other chief executive officer, the village 9516
solicitor or city director of law, and the auditor or other 9517
chief fiscal officer. 9518

(O) "No-load money market mutual fund" means a no-load 9519
money market mutual fund to which all of the following apply: 9520

(1) The fund is registered as an investment company under 9521
the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 9522
80a-1 to 80a-64; 9523

(2) The fund has the highest letter or numerical rating 9524
provided by at least one nationally recognized statistical 9525
rating organization; 9526

(3) The fund does not include any investment in a 9527
derivative. As used in division (O)(3) of this section, 9528
"derivative" means a financial instrument or contract or 9529
obligation whose value or return is based upon or linked to 9530
another asset or index, or both, separate from the financial 9531
instrument, contract, or obligation itself. Any security, 9532
obligation, trust account, or other instrument that is created 9533
from an issue of the United States treasury or is created from 9534
an obligation of a federal agency or instrumentality or is 9535
created from both is considered a derivative instrument. An 9536
eligible investment described in section 135.14 or 135.35 of the 9537
Revised Code with a variable interest rate payment, based upon a 9538
single interest payment or single index comprised of other 9539
investments provided for in division (B)(1) or (2) of section 9540
135.14 of the Revised Code, is not a derivative, provided that 9541
such variable rate investment has a maximum maturity of two 9542
years. 9543

(P) "Public depositor" means the state or a subdivision, 9544
as applicable, that deposits public moneys in a public 9545
depository pursuant to sections 135.01 to 135.21 of the Revised 9546
Code. 9547

(Q) "Uninsured public deposit" means the portion of a 9548
public deposit that is not insured by the federal deposit 9549
insurance corporation or by any other agency or instrumentality 9550
of the federal government. 9551

Sec. 135.03. (A) As used in this section, "banking office" 9552
has the same meaning as in section 1101.01 of the Revised Code. 9553

(B) Any national bank, any bank doing business under 9554
authority granted by the superintendent of financial 9555
institutions, or any bank doing business under authority granted 9556
by the regulatory authority of another state of the United 9557
States, and which has a banking office located in this state, is 9558
eligible to become a public depository, subject to sections 9559
135.01 to 135.21 of the Revised Code. No bank shall receive or 9560
have on deposit at any one time public moneys, including public 9561
moneys as defined in section 135.31 of the Revised Code, in an 9562
aggregate amount in excess of thirty per cent of its total 9563
assets, as shown in its latest report to the comptroller of the 9564
currency, the superintendent of financial institutions, the 9565
federal deposit insurance corporation, or the board of governors 9566
of the federal reserve system. 9567

(C) Any federal savings association or any savings and 9568
loan association or savings bank doing business under authority 9569
granted by the regulatory authority of another state of the 9570
United States, and which has a banking office located in this 9571
state, and authorized to accept deposits is eligible to become a 9572
public depository, subject to sections 135.01 to 135.21 of the 9573
Revised Code. No savings association, savings and loan 9574
association, or savings bank shall receive or have on deposit at 9575
any one time public moneys, including public moneys as defined 9576
in section 135.31 of the Revised Code, in an aggregate amount in 9577
excess of thirty per cent of its total assets, as shown in its 9578
latest report to the former office of thrift supervision, the 9579
comptroller of the currency, the superintendent of financial 9580
institutions, the federal deposit insurance corporation, or the 9581
board of governors of the federal reserve system. 9582

Sec. 135.18. (A) Each institution designated as a public 9583
depository and awarded public deposits under sections 135.01 to 9584

135.21 of the Revised Code, except as provided in section 9585
~~135.144 or~~ 135.145 of the Revised Code, shall provide security 9586
for the repayment of all public deposits by selecting one of the 9587
following methods: 9588

(1) Securing all uninsured public deposits of each public 9589
depositor separately as set forth in divisions (B) to (J) of 9590
this section; 9591

(2) Securing all uninsured public deposits of every public 9592
depositor pursuant to section 135.181 or 135.182 of the Revised 9593
Code, as applicable, by establishing and pledging to the 9594
treasurer of state a single pool of collateral for the benefit 9595
of every public depositor at the public depository. 9596

(B) If a public depository elects to provide security 9597
pursuant to division (A)(1) of this section, the public 9598
depository shall pledge to the public depositor, as security for 9599
the repayment of all public moneys deposited in the public 9600
depository during the period of designation pursuant to an award 9601
made under sections 135.01 to 135.21 of the Revised Code, 9602
eligible securities of aggregate market value at all times equal 9603
to at least one hundred five per cent of the total amount of the 9604
public depositor's uninsured public deposits. 9605

(C) In order for a public depository to receive public 9606
moneys under this section, the public depository and the public 9607
depositor shall first execute an agreement that sets forth the 9608
entire arrangement among the parties and that meets the 9609
requirements described in 12 U.S.C. 1823(e). In addition, the 9610
agreement shall authorize the public depositor to obtain control 9611
of the collateral pursuant to division (D) of section 1308.24 of 9612
the Revised Code. 9613

(D) The following securities or other obligations shall be 9614
eligible for the purposes of this section: 9615

(1) Bonds, notes, or other obligations of the United 9616
States; or bonds, notes, or other obligations guaranteed as to 9617
principal and interest by the United States or those for which 9618
the faith of the United States is pledged for the payment of 9619
principal and interest thereon, by language appearing in the 9620
instrument specifically providing such guarantee or pledge and 9621
not merely by interpretation or otherwise; 9622

(2) Bonds, notes, debentures, letters of credit, or other 9623
obligations or securities issued by any federal government 9624
agency or instrumentality, or the export-import bank of 9625
Washington; bonds, notes, or other obligations guaranteed as to 9626
principal and interest by the United States or those for which 9627
the faith of the United States is pledged for the payment of 9628
principal and interest thereon, by interpretation or otherwise 9629
and not by language appearing in the instrument specifically 9630
providing such guarantee or pledge; 9631

(3) Obligations of or fully insured or fully guaranteed by 9632
the United States or any federal government agency or 9633
instrumentality; 9634

(4) Obligations partially insured or partially guaranteed 9635
by any federal agency or instrumentality; 9636

(5) Obligations of or fully guaranteed by the federal 9637
national mortgage association, federal home loan mortgage 9638
corporation, federal farm credit bank, or student loan marketing 9639
association; 9640

(6) Bonds and other obligations of this state; 9641

(7) Bonds and other obligations of any county, township, 9642

school district, municipal corporation, or other legally 9643
constituted taxing subdivision of this state, which is not at 9644
the time of such deposit, in default in the payment of principal 9645
or interest on any of its bonds or other obligations, for which 9646
the full faith and credit of the issuing subdivision is pledged; 9647

(8) Bonds of other states of the United States which have 9648
not during the ten years immediately preceding the time of such 9649
deposit defaulted in payments of either interest or principal on 9650
any of their bonds; 9651

(9) Shares of no-load money market mutual funds consisting 9652
exclusively of obligations described in division (D) (1) or (2) 9653
of this section and repurchase agreements secured by such 9654
obligations; 9655

(10) A surety bond issued by a corporate surety licensed 9656
by the state and authorized to issue surety bonds in this state 9657
pursuant to Chapter 3929. of the Revised Code, and qualified to 9658
provide surety bonds to the federal government pursuant to 96
Stat. 1047 (1982), 31 U.S.C.A. 9304; 9659
9660

(11) Bonds or other obligations of any county, municipal 9661
corporation, or other legally constituted taxing subdivision of 9662
another state of the United States, or of any instrumentality of 9663
such county, municipal corporation, or other taxing subdivision, 9664
for which the full faith and credit of the issuer is pledged 9665
and, at the time of purchase of the bonds or other obligations, 9666
rated in one of the two highest categories by at least one 9667
nationally recognized statistical rating organization. 9668

(E) An institution designated as a public depository shall 9669
designate a qualified trustee and place the eligible securities 9670
required by division (D) of this section with the trustee for 9671

safekeeping. The trustee shall hold the eligible securities in 9672
an account indicating the public depositor's security interest 9673
in the securities. The trustee shall report to the public 9674
depositor information relating to the securities pledged to 9675
secure the public deposits in the manner and frequency required 9676
by the public depositor. 9677

(F) The qualified trustee shall enter into a custodial 9678
agreement with the public depositor and public depository in 9679
which the trustee agrees to comply with entitlement orders 9680
originated by the public depositor without further consent by 9681
the public depository or, in the case of collateral held by the 9682
public depository in an account at a federal reserve bank, the 9683
public depositor shall have the public depositor's security 9684
interest marked on the books of the federal reserve bank where 9685
the account for the collateral is maintained. If the public 9686
depository fails to pay over any part of the public deposits 9687
made by the public depositor therein as provided by law, the 9688
public depositor shall give written notice of this failure to 9689
the qualified trustee holding the securities pledged against its 9690
public deposits and, at the same time, shall send a copy of this 9691
notice to the public depository. Upon receipt of this notice, 9692
the trustee shall transfer to the public depositor for sale, the 9693
securities that are necessary to produce an amount equal to the 9694
public deposits made by the public depositor and not paid over, 9695
less the portion of the deposits covered by any federal deposit 9696
insurance, plus any accrued interest due on the deposits. The 9697
public depositor shall sell any of the bonds or other securities 9698
so transferred. When a sale of bonds or other securities has 9699
been so made and upon payment to the public depositor of the 9700
purchase money, the public depositor shall transfer such bonds 9701
or securities whereupon the absolute ownership of such bonds or 9702

securities shall pass to the purchasers. Any surplus after 9703
deducting the amount due the public depositor and expenses of 9704
sale shall be paid to the public depository. 9705

(G) When the public depository has placed eligible 9706
securities described in division (D)(1) of this section with a 9707
trustee for safekeeping, the public depository may at any time 9708
substitute or exchange eligible securities described in division 9709
(D)(1) of this section having a current market value equal to or 9710
greater than the current market value of the securities then on 9711
deposit and for which they are to be substituted or exchanged, 9712
without specific authorization from any public depositor's 9713
governing board, boards, or treasurer of any such substitution 9714
or exchange. 9715

(H) When the public depository has placed eligible 9716
securities described in divisions (D)(2) to (9) of this section 9717
with a trustee for safekeeping, the public depository may at any 9718
time substitute or exchange eligible securities having a current 9719
market value equal to or greater than the current market value 9720
of the securities then on deposit and for which they are to be 9721
substituted or exchanged without specific authorization of any 9722
public depositor's governing board, boards, or treasurer of any 9723
such substitution or exchange only if one of the following 9724
applies: 9725

(1) The public depositor has authorized the public 9726
depository to make such substitution or exchange on a continuing 9727
basis during a specified period without prior approval of each 9728
substitution or exchange. The authorization may be effected by 9729
the public depositor sending to the trustee a written notice 9730
stating that substitution may be effected on a continuing basis 9731
during a specified period which shall not extend beyond the end 9732

of the period of designation during which the notice is given. 9733
The trustee may rely upon this notice and upon the period of 9734
authorization stated therein and upon the period of designation 9735
stated therein. 9736

(2) The public depository notifies the public depositor 9737
and the trustee of an intended substitution or exchange, and the 9738
public depositor does not object to the trustee as to the 9739
eligibility or market value of the securities being substituted 9740
within three business days after the date appearing on the 9741
notice of proposed substitution. The notice to the public 9742
depositor and to the trustee shall be given in writing and 9743
delivered electronically. The trustee may assume in any case 9744
that the notice has been delivered to the public depositor. In 9745
order for objections of the public depositor to be effective, 9746
receipt of the objections must be acknowledged in writing by the 9747
trustee. 9748

(3) The public depositor gives written authorization for a 9749
substitution or exchange of specific securities. 9750

(I) The public depository shall notify any public 9751
depositor of any substitution or exchange under division (H) (1) 9752
or (2) of this section. 9753

(J) Any federal reserve bank or branch thereof located in 9754
this state or federal home loan bank, without compliance with 9755
Chapter 1111. of the Revised Code and without becoming subject 9756
to any other law of this state relative to the exercise by 9757
corporations of trust powers generally, is qualified to act as 9758
trustee for the safekeeping of securities, under this section. 9759
Any institution mentioned in section 135.03 or 135.32 of the 9760
Revised Code that holds a certificate of qualification issued by 9761
the superintendent of financial institutions or any institution 9762

complying with sections 1111.04, 1111.05, and 1111.06 of the 9763
Revised Code, is qualified to act as trustee for the safekeeping 9764
of securities under this section, other than those belonging to 9765
itself or to an affiliate as defined in section 1101.01 of the 9766
Revised Code. 9767

Notwithstanding the fact that a public depository is 9768
required to pledge eligible securities in certain amounts to 9769
secure deposits of public moneys, a trustee has no duty or 9770
obligation to determine the eligibility, market value, or face 9771
value of any securities deposited with the trustee by a public 9772
depository. This applies in all situations including, without 9773
limitation, a substitution or exchange of securities. 9774

Any charges or compensation of a designated trustee for 9775
acting as such under this section shall be paid by the public 9776
depository and in no event shall be chargeable to the state or 9777
the subdivision or to any officer of the state or subdivision. 9778
The charges or compensation shall not be a lien or charge upon 9779
the securities deposited for safekeeping prior or superior to 9780
the rights to and interests in the securities of the public 9781
depositor. The treasurer and the treasurer's bonders or surety 9782
shall be relieved from any liability to the public depositor or 9783
to the public depository for the loss or destruction of any 9784
securities deposited with a qualified trustee pursuant to this 9785
section. 9786

Sec. 135.71. (A) The general assembly finds that making 9787
homeownership more attainable is an important part of fostering 9788
a robust and lasting population across the state. However, 9789
individuals often struggle to accumulate the financial resources 9790
needed to purchase a home. Accordingly, it is declared to be the 9791
public policy of the state through the homeownership savings 9792

linked deposit program to make available premium rate savings 9793
accounts for the down payment and closing costs associated with 9794
the purchase of a home. 9795

(B) An eligible participant for the homeownership savings 9796
linked deposit program is an individual who is a resident of 9797
this state and has applied for a homeownership savings account 9798
at an eligible savings institution. 9799

(C) An eligible participant shall certify on the 9800
application that the funds in the homeownership savings account 9801
shall be used exclusively for eligible home costs. 9802

(D) A homeownership savings account shall be owned by not 9803
more than one eligible participant and an eligible participant 9804
shall hold not more than one homeownership savings account per 9805
program period at any eligible savings institution. 9806

(E) The treasurer of state shall report to the tax 9807
commissioner any information in the treasurer of state's 9808
possession deemed necessary by the tax commissioner to properly 9809
administer section 5747.85 of the Revised Code. 9810

(F) Not later than January 31, 2027, the treasurer of 9811
state and the tax commissioner shall issue a report regarding 9812
the efficacy of the homeownership savings linked deposit 9813
program. The report shall include all of the following: 9814

(1) The number of homeownership savings accounts created; 9815

(2) The number of participating eligible savings 9816
institutions; 9817

(3) The total amount contributed into the accounts; 9818

(4) The average ~~yield~~ premium savings rate paid on the 9819
accounts; 9820

(5) Any other information the treasurer of state or tax 9821
commissioner deems relevant. 9822

The report shall be delivered to the governor, the speaker 9823
of the house of representatives, and the president of the 9824
senate. 9825

Sec. 141.01. Except as provided in section 141.011 of the 9826
Revised Code, the annual salaries of the elective executive 9827
officers of the state are as follows: 9828

(A) Governor, one hundred fifty-four thousand two hundred 9829
forty-eight dollars; 9830

(B) Lieutenant governor, one hundred thirteen thousand 9831
nine hundred forty-seven dollars; 9832

(C) Secretary of state, one hundred thirteen thousand nine 9833
hundred forty-seven dollars; 9834

(D) Auditor of state, one hundred thirteen thousand nine 9835
hundred forty-seven dollars; 9836

(E) Treasurer of state, one hundred thirteen thousand nine 9837
hundred forty-seven dollars; 9838

(F) Attorney general, one hundred thirteen thousand nine 9839
hundred forty-seven dollars. 9840

These salaries shall be paid according to the schedule 9841
established in division (B) of section 124.15 of the Revised 9842
Code. Upon the death of an elected executive officer of the 9843
state listed in divisions (A) to (F) of this section during the 9844
officer's term of office, an amount shall be paid in accordance 9845
with section 2113.04 of the Revised Code, or to the officer's 9846
estate. The amount shall equal the amount of the salary that the 9847
officer would have received during the remainder of the 9848

officer's unexpired term or an amount equal to the salary of the 9849
office held for two years, whichever is less. 9850

Unless a higher salary is explicitly established by 9851
statute, no officer or employee elected or appointed, and no 9852
officer or employee of any state agency or state-assisted 9853
institution except a state institution of higher education or 9854
the Ohio board of regents for the positions of chancellor and 9855
vice chancellor for health affairs, shall be paid as an officer 9856
or employee, whether from appropriated or nonappropriated funds, 9857
a total salary that exceeds fifty-five thousand dollars per 9858
calendar year. This paragraph does not apply to the salaries of 9859
individuals holding or appointed to endowed academic chairs or 9860
endowed academic professorships at a state-supported institution 9861
of higher education or to the salaries of individuals paid under 9862
schedule C of section 124.15 or under schedule E-2 created by 9863
the director of administrative services under section 124.152 of 9864
the Revised Code. 9865

Sec. 145.01. As used in this chapter: 9866

(A) "Public employee" means: 9867

(1) Any person holding an office, not elective, under the 9868
state or any county, township, municipal corporation, park 9869
district, conservancy district, sanitary district, health 9870
district, metropolitan housing authority, state retirement 9871
board, Ohio history connection, public library, county law 9872
library, union cemetery, joint hospital, institutional 9873
commissary, state university, or board, bureau, commission, 9874
council, committee, authority, or administrative body as the 9875
same are, or have been, created by action of the general 9876
assembly or by the legislative authority of any of the units of 9877
local government named in division (A) (1) of this section, or 9878

employed and paid in whole or in part by the state or any of the 9879
authorities named in division (A) (1) of this section in any 9880
capacity not covered by section 742.01, 3307.01, 3309.01, or 9881
5505.01 of the Revised Code. 9882

(2) A person who is a member of the public employees 9883
retirement system and who continues to perform the same or 9884
similar duties under the direction of a contractor who has 9885
contracted to take over what before the date of the contract was 9886
a publicly operated function. The governmental unit with which 9887
the contract has been made shall be deemed the employer for the 9888
purposes of administering this chapter. 9889

(3) Any person who is an employee of a public employer, 9890
notwithstanding that the person's compensation for that 9891
employment is derived from funds of a person or entity other 9892
than the employer. Credit for such service shall be included as 9893
total service credit, provided that the employee makes the 9894
payments required by this chapter, and the employer makes the 9895
payments required by sections 145.48 and 145.51 of the Revised 9896
Code. 9897

(4) A person who elects in accordance with section 145.015 9898
of the Revised Code to remain a contributing member of the 9899
public employees retirement system. 9900

(5) A person who is an employee of the legal rights 9901
service on September 30, 2012, and continues to be employed by 9902
the nonprofit entity established under Section 319.20 of Am. 9903
Sub. H.B. 153 of the 129th general assembly. The nonprofit 9904
entity is the employer for the purpose of this chapter. 9905

In all cases of doubt, the public employees retirement 9906
board shall determine under section 145.036, 145.037, or 145.038 9907

of the Revised Code whether any person is a public employee, and 9908
its decision is final. 9909

(B) "Member" means any public employee, other than a 9910
public employee excluded or exempted from membership in the 9911
retirement system by section 145.03, 145.031, 145.032, 145.033, 9912
145.034, 145.035, or 145.38 of the Revised Code. "Member" 9913
includes a PERS retirant who becomes a member under division (C) 9914
of section 145.38 of the Revised Code. "Member" also includes a 9915
disability benefit recipient. 9916

(C) "Head of the department" means the elective or 9917
appointive head of the several executive, judicial, and 9918
administrative departments, institutions, boards, and 9919
commissions of the state and local government as the same are 9920
created and defined by the laws of this state or, in case of a 9921
charter government, by that charter. 9922

(D) "Employer" or "public employer" means the state or any 9923
county, township, municipal corporation, park district, 9924
conservancy district, sanitary district, health district, 9925
metropolitan housing authority, state retirement board, Ohio 9926
history connection, public library, county law library, union 9927
cemetery, joint hospital, institutional commissary, state 9928
medical university, state university, or board, bureau, 9929
commission, council, committee, authority, or administrative 9930
body as the same are, or have been, created by action of the 9931
general assembly or by the legislative authority of any of the 9932
units of local government named in this division not covered by 9933
section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised 9934
Code. In addition, "employer" means the employer of any public 9935
employee. 9936

(E) "Prior military service" also means all service 9937

credited for active duty with the armed forces of the United 9938
States as provided in section 145.30 of the Revised Code. 9939

(F) "Contributor" means any person who has an account in 9940
the employees' savings fund created by section 145.23 of the 9941
Revised Code. When used in the sections listed in division (B) 9942
of section 145.82 of the Revised Code, "contributor" includes 9943
any person participating in a PERS defined contribution plan. 9944

(G) "Beneficiary" or "beneficiaries" means the estate or a 9945
person or persons who, as the result of the death of a member, 9946
contributor, or retirant, qualify for or are receiving some 9947
right or benefit under this chapter. 9948

(H) (1) "Total service credit," except as provided in 9949
sections 145.016 and 145.37 of the Revised Code, means all 9950
service credited to a member of the retirement system since last 9951
becoming a member, including restored service credit as provided 9952
by section 145.31 of the Revised Code; credit purchased under 9953
sections 145.293 and 145.299 of the Revised Code; all the 9954
member's military service credit computed as provided in this 9955
chapter; all service credit established pursuant to section 9956
145.297 of the Revised Code; and any other service credited 9957
under this chapter. 9958

(2) "One and one-half years of contributing service 9959
credit," as used in division (B) of section 145.45 of the 9960
Revised Code, also means eighteen or more calendar months of 9961
employment by a municipal corporation that formerly operated its 9962
own retirement plan for its employees or a part of its 9963
employees, provided that all employees of that municipal 9964
retirement plan who have eighteen or more months of such 9965
employment, upon establishing membership in the public employees 9966
retirement system, shall make a payment of the contributions 9967

they would have paid had they been members of this system for 9968
the eighteen months of employment preceding the date membership 9969
was established. When that payment has been made by all such 9970
employee members, a corresponding payment shall be paid into the 9971
employers' accumulation fund by that municipal corporation as 9972
the employer of the employees. 9973

(3) Not more than one year of credit may be given for any 9974
period of twelve months. 9975

(4) "Ohio service credit" means credit for service that 9976
was rendered to the state or any of its political subdivisions 9977
or any employer. 9978

(I) "Regular interest" means interest at any rates for the 9979
respective funds and accounts as the public employees retirement 9980
board may determine from time to time. 9981

(J) "Accumulated contributions" means the sum of all 9982
amounts credited to a contributor's individual account in the 9983
employees' savings fund together with any interest credited to 9984
the contributor's account under section 145.471 or 145.472 of 9985
the Revised Code. 9986

(K) (1) "Final average salary" means the greater of the 9987
following: 9988

(a) The sum of the member's earnable salaries for the 9989
appropriate number of calendar years of contributing service, 9990
determined under section 145.017 of the Revised Code, in which 9991
the member's earnable salary was highest, divided by the same 9992
number of calendar years or, if the member has fewer than the 9993
appropriate number of calendar years of contributing service, 9994
the total of the member's earnable salary for all years of 9995
contributing service divided by the number of calendar years of 9996

the member's contributing service; 9997

(b) The sum of a member's earnable salaries for the 9998
appropriate number of consecutive months, determined under 9999
section 145.017 of the Revised Code, that were the member's last 10000
months of service, up to and including the last month, divided 10001
by the appropriate number of years or, if the time between the 10002
first and final months of service is less than the appropriate 10003
number of consecutive months, the total of the member's earnable 10004
salary for all months of contributing service divided by the 10005
number of years between the first and final months of 10006
contributing service, including any fraction of a year, except 10007
that the member's final average salary shall not exceed the 10008
member's highest earnable salary for any twelve consecutive 10009
months. 10010

(2) If contributions were made in only one calendar year, 10011
"final average salary" means the member's total earnable salary. 10012

(L) "Annuity" means payments for life derived from 10013
contributions made by a contributor and paid from the annuity 10014
and pension reserve fund as provided in this chapter. All 10015
annuities shall be paid in twelve equal monthly installments. 10016

(M) "Annuity reserve" means the present value, computed 10017
upon the basis of the mortality and other tables adopted by the 10018
board, of all payments to be made on account of any annuity, or 10019
benefit in lieu of any annuity, granted to a retirant as 10020
provided in this chapter. 10021

(N) (1) "Disability retirement" means retirement as 10022
provided in section 145.36 of the Revised Code. 10023

(2) "Disability allowance" means an allowance paid on 10024
account of disability under section 145.361 of the Revised Code. 10025

(3) "Disability benefit" means a benefit paid as 10026
disability retirement under section 145.36 of the Revised Code, 10027
as a disability allowance under section 145.361 of the Revised 10028
Code, or as a disability benefit under section 145.37 of the 10029
Revised Code. 10030

(4) "Disability benefit recipient" means a member who is 10031
receiving a disability benefit. 10032

(O) "Age and service retirement" means retirement as 10033
provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, 10034
and 145.46 and former section 145.34 of the Revised Code. 10035

(P) "Pensions" means annual payments for life derived from 10036
contributions made by the employer that at the time of 10037
retirement are credited into the annuity and pension reserve 10038
fund from the employers' accumulation fund and paid from the 10039
annuity and pension reserve fund as provided in this chapter. 10040
All pensions shall be paid in twelve equal monthly installments. 10041

(Q) "Retirement allowance" means the pension plus that 10042
portion of the benefit derived from contributions made by the 10043
member. 10044

(R) (1) Except as otherwise provided in division (R) of 10045
this section, "earnable salary" means all salary, wages, and 10046
other earnings paid to a contributor by reason of employment in 10047
a position covered by the retirement system. The salary, wages, 10048
and other earnings shall be determined prior to determination of 10049
the amount required to be contributed to the employees' savings 10050
fund under section 145.47 of the Revised Code and without regard 10051
to whether any of the salary, wages, or other earnings are 10052
treated as deferred income for federal income tax purposes. 10053
"Earnable salary" includes the following: 10054

(a) Payments made by the employer in lieu of salary,	10055
wages, or other earnings for sick leave, personal leave, or	10056
vacation used by the contributor;	10057
(b) Payments made by the employer for the conversion of	10058
sick leave, personal leave, and vacation leave accrued, but not	10059
used if the payment is made during the year in which the leave	10060
is accrued, except that payments made pursuant to section	10061
124.383 or 124.386 of the Revised Code are not earnable salary;	10062
(c) Allowances paid by the employer for maintenance,	10063
consisting of housing, laundry, and meals, as certified to the	10064
retirement board by the employer or the head of the department	10065
that employs the contributor;	10066
(d) Fees and commissions paid under section 507.09 of the	10067
Revised Code;	10068
(e) Payments that are made under a disability leave	10069
program sponsored by the employer and for which the employer is	10070
required by section 145.296 of the Revised Code to make periodic	10071
employer and employee contributions;	10072
(f) Amounts included pursuant to former division (K) (3)	10073
and former division (Y) of this section and section 145.2916 of	10074
the Revised Code.	10075
(2) "Earnable salary" does not include any of the	10076
following:	10077
(a) Fees and commissions, other than those paid under	10078
section 507.09 of the Revised Code, paid as sole compensation	10079
for personal services and fees and commissions for special	10080
services over and above services for which the contributor	10081
receives a salary;	10082

(b) Amounts paid by the employer to provide life 10083
insurance, sickness, accident, endowment, health, medical, 10084
hospital, dental, or surgical coverage, or other insurance for 10085
the contributor or the contributor's family, or amounts paid by 10086
the employer to the contributor in lieu of providing the 10087
insurance; 10088

(c) Incidental benefits, including lodging, food, laundry, 10089
parking, or services furnished by the employer, or use of the 10090
employer's property or equipment, or amounts paid by the 10091
employer to the contributor in lieu of providing the incidental 10092
benefits; 10093

(d) Reimbursement for job-related expenses authorized by 10094
the employer, including moving and travel expenses and expenses 10095
related to professional development; 10096

(e) Payments for accrued but unused sick leave, personal 10097
leave, or vacation that are made at any time other than in the 10098
year in which the sick leave, personal leave, or vacation was 10099
accrued; 10100

(f) Payments made to or on behalf of a contributor that 10101
are in excess of the annual compensation that may be taken into 10102
account by the retirement system under division (a)(17) of 10103
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 10104
2085, 26 U.S.C.A. 401(a)(17), as amended; 10105

(g) Payments made under division (B), (C), or (E) of 10106
section 5923.05 of the Revised Code, Section 4 of Substitute 10107
Senate Bill No. 3 of the 119th general assembly, Section 3 of 10108
Amended Substitute Senate Bill No. 164 of the 124th general 10109
assembly, or Amended Substitute House Bill No. 405 of the 124th 10110
general assembly; 10111

(h) Anything of value received by the contributor that is 10112
based on or attributable to retirement or an agreement to 10113
retire, except that payments made on or before January 1, 1989, 10114
that are based on or attributable to an agreement to retire 10115
shall be included in earnable salary if both of the following 10116
apply: 10117

(i) The payments are made in accordance with contract 10118
provisions that were in effect prior to January 1, 1986; 10119

(ii) The employer pays the retirement system an amount 10120
specified by the retirement board equal to the additional 10121
liability resulting from the payments. 10122

(i) The portion of any amount included in section 145.2916 10123
of the Revised Code that represents employer contributions. 10124

(3) The retirement board shall determine by rule whether 10125
any compensation not enumerated in division (R) of this section 10126
is earnable salary, and its decision shall be final. 10127

(S) "Pension reserve" means the present value, computed 10128
upon the basis of the mortality and other tables adopted by the 10129
board, of all payments to be made on account of any retirement 10130
allowance or benefit in lieu of any retirement allowance, 10131
granted to a member or beneficiary under this chapter. 10132

(T) "Contributing service" means both of the following: 10133

(1) All service credited to a member of the system since 10134
January 1, 1935, for which contributions are made as required by 10135
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 10136
year subsequent to 1934, credit for any service shall be allowed 10137
in accordance with section 145.016 of the Revised Code. 10138

(2) Service credit received by election of the member 10139

under section 145.814 of the Revised Code. 10140

(U) "State retirement board" means the public employees 10141
retirement board, the school employees retirement board, or the 10142
state teachers retirement board. 10143

(V) "Retirant" means any former member who retires and is 10144
receiving a monthly allowance as provided in sections 145.32, 10145
145.33, 145.331, 145.332, 145.335, and 145.46 and former section 10146
145.34 of the Revised Code. 10147

(W) "Employer contribution" means the amount paid by an 10148
employer as determined under section 145.48 of the Revised Code. 10149

(X) "Public service terminates" means the last day for 10150
which a public employee is compensated for services performed 10151
for an employer or the date of the employee's death, whichever 10152
occurs first. 10153

(Y) "Five years of service credit," for the exclusive 10154
purpose of satisfying the service credit requirements and of 10155
determining eligibility under section 145.33 or 145.332 of the 10156
Revised Code, means employment covered under this chapter or 10157
under a former retirement plan operated, recognized, or endorsed 10158
by the employer prior to coverage under this chapter or under a 10159
combination of the coverage. 10160

(Z) "Deputy sheriff" means any person who is commissioned 10161
and employed as a full-time peace officer by the sheriff of any 10162
county, and has been so employed since on or before December 31, 10163
1965; any person who is or has been commissioned and employed as 10164
a peace officer by the sheriff of any county since January 1, 10165
1966, and who has received a certificate attesting to the 10166
person's satisfactory completion of the peace officer training 10167
school as required by section 109.77 of the Revised Code; or any 10168

person deputized by the sheriff of any county and employed 10169
pursuant to section 2301.12 of the Revised Code as a criminal 10170
bailiff or court constable who has received a certificate 10171
attesting to the person's satisfactory completion of the peace 10172
officer training school as required by section 109.77 of the 10173
Revised Code. 10174

(AA) "Township constable or police officer in a township 10175
police department or district" means any person who is 10176
commissioned and employed as a full-time peace officer pursuant 10177
to Chapter 505. or 509. of the Revised Code, who has received a 10178
certificate attesting to the person's satisfactory completion of 10179
the peace officer training school as required by section 109.77 10180
of the Revised Code. 10181

(BB) "Drug agent" means any person who is either of the 10182
following: 10183

(1) Employed full time as a narcotics agent by a county 10184
narcotics agency created pursuant to section 307.15 of the 10185
Revised Code and has received a certificate attesting to the 10186
satisfactory completion of the peace officer training school as 10187
required by section 109.77 of the Revised Code; 10188

(2) Employed full time as an undercover drug agent as 10189
defined in section 109.79 of the Revised Code and is in 10190
compliance with section 109.77 of the Revised Code. 10191

(CC) "Department of public safety enforcement agent" means 10192
a full-time employee of the department of public safety who is 10193
designated under section 5502.14 of the Revised Code as an 10194
enforcement agent and who is in compliance with section 109.77 10195
of the Revised Code. 10196

(DD) "Natural resources law enforcement staff officer" 10197

means a full-time employee of the department of natural 10198
resources who is designated a natural resources law enforcement 10199
staff officer under section 1501.013 of the Revised Code and is 10200
in compliance with section 109.77 of the Revised Code. 10201

(EE) "Forest-fire investigator" means a full-time employee 10202
of the department of natural resources who is appointed a 10203
forest-fire investigator under section 1503.09 of the Revised 10204
Code and is in compliance with section 109.77 of the Revised 10205
Code. 10206

(FF) "Natural resources officer" means a full-time 10207
employee of the department of natural resources who is appointed 10208
as a natural resources officer under section 1501.24 of the 10209
Revised Code and is in compliance with section 109.77 of the 10210
Revised Code. 10211

(GG) "Wildlife officer" means a full-time employee of the 10212
department of natural resources who is designated a wildlife 10213
officer under section 1531.13 of the Revised Code and is in 10214
compliance with section 109.77 of the Revised Code. 10215

(HH) "Park district police officer" means a full-time 10216
employee of a park district who is designated pursuant to 10217
section 511.232 or 1545.13 of the Revised Code and is in 10218
compliance with section 109.77 of the Revised Code. 10219

(II) "Conservancy district officer" means a full-time 10220
employee of a conservancy district who is designated pursuant to 10221
section 6101.75 of the Revised Code and is in compliance with 10222
section 109.77 of the Revised Code. 10223

(JJ) "Municipal police officer" means a member of the 10224
organized police department of a municipal corporation who is 10225
employed full time, is in compliance with section 109.77 of the 10226

Revised Code, and is not a member of the Ohio police and fire pension fund. 10227
10228

(KK) "Veterans' home police officer" means any person who 10229
is employed at a veterans' home as a police officer pursuant to 10230
section 5907.02 of the Revised Code and is in compliance with 10231
section 109.77 of the Revised Code. 10232

(LL) "Special police officer for a mental health 10233
institution" means any person who is designated as such pursuant 10234
to section 5119.08 of the Revised Code and is in compliance with 10235
section 109.77 of the Revised Code. 10236

(MM) "Special police officer for an institution for 10237
persons with intellectual disabilities" means any person who is 10238
designated as such pursuant to section 5123.13 of the Revised 10239
Code and is in compliance with section 109.77 of the Revised 10240
Code. 10241

(NN) "State university law enforcement officer" means any 10242
person who is employed full time as a state university law 10243
enforcement officer pursuant to section 3345.04 of the Revised 10244
Code and who is in compliance with section 109.77 of the Revised 10245
Code. 10246

(OO) "House sergeant at arms" means any person appointed 10247
by the speaker of the house of representatives under division 10248
(B) (1) of section 101.311 of the Revised Code who has arrest 10249
authority under division (E) (1) of that section. 10250

(PP) "Assistant house sergeant at arms" means any person 10251
appointed by the house sergeant at arms under division (C) (1) of 10252
section 101.311 of the Revised Code. 10253

(QQ) "Regional transit authority police officer" means a 10254
person who is employed full time as a regional transit authority 10255

police officer under division (Y) of section 306.35 of the 10256
Revised Code and is in compliance with section 109.77 of the 10257
Revised Code. 10258

(RR) "State highway patrol police officer" means a special 10259
police officer employed full time and designated by the 10260
superintendent of the state highway patrol pursuant to section 10261
5503.09 of the Revised Code or a person serving full time as a 10262
special police officer pursuant to that section on a permanent 10263
basis on October 21, 1997, who is in compliance with section 10264
109.77 of the Revised Code. 10265

(SS) "Municipal public safety director" means a person who 10266
serves full time as the public safety director of a municipal 10267
corporation with the duty of directing the activities of the 10268
municipal corporation's police department and fire department. 10269

(TT) "Bureau of criminal identification and investigation 10270
investigator" means a person who is in compliance with section 10271
109.77 of the Revised Code and is employed full time as an 10272
investigator, as defined in section 109.541 of the Revised Code, 10273
of the bureau of criminal identification and investigation 10274
commissioned by the superintendent of the bureau as a special 10275
agent for the purpose of assisting law enforcement officers or 10276
providing emergency assistance to peace officers pursuant to 10277
authority granted under that section. 10278

(UU) "Gaming agent" means a person who is in compliance 10279
with section 109.77 of the Revised Code and is employed full 10280
time as a gaming agent with the Ohio casino control commission 10281
pursuant to section 3772.03 of the Revised Code. 10282

(VV) "Department of taxation investigator" means a person 10283
employed full time with the department of taxation to whom both 10284

of the following apply: 10285

(1) The person has been delegated investigation powers 10286
pursuant to section 5743.45 of the Revised Code for the 10287
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 10288
5747. of the Revised Code. 10289

(2) The person is in compliance with section 109.77 of the 10290
Revised Code. 10291

(WW) "Special police officer for a port authority" means a 10292
person who is in compliance with section 109.77 of the Revised 10293
Code and is employed full time as a special police officer with 10294
a port authority under section 4582.04 or 4582.28 of the Revised 10295
Code. 10296

(XX) "Special police officer for a municipal airport" 10297
means a person to whom both of the following apply: 10298

(1) The person is employed full time as a special police 10299
officer with a municipal corporation at a municipal airport or 10300
other municipal air navigation facility that meets both of the 10301
following requirements: 10302

(a) The airport or navigation facility has scheduled 10303
operations, as defined in 14 C.F.R. 110.2, as amended. 10304

(b) The airport or navigation facility is required to be 10305
under a security program and is governed by aviation security 10306
rules of the transportation security administration of the 10307
United States department of transportation as provided in 49 10308
C.F.R. parts 1542 and 1544, as amended. 10309

(2) The person is in compliance with section 109.77 of the 10310
Revised Code. 10311

(YY) Notwithstanding section 2901.01 of the Revised Code, 10312

"PERS law enforcement officer" means a sheriff or any of the 10313
following whose primary duties are to preserve the peace, 10314
protect life and property, and enforce the laws of this state: a 10315
deputy sheriff, township constable or police officer in a 10316
township police department or district, drug agent, department 10317
of public safety enforcement agent, natural resources law 10318
enforcement staff officer, wildlife officer, forest-fire 10319
investigator, natural resources officer, park district police 10320
officer, conservancy district officer, veterans' home police 10321
officer, special police officer for a mental health institution, 10322
special police officer for an institution for persons with 10323
developmental disabilities, state university law enforcement 10324
officer, municipal police officer, house sergeant at arms, 10325
assistant house sergeant at arms, regional transit authority 10326
police officer, or state highway patrol police officer. 10327

"PERS law enforcement officer" also includes a person 10328
employed as a bureau of criminal identification and 10329
investigation investigator, gaming agent, department of taxation 10330
investigator, special police officer for a port authority, or 10331
special police officer for a municipal airport who commences 10332
employment in any of those positions on or after April 6, 2017, 10333
or makes the election described in section 145.334 of the 10334
Revised Code. 10335

"PERS law enforcement officer" also includes a person 10336
serving as a municipal public safety director at any time during 10337
the period from September 29, 2005, to March 24, 2009, if the 10338
duties of that service were to preserve the peace, protect life 10339
and property, and enforce the laws of this state. 10340

"PERS law enforcement officer" also includes a person 10341
employed as a state fire marshal law enforcement officer who 10342

commences employment after the effective date of this amendment 10343
or who makes the election described in section 145.334 of the 10344
Revised Code. 10345

(ZZ) "Hamilton county municipal court bailiff" means a 10346
person appointed by the clerk of courts of the Hamilton county 10347
municipal court under division (A) (3) of section 1901.32 of the 10348
Revised Code who is employed full time as a bailiff or deputy 10349
bailiff, who has received a certificate attesting to the 10350
person's satisfactory completion of the peace officer basic 10351
training described in division (D) (1) of section 109.77 of the 10352
Revised Code. 10353

(AAA) "State fire marshal law enforcement officer" means a 10354
member of the public employees retirement system who is employed 10355
full time by the fire and explosion investigation bureau created 10356
under section 3737.22 of the Revised Code and to whom both of 10357
the following apply: 10358

(1) The state fire marshal has appointed the member as an 10359
assistant fire marshal as defined in section 3737.01 of the 10360
Revised Code and designated the member to act as a law 10361
enforcement officer under division (C) of section 3737.22 of the 10362
Revised Code for both of the following: 10363

(a) For purposes of investigating the cause, origin, and 10364
circumstances of fires and explosions in this state and 10365
arresting, or causing a person to be arrested, and charging a 10366
person with arson or a similar offense as a result of an 10367
investigation; 10368

(b) To enforce the criminal prohibitions of Chapters 3737. 10369
and 3743. of the Revised Code. 10370

(2) The state fire marshal has appointed the member as a 10371

state fire marshal law enforcement officer as described in 10372
sections 109.71 and 2935.01 of the Revised Code and the member 10373
is in compliance with section 109.77 of the Revised Code for 10374
purposes of section 2935.03 of the Revised Code. 10375

(BBB) "PERS public safety officer" means a Hamilton county 10376
municipal court bailiff, or any of the following whose primary 10377
duties are other than to preserve the peace, protect life and 10378
property, and enforce the laws of this state: a deputy sheriff, 10379
township constable or police officer in a township police 10380
department or district, drug agent, department of public safety 10381
enforcement agent, natural resources law enforcement staff 10382
officer, wildlife officer, forest-fire investigator, natural 10383
resources officer, park district police officer, conservancy 10384
district officer, veterans' home police officer, special police 10385
officer for a mental health institution, special police officer 10386
for an institution for persons with developmental disabilities, 10387
state university law enforcement officer, municipal police 10388
officer, house sergeant at arms, assistant house sergeant at 10389
arms, regional transit authority police officer, or state 10390
highway patrol police officer. 10391

"PERS public safety officer" also includes a person 10392
employed as a bureau of criminal identification and 10393
investigation investigator, gaming agent, department of taxation 10394
investigator, special police officer for a port authority, or 10395
special police officer for a municipal airport who commences 10396
employment in any of those positions on or after April 6, 2017, 10397
or makes the election described in section 145.334 of the 10398
Revised Code. 10399

"PERS public safety officer" also includes a person 10400
serving as a municipal public safety director at any time during 10401

the period from September 29, 2005, to March 24, 2009, if the 10402
duties of that service were other than to preserve the peace, 10403
protect life and property, and enforce the laws of this state. 10404

"PERS public safety officer" also includes a person 10405
employed as a state fire marshal law enforcement officer who 10406
commences employment after the effective date of this amendment 10407
or who makes the election described in section 145.334 of the 10408
Revised Code. 10409

~~(BBB)~~ (CCC) "Fiduciary" means a person who does any of the 10410
following: 10411

(1) Exercises any discretionary authority or control with 10412
respect to the management of the system or with respect to the 10413
management or disposition of its assets; 10414

(2) Renders investment advice for a fee, direct or 10415
indirect, with respect to money or property of the system; 10416

(3) Has any discretionary authority or responsibility in 10417
the administration of the system. 10418

~~(CCC)~~ (DDD) "Actuary" means an individual who satisfies all 10419
of the following requirements: 10420

(1) Is a member of the American academy of actuaries; 10421

(2) Is an associate or fellow of the society of actuaries; 10422

(3) Has a minimum of five years' experience in providing 10423
actuarial services to public retirement plans. 10424

~~(DDD)~~ (EEE) "PERS defined benefit plan" means the plan 10425
described in sections 145.201 to 145.79 of the Revised Code. 10426

~~(EEE)~~ (FFF) "PERS defined contribution plans" means the 10427
plan or plans established under section 145.81 of the Revised 10428

Code. 10429

Sec. 145.334. (A) A member who, on ~~the effective date of~~ 10430
~~this section~~ April 6, 2017, meets the definition of bureau of 10431
criminal identification and investigation investigator, gaming 10432
agent, department of taxation investigator, special police 10433
officer for a port authority, or special police officer for a 10434
municipal airport in section 145.01 of the Revised Code may make 10435
the election to be considered a PERS law enforcement officer or 10436
PERS public safety officer by giving notice to the public 10437
employees retirement system on a form provided by the public 10438
employees retirement board. To be valid, the notice must be 10439
received by the retirement system not later than ninety days 10440
after ~~the effective date of this section~~ April 6, 2017. The 10441
election, once made, causes the member to be considered a PERS 10442
law enforcement officer or PERS public safety officer and is 10443
irrevocable. 10444

(B) A member who, on the effective date of this amendment, 10445
meets the definition of state fire marshal law enforcement 10446
officer in section 145.01 of the Revised Code may make an 10447
election to be considered a PERS law enforcement officer or PERS 10448
public safety officer by giving notice to the public employees 10449
retirement system on a form provided by the public employees 10450
retirement board. To be valid, the notice must be received by 10451
the retirement system not later than ninety days after the 10452
effective date of this amendment. The election, once made, 10453
causes the member to be considered a PERS law enforcement 10454
officer or PERS public safety officer and is irrevocable. 10455

(C) Service credit earned by a member of the public 10456
employees retirement system before the first day of the first 10457
month following the retirement system's receipt of the notice of 10458

election under division (A) or (B) of this section shall not be 10459
considered service credit as a PERS law enforcement officer or 10460
PERS public safety officer. 10461

Sec. 149.3010. The Ohio history connection, in addition to 10462
its other functions, may use any land owned by the Ohio history 10463
connection, any land owned by the state and in the Ohio history 10464
connection's custody and control, any land leased by the Ohio 10465
history connection, or any land that the Ohio history connection 10466
has agreed to lease to another entity or organization, for the 10467
purpose of repatriation of American Indian human remains. 10468

The Ohio history connection shall work with and cooperate 10469
with federally recognized Indian tribal governments in the 10470
selection, management, and use of burial sites under this 10471
section. The Ohio history connection shall implement reasonable 10472
standards for the use and maintenance of the burial sites. In 10473
the event the Ohio history connection shall deaccession, 10474
otherwise dispose of, or no longer have custody and control of a 10475
burial site, the Ohio history connection shall retain access and 10476
authority to maintain the site or the Ohio history connection 10477
shall assign its right of access and maintenance to the person 10478
acquiring the site. For each burial site established on or after 10479
the effective date of this section, and for each burial site 10480
established before the effective date of this section and for 10481
which it is legally feasible, the Ohio history connection shall 10482
establish a perpetual easement, enforceable by the Ohio history 10483
connection or a person assigned by the Ohio history connection, 10484
to preserve the burial sites. 10485

Chapters 517., 759., 1721., and 4767. of the Revised Code 10486
do not apply to burial sites under this section. 10487

Sec. 149.311. (A) As used in this section: 10488

(1) "Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the national register of historic places under 16 U.S.C. 470a, located in a registered historic district, and certified by the state historic preservation officer as being of historic significance to the district, or is individually listed as an historic landmark designated by a local government certified under 16 U.S.C. 470a(c).

(2) "Qualified rehabilitation expenditures" means expenditures paid or incurred during the rehabilitation period, and before and after that period as determined under 26 U.S.C. 47, by an owner or qualified lessee of an historic building to rehabilitate the building. "Qualified rehabilitation expenditures" includes architectural or engineering fees paid or incurred in connection with the rehabilitation, and expenses incurred in the preparation of nomination forms for listing on the national register of historic places. "Qualified rehabilitation expenditures" does not include any of the following:

(a) The cost of acquiring, expanding, or enlarging an historic building;

(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;

(c) New building construction costs.

(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.

(4) "Qualified lessee" means a person subject to a lease 10518
agreement for an historic building and eligible for the federal 10519
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 10520
does not include the state or a state agency or political 10521
subdivision as defined in section 9.23 of the Revised Code. 10522

(5) "Certificate owner" means the owner or qualified 10523
lessee of an historic building to which a rehabilitation tax 10524
credit certificate was issued under this section. 10525

(6) "Registered historic district" means an historic 10526
district listed in the national register of historic places 10527
under 16 U.S.C. 470a, an historic district designated by a local 10528
government certified under 16 U.S.C. 470a(c), or a local 10529
historic district certified under 36 C.F.R. 67.8 and 67.9. 10530

(7) "Rehabilitation" means the process of repairing or 10531
altering an historic building or buildings, making possible an 10532
efficient use while preserving those portions and features of 10533
the building and its site and environment that are significant 10534
to its historic, architectural, and cultural values. 10535

(8) "Rehabilitation period" means one of the following: 10536

(a) If the rehabilitation initially was not planned to be 10537
completed in stages, a period chosen by the owner or qualified 10538
lessee not to exceed twenty-four months during which 10539
rehabilitation occurs; 10540

(b) If the rehabilitation initially was planned to be 10541
completed in stages, a period chosen by the owner or qualified 10542
lessee not to exceed sixty months during which rehabilitation 10543
occurs. Each stage shall be reviewed as a phase of a 10544
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 10545
successor to that section. 10546

(9) "State historic preservation officer" or "officer" 10547
means the state historic preservation officer appointed by the 10548
governor under 16 U.S.C. 470a. 10549

(10) "Catalytic project" means the rehabilitation of an 10550
historic building, the rehabilitation of which will foster 10551
economic development within two thousand five hundred feet of 10552
the historic building. 10553

(B) The owner or qualified lessee of an historic building 10554
may apply to the director of development for a rehabilitation 10555
tax credit certificate for qualified rehabilitation expenditures 10556
paid or incurred by such owner or qualified lessee after April 10557
4, 2007, for rehabilitation of an historic building. If the 10558
owner of an historic building enters a pass-through agreement 10559
with a qualified lessee for the purposes of the federal 10560
rehabilitation tax credit under 26 U.S.C. 47, the qualified 10561
rehabilitation expenditures paid or incurred by the owner after 10562
April 4, 2007, may be attributed to the qualified lessee. 10563

The form and manner of filing such applications shall be 10564
prescribed by rule of the director. Each application shall state 10565
the amount of qualified rehabilitation expenditures the 10566
applicant estimates will be paid or incurred and shall indicate 10567
whether the historic building was used as a theater before, and 10568
is intended to be used as a theater after, the rehabilitation. 10569
The director may require applicants to furnish documentation of 10570
such estimates. 10571

The director, after consultation with the tax commissioner 10572
and in accordance with Chapter 119. of the Revised Code, shall 10573
adopt rules that establish all of the following: 10574

(1) Forms and procedures by which applicants may apply for 10575

rehabilitation tax credit certificates; 10576

(2) Criteria for reviewing, evaluating, and approving 10577
applications for certificates within the limitations under 10578
division (D) of this section, criteria for assuring that the 10579
certificates issued encompass a mixture of high and low 10580
qualified rehabilitation expenditures, and criteria for issuing 10581
certificates under division (C) (3) (b) of this section; 10582

(3) Eligibility requirements for obtaining a certificate 10583
under this section; 10584

(4) The form of rehabilitation tax credit certificates; 10585

(5) Reporting requirements and monitoring procedures; 10586

(6) Procedures and criteria for conducting cost-benefit 10587
analyses of historic buildings that are the subjects of 10588
applications filed under this section. The purpose of a cost- 10589
benefit analysis shall be to determine whether rehabilitation of 10590
the historic building will result in a net revenue gain in state 10591
and local taxes once the building is used. 10592

(7) Any other rules necessary to implement and administer 10593
this section. 10594

(C) The director shall review the applications with the 10595
assistance of the state historic preservation officer and 10596
determine whether all of the following criteria are met: 10597

(1) That the building that is the subject of the 10598
application is an historic building and the applicant is the 10599
owner or qualified lessee of the building; 10600

(2) That the rehabilitation will satisfy standards 10601
prescribed by the United States secretary of the interior under 10602
16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a 10603

successor to that section; 10604

(3) That receiving a rehabilitation tax credit certificate 10605
under this section is a major factor in: 10606

(a) The applicant's decision to rehabilitate the historic 10607
building; or 10608

(b) To increase the level of investment in such 10609
rehabilitation. 10610

(4) The historic building that is the subject of the 10611
application is not, and will not upon completion of the 10612
rehabilitation project be, part of a qualified low-income 10613
housing project allocated a tax credit pursuant to section 42 of 10614
the Internal Revenue Code. 10615

An applicant shall demonstrate to the satisfaction of the 10616
state historic preservation officer and director that the 10617
rehabilitation will satisfy the standards described in division 10618
(C) (2) of this section before the applicant begins the physical 10619
rehabilitation of the historic building. 10620

(D) (1) If the director determines that an application 10621
meets the criteria in division (C) of this section, the director 10622
shall conduct a cost-benefit analysis for the historic building 10623
that is the subject of the application to determine whether 10624
rehabilitation of the historic building will result in a net 10625
revenue gain in state and local taxes once the building is used. 10626
The director shall consider the results of the cost-benefit 10627
analysis in determining whether to approve the application. The 10628
director shall also consider the potential economic impact and 10629
the regional distributive balance of the credits throughout the 10630
state. The director shall not consider whether the historic 10631
building is located in or will benefit an economically 10632

distressed area, including by weighting preference based on the 10633
poverty rate in the jurisdiction or census tract in which the 10634
building is located. The director may approve an application 10635
only after completion of the cost-benefit analysis. 10636

(2) A rehabilitation tax credit certificate shall not be 10637
issued for an amount greater than the estimated amount furnished 10638
by the applicant on the application for such certificate and 10639
approved by the director. The director shall not approve more 10640
than a total of one hundred twenty million dollars of 10641
rehabilitation tax credits ~~for each of fiscal years 2023 and~~ 10642
~~2024, and sixty million dollars of rehabilitation tax credits~~ 10643
~~for each per~~ fiscal year ~~thereafter,~~ but the director may 10644
reallocate unused tax credits from a prior fiscal year for new 10645
applicants and such reallocated credits shall not apply toward 10646
the dollar limit of this division. 10647

(3) For rehabilitations with a rehabilitation period not 10648
exceeding twenty-four months as provided in division (A) (8) (a) 10649
of this section, a rehabilitation tax credit certificate shall 10650
not be issued before the rehabilitation of the historic building 10651
is completed. 10652

(4) For rehabilitations with a rehabilitation period not 10653
exceeding sixty months as provided in division (A) (8) (b) of this 10654
section, a rehabilitation tax credit certificate shall not be 10655
issued before a stage of rehabilitation is completed. After all 10656
stages of rehabilitation are completed, if the director cannot 10657
determine that the criteria in division (C) of this section are 10658
satisfied for all stages of rehabilitations, the director shall 10659
certify this finding to the tax commissioner, and any 10660
rehabilitation tax credits received by the applicant shall be 10661
repaid by the applicant and may be collected by assessment as 10662

unpaid tax by the commissioner. 10663

(5) The director shall require the applicant to provide a 10664
third-party cost certification by a certified public accountant 10665
of the actual costs attributed to the rehabilitation of the 10666
historic building when qualified rehabilitation expenditures 10667
exceed two hundred thousand dollars. 10668

If an applicant whose application is approved for receipt 10669
of a rehabilitation tax credit certificate fails to provide to 10670
the director sufficient evidence of reviewable progress, 10671
including a viable financial plan, copies of final construction 10672
drawings, and evidence that the applicant has obtained all 10673
historic approvals within twelve months after the date the 10674
applicant received notification of approval, and if the 10675
applicant fails to provide evidence to the director that the 10676
applicant has secured and closed on financing for the 10677
rehabilitation within eighteen months after receiving 10678
notification of approval, the director may rescind the approval 10679
of the application. The director shall notify the applicant if 10680
the approval has been rescinded. Credits that would have been 10681
available to an applicant whose approval was rescinded shall be 10682
available for other qualified applicants. Nothing in this 10683
division prohibits an applicant whose approval has been 10684
rescinded from submitting a new application for a rehabilitation 10685
tax credit certificate. 10686

(6) The director may approve the application of, and issue 10687
a rehabilitation tax credit certificate to, the owner of a 10688
catalytic project, provided the application otherwise meets the 10689
criteria described in divisions (C) and (D) of this section. The 10690
director may not approve more than one application for a 10691
rehabilitation tax credit certificate under division (D) (6) of 10692

this section during each state fiscal biennium. The director 10693
shall not approve an application for a rehabilitation tax credit 10694
certificate under division (D) (6) of this section during the 10695
state fiscal biennium beginning July 1, 2017, or during any 10696
state fiscal biennium thereafter. The director shall consider 10697
the following criteria in determining whether to approve an 10698
application for a certificate under division (D) (6) of this 10699
section: 10700

(a) Whether the historic building is a catalytic project; 10701

(b) The effect issuance of the certificate would have on 10702
the availability of credits for other applicants that qualify 10703
for a credit certificate within the credit dollar limit 10704
described in division (D) (2) of this section; 10705

(c) The number of jobs, if any, the catalytic project will 10706
create. 10707

(7) (a) The owner or qualified lessee of a historic 10708
building may apply for a rehabilitation tax credit certificate 10709
under both divisions (B) and (D) (6) of this section. In such a 10710
case, the director shall consider each application at the time 10711
the application is submitted. 10712

(b) The director shall not issue more than one certificate 10713
under this section with respect to the same qualified 10714
rehabilitation expenditures. 10715

(8) The director shall give consideration for tax credits 10716
awarded under this section to rehabilitations of historic 10717
buildings used as a theater before, and intended to be used as a 10718
theater after, the rehabilitation. In determining whether to 10719
approve an application for such a rehabilitation, the director 10720
shall consider the extent to which the rehabilitation will 10721

increase attendance at the theater and increase the theater's gross revenue. 10722
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(9) The director shall rescind the approval of any application if the building that is the subject of the application is part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code at any time before the building's rehabilitation is complete. 10724
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(E) Issuance of a certificate represents a finding by the director of the matters described in divisions (C) (1), (2), and (3) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Upon the issuance of a certificate, the director shall certify to the tax commissioner, in the form and manner requested by the tax commissioner, the name of the applicant, the amount of qualified rehabilitation expenditures shown on the certificate, and any other information required by the rules adopted under this section. 10730
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(F) (1) On or before the first day of August each year, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a report on the tax credit ~~program~~ programs established under this section and sections 149.312, 5725.151, 10747
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5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised 10752
Code. The report shall present an overview of the ~~program~~ 10753
programs and shall include information on the number of 10754
rehabilitation tax credit certificates issued under this section 10755
and under section 149.312 of the Revised Code during the 10756
preceding fiscal year, an update on the status of each historic 10757
building for which an application was approved under this 10758
section and under section 149.312 of the Revised Code, the 10759
dollar amount of the tax credits granted under sections 10760
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, ~~and 5747.76, and~~ 10761
5747.761 of the Revised Code, and any other information the 10762
director and commissioner consider relevant to the topics 10763
addressed in the report. 10764

(2) On or before December 1, 2015, the director and tax 10765
commissioner jointly shall submit to the president of the senate 10766
and the speaker of the house of representatives a comprehensive 10767
report that includes the information required by division (F)(1) 10768
of this section and a detailed analysis of the effectiveness of 10769
issuing tax credits for rehabilitating historic buildings. The 10770
report shall be prepared with the assistance of an economic 10771
research organization jointly chosen by the director and 10772
commissioner. 10773

(G) There is hereby created in the state treasury the 10774
historic rehabilitation tax credit operating fund. The director 10775
is authorized to charge reasonable application and other fees in 10776
connection with the administration of tax credits authorized by 10777
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 10778
5733.47, and 5747.76 of the Revised Code. Any such fees 10779
collected shall be credited to the fund and used to pay 10780
reasonable costs incurred by the department of development in 10781
administering this section and sections 5725.151, 5725.34, 10782

5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 10783

The Ohio historic preservation office is authorized to 10784
charge reasonable fees in connection with its review and 10785
approval of applications under this section. Any such fees 10786
collected shall be credited to the fund and used to pay 10787
administrative costs incurred by the Ohio historic preservation 10788
office pursuant to this section. 10789

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 10790
5729.17, 5733.47, and 5747.76 of the Revised Code, the 10791
certificate owner of a tax credit certificate issued under 10792
division (D)(6) of this section may claim a tax credit equal to 10793
twenty-five per cent of the dollar amount indicated on the 10794
certificate for a total credit of not more than twenty-five 10795
million dollars. The credit claimed by such a certificate owner 10796
for any calendar year, tax year, or taxable year under section 10797
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 10798
Revised Code shall not exceed five million dollars. If the 10799
certificate owner is eligible for more than five million dollars 10800
in total credits, the certificate owner may carry forward the 10801
balance of the credit in excess of the amount claimed for that 10802
year for not more than five ensuing calendar years, tax years, 10803
or taxable years. If the credit claimed in any calendar year, 10804
tax year, or taxable year exceeds the tax otherwise due, the 10805
excess shall be refunded to the taxpayer. 10806

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 10807
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 10808
apply to a tax credit approved under this section after 10809
September 13, 2022, and before July 1, 2024: 10810

(1) The certificate holder may claim a tax credit equal to 10811
thirty-five per cent of the dollar amount indicated on the tax 10812

credit certificate if any county, township, or municipal 10813
corporation within which the project is located has a population 10814
of less than three hundred thousand according to the 2020 10815
decennial census. The tax credit equals twenty-five per cent of 10816
the dollar amount indicated on the certificate if the project is 10817
not located within such a county, township, or municipal 10818
corporation. 10819

(2) The total tax credit claimed under section 5725.151, 10820
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 10821
Code for any one project shall not exceed ten million dollars 10822
for any calendar year, tax year, or taxable year. 10823

(3) If the credit claimed in any calendar year, tax year, 10824
or taxable year exceeds the tax otherwise due, the excess shall 10825
be refunded to the taxpayer, subject to division (I)(2) of this 10826
section. 10827

(J) The director of development, in consultation with the 10828
director of budget and management, shall develop and adopt a 10829
system of tracking any information necessary to anticipate the 10830
impact of credits issued under this section and under section 10831
149.312 of the Revised Code on tax revenues for current and 10832
future fiscal years. Such information may include the number of 10833
applications approved, the estimated rehabilitation expenditures 10834
and rehabilitation period associated with such applications, the 10835
number and amount of tax credit certificates issued, and any 10836
other information the director of budget and management requires 10837
for the purposes of this division. 10838

(K) For purposes of this section and Chapter 122:19-1 of 10839
the Ohio Administrative Code, a tax credit certificate issued 10840
under this section is effective on the date that all historic 10841
buildings rehabilitated by the project are "placed in service," 10842

as that term is used in section 47 of the Internal Revenue Code. 10843

Sec. 149.312. (A) As used in this section: 10844

(1) "Historic building," "registered historic district," 10845
"rehabilitation," and "state historic preservation officer," or 10846
"officer," have the same meanings as in section 149.311 of the 10847
Revised Code. 10848

(2) "Owner-occupied residential property" means a historic 10849
building, or portion thereof, occupied by the owner as the 10850
owner's primary residence during the rehabilitation period or 10851
within six months after the date the rehabilitation period ends. 10852

(3) "Owner" means an individual or individuals holding the 10853
fee simple interest in an owner-occupied residential property. 10854
"Owner" does not include the state or a state agency, or any 10855
political subdivision, as defined in section 9.23 of the Revised 10856
Code. 10857

(4) "Certificate owner" means an owner to whom a 10858
rehabilitation tax credit certificate has been issued under this 10859
section. 10860

(5) "Qualified rehabilitation expenditures" means 10861
expenditures paid or incurred during the rehabilitation period 10862
by an owner to rehabilitate owner-occupied residential property. 10863
"Qualified rehabilitation expenditures" include architectural or 10864
engineering fees paid or incurred in connection with the 10865
rehabilitation and expenses incurred in the preparation of 10866
nomination forms for listing on the national register of 10867
historic places. 10868

"Qualified rehabilitation expenditures" do not include any 10869
of the following: 10870

- (a) The cost of acquiring, expanding, or enlarging a 10871
historic building or an owner-occupied residential property; 10872
- (b) Costs for temporary features or items that are not 10873
capital improvements, such as appliances, furniture, window 10874
coverings, utilities, and taxes; 10875
- (c) Expenditures attributable to work done to facilities 10876
related to the historic building of which the owner-occupied 10877
residential property is a part, such as parking areas, 10878
sidewalks, and landscaping; 10879
- (d) New building construction costs. 10880
- (6) "Rehabilitation period" means one of the following: 10881
- (a) If the rehabilitation is initially not planned to be 10882
completed in stages, a period chosen by the owner not to exceed 10883
twenty-four months during which rehabilitation occurs; 10884
- (b) If the rehabilitation is initially planned to be 10885
completed in stages, a period chosen by the owner not to exceed 10886
sixty months during which rehabilitation occurs. Each stage 10887
shall be reviewed as a phase of a rehabilitation as determined 10888
under 26 C.F.R. 1.48-12 or a successor to that section. 10889
- (7) "Primary residence" means a homestead located in this 10890
state that is or will be the owner's principal place of 10891
residence for which the owner receives or will receive a 10892
reduction in real property taxes under division (B) of section 10893
323.152 of the Revised Code. 10894
- (8) "Homestead" has the same meaning as in section 323.151 10895
of the Revised Code. 10896
- (B) The owner of an owner-occupied residential property 10897
may apply to the director of development for a rehabilitation 10898

tax credit certificate for qualified rehabilitation expenditures 10899
paid or incurred by such owner for the rehabilitation of the 10900
owner-occupied residential property. 10901

The form and manner of filing such applications shall be 10902
prescribed by rule of the director. Each application shall state 10903
the amount of qualified rehabilitation expenditures the 10904
applicant estimates will be paid or incurred. The director may 10905
require applicants to furnish documentation of such estimates. 10906

The director, after consultation with the tax commissioner 10907
and in accordance with Chapter 119. of the Revised Code, shall 10908
adopt rules that establish all of the following: 10909

(1) Forms and procedures by which applicants may apply for 10910
rehabilitation tax credit certificates authorized under this 10911
section; 10912

(2) Criteria for reviewing, evaluating, and approving 10913
applications for such certificates; 10914

(3) Eligibility requirements for obtaining such a 10915
certificate; 10916

(4) The form of such certificates; 10917

(5) Reporting requirements and monitoring procedures for 10918
applicants for, and recipients of, such certificates; 10919

(6) Any other rule necessary to implement and administer 10920
this section. 10921

(C) The director shall review applications for 10922
rehabilitation tax credit certificates with the assistance of 10923
the state historic preservation officer and determine whether 10924
all of the following criteria are met: 10925

(1) The owner-occupied residential property that is the 10926
subject of the application is a historic building or a portion 10927
thereof, and the applicant is the owner of the historic building 10928
or portion that is owner-occupied residential property. 10929

(2) The rehabilitation will satisfy standards prescribed 10930
by the United States secretary of the interior under 16 U.S.C. 10931
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 10932
that section. 10933

(3) The historic building constituting or containing the 10934
owner-occupied residential property that is the subject of the 10935
application is not, and will not upon completion of the 10936
rehabilitation project be, part of a qualified low-income 10937
housing project allocated a tax credit pursuant to 26 U.S.C. 42. 10938

An applicant shall demonstrate to the satisfaction of the 10939
state historic preservation officer and director that the 10940
rehabilitation will satisfy the standards described in division 10941
(C) (2) of this section before the applicant begins the physical 10942
rehabilitation of the owner-occupied residential property. 10943

(D) (1) A rehabilitation tax credit certificate shall not 10944
be issued for an amount greater than the estimated amount 10945
furnished by the applicant on the application for such 10946
certificate and approved by the director. The director shall not 10947
approve more than a total of one hundred twenty thousand dollars 10948
in rehabilitation tax credits for any owner-occupied residential 10949
property. Beginning in fiscal year 2026, the director shall not 10950
approve more than a total of ten million dollars of 10951
rehabilitation tax credits per fiscal year under this section, 10952
but the director may reallocate unawarded or rescinded tax 10953
credits from a preceding fiscal year for new applicants, and 10954
such reallocated credits do not apply toward the limit 10955

prescribed by this division. For joint owners of owner-occupied 10956
residential property filing separate returns under section 10957
5747.08 of the Revised Code, a tax credit granted under this 10958
section may be claimed by either owner or divided equally, but 10959
the combined tax credits claimed shall not exceed the amount 10960
listed on the certificate. 10961

(2) For rehabilitations with a rehabilitation period not 10962
exceeding twenty-four months as described in division (A) (6) (a) 10963
of this section, a rehabilitation tax credit certificate shall 10964
not be issued under this section before the rehabilitation of 10965
the historic building is completed. 10966

(3) For rehabilitations with a rehabilitation period not 10967
exceeding sixty months as described in division (A) (6) (b) of 10968
this section, a rehabilitation tax credit certificate shall not 10969
be issued before a stage of rehabilitation is completed. After 10970
all stages of rehabilitation are completed, if the director 10971
cannot determine that the criteria in division (C) of this 10972
section are satisfied for all stages of rehabilitation, the 10973
director shall certify this finding to the tax commissioner, and 10974
any rehabilitation tax credits received by the applicant shall 10975
be repaid by the applicant and may be collected by assessment as 10976
unpaid tax by the commissioner. 10977

(4) The director shall require the applicant to provide a 10978
third-party cost certification by a certified public accountant 10979
of the actual costs attributed to the rehabilitation of the 10980
owner-occupied residential property when qualified 10981
rehabilitation expenditures exceed two hundred thousand dollars. 10982

If an applicant whose application is approved for receipt 10983
of a rehabilitation tax credit certificate under this section 10984
fails to provide to the director sufficient evidence of 10985

reviewable progress, including a viable financial plan, copies 10986
of final construction drawings, and evidence that the applicant 10987
has obtained all historic approvals within twelve months after 10988
the date the applicant receives notification of approval, and if 10989
the applicant fails to provide evidence to the director that the 10990
applicant has secured and closed on financing for the 10991
rehabilitation within eighteen months after receiving 10992
notification of approval, the director may rescind the approval 10993
of the application. The director shall notify the applicant if 10994
the approval is rescinded. Credits that would have been 10995
available to an applicant whose approval is rescinded shall be 10996
available for other qualified applicants. Nothing in this 10997
division prohibits an applicant whose approval is rescinded from 10998
submitting a new application for a rehabilitation tax credit 10999
certificate. 11000

(5) The director shall rescind the approval of any 11001
application submitted under this section if the historic 11002
building constituting or containing the owner-occupied 11003
residential property that is the subject of the application is 11004
part of a qualified low-income housing project allocated a tax 11005
credit pursuant to 26 U.S.C. 42 at any time before the 11006
building's rehabilitation is complete. 11007

(6) The director shall not issue more than one certificate 11008
under this section with respect to the same qualified 11009
rehabilitation expenditures. 11010

(7) The director shall not issue a rehabilitation tax 11011
credit certificate under this section until the owner occupies 11012
the historic building as the owner's primary residence. 11013

(E) Issuance of a certificate authorized by this section 11014
represents a finding by the director of the matters described in 11015

division (C) of this section only; issuance of a certificate 11016
does not represent a verification or certification by the 11017
director of the amount of qualified rehabilitation expenditures 11018
for which a tax credit may be claimed under section 5747.761 of 11019
the Revised Code. The amount of qualified rehabilitation 11020
expenditures for which a tax credit may be claimed is subject to 11021
inspection and examination by the tax commissioner or employees 11022
of the commissioner under section 5703.19 of the Revised Code 11023
and any other applicable law. Upon the issuance of a 11024
certificate, the director shall certify to the tax commissioner, 11025
in the form and manner requested by the tax commissioner, the 11026
name of the applicant, the amount of qualified rehabilitation 11027
expenditures shown on the certificate, and any other information 11028
required by a rule adopted under this section. 11029

(F) The director may charge reasonable application and 11030
other fees in connection with the administration of tax credits 11031
authorized by this section and section 5747.761 of the Revised 11032
Code. Any such fees collected shall be credited to the historic 11033
rehabilitation tax credit operating fund and used to pay 11034
reasonable costs incurred by the department of development in 11035
administering this section and section 5747.761 of the Revised 11036
Code. 11037

The Ohio historic preservation office is authorized to 11038
charge reasonable fees in connection with its review and 11039
approval of applications under this section. Any such fees 11040
collected shall be credited to the historic rehabilitation tax 11041
credit operating fund and used to pay administrative costs 11042
incurred by the Ohio historic preservation office in 11043
administering this section. 11044

Sec. 149.38. (A) Except as otherwise provided in section 11045

307.847 of the Revised Code, there is hereby created in each 11046
county a county records commission, composed of a member of the 11047
board of county commissioners as chairperson, the prosecuting 11048
attorney, the auditor, the recorder, and the clerk of the court 11049
of common pleas. The commission shall appoint a secretary, who 11050
may or may not be a member of the commission and who shall serve 11051
at the pleasure of the commission. The commission may employ an 11052
archivist or records manager to serve under its direction. The 11053
commission shall meet upon the call of the chairperson. 11054

(B) (1) The functions of the county records commission 11055
shall be to provide rules for retention and disposal of records 11056
of the county, and to review applications for one-time disposal 11057
of obsolete records and schedules of records retention and 11058
disposition submitted by county offices. The commission may 11059
dispose of records pursuant to the procedure outlined in this 11060
section. The commission, at any time, may review any schedule it 11061
has previously approved and, for good cause shown, may revise 11062
that schedule, subject to division (D) of this section. 11063

(2) (a) As used in division (B) (2) of this section, "paper 11064
case records" means written reports of child abuse or neglect, 11065
written records of investigations, or other written records 11066
required to be prepared under section 2151.421, ~~5101.13,~~ 11067
5153.166, ~~or 5153.17,~~ or 5180.40 of the Revised Code. 11068

(b) A county public children services agency may submit to 11069
the county records commission applications for one-time 11070
disposal, or schedules of records retention and disposition, of 11071
paper case records that have been entered into permanently 11072
maintained and retrievable fields in the state automated child 11073
welfare information system established under section ~~5101.13~~ 11074
5180.40 of the Revised Code or entered into other permanently 11075

maintained and retrievable electronic files. The county records 11076
commission may dispose of the paper case records pursuant to the 11077
procedure outlined in this section. 11078

(C) (1) When the county records commission has approved any 11079
county application for one-time disposal of obsolete records or 11080
any schedule of records retention and disposition, the 11081
commission shall send that application or schedule to the Ohio 11082
history connection for its review. The Ohio history connection 11083
shall review the application or schedule within a period of not 11084
more than sixty days after its receipt of it. During the sixty- 11085
day review period, the Ohio history connection may select for 11086
its custody from the application for one-time disposal of 11087
obsolete records any records it considers to be of continuing 11088
historical value, and shall denote upon any schedule of records 11089
retention and disposition any records for which the Ohio history 11090
connection will require a certificate of records disposal prior 11091
to their disposal. 11092

(2) Upon completion of its review, the Ohio history 11093
connection shall forward the application for one-time disposal 11094
of obsolete records or the schedule of records retention and 11095
disposition to the auditor of state for the auditor's approval 11096
or disapproval. The auditor of state shall approve or disapprove 11097
the application or schedule within a period of not more than 11098
sixty days after receipt of it. 11099

(3) Before public records are to be disposed of pursuant 11100
to an approved schedule of records retention and disposition, 11101
the county records commission shall inform the Ohio history 11102
connection of the disposal through the submission of a 11103
certificate of records disposal for only the records required by 11104
the schedule to be disposed of and shall give the Ohio history 11105

connection the opportunity for a period of fifteen business days 11106
to select for its custody those records, from the certificate 11107
submitted, that it considers to be of continuing historical 11108
value. Upon the expiration of the fifteen-business-day period, 11109
the county records commission also shall notify the public 11110
libraries, county historical society, state universities, and 11111
other public or quasi-public institutions, agencies, or 11112
corporations in the county that have provided the commission 11113
with their name and address for these notification purposes, 11114
that the commission has informed the Ohio history connection of 11115
the records disposal and that the notified entities, upon 11116
written agreement with the Ohio history connection pursuant to 11117
section 149.31 of the Revised Code, may select records of 11118
continuing historical value, including records that may be 11119
distributed to any of the notified entities under section 149.31 11120
of the Revised Code. Any notified entity that notifies the 11121
county records commission of its intent to review and select 11122
records of continuing historical value from certificates of 11123
records disposal is responsible for the cost of any notice given 11124
and for the transportation of those records. 11125

(D) The rules of the county records commission shall 11126
include a rule that requires any receipts, checks, vouchers, or 11127
other similar records pertaining to expenditures from the 11128
delinquent tax and assessment collection fund created in section 11129
321.261 of the Revised Code, from the real estate assessment 11130
fund created in section 325.31 of the Revised Code, or from 11131
amounts allocated for the furtherance of justice to the county 11132
sheriff under section 325.071 of the Revised Code or to the 11133
prosecuting attorney under section 325.12 of the Revised Code to 11134
be retained for at least four years. 11135

(E) No person shall knowingly violate the rule adopted 11136

under division (D) of this section. Whoever violates that rule 11137
is guilty of a misdemeanor of the first degree. 11138

Sec. 149.43. (A) As used in this section: 11139

(1) "Public record" means records kept by any public 11140
office, including, but not limited to, state, county, city, 11141
village, township, and school district units, and records 11142
pertaining to the delivery of educational services by an 11143
alternative school in this state kept by the nonprofit or for- 11144
profit entity operating the alternative school pursuant to 11145
section 3313.533 of the Revised Code. "Public record" does not 11146
mean any of the following: 11147

(a) Medical records; 11148

(b) Records pertaining to probation and parole 11149
proceedings, to proceedings related to the imposition of 11150
community control sanctions and post-release control sanctions, 11151
or to proceedings related to determinations under section 11152
2967.271 of the Revised Code regarding the release or maintained 11153
incarceration of an offender to whom that section applies; 11154

(c) Records pertaining to actions under section 2151.85 11155
and division (C) of section 2919.121 of the Revised Code and to 11156
appeals of actions arising under those sections; 11157

(d) Records pertaining to adoption proceedings, including 11158
the contents of an adoption file maintained by the department of 11159
health under sections 3705.12 to 3705.124 of the Revised Code; 11160

(e) Information in a record contained in the putative 11161
father registry established by section 3107.062 of the Revised 11162
Code, regardless of whether the information is held by the 11163
department of ~~job and family services~~ children and youth or, 11164
pursuant to section 3111.69 of the Revised Code, the office of 11165

child support in the department of job and family services or a 11166
child support enforcement agency; 11167

(f) Records specified in division (A) of section 3107.52 11168
of the Revised Code; 11169

(g) Trial preparation records; 11170

(h) Confidential law enforcement investigatory records; 11171

(i) Records containing information that is confidential 11172
under section 2710.03 or 4112.05 of the Revised Code; 11173

(j) DNA records stored in the DNA database pursuant to 11174
section 109.573 of the Revised Code; 11175

(k) Inmate records ~~released by the department of~~ 11176
~~rehabilitation and correction to the department of youth~~ 11177
~~services or a court of record pursuant to division (E) of~~ under 11178
section 5120.21 of the Revised Code, except for permitted 11179
disclosure of the information listed in division (E) (1) of that 11180
section; 11181

(l) Records maintained by the department of youth services 11182
pertaining to children in its custody released by the department 11183
of youth services to the department of rehabilitation and 11184
correction pursuant to section 5139.05 of the Revised Code; 11185

(m) Intellectual property records; 11186

(n) Donor profile records; 11187

(o) Records maintained by the department of job and family 11188
services pursuant to section 3121.894 of the Revised Code; 11189

(p) Designated public service worker residential and 11190
familial information; 11191

(q) In the case of a county hospital operated pursuant to 11192

Chapter 339. of the Revised Code or a municipal hospital 11193
operated pursuant to Chapter 749. of the Revised Code, 11194
information that constitutes a trade secret, as defined in 11195
section 1333.61 of the Revised Code; 11196

(r) Information pertaining to the recreational activities 11197
of a person under the age of eighteen; 11198

(s) In the case of a child fatality review board acting 11199
under sections 307.621 to 307.629 of the Revised Code or a 11200
review conducted pursuant to guidelines established by the 11201
director of health under section 3701.70 of the Revised Code, 11202
records provided to the board or director, statements made by 11203
board members during meetings of the board or by persons 11204
participating in the director's review, and all work products of 11205
the board or director, and in the case of a child fatality 11206
review board, child fatality review data submitted by the board 11207
to the department of health or a national child death review 11208
database, other than the report prepared pursuant to division 11209
(A) of section 307.626 of the Revised Code; 11210

(t) Records provided to and statements made by the 11211
executive director of a public children services agency or a 11212
prosecuting attorney acting pursuant to section 5153.171 of the 11213
Revised Code other than the information released under that 11214
section; 11215

(u) Test materials, examinations, or evaluation tools used 11216
in an examination for licensure as a nursing home administrator 11217
that the board of executives of long-term services and supports 11218
administers under section 4751.15 of the Revised Code or 11219
contracts under that section with a private or government entity 11220
to administer; 11221

(v) Records the release of which is prohibited by state or federal law;	11222 11223
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	11224 11225 11226
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	11227 11228 11229 11230 11231 11232
(y) Records listed in section 5101.29 of the Revised Code;	11233
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	11234 11235 11236
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	11237 11238 11239
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	11240 11241 11242
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	11243 11244 11245
(dd) Personal information, as defined in section 149.45 of the Revised Code;	11246 11247
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address	11248 11249

confidentiality program established under sections 111.41 to 11250
111.47 of the Revised Code, including the contents of any 11251
application for absent voter's ballots, absent voter's ballot 11252
identification envelope statement of voter, or provisional 11253
ballot affirmation completed by a program participant who has a 11254
confidential voter registration record; records or portions of 11255
records pertaining to that program that identify the number of 11256
program participants that reside within a precinct, ward, 11257
township, municipal corporation, county, or any other geographic 11258
area smaller than the state; and any real property 11259
confidentiality notice filed under section 111.431 of the 11260
Revised Code and the information described in division (C) of 11261
that section. As used in this division, "confidential address" 11262
and "program participant" have the meaning defined in section 11263
111.41 of the Revised Code. 11264

(ff) Orders for active military service of an individual 11265
serving or with previous service in the armed forces of the 11266
United States, including a reserve component, or the Ohio 11267
organized militia, except that, such order becomes a public 11268
record on the day that is fifteen years after the published date 11269
or effective date of the call to order; 11270

(gg) The name, address, contact information, or other 11271
personal information of an individual who is less than eighteen 11272
years of age that is included in any record related to a traffic 11273
accident involving a school vehicle in which the individual was 11274
an occupant at the time of the accident; 11275

(hh) Protected health information, as defined in 45 C.F.R. 11276
160.103, that is in a claim for payment for a health care 11277
product, service, or procedure, as well as any other health 11278
claims data in another document that reveals the identity of an 11279

individual who is the subject of the data or could be used to 11280
reveal that individual's identity; 11281

(ii) Any depiction by photograph, film, videotape, or 11282
printed or digital image under either of the following 11283
circumstances: 11284

(i) The depiction is that of a victim of an offense the 11285
release of which would be, to a reasonable person of ordinary 11286
sensibilities, an offensive and objectionable intrusion into the 11287
victim's expectation of bodily privacy and integrity. 11288

(ii) The depiction captures or depicts the victim of a 11289
sexually oriented offense, as defined in section 2950.01 of the 11290
Revised Code, at the actual occurrence of that offense. 11291

(jj) Restricted portions of a body-worn camera or 11292
dashboard camera recording; 11293

(kk) In the case of a fetal-infant mortality review board 11294
acting under sections 3707.70 to 3707.77 of the Revised Code, 11295
records, documents, reports, or other information presented to 11296
the board or a person abstracting such materials on the board's 11297
behalf, statements made by review board members during board 11298
meetings, all work products of the board, and data submitted by 11299
the board to the department of health or a national infant death 11300
review database, other than the report prepared pursuant to 11301
section 3707.77 of the Revised Code. 11302

(ll) Records, documents, reports, or other information 11303
presented to the pregnancy-associated mortality review board 11304
established under section ~~3738.01~~5180.27 of the Revised Code, 11305
statements made by board members during board meetings, all work 11306
products of the board, and data submitted by the board to the 11307
department of health, other than the biennial reports prepared 11308

under section ~~3738.08~~5180.277 of the Revised Code; 11309

(mm) Except as otherwise provided in division (A) (1) (oo) 11310
of this section, telephone numbers for a victim, as defined in 11311
section 2930.01 of the Revised Code or a witness to a crime that 11312
are listed on any law enforcement record or report. 11313

(nn) A preneed funeral contract, as defined in section 11314
4717.01 of the Revised Code, and contract terms and personally 11315
identifying information of a preneed funeral contract, that is 11316
contained in a report submitted by or for a funeral home to the 11317
board of embalmers and funeral directors under division (C) of 11318
section 4717.13, division (J) of section 4717.31, or section 11319
4717.41 of the Revised Code. 11320

(oo) Telephone numbers for a party to a motor vehicle 11321
accident subject to the requirements of section 5502.11 of the 11322
Revised Code that are listed on any law enforcement record or 11323
report, except that the telephone numbers described in this 11324
division are not excluded from the definition of "public record" 11325
under this division on and after the thirtieth day after the 11326
occurrence of the motor vehicle accident. 11327

(pp) Records pertaining to individuals who complete 11328
training under section 5502.703 of the Revised Code to be 11329
permitted by a school district board of education or governing 11330
body of a community school established under Chapter 3314. of 11331
the Revised Code, a STEM school established under Chapter 3326. 11332
of the Revised Code, or a chartered nonpublic school to convey 11333
deadly weapons or dangerous ordnance into a school safety zone; 11334

(qq) Records, documents, reports, or other information 11335
presented to a domestic violence fatality review board 11336
established under section 307.651 of the Revised Code, 11337

statements made by board members during board meetings, all work 11338
products of the board, and data submitted by the board to the 11339
department of health, other than a report prepared pursuant to 11340
section 307.656 of the Revised Code; 11341

(rr) Records, documents, and information the release of 11342
which is prohibited under sections 2930.04 and 2930.07 of the 11343
Revised Code; 11344

(ss) Records of an existing qualified nonprofit 11345
corporation that creates a special improvement district under 11346
Chapter 1710. of the Revised Code that do not pertain to a 11347
purpose for which the district is created; 11348

(tt) Educational support services data, as defined in 11349
section 3319.325 of the Revised Code; 11350

(uu) Records of the past, current, and future work 11351
schedule of a designated public service worker. As used in 11352
division (A)(1)(uu) of this section, "work schedule" does not 11353
include the docket of cases of a court, judge, or magistrate; 11354

(vv) A request form or confirmation letter submitted to a 11355
public office under section 149.45 of the Revised Code; 11356

(ww) An affidavit or confirmation letter submitted under 11357
section 319.28 of the Revised Code; 11358

(xx) License or certificate application or renewal 11359
responses and supporting documentation submitted to the state 11360
medical board regarding an applicant's, or a license or 11361
certificate holder's, inability to practice according to 11362
acceptable and prevailing standards of care by reason of a 11363
medical condition; 11364

(yy) Images and data captured by an automated license 11365

plate recognition system that are maintained in a law 11366
enforcement database; 11367

(zz) Records pertaining to burial sites under section 11368
149.3010 of the Revised Code; 11369

(aaa) All written and oral statements provided by a victim 11370
or victim's representative to the department of rehabilitation 11371
and correction in connection with the pendency of any pardon, 11372
commutation, or parole. 11373

A record that is not a public record under division (A) (1) 11374
of this section and that, under law, is permanently retained 11375
becomes a public record on the day that is seventy-five years 11376
after the day on which the record was created, or in the case of 11377
a record that is not a public record under division (A) (1) (uu) 11378
of this section that is retained, three years after the day on 11379
which the record was created, except for any record protected by 11380
the attorney-client privilege, a trial preparation record as 11381
defined in this section, a statement prohibiting the release of 11382
identifying information signed under section 3107.083 of the 11383
Revised Code, a denial of release form filed pursuant to section 11384
3107.46 of the Revised Code, records pertaining to burial sites 11385
under section 149.3010 of the Revised Code, or any record that 11386
is exempt from release or disclosure under section 149.433 of 11387
the Revised Code. If the record is a birth certificate and a 11388
biological parent's name redaction request form has been 11389
accepted under section 3107.391 of the Revised Code, the name of 11390
that parent shall be redacted from the birth certificate before 11391
it is released under this paragraph. If any other section of the 11392
Revised Code establishes a time period for disclosure of a 11393
record that conflicts with the time period specified in this 11394
section, the time period in the other section prevails. 11395

~~(2)~~ (2) (a) "Confidential law enforcement investigatory
record" means any record that pertains to a law enforcement
matter of a criminal, quasi-criminal, civil, or administrative
nature, but only to the extent that the release of the record
would create a high probability of disclosure of any of the
following:

~~(a)~~ (i) The identity of a suspect who has not been charged
with the offense to which the record pertains, or of an
information source or witness to whom confidentiality has been
reasonably promised;

~~(b)~~ (ii) Information provided by an information source or
witness to whom confidentiality has been reasonably promised,
which information would reasonably tend to disclose the source's
or witness's identity;

~~(c)~~ (iii) Specific confidential investigatory techniques or
procedures or specific investigatory work product;

~~(d)~~ (iv) Information that would endanger the life or
physical safety of law enforcement personnel, a crime victim, a
witness, or a confidential information source.

(b) As used in division (A) (2) of this section, "specific
investigatory work product" means any record, thing, or item
that documents the independent thought processes, factual
findings, mental impressions, theories, strategies, opinions, or
analyses of an investigating officer or an agent of an
investigative agency or prosecuting attorney and also includes
any documents and evidence collected, written or recorded
interviews or statements, interview notes, test results, lab
results, preliminary lab results, and other internal memoranda,
things, or items created during any point of an investigation.

"Specific investigatory work product" does not include basic 11425
information regarding date, time, address, and type of incident. 11426

(3) "Medical record" means any document or combination of 11427
documents, except births, deaths, and the fact of admission to 11428
or discharge from a hospital, that pertains to the medical 11429
history, diagnosis, prognosis, or medical condition of a patient 11430
and that is generated and maintained in the process of medical 11431
treatment. 11432

(4) "Trial preparation record" means any record that 11433
contains information that is specifically compiled in reasonable 11434
anticipation of, or in defense of, a civil or criminal action or 11435
proceeding, including the independent thought processes and 11436
personal trial preparation of an attorney. 11437

(5) "Intellectual property record" means a record, other 11438
than a financial or administrative record, that is produced or 11439
collected by or for faculty or staff of a state institution of 11440
higher learning in the conduct of or as a result of study or 11441
research on an educational, commercial, scientific, artistic, 11442
technical, or scholarly issue, regardless of whether the study 11443
or research was sponsored by the institution alone or in 11444
conjunction with a governmental body or private concern, and 11445
that has not been publicly released, published, or patented. 11446

(6) "Donor profile record" means all records about donors 11447
or potential donors to a public institution of higher education 11448
except the names and reported addresses of the actual donors and 11449
the date, amount, and conditions of the actual donation. 11450

(7) "Designated public service worker" means a peace 11451
officer, parole officer, probation officer, bailiff, prosecuting 11452
attorney, assistant prosecuting attorney, correctional employee, 11453

county or multicounty corrections officer, community-based 11454
correctional facility employee, designated Ohio national guard 11455
member, protective services worker, youth services employee, 11456
firefighter, EMT, medical director or member of a cooperating 11457
physician advisory board of an emergency medical service 11458
organization, state board of pharmacy employee, investigator of 11459
the bureau of criminal identification and investigation, 11460
emergency service telecommunicator, forensic mental health 11461
provider, mental health evaluation provider, regional 11462
psychiatric hospital employee, judge, magistrate, or federal law 11463
enforcement officer. 11464

(8) "Designated public service worker residential and 11465
familial information" means any information that discloses any 11466
of the following about a designated public service worker: 11467

(a) The address of the actual personal residence of a 11468
designated public service worker, except for the following 11469
information: 11470

(i) The address of the actual personal residence of a 11471
prosecuting attorney or judge; and 11472

(ii) The state or political subdivision in which a 11473
designated public service worker resides. 11474

(b) Information compiled from referral to or participation 11475
in an employee assistance program; 11476

(c) The social security number, the residential telephone 11477
number, any bank account, debit card, charge card, or credit 11478
card number, or the emergency telephone number of, or any 11479
medical information pertaining to, a designated public service 11480
worker; 11481

(d) The name of any beneficiary of employment benefits, 11482

including, but not limited to, life insurance benefits, provided 11483
to a designated public service worker by the designated public 11484
service worker's employer; 11485

(e) The identity and amount of any charitable or 11486
employment benefit deduction made by the designated public 11487
service worker's employer from the designated public service 11488
worker's compensation, unless the amount of the deduction is 11489
required by state or federal law; 11490

(f) The name, the residential address, the name of the 11491
employer, the address of the employer, the social security 11492
number, the residential telephone number, any bank account, 11493
debit card, charge card, or credit card number, or the emergency 11494
telephone number of the spouse, a former spouse, or any child of 11495
a designated public service worker; 11496

(g) A photograph of a peace officer who holds a position 11497
or has an assignment that may include undercover or plain 11498
clothes positions or assignments as determined by the peace 11499
officer's appointing authority. 11500

(9) As used in divisions (A) (7) and (15) to (17) of this 11501
section: 11502

"Peace officer" has the meaning defined in section 109.71 11503
of the Revised Code and also includes the superintendent and 11504
troopers of the state highway patrol; it does not include the 11505
sheriff of a county or a supervisory employee who, in the 11506
absence of the sheriff, is authorized to stand in for, exercise 11507
the authority of, and perform the duties of the sheriff. 11508

"Correctional employee" means any employee of the 11509
department of rehabilitation and correction who in the course of 11510
performing the employee's job duties has or has had contact with 11511

inmates and persons under supervision. 11512

"County or multicounty corrections officer" means any 11513
corrections officer employed by any county or multicounty 11514
correctional facility. 11515

"Designated Ohio national guard member" means a member of 11516
the Ohio national guard who is participating in duties related 11517
to remotely piloted aircraft, including, but not limited to, 11518
pilots, sensor operators, and mission intelligence personnel, 11519
duties related to special forces operations, or duties related 11520
to cybersecurity, and is designated by the adjutant general as a 11521
designated public service worker for those purposes. 11522

"Protective services worker" means any employee of a 11523
county agency who is responsible for child protective services, 11524
child support services, or adult protective services. 11525

"Youth services employee" means any employee of the 11526
department of youth services who in the course of performing the 11527
employee's job duties has or has had contact with children 11528
committed to the custody of the department of youth services. 11529

"Firefighter" means any regular, paid or volunteer, member 11530
of a lawfully constituted fire department of a municipal 11531
corporation, township, fire district, or village. 11532

"EMT" means EMTs-basic, EMTs-I, and paramedics that 11533
provide emergency medical services for a public emergency 11534
medical service organization. "Emergency medical service 11535
organization," "EMT-basic," "EMT-I," and "paramedic" have the 11536
meanings defined in section 4765.01 of the Revised Code. 11537

"Investigator of the bureau of criminal identification and 11538
investigation" has the meaning defined in section 2903.11 of the 11539
Revised Code. 11540

"Emergency service telecommunicator" means an individual 11541
employed by an emergency service provider as defined under 11542
section 128.01 of the Revised Code, whose primary responsibility 11543
is to be an operator for the receipt or processing of calls for 11544
emergency services made by telephone, radio, or other electronic 11545
means. 11546

"Forensic mental health provider" means any employee of a 11547
community mental health service provider or local alcohol, drug 11548
addiction, and mental health services board who, in the course 11549
of the employee's duties, has contact with persons committed to 11550
a local alcohol, drug addiction, and mental health services 11551
board by a court order pursuant to section 2945.38, 2945.39, 11552
2945.40, or 2945.402 of the Revised Code. 11553

"Mental health evaluation provider" means an individual 11554
who, under Chapter 5122. of the Revised Code, examines a 11555
respondent who is alleged to be a mentally ill person subject to 11556
court order, as defined in section 5122.01 of the Revised Code, 11557
and reports to the probate court the respondent's mental 11558
condition. 11559

"Regional psychiatric hospital employee" means any 11560
employee of the department of mental health and addiction 11561
services who, in the course of performing the employee's duties, 11562
has contact with patients committed to the department of mental 11563
health and addiction services by a court order pursuant to 11564
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 11565
Code. 11566

"Federal law enforcement officer" has the meaning defined 11567
in section 9.88 of the Revised Code. 11568

(10) "Information pertaining to the recreational 11569

activities of a person under the age of eighteen" means 11570
information that is kept in the ordinary course of business by a 11571
public office, that pertains to the recreational activities of a 11572
person under the age of eighteen years, and that discloses any 11573
of the following: 11574

(a) The address or telephone number of a person under the 11575
age of eighteen or the address or telephone number of that 11576
person's parent, guardian, custodian, or emergency contact 11577
person; 11578

(b) The social security number, birth date, or 11579
photographic image of a person under the age of eighteen; 11580

(c) Any medical record, history, or information pertaining 11581
to a person under the age of eighteen; 11582

(d) Any additional information sought or required about a 11583
person under the age of eighteen for the purpose of allowing 11584
that person to participate in any recreational activity 11585
conducted or sponsored by a public office or to use or obtain 11586
admission privileges to any recreational facility owned or 11587
operated by a public office. 11588

(11) "Community control sanction" has the meaning defined 11589
in section 2929.01 of the Revised Code. 11590

(12) "Post-release control sanction" has the meaning 11591
defined in section 2967.01 of the Revised Code. 11592

(13) "Redaction" means obscuring or deleting any 11593
information that is exempt from the duty to permit public 11594
inspection or copying from an item that otherwise meets the 11595
definition of a "record" in section 149.011 of the Revised Code. 11596

(14) "Designee," "elected official," and "future official" 11597

have the meanings defined in section 109.43 of the Revised Code. 11598

(15) "Body-worn camera" means a visual and audio recording 11599
device worn on the person of a correctional employee, youth 11600
services employee, or peace officer while the correctional 11601
employee, youth services employee, or peace officer is engaged 11602
in the performance of official duties. 11603

(16) "Dashboard camera" means a visual and audio recording 11604
device mounted on a peace officer's vehicle or vessel that is 11605
used while the peace officer is engaged in the performance of 11606
the peace officer's duties. 11607

(17) "Restricted portions of a body-worn camera or 11608
dashboard camera recording" means any visual or audio portion of 11609
a body-worn camera or dashboard camera recording that shows, 11610
communicates, or discloses any of the following: 11611

(a) The image or identity of a child or information that 11612
could lead to the identification of a child who is a primary 11613
subject of the recording when the department of rehabilitation 11614
and correction, department of youth services, or the law 11615
enforcement agency knows or has reason to know the person is a 11616
child based on the department's or law enforcement agency's 11617
records or the content of the recording; 11618

(b) The death of a person or a deceased person's body, 11619
unless the death was caused by a correctional employee, youth 11620
services employee, or peace officer or, subject to division (H) 11621
(1) of this section, the consent of the decedent's executor or 11622
administrator has been obtained; 11623

(c) The death of a correctional employee, youth services 11624
employee, peace officer, firefighter, paramedic, or other first 11625
responder, occurring while the decedent was engaged in the 11626

performance of official duties, unless, subject to division (H) 11627
(1) of this section, the consent of the decedent's executor or 11628
administrator has been obtained; 11629

(d) Grievous bodily harm, unless the injury was effected 11630
by a correctional employee, youth services employee, or peace 11631
officer or, subject to division (H) (1) of this section, the 11632
consent of the injured person or the injured person's guardian 11633
has been obtained; 11634

(e) An act of severe violence against a person that 11635
results in serious physical harm to the person, unless the act 11636
and injury was effected by a correctional employee, youth 11637
services employee, or peace officer or, subject to division (H) 11638
(1) of this section, the consent of the injured person or the 11639
injured person's guardian has been obtained; 11640

(f) Grievous bodily harm to a correctional employee, youth 11641
services employee, peace officer, firefighter, paramedic, or 11642
other first responder, occurring while the injured person was 11643
engaged in the performance of official duties, unless, subject 11644
to division (H) (1) of this section, the consent of the injured 11645
person or the injured person's guardian has been obtained; 11646

(g) An act of severe violence resulting in serious 11647
physical harm against a correctional employee, youth services 11648
employee, peace officer, firefighter, paramedic, or other first 11649
responder, occurring while the injured person was engaged in the 11650
performance of official duties, unless, subject to division (H) 11651
(1) of this section, the consent of the injured person or the 11652
injured person's guardian has been obtained; 11653

(h) A person's nude body, unless, subject to division (H) 11654
(1) of this section, the person's consent has been obtained; 11655

(i) Protected health information, the identity of a person 11656
in a health care facility who is not the subject of a 11657
correctional, youth services, or law enforcement encounter, or 11658
any other information in a health care facility that could 11659
identify a person who is not the subject of a correctional, 11660
youth services, or law enforcement encounter; 11661

(j) Information that could identify the alleged victim of 11662
a sex offense, menacing by stalking, or domestic violence; 11663

(k) Information, that does not constitute a confidential 11664
law enforcement investigatory record, that could identify a 11665
person who provides sensitive or confidential information to the 11666
department of rehabilitation and correction, the department of 11667
youth services, or a law enforcement agency when the disclosure 11668
of the person's identity or the information provided could 11669
reasonably be expected to threaten or endanger the safety or 11670
property of the person or another person; 11671

(l) Personal information of a person who is not arrested, 11672
cited, charged, or issued a written warning by a peace officer; 11673

(m) Proprietary correctional, youth services, or police 11674
contingency plans or tactics that are intended to prevent crime 11675
and maintain public order and safety; 11676

(n) A personal conversation unrelated to work between 11677
correctional employees, youth services employees, or peace 11678
officers or between a correctional employee, youth services 11679
employee, or peace officer and an employee of a law enforcement 11680
agency; 11681

(o) A conversation between a correctional employee, youth 11682
services employee, or peace officer and a member of the public 11683
that does not concern correctional, youth services, or law 11684

enforcement activities; 11685

(p) The interior of a residence, unless the interior of a 11686
residence is the location of an adversarial encounter with, or a 11687
use of force by, a correctional employee, youth services 11688
employee, or peace officer; 11689

(q) Any portion of the interior of a private business that 11690
is not open to the public, unless an adversarial encounter with, 11691
or a use of force by, a correctional employee, youth services 11692
employee, or peace officer occurs in that location. 11693

As used in division (A) (17) of this section: 11694

"Grievous bodily harm" has the same meaning as in section 11695
5924.120 of the Revised Code. 11696

"Health care facility" has the same meaning as in section 11697
1337.11 of the Revised Code. 11698

"Protected health information" has the same meaning as in 11699
45 C.F.R. 160.103. 11700

"Law enforcement agency" means a government entity that 11701
employs peace officers to perform law enforcement duties. 11702

"Personal information" means any government-issued 11703
identification number, date of birth, address, financial 11704
information, or criminal justice information from the law 11705
enforcement automated data system or similar databases. 11706

"Sex offense" has the same meaning as in section 2907.10 11707
of the Revised Code. 11708

"Firefighter," "paramedic," and "first responder" have the 11709
same meanings as in section 4765.01 of the Revised Code. 11710

(B) (1) Upon request by any person and subject to ~~division~~ 11711

divisions (B) (8) and (11) of this section, all public records 11712
responsive to the request shall be promptly prepared and made 11713
available for inspection to the requester at all reasonable 11714
times during regular business hours. Subject to ~~division~~ 11715
divisions (B) (8) and (11) of this section, upon request by any 11716
person, a public office or person responsible for public records 11717
shall make copies of the requested public record available to 11718
the requester at cost and within a reasonable period of time. 11719

When considering whether a state or local law enforcement 11720
agency promptly prepared a video record for inspection or 11721
provided a video record for production within a reasonable 11722
period of time, in addition to any other factors, a court shall 11723
consider the time required for a state or local law enforcement 11724
agency to retrieve, download, review, redact, seek legal advice 11725
regarding, and produce the video record. Notwithstanding any 11726
other requirement set forth in Chapter 149. of the Revised Code, 11727
a state or local law enforcement agency may charge a requester 11728
the actual cost associated with preparing a video record for 11729
inspection or production, not to exceed seventy-five dollars per 11730
hour of video produced, nor seven hundred fifty dollars total. 11731
As used in this division, "actual cost," with respect to video 11732
records only, means all costs incurred by the state or local law 11733
enforcement agency in reviewing, blurring or otherwise 11734
obscuring, redacting, uploading, or producing the video records, 11735
including but not limited to the storage medium on which the 11736
record is produced, staff time, and any other relevant overhead 11737
necessary to comply with the request. A state or local law 11738
enforcement agency may include in its public records policy the 11739
requirement that a requester pay the estimated actual cost 11740
before beginning the process of preparing a video record for 11741
inspection or production. Where a state or local law enforcement 11742

agency imposes such a requirement, its obligation to produce a 11743
video or make it available for inspection begins once the 11744
estimated actual cost is paid in full by the requester. A state 11745
or local law enforcement agency shall provide the requester with 11746
the estimated actual cost within five business days of receipt 11747
of the public records request. If the actual cost exceeds the 11748
estimated actual cost, a state or local law enforcement agency 11749
may charge a requester for the difference upon fulfilling a 11750
request for video records if the requester is notified in 11751
advance that the actual cost may be up to twenty per cent higher 11752
than the estimated actual cost. A state or local law enforcement 11753
agency shall not charge a requester a difference that exceeds 11754
twenty per cent of the estimated actual cost. 11755

If a public record contains information that is exempt 11756
from the duty to permit public inspection or to copy the public 11757
record, the public office or the person responsible for the 11758
public record shall make available all of the information within 11759
the public record that is not exempt. When making that public 11760
record available for public inspection or copying that public 11761
record, the public office or the person responsible for the 11762
public record shall notify the requester of any redaction or 11763
make the redaction plainly visible. A redaction shall be deemed 11764
a denial of a request to inspect or copy the redacted 11765
information, except if federal or state law authorizes or 11766
requires a public office to make the redaction. When the auditor 11767
of state receives a request to inspect or to make a copy of a 11768
record that was provided to the auditor of state for purposes of 11769
an audit, but the original public office has asserted to the 11770
auditor of state that the record is not a public record, the 11771
auditor of state may handle the requests by directing the 11772
requestor to the original public office that provided the record 11773

to the auditor of state. 11774

(2) To facilitate broader access to public records, a 11775
public office or the person responsible for public records shall 11776
organize and maintain public records in a manner that they can 11777
be made available for inspection or copying in accordance with 11778
division (B) of this section. A public office also shall have 11779
available a copy of its current records retention schedule at a 11780
location readily available to the public. If a requester makes 11781
an ambiguous or overly broad request or has difficulty in making 11782
a request for copies or inspection of public records under this 11783
section such that the public office or the person responsible 11784
for the requested public record cannot reasonably identify what 11785
public records are being requested, the public office or the 11786
person responsible for the requested public record may deny the 11787
request but shall provide the requester with an opportunity to 11788
revise the request by informing the requester of the manner in 11789
which records are maintained by the public office and accessed 11790
in the ordinary course of the public office's or person's 11791
duties. 11792

(3) If a request is ultimately denied, in part or in 11793
whole, the public office or the person responsible for the 11794
requested public record shall provide the requester with an 11795
explanation, including legal authority, setting forth why the 11796
request was denied. If the initial request was provided in 11797
writing, the explanation also shall be provided to the requester 11798
in writing. The explanation shall not preclude the public office 11799
or the person responsible for the requested public record from 11800
relying upon additional reasons or legal authority in defending 11801
an action commenced under division (C) of this section. 11802

(4) Unless specifically required or authorized by state or 11803

federal law or in accordance with division (B) of this section, 11804
no public office or person responsible for public records may 11805
limit or condition the availability of public records by 11806
requiring disclosure of the requester's identity or the intended 11807
use of the requested public record. Any requirement that the 11808
requester disclose the requester's identity or the intended use 11809
of the requested public record constitutes a denial of the 11810
request. 11811

(5) A public office or person responsible for public 11812
records may ask a requester to make the request in writing, may 11813
ask for the requester's identity, and may inquire about the 11814
intended use of the information requested, but may do so only 11815
after disclosing to the requester that a written request is not 11816
mandatory, that the requester may decline to reveal the 11817
requester's identity or the intended use, and when a written 11818
request or disclosure of the identity or intended use would 11819
benefit the requester by enhancing the ability of the public 11820
office or person responsible for public records to identify, 11821
locate, or deliver the public records sought by the requester. 11822

(6) If any person requests a copy of a public record in 11823
accordance with division (B) of this section, the public office 11824
or person responsible for the public record may require the 11825
requester to pay in advance the cost involved in providing the 11826
copy of the public record in accordance with the choice made by 11827
the requester under this division. The public office or the 11828
person responsible for the public record shall permit the 11829
requester to choose to have the public record duplicated upon 11830
paper, upon the same medium upon which the public office or 11831
person responsible for the public record keeps it, or upon any 11832
other medium upon which the public office or person responsible 11833
for the public record determines that it reasonably can be 11834

11835 duplicated as an integral part of the normal operations of the
11836 public office or person responsible for the public record. When
11837 the requester makes a choice under this division, the public
11838 office or person responsible for the public record shall provide
11839 a copy of it in accordance with the choice made by the
11840 requester. Nothing in this section requires a public office or
11841 person responsible for the public record to allow the requester
11842 of a copy of the public record to make the copies of the public
11843 record.

11844 (7) (a) Upon a request made in accordance with division (B)
11845 of this section and subject to division (B) (6) of this section,
11846 a public office or person responsible for public records shall
11847 transmit a copy of a public record to any person by United
11848 States mail or by any other means of delivery or transmission
11849 within a reasonable period of time after receiving the request
11850 for the copy. The public office or person responsible for the
11851 public record may require the person making the request to pay
11852 in advance the cost of postage if the copy is transmitted by
11853 United States mail or the cost of delivery if the copy is
11854 transmitted other than by United States mail, and to pay in
11855 advance the costs incurred for other supplies used in the
11856 mailing, delivery, or transmission.

11857 (b) Any public office may adopt a policy and procedures
11858 that it will follow in transmitting, within a reasonable period
11859 of time after receiving a request, copies of public records by
11860 United States mail or by any other means of delivery or
11861 transmission pursuant to division (B) (7) of this section. A
11862 public office that adopts a policy and procedures under division
11863 (B) (7) of this section shall comply with them in performing its
11864 duties under that division.

(c) In any policy and procedures adopted under division 11865
(B) (7) of this section: 11866

(i) A public office may limit the number of records 11867
requested by a person that the office will physically deliver by 11868
United States mail or by another delivery service to ten per 11869
month, unless the person certifies to the office in writing that 11870
the person does not intend to use or forward the requested 11871
records, or the information contained in them, for commercial 11872
purposes; 11873

(ii) A public office that chooses to provide some or all 11874
of its public records on a web site that is fully accessible to 11875
and searchable by members of the public at all times, other than 11876
during acts of God outside the public office's control or 11877
maintenance, and that charges no fee to search, access, 11878
download, or otherwise receive records provided on the web site, 11879
may limit to ten per month the number of records requested by a 11880
person that the office will deliver in a digital format, unless 11881
the requested records are not provided on the web site and 11882
unless the person certifies to the office in writing that the 11883
person does not intend to use or forward the requested records, 11884
or the information contained in them, for commercial purposes. 11885

(iii) For purposes of division (B) (7) of this section, 11886
"commercial" shall be narrowly construed and does not include 11887
reporting or gathering news, reporting or gathering information 11888
to assist citizen oversight or understanding of the operation or 11889
activities of government, or nonprofit educational research. 11890

(8) A public office or person responsible for public 11891
records is not required to permit a person who is incarcerated 11892
pursuant to a criminal conviction or a juvenile adjudication to 11893
inspect or to obtain a copy of any public record concerning a 11894

criminal investigation or prosecution or concerning what would 11895
be a criminal investigation or prosecution if the subject of the 11896
investigation or prosecution were an adult, unless the request 11897
to inspect or to obtain a copy of the record is for the purpose 11898
of acquiring information that is subject to release as a public 11899
record under this section and the judge who imposed the sentence 11900
or made the adjudication with respect to the person, or the 11901
judge's successor in office, finds that the information sought 11902
in the public record is necessary to support what appears to be 11903
a justiciable claim of the person. As used in this division, 11904
"public record concerning a criminal investigation or 11905
prosecution or concerning what would be a criminal investigation 11906
or prosecution if the subject of the investigation were an 11907
adult" includes, but is not limited to, personnel files and 11908
payroll and attendance records of designated public service 11909
workers. 11910

(9) (a) Upon written request made and signed by a 11911
journalist, a public office, or person responsible for public 11912
records, having custody of the records of the agency employing a 11913
specified designated public service worker shall disclose to the 11914
journalist the address of the actual personal residence of the 11915
designated public service worker and, if the designated public 11916
service worker's spouse, former spouse, or child is employed by 11917
a public office, the name and address of the employer of the 11918
designated public service worker's spouse, former spouse, or 11919
child, and any past, current, and future work schedules of the 11920
designated public service worker. The request shall include the 11921
journalist's name and title and the name and address of the 11922
journalist's employer and shall state that disclosure of the 11923
information sought would be in the public interest. 11924

(b) Division (B) (9) (a) of this section also applies to 11925

journalist requests for: 11926

(i) Customer information maintained by a municipally owned 11927
or operated public utility, other than social security numbers 11928
and any private financial information such as credit reports, 11929
payment methods, credit card numbers, and bank account 11930
information; 11931

(ii) Information about minors involved in a school vehicle 11932
accident as provided in division (A) (1) (gg) of this section, 11933
other than personal information as defined in section 149.45 of 11934
the Revised Code; 11935

(iii) A request form submitted to a public office under 11936
section 149.45 of the Revised Code; 11937

(iv) An affidavit submitted under section 319.28 of the 11938
Revised Code. 11939

(c) As used in division (B) (9) of this section, 11940
"journalist" means a person engaged in, connected with, or 11941
employed by any news medium, including a newspaper, magazine, 11942
press association, news agency, or wire service, a radio or 11943
television station, or a similar medium, for the purpose of 11944
gathering, processing, transmitting, compiling, editing, or 11945
disseminating information for the general public. 11946

(10) Upon a request made by a victim, victim's attorney, 11947
or victim's representative, as that term is used in section 11948
2930.02 of the Revised Code, a public office or person 11949
responsible for public records shall transmit a copy of a 11950
depiction of the victim as described in division (A) (1) (ii) of 11951
this section to the victim, victim's attorney, or victim's 11952
representative. 11953

(11) A public office or person responsible for public 11954

records may designate one or more officials or employees to act 11955
as its public records officer or officers. The public office or 11956
person responsible for the public record may require a person 11957
making a request in accordance with division (B) of this section 11958
to address the person's request to the designated public records 11959
officer or officers. The public office shall include the 11960
designation of the public records officer or officers, and 11961
operative contact information for the public records officer or 11962
officers, in its policy adopted in accordance with division (E) 11963
of this section. The public office shall post operative contact 11964
information of the public records officer or officers on the 11965
internet web site of the public office if the public office 11966
maintains an internet web site. 11967

(C) (1) If a person allegedly is aggrieved by the failure 11968
of a public office or the person responsible for public records 11969
to promptly prepare a public record and to make it available to 11970
the person for inspection in accordance with division (B) of 11971
this section or by any other failure of a public office or the 11972
person responsible for public records to comply with an 11973
obligation in accordance with division (B) of this section, the 11974
person allegedly aggrieved may serve pursuant to Rule 4 of the 11975
Ohio Rules of Civil Procedure a complaint, on a form prescribed 11976
by the clerk of the court of claims, to the public office or 11977
person responsible for public records allegedly responsible for 11978
the alleged failure. Upon receipt of the complaint of the person 11979
allegedly aggrieved, the public office or person responsible for 11980
public records has three business days to cure or otherwise 11981
address the failure alleged in the complaint. The person 11982
allegedly aggrieved shall not file a complaint with a court or 11983
commence a mandamus action under this section within the three- 11984
day period. Upon the expiration of the three-day period, the 11985

person allegedly aggrieved may, subject to the requirements of 11986
division (C) (2) of this section, do only one of the following, 11987
and not both: 11988

(a) File a complaint with the clerk of the court of claims 11989
or the clerk of the court of common pleas under section 2743.75 11990
of the Revised Code; 11991

(b) Commence a mandamus action to obtain a judgment that 11992
orders the public office or the person responsible for the 11993
public record to comply with division (B) of this section, that 11994
awards court costs and reasonable attorney's fees to the person 11995
that instituted the mandamus action, and, if applicable, that 11996
includes an order fixing statutory damages under division (C) (3) 11997
of this section. The mandamus action may be commenced in the 11998
court of common pleas of the county in which division (B) of 11999
this section allegedly was not complied with, in the supreme 12000
court pursuant to its original jurisdiction under Section 2 of 12001
Article IV, Ohio Constitution, or in the court of appeals for 12002
the appellate district in which division (B) of this section 12003
allegedly was not complied with pursuant to its original 12004
jurisdiction under Section 3 of Article IV, Ohio Constitution. 12005

(2) Upon filing a complaint or mandamus action with a 12006
court under divisions (C) (1) (a) or (b) of this section, a person 12007
allegedly aggrieved shall file with the court, in conjunction 12008
with the person's complaint or petition, a written affirmation 12009
stating that the person properly transmitted a complaint to the 12010
public office or person responsible for public records, the 12011
failure alleged in the complaint has not been cured or otherwise 12012
resolved to the person's satisfaction, and that the complaint 12013
was transmitted to the public office or person responsible for 12014
public records at least three business days before the filing of 12015

the suit. If the person fails to file an affirmation pursuant to 12016
this division, the suit shall be dismissed. 12017

(3) If a requester transmits a written request by hand 12018
delivery, electronic submission, or certified mail to inspect or 12019
receive copies of any public record in a manner that fairly 12020
describes the public record or class of public records to the 12021
public office or person responsible for the requested public 12022
records, except as otherwise provided in this section, the 12023
requester shall be entitled to recover the amount of statutory 12024
damages set forth in this division if a court determines that 12025
the public office or the person responsible for public records 12026
failed to comply with an obligation in accordance with division 12027
(B) of this section. Statutory damages are not available 12028
pursuant to this section to a person committed to the custody of 12029
the department of rehabilitation and correction or the United 12030
States bureau of prisons, or a child committed to the department 12031
of youth services as permitted in Chapter 2152. of the Revised 12032
Code. 12033

The amount of statutory damages shall be fixed at one 12034
hundred dollars for each business day during which the public 12035
office or person responsible for the requested public records 12036
failed to comply with an obligation in accordance with division 12037
(B) of this section, beginning with the day on which the 12038
requester files a mandamus action to recover statutory damages, 12039
up to a maximum of one thousand dollars. The award of statutory 12040
damages shall not be construed as a penalty, but as compensation 12041
for injury arising from lost use of the requested information. 12042
The existence of this injury shall be conclusively presumed. The 12043
award of statutory damages shall be in addition to all other 12044
remedies authorized by this section. 12045

The court may reduce an award of statutory damages or not 12046
award statutory damages if the court determines both of the 12047
following: 12048

(a) That, based on the ordinary application of statutory 12049
law and case law as it existed at the time of the conduct or 12050
threatened conduct of the public office or person responsible 12051
for the requested public records that allegedly constitutes a 12052
failure to comply with an obligation in accordance with division 12053
(B) of this section and that was the basis of the mandamus 12054
action, a well-informed public office or person responsible for 12055
the requested public records reasonably would believe that the 12056
conduct or threatened conduct of the public office or person 12057
responsible for the requested public records did not constitute 12058
a failure to comply with an obligation in accordance with 12059
division (B) of this section; 12060

(b) That a well-informed public office or person 12061
responsible for the requested public records reasonably would 12062
believe that the conduct or threatened conduct of the public 12063
office or person responsible for the requested public records 12064
would serve the public policy that underlies the authority that 12065
is asserted as permitting that conduct or threatened conduct. 12066

(4) In a mandamus action filed under division (C) (1) of 12067
this section, the following apply: 12068

(a) (i) If the court orders the public office or the person 12069
responsible for the public record to comply with division (B) of 12070
this section, the court shall determine and award to the relator 12071
all court costs, which shall be construed as remedial and not 12072
punitive. 12073

(ii) If the court makes a determination described in 12074

division (C) (4) (b) (iii) of this section, the court shall 12075
determine and award to the relator all court costs, which shall 12076
be construed as remedial and not punitive. 12077

(b) If the court renders a judgment that orders the public 12078
office or the person responsible for the public record to comply 12079
with division (B) of this section or if the court determines any 12080
of the following, the court may award reasonable attorney's fees 12081
to the relator, subject to division (C) (5) of this section: 12082

(i) The public office or the person responsible for the 12083
public records failed to respond affirmatively or negatively to 12084
the public records request in accordance with the time allowed 12085
under division (B) of this section. 12086

(ii) The public office or the person responsible for the 12087
public records promised to permit the relator to inspect or 12088
receive copies of the public records requested within a 12089
specified period of time but failed to fulfill that promise 12090
within that specified period of time. 12091

(iii) The public office or the person responsible for the 12092
public records acted in bad faith when the office or person 12093
voluntarily made the public records available to the relator for 12094
the first time after the relator commenced the mandamus action, 12095
but before the court issued any order concluding whether or not 12096
the public office or person was required to comply with division 12097
(B) of this section. No discovery may be conducted on the issue 12098
of the alleged bad faith of the public office or person 12099
responsible for the public records. This division shall not be 12100
construed as creating a presumption that the public office or 12101
the person responsible for the public records acted in bad faith 12102
when the office or person voluntarily made the public records 12103
available to the relator for the first time after the relator 12104

commenced the mandamus action, but before the court issued any 12105
order described in this division. 12106

(c) The court shall not award attorney's fees to the 12107
relator if the court determines both of the following: 12108

(i) That, based on the ordinary application of statutory 12109
law and case law as it existed at the time of the conduct or 12110
threatened conduct of the public office or person responsible 12111
for the requested public records that allegedly constitutes a 12112
failure to comply with an obligation in accordance with division 12113
(B) of this section and that was the basis of the mandamus 12114
action, a well-informed public office or person responsible for 12115
the requested public records reasonably would believe that the 12116
conduct or threatened conduct of the public office or person 12117
responsible for the requested public records did not constitute 12118
a failure to comply with an obligation in accordance with 12119
division (B) of this section; 12120

(ii) That a well-informed public office or person 12121
responsible for the requested public records reasonably would 12122
believe that the conduct or threatened conduct of the public 12123
office or person responsible for the requested public records 12124
would serve the public policy that underlies the authority that 12125
is asserted as permitting that conduct or threatened conduct. 12126

(5) All of the following apply to any award of reasonable 12127
attorney's fees awarded under division (C) (4) (b) of this 12128
section: 12129

(a) The fees shall be construed as remedial and not 12130
punitive. 12131

(b) The fees awarded shall not exceed the total of the 12132
reasonable attorney's fees incurred before the public record was 12133

made available to the relator and the fees described in division 12134
(C) (5) (c) of this section. 12135

(c) Reasonable attorney's fees shall include reasonable 12136
fees incurred to produce proof of the reasonableness and amount 12137
of the fees and to otherwise litigate entitlement to the fees. 12138

(d) The court may reduce the amount of fees awarded if the 12139
court determines that, given the factual circumstances involved 12140
with the specific public records request, an alternative means 12141
should have been pursued to more effectively and efficiently 12142
resolve the dispute that was subject to the mandamus action 12143
filed under division (C) (1) of this section. 12144

(6) If the court does not issue a writ of mandamus under 12145
division (C) of this section and the court determines at that 12146
time that the bringing of the mandamus action was frivolous 12147
conduct as defined in division (A) of section 2323.51 of the 12148
Revised Code, the court may award to the public office all court 12149
costs, expenses, and reasonable attorney's fees, as determined 12150
by the court. 12151

(D) Chapter 1347. of the Revised Code does not limit the 12152
provisions of this section. 12153

(E) (1) To ensure that all employees of public offices are 12154
appropriately educated about a public office's obligations under 12155
division (B) of this section, all elected officials or their 12156
appropriate designees shall attend training approved by the 12157
attorney general as provided in section 109.43 of the Revised 12158
Code. A future official may satisfy the requirements of this 12159
division by attending the training before taking office, 12160
provided that the future official may not send a designee in the 12161
future official's place. 12162

(2) All public offices shall adopt a public records policy 12163
in compliance with this section for responding to public records 12164
requests. In adopting a public records policy under this 12165
division, a public office may obtain guidance from the model 12166
public records policy developed and provided to the public 12167
office by the attorney general under section 109.43 of the 12168
Revised Code. Except as otherwise provided in this section, the 12169
policy may not limit the number of public records that the 12170
public office will make available to a single person, may not 12171
limit the number of public records that it will make available 12172
during a fixed period of time, and may not establish a fixed 12173
period of time before it will respond to a request for 12174
inspection or copying of public records, unless that period is 12175
less than eight hours. 12176

The public office shall distribute the public records 12177
policy adopted by the public office under this division to the 12178
employee of the public office who is the records custodian or 12179
records manager or otherwise has custody of the records of that 12180
office. The public office shall require that employee to 12181
acknowledge receipt of the copy of the public records policy. 12182
The public office shall create a poster that describes its 12183
public records policy and shall post the poster in a conspicuous 12184
place in the public office and in all locations where the public 12185
office has branch offices. The public office may post its public 12186
records policy on the internet web site of the public office if 12187
the public office maintains an internet web site. A public 12188
office that has established a manual or handbook of its general 12189
policies and procedures for all employees of the public office 12190
shall include the public records policy of the public office in 12191
the manual or handbook. 12192

(F) (1) The bureau of motor vehicles may adopt rules 12193

pursuant to Chapter 119. of the Revised Code to reasonably limit 12194
the number of bulk commercial special extraction requests made 12195
by a person for the same records or for updated records during a 12196
calendar year. The rules may include provisions for charges to 12197
be made for bulk commercial special extraction requests for the 12198
actual cost of the bureau, plus special extraction costs, plus 12199
ten per cent. The bureau may charge for expenses for redacting 12200
information, the release of which is prohibited by law. 12201

(2) As used in division (F)(1) of this section: 12202

(a) "Actual cost" means the cost of depleted supplies, 12203
records storage media costs, actual mailing and alternative 12204
delivery costs, or other transmitting costs, and any direct 12205
equipment operating and maintenance costs, including actual 12206
costs paid to private contractors for copying services. 12207

(b) "Bulk commercial special extraction request" means a 12208
request for copies of a record for information in a format other 12209
than the format already available, or information that cannot be 12210
extracted without examination of all items in a records series, 12211
class of records, or database by a person who intends to use or 12212
forward the copies for surveys, marketing, solicitation, or 12213
resale for commercial purposes. "Bulk commercial special 12214
extraction request" does not include a request by a person who 12215
gives assurance to the bureau that the person making the request 12216
does not intend to use or forward the requested copies for 12217
surveys, marketing, solicitation, or resale for commercial 12218
purposes. 12219

(c) "Commercial" means profit-seeking production, buying, 12220
or selling of any good, service, or other product. 12221

(d) "Special extraction costs" means the cost of the time 12222

spent by the lowest paid employee competent to perform the task, 12223
the actual amount paid to outside private contractors employed 12224
by the bureau, or the actual cost incurred to create computer 12225
programs to make the special extraction. "Special extraction 12226
costs" include any charges paid to a public agency for computer 12227
or records services. 12228

(3) For purposes of divisions (F) (1) and (2) of this 12229
section, "surveys, marketing, solicitation, or resale for 12230
commercial purposes" shall be narrowly construed and does not 12231
include reporting or gathering news, reporting or gathering 12232
information to assist citizen oversight or understanding of the 12233
operation or activities of government, or nonprofit educational 12234
research. 12235

(G) A request by a defendant, counsel of a defendant, or 12236
any agent of a defendant in a criminal action that public 12237
records related to that action be made available under this 12238
section shall be considered a demand for discovery pursuant to 12239
the Criminal Rules, except to the extent that the Criminal Rules 12240
plainly indicate a contrary intent. The defendant, counsel of 12241
the defendant, or agent of the defendant making a request under 12242
this division shall serve a copy of the request on the 12243
prosecuting attorney, director of law, or other chief legal 12244
officer responsible for prosecuting the action. 12245

(H) (1) Any portion of a body-worn camera or dashboard 12246
camera recording described in divisions (A) (17) (b) to (h) of 12247
this section may be released by consent of the subject of the 12248
recording or a representative of that person, as specified in 12249
those divisions, only if either of the following applies: 12250

(a) The recording will not be used in connection with any 12251
probable or pending criminal proceedings; 12252

(b) The recording has been used in connection with a 12253
criminal proceeding that was dismissed or for which a judgment 12254
has been entered pursuant to Rule 32 of the Rules of Criminal 12255
Procedure, and will not be used again in connection with any 12256
probable or pending criminal proceedings. 12257

(2) If a public office denies a request to release a 12258
restricted portion of a body-worn camera or dashboard camera 12259
recording, as defined in division (A)(17) of this section, any 12260
person may file a mandamus action pursuant to this section or a 12261
complaint with the clerk of the court of claims pursuant to 12262
section 2743.75 of the Revised Code, requesting the court to 12263
order the release of all or portions of the recording. If the 12264
court considering the request determines that the filing 12265
articulates by clear and convincing evidence that the public 12266
interest in the recording substantially outweighs privacy 12267
interests and other interests asserted to deny release, the 12268
court shall order the public office to release the recording. 12269

Sec. 153.01. (A) Whenever any building or structure for 12270
the use of the state or any institution supported in whole or in 12271
part by the state or in or upon the public works of the state 12272
that is administered by the Ohio facilities construction 12273
commission or by any other state officer or state agency 12274
authorized by law to administer a project, including an 12275
educational institution listed in section 3345.50 of the Revised 12276
Code, is to be erected or constructed, whenever additions, 12277
alterations, or structural or other improvements are to be made, 12278
or whenever heating, cooling, or ventilating plants or other 12279
equipment is to be installed or material supplied therefor, the 12280
estimated cost of which amounts to two hundred thousand dollars 12281
or more, or the amount determined pursuant to section 153.53 of 12282
the Revised Code or more, each officer, board, or other 12283

authority upon which devolves the duty of constructing, 12284
erecting, altering, or installing the same, referred to in 12285
sections 153.01 to 153.60 of the Revised Code as the public 12286
authority, shall cause to be made, by an architect or engineer 12287
whose contract of employment shall be prepared and approved by 12288
the attorney general, the following: 12289

(1) Full and accurate plans, suitable for the use of 12290
mechanics and other builders in the construction, improvement, 12291
addition, alteration, or installation; 12292

(2) Details to scale and full-sized, so drawn and 12293
represented as to be easily understood; 12294

(3) Definite and complete specifications of the work to be 12295
performed, together with directions that will enable a competent 12296
mechanic or other builder to carry them out and afford bidders 12297
all needful information; 12298

(4) A full and accurate estimate of each item of expense 12299
and the aggregate cost of those items of expense; 12300

(5) A life-cycle cost analysis; 12301

(6) Further data as may be required by the Ohio facilities 12302
construction commission. 12303

In preparing these plans, details, specifications, 12304
estimates, analyses, or other data, the public authority may 12305
require the architect or engineer to use a building information 12306
model system, as long as the system is based on a nationally 12307
recognized standard for building information models. As used in 12308
this division, "building information model" means a digital 12309
representation of physical and functional characteristics of a 12310
facility, and electronic files used to design and coordinate the 12311
project, whether it is a single model or multiple models used in 12312

the aggregate. 12313

(B) (1) Division (A) of this section shall not be required 12314
with respect to a construction management contract entered into 12315
with a construction manager at risk as described in section 12316
9.334 of the Revised Code, an integrated project delivery 12317
contract entered into with an integrated project contractor as 12318
described in section 153.65 of the Revised Code, or a design- 12319
build contract entered into with a design-build firm as 12320
described in section 153.693 of the Revised Code. 12321

(2) Nothing in this chapter shall interfere with the power 12322
of the director of transportation to prepare plans for, acquire 12323
rights-of-way for, construct, or maintain roads, highways, or 12324
bridges, or to let contracts for those purposes. 12325

Sec. 153.013. (A) As used in this section, ~~"indefinite-:~~ 12326

"Indefinite delivery indefinite quantity contract" means a 12327
contract for an indefinite quantity, within stated limits, of 12328
supplies or services that will be delivered by the awarded 12329
bidder over a defined contract period. 12330

"Public authority" means the state, a state institution of 12331
higher education as defined in section 3345.011 of the Revised 12332
Code, or any public agency, authority, board, commission, or 12333
instrumentality of the state. 12334

(B) The executive director of the capitol square review 12335
and advisory board, with the approval of the board, may 12336
advertise and seek bids for, and may award, an indefinite 12337
delivery indefinite quantity contract for an architect or 12338
engineer on an on-call, multi-project basis, to advise and 12339
consult with the capitol square review and advisory board for a 12340
defined contract period. To enter into an indefinite delivery 12341

indefinite quantity contract the executive director shall do all 12342
of the following: 12343

(1) Prepare bidding documents; 12344

(2) Establish contract forms; 12345

(3) Determine contract terms and conditions, including the 12346
following: 12347

(a) The maximum overall value of the contract, which may 12348
include an allowable increase of five per cent of the advertised 12349
contract value; 12350

(b) The duration of the contract, not to exceed two years. 12351

(4) Take any other action necessary to fulfill the duties 12352
and obligations of the executive director under this section. 12353

(C) A public authority may enter into an indefinite 12354
delivery indefinite quantity contract without controlling board 12355
approval if the contract meets all of the following 12356
requirements: 12357

(1) The contract is with a prequalified vendor, as 12358
described in division (D) of this section. 12359

(2) The contract is awarded through a competitive bidding 12360
process in which the public authority identifies at least three 12361
prequalified vendors to bid on the contract and solicits 12362
proposals from those prequalified vendors, unless the public 12363
authority establishes that there are fewer than three 12364
prequalified vendors available. 12365

(3) The contract value does not exceed one million 12366
dollars, which may include an increase of up to ten per cent of 12367
the advertised contract value. 12368

(D) The Ohio facilities construction commission may 12369
establish a list of prequalified vendors for indefinite delivery 12370
indefinite quantity contracts. The commission shall adopt rules 12371
that establish all of the following: 12372

(1) Objective prequalification criteria for vendors; 12373

(2) A process for public authorities to use the list of 12374
prequalified vendors; 12375

(3) The form, terms, and conditions of indefinite delivery 12376
indefinite quantity contracts. 12377

(E) The requirements set forth in this section prevail in 12378
the event of any conflict with any other provision of this 12379
chapter. 12380

Sec. 153.07. The notice provided for in section 153.06 of 12381
the Revised Code shall be published by electronic means~~once each~~ 12382
~~week for three consecutive weeks in a newspaper of general~~ 12383
~~circulation, or as provided in section 7.16 of the Revised Code,~~ 12384
and may be published in other news media in the county where the 12385
activity for which bids are submitted is to occur ~~and in such~~ 12386
~~other newspapers as ordered by the Ohio facilities construction~~ 12387
~~commission, the last publication to~~. The notice shall invite 12388
interested parties to submit proposals for consideration and 12389
shall be published at least eightfourteen days preceding the 12390
day for opening the bids, ~~and in such form and with such~~ 12391
~~phraseology~~ a manner as prescribed by the commission~~orders.~~ 12392
Copies of the plans, details, estimates of cost, and 12393
specifications shall be available electronically or open to 12394
public inspection at all business hours between the day of the 12395
first publication and the day for opening the bids, at the 12396
office of the commission where the bids are received, and such 12397

other place as may be designated in such notice. 12398

Sec. 153.08. On the day and at the place named in the 12399
notice provided for in section 153.06 of the Revised Code, the 12400
owner referred to in section 153.01 of the Revised Code shall 12401
open the bids and shall publicly, with the assistance of the 12402
architect or engineer, immediately proceed to tabulate the bids. 12403
For a bid filed electronically, the public bid opening may be 12404
broadcast by electronic means pursuant to rules established by 12405
the Ohio facilities construction commission. A bid shall be 12406
invalid and not considered unless a bid guaranty meeting the 12407
requirements of section 153.54 of the Revised Code and in the 12408
form approved by the commission is filed with such bid. For a 12409
bid that is not filed electronically, the bid and bid guaranty 12410
shall be filed in one sealed envelope. If the bid and bid 12411
guaranty are filed electronically, they must be received 12412
electronically before the deadline published pursuant to section 12413
153.06 of the Revised Code. For all bids filed electronically, 12414
the original, unaltered bid guaranty shall be made available to 12415
the public authority after the public bid opening, which may be 12416
achieved by means of an electronic verification and security 12417
system established under rules adopted by the Ohio facilities 12418
construction commission under Chapter 119. of the Revised Code. 12419
After investigation, which shall be completed within thirty 12420
days, the contract shall be awarded by such owner to the lowest 12421
responsive and responsible bidder in accordance with section 12422
9.312 of the Revised Code. 12423

No contract shall be entered into until the industrial 12424
commission has certified that the person so awarded the contract 12425
has complied with sections 4123.01 to 4123.94 of the Revised 12426
Code, until, if the bidder so awarded the contract is a foreign 12427
corporation, the secretary of state has certified that such 12428

corporation is authorized to do business in this state, until, 12429
if the bidder so awarded the contract is a person nonresident of 12430
this state, such person has filed with the secretary of state a 12431
power of attorney designating the secretary of state as its 12432
agent for the purpose of accepting service of summons in any 12433
action brought under section 153.05 of the Revised Code or under 12434
sections 4123.01 to 4123.94 of the Revised Code, and until the 12435
contract and bond, if any, are submitted to the attorney general 12436
and the attorney general's approval certified thereon. 12437

No contract shall be entered into unless the bidder 12438
possesses a valid certificate of compliance with affirmative 12439
action programs issued pursuant to section 9.47 of the Revised 12440
Code and dated no earlier than ~~one hundred eighty days~~ two years 12441
prior to the date fixed for the opening of bids for a particular 12442
project. 12443

Sec. 153.09. If in the opinion of the owner referred to in 12444
section 153.01 of the Revised Code, the award of a contract to 12445
the lowest responsive and responsible bidder is not in the best 12446
interests of the state, the owner may accept another bid so 12447
opened or reject all bids, and advertise for other bids. Such 12448
advertisement shall be for such time, in such form, and ~~in by~~ 12449
such ~~newspaper~~ electronic media as the Ohio facilities 12450
construction commission directs. All contracts shall provide 12451
that such owner may make any change in work or materials on the 12452
conditions and in the manner provided in sections 153.10 and 12453
153.11 of the Revised Code. 12454

Sec. 153.12. (A) With respect to award of any contract for 12455
the construction, reconstruction, improvement, enlargement, 12456
alteration, repair, painting, or decoration of a public 12457
improvement made by the state, or any county, township, 12458

municipal corporation, school district, or other political 12459
subdivision, or any public board, commission, authority, 12460
instrumentality, or special purpose district of or in the state 12461
or a political subdivision or that is authorized by state law, 12462
the award, and execution of the contract, shall be made within 12463
sixty days after the date on which the bids are opened. The 12464
failure to award and execute the contract within sixty days 12465
invalidates the entire bid proceedings and all bids submitted, 12466
unless the time for awarding and executing the contract is 12467
extended by mutual consent of the owner or its representatives 12468
and the bidder whose bid the owner accepts and with respect to 12469
whom the owner subsequently awards and executes a contract. The 12470
public owners referred to in this section shall include, in the 12471
plans and specifications for the project for which bids are 12472
solicited, the estimate of cost. The bid for which the award is 12473
to be made shall be opened at the time and place named in the 12474
advertisement for bids, unless extended by the owner or its 12475
representative or unless, within seventy-two hours prior to the 12476
published time for the opening of bids, excluding Saturdays, 12477
Sundays, and legal holidays, any modification of the plans or 12478
specifications and estimates of cost for the project for which 12479
bids are solicited is issued and mailed or otherwise furnished 12480
to persons who have obtained plans or specifications for the 12481
project, for which the time for opening of bids shall be 12482
extended one week, with no further advertising of bids required. 12483
The contractor, upon request, is entitled to a notice to proceed 12484
with the work by the owner or its representative upon execution 12485
of the contract. No contract to which this section applies shall 12486
be entered into if the price of the contract, or, if the project 12487
involves multiple contracts where the total price of all 12488
contracts for the project, is in excess of ten per cent, in the 12489
case of a contract made by the state or a public board, 12490

commission, authority, or instrumentality of the state, or 12491
twenty per cent, in the case of a contract made by a county, 12492
township, municipal corporation, school district, special 12493
purpose district, or other political subdivision or a public 12494
board, commission, authority, or instrumentality of the 12495
political subdivision, above the entire estimate thereof, nor 12496
shall the entire cost of the construction, reconstruction, 12497
repair, painting, decorating, improvement, alteration, addition, 12498
or installation, including changes and estimates of expenses for 12499
architects or engineers, exceed in the aggregate the amount 12500
authorized by law. 12501

The unit or lump sum price stated in the contract shall be 12502
used in determining the amount to be paid and shall constitute 12503
full and final compensation for all the work. 12504

Partial payment to the contractor for work performed under 12505
the lump sum price shall be based on a schedule prepared by the 12506
contractor and approved by the architect or engineer who shall 12507
apportion the lump sum price to the major components entering 12508
into or forming a part of the work under the lump sum price. 12509

Partial payments to the contractor for labor performed 12510
under either a unit or lump sum price contract shall be made at 12511
~~the a rate of ninety-two not less than ninety-six~~ per cent of 12512
the estimates prepared by the contractor and approved by the 12513
architect or engineer. ~~All labor performed after the job is~~ 12514
~~fifty per cent completed shall be paid for at the rate of one~~ 12515
~~hundred per cent of the estimates submitted by the contractor~~ 12516
~~and approved by the architect or engineer. No subcontract shall~~ 12517
be paid at a rate lower than the rate being paid to the 12518
contractor by the public authority. 12519

The amounts and time of payments of any public 12520

improvements contract made by the state or any county, township, 12521
municipal corporation, school district, or other political 12522
subdivision, or any public board, commission, authority, 12523
instrumentality, or special purpose district of or in the state 12524
or a political subdivision or that is authorized by state law, 12525
except as provided in section 5525.19 of the Revised Code, shall 12526
be governed by this section and sections 153.13 and 153.14 of 12527
the Revised Code. If the time for awarding the contract is 12528
extended by mutual consent, or if the owner or its 12529
representative fails to issue a timely notice to proceed as 12530
required by this section, the owner or its representative shall 12531
issue a change order authorizing delay costs to the contractor, 12532
which does not invalidate the contract. The amount of such a 12533
change order to the owner shall be determined in accordance with 12534
the provisions of the contract for change orders or force 12535
accounts or, if no such provision is set forth in the contract, 12536
the cost to the owner shall be the contractor's actual costs 12537
including wages, labor costs other than wages, wage taxes, 12538
materials, equipment costs and rentals, insurance, and 12539
subcontracts attributable to the delay, plus a reasonable sum 12540
for overhead. In the event of a dispute between the owner and 12541
the contractor concerning such change order, procedures shall be 12542
commenced under the applicable terms of the contract, or, if the 12543
contract contains no provision for resolving the dispute, it 12544
shall be resolved pursuant to the procedures for arbitration in 12545
Chapter 2711. of the Revised Code, except as provided in 12546
division (B) of this section. Nothing in this division shall be 12547
construed as a limitation upon the authority of the director of 12548
transportation granted in Chapter 5525. of the Revised Code. 12549

(B) If a dispute arises between the state and a contractor 12550
concerning the terms of a public improvement contract let by the 12551

state or concerning a breach of the contract, and after 12552
administrative remedies provided for in such contract and any 12553
alternative dispute resolution procedures provided in accordance 12554
with guidelines established by the executive director of the 12555
Ohio facilities construction commission are exhausted, the 12556
contractor may bring an action to the court of claims in 12557
accordance with Chapter 2743. of the Revised Code. The state or 12558
the contractor may request the chief justice of the supreme 12559
court to appoint a referee or panel of referees in accordance 12560
with division (C) (3) of section 2743.03 of the Revised Code. As 12561
used in this division, "dispute" means a disagreement between 12562
the state and the contractor concerning a public improvement 12563
contract let by the state. 12564

Sec. 153.13. At the time named in the contract for payment 12565
to the person with whom it is made, the owner referred to in 12566
section 153.01 or 153.12 of the Revised Code shall approve a 12567
full, accurate, and detailed estimate of the various kinds of 12568
labor performed and material furnished under the contract, with 12569
the amount due for each kind of labor and material and the 12570
materials and amount due in the aggregate, which estimate shall 12571
be based upon actual measurement of such labor and materials, 12572
and shall give the amounts of the preceding estimate, and the 12573
amount of labor performed and materials furnished since the last 12574
estimate. ~~From the date the contract is fifty per cent complete,~~ 12575
~~as evidenced by payments in the amount of at least fifty per~~ 12576
~~cent of the contract to the person with whom the owner has~~ 12577
~~contracted, except in the case of contracts the total cost of~~ 12578
~~which is less than fifteen thousand dollars, all funds retained~~ 12579
~~pursuant to sections 153.12 and 153.14 of the Revised Code for~~ 12580
~~the faithful performance of work shall be deposited in the~~ 12581
~~escrow account designated in section 153.63 of the Revised Code.~~ 12582

~~After the contract is fifty per cent complete, no further funds shall be retained.~~ When the major portion of the project is substantially completed and occupied, or in use, or otherwise accepted, and there exists no other reason to withhold retainage, the retained percentages held in connection with such portion shall be ~~released from escrow and~~ paid to the contractor, withholding only that amount necessary to assure completion. ~~Funds in the escrow account not heretofore paid, with accumulated interest, shall be paid to the person with whom the owner has contracted thirty days from the date of completion or either acceptance or occupancy by the owner. Such payments shall be in accordance with division (A) (2) of section 153.63 of the Revised Code.~~ Any retained funds and interest thereon accrued during the project shall be considered property of the contractor. Any retained funds and interest thereon accrued during the project shall be paid to the primary contractor not later than thirty days after the date of substantial completion of the work. Nothing in this section shall be construed as a limitation upon the authority of the director of transportation granted in Chapter 5525. of the Revised Code.

Sec. 153.14. For the construction of those projects, improvements, and public buildings over which the Ohio facilities construction commission has general supervision pursuant to section 123.21 of the Revised Code, the estimates referred to in section 153.13 of the Revised Code shall be filed with the executive director by the owner referred to in section 153.01 or 153.12 of the Revised Code. Upon completion of a project referred to in section 153.13 of the Revised Code or any divisible part thereof, the maintenance and repair of such project or divisible part shall be assumed by the owner referred to in section 153.01 or 153.12 of the Revised Code.

In addition to all other payments on account of work performed, there shall be allowed by the owner referred to in section 153.01 or 153.12 of the Revised Code and paid to the contractor a sum at the rate of ninety-two per cent of the invoice costs, not to exceed the bid price in a unit price contract, of material delivered on the site of the work, or a railroad station, siding, or other point in the vicinity of the work, or other approved storage site, provided such materials have been inspected and found to meet the specifications. The balance of such invoiced value shall be paid when such material is incorporated into and becomes a part of such building, construction, addition, improvement, alteration, or installation. When an estimate is allowed on account of material delivered on the site of the work or in the vicinity thereof or under the possession and control of the contractor but not yet incorporated therein, such material shall become the property of the owner under the contract, but if such material is stolen, destroyed, or damaged by casualty before being used, the contractor shall be required to replace it at the contractor's own expense.

When the rate of work and amounts involved are so large that it is considered advisable by the owner or contractor, estimates and payments shall be made twice each month.

Payment on approved estimates filed with the owner or its representative shall be made within thirty days. Upon the failure of the owner or its representative to make such payments within thirty days, or upon an unauthorized withholding of retainage, there shall be allowed to the contractor, in addition to any other remedies allowed by law, interest on such moneys not paid within thirty days. Interest on the unauthorized withholding of retainage shall be in addition to any interest

earned ~~in the escrow account set forth as described~~ in section 12645
153.13 of the Revised Code. The rate of such interest shall be 12646
the average of the prime rate established at the commercial 12647
banks in the city of over one hundred thousand population that 12648
is nearest the construction project. Nothing in this section 12649
shall be construed as a limitation upon the authority of the 12650
director of transportation granted in Chapter 5525. of the 12651
Revised Code. 12652

Sec. 153.50. (A) As used in sections 153.50 to 153.52 of 12653
the Revised Code: 12654

(1) "Construction manager at risk" has the same meaning as 12655
in section 9.33 of the Revised Code. 12656

(2) "Design-assist services" means monitoring and 12657
assisting in the completion of the plans and specifications. 12658

(3) "Design-assist firm" means a person capable of 12659
providing design-assist services. 12660

(4) "Design-build firm" has the same meaning as in section 12661
153.65 of the Revised Code. 12662

(5) "General contracting" means constructing and managing 12663
an entire public improvement project, including the branches or 12664
classes of work specified in division (B) of this section, under 12665
the award of a single aggregate lump sum contract. 12666

(6) "General contracting firm" means a person capable of 12667
performing general contracting. 12668

(7) "Integrated project delivery contract" and "integrated 12669
project contractor" have the same meanings as in section 153.65 12670
of the Revised Code. 12671

(B) Except for contracts made with a construction manager 12672

at risk, with a design-build firm, with an integrated project 12673
contractor, or with a general contracting firm, an officer, 12674
board, or other authority of the state, a county, township, 12675
municipal corporation, or school district, or of any public 12676
institution belonging thereto, authorized to contract for the 12677
erection, repair, alteration, or rebuilding of a public 12678
building, institution, bridge, culvert, or improvement and 12679
required by law to advertise and receive bids for furnishing of 12680
materials and doing the work necessary for the erection thereof, 12681
shall require separate and distinct bids to be made for 12682
furnishing such materials or doing such work, or both, in their 12683
discretion, for each of the following branches or classes of 12684
work to be performed, and all work kindred thereto, entering 12685
into the improvement: 12686

(1) Plumbing and gas fitting; 12687

(2) Steam and hot-water heating, ventilating apparatus, 12688
and steam-power plant; 12689

(3) Electrical equipment. 12690

Sec. 153.501. (A) A public authority may accept a 12691
subcontract awarded by a construction manager at risk, an 12692
integrated project contractor, a design-build firm, or a general 12693
contracting firm, or may reject any such subcontract if the 12694
public authority determines that the bidder is not responsible. 12695

(B) A public authority may authorize a construction 12696
manager at risk or design-build firm to utilize a design-assist 12697
firm on any public improvement project without transferring any 12698
design liability to the design-assist firm. 12699

(C) If the construction manager at risk or design-build 12700
firm intends and is permitted by the public authority to self- 12701

perform a portion of the work to be performed, the construction 12702
manager at risk or design-build firm shall submit a sealed bid 12703
to the public authority for the portion of the work prior to 12704
accepting and opening any bids for the same work, except when 12705
the public authority requests a guaranteed maximum price 12706
proposal due at the time of selection. 12707

Sec. 153.502. (A) Each construction manager at risk, 12708
integrated project contractor, and design-build firm shall 12709
establish criteria by which it will prequalify prospective 12710
bidders on subcontracts awarded for work to be performed under 12711
the construction management, integrated project delivery, or 12712
design-build contract. The criteria established by a 12713
construction manager at risk, integrated project contractor, or 12714
design-build firm shall be subject to the approval of the public 12715
authority involved in the project and shall be consistent with 12716
the rules adopted by the Ohio facilities construction commission 12717
pursuant to section 153.503 of the Revised Code. 12718

(B) For each subcontract to be awarded, the construction 12719
manager at risk, integrated project contractor, or design-build 12720
firm shall identify at least three prospective bidders that are 12721
prequalified to bid on that subcontract, except that the 12722
construction manager at risk, integrated project contractor, or 12723
design-build firm shall identify fewer than three if the 12724
construction manager at risk, integrated project contractor, or 12725
design-build firm establishes to the satisfaction of the public 12726
authority that fewer than three prequalified bidders are 12727
available. The public authority shall verify that each 12728
prospective bidder meets the prequalification criteria and may 12729
eliminate any bidder it determines is not qualified. 12730

(C) Once the prospective bidders are prequalified and 12731

found acceptable by the public authority, the construction 12732
manager at risk, integrated project contractor, or design-build 12733
firm shall solicit proposals from each of those bidders. The 12734
solicitation and selection of a subcontractor shall be conducted 12735
under an open book pricing method. As used in this division, 12736
"open book pricing method" has the same meaning as in section 12737
9.33 of the Revised Code, in the case of a construction manager 12738
at risk, and the same meaning as in section 153.65 of the 12739
Revised Code, in the case of a design-build firm or an 12740
integrated project contractor. 12741

(D) A construction manager at risk, integrated project 12742
contractor, or design-build firm shall not be required to award 12743
a subcontract to a low bidder. 12744

Sec. 153.503. The Ohio facilities construction commission, 12745
pursuant to Chapter 119. of the Revised Code, shall adopt rules 12746
to do all of the following: 12747

(A) Prescribe the procedures and criteria for determining 12748
the best value selection of a construction manager at risk, 12749
integrated project contractor, or design-build firm; 12750

(B) Set forth standards to be followed by construction 12751
managers at risk, integrated project contractors, and design- 12752
build firms when establishing prequalification criteria pursuant 12753
to section 153.502 of the Revised Code; 12754

(C) Prescribe the form for the contract documents to be 12755
used by a construction manager at risk, integrated project 12756
contractor, design-build firm, or general contractor when 12757
entering into a subcontract; 12758

(D) Prescribe the form for the contract documents to be 12759
used by a public authority when entering into a contract with a 12760

construction manager at risk or design-build firm; 12761

(E) Prescribe the form for the contract documents to be 12762
used by a public authority when entering into a multi-party 12763
integrated project delivery contract with both a professional 12764
design firm and an integrated project contractor. 12765

Sec. 153.54. (A) Except with respect to a contract 12766
described in section 9.334 or 153.693 of the Revised Code, each 12767
person bidding for a contract with the state or any political 12768
subdivision, district, institution, or other agency thereof, 12769
excluding therefrom the department of transportation, for any 12770
public improvement shall file with the bid, a bid guaranty in 12771
the form of ~~either~~ any of the following: 12772

(1) A bond in accordance with division (B) of this section 12773
for the full amount of the bid; 12774

(2) A certified check, cashier's check, or letter of 12775
credit pursuant to Chapter 1305. of the Revised Code, in 12776
accordance with division (C) of this section. Any such letter of 12777
credit is revocable only at the option of the beneficiary state, 12778
political subdivision, district, institution, or agency. The 12779
amount of the certified check, cashier's check, or letter of 12780
credit shall be equal to ten per cent of the bid; 12781

(3) An electronic verification through an electronic 12782
verification and security system described in section 153.08 of 12783
the Revised Code, if the state or any political subdivision, 12784
district, institution, or other agency thereof accepts bids 12785
electronically pursuant to section 153.08 of the Revised Code. 12786

(B) A bid guaranty filed pursuant to division (A) (1) of 12787
this section shall be conditioned to: 12788

(1) Provide that, if the bid is accepted, the bidder, 12789

after the awarding or the recommendation for the award of the 12790
contract, whichever the contracting authority designates, will 12791
enter into a proper contract in accordance with the bid, plans, 12792
details, and specifications. If for any reason, other than as 12793
authorized by section 9.31 of the Revised Code or division (G) 12794
of this section, the bidder fails to enter into the contract, 12795
and the contracting authority awards the contract to the next 12796
lowest bidder, the bidder and the surety on the bidder's bond 12797
are liable to the state, political subdivision, district, 12798
institution, or agency for the difference between the bid and 12799
that of the next lowest bidder, or for a penal sum not to exceed 12800
ten per cent of the amount of the bond, whichever is less. If 12801
the state, political subdivision, district, institution, or 12802
agency does not award the contract to the next lowest bidder but 12803
resubmits the project for bidding, the bidder failing to enter 12804
into the contract and the surety on the bidder's bond, except as 12805
provided in division (G) of this section, are liable to the 12806
state, political subdivision, district, institution, or agency 12807
for a penal sum not to exceed ten per cent of the amount of the 12808
bid or the costs in connection with the resubmission of printing 12809
new contract documents, required advertising, and printing and 12810
mailing notices to prospective bidders, whichever is less. 12811

(2) Indemnify the state, political subdivision, district, 12812
institution, or agency against all damage suffered by failure to 12813
perform the contract according to its provisions and in 12814
accordance with the plans, details, and specifications therefor 12815
and to pay all lawful claims of subcontractors, material 12816
suppliers, and laborers for labor performed or material 12817
furnished in carrying forward, performing, or completing the 12818
contract; and agree and assent that this undertaking is for the 12819
benefit of any subcontractor, material supplier, or laborer 12820

having a just claim, as well as for the state, political 12821
subdivision, district, institution, or agency. 12822

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 12823
this section shall be conditioned to provide that if the bid is 12824
accepted, the bidder, after the awarding or the recommendation 12825
for the award of the contract, whichever the contracting 12826
authority designates, will enter into a proper contract in 12827
accordance with the bid, plans, details, specifications, and 12828
bills of material. If for any reason, other than as authorized 12829
by section 9.31 of the Revised Code or division (G) of this 12830
section, the bidder fails to enter into the contract, and the 12831
contracting authority awards the contract to the next lowest 12832
bidder, the bidder is liable to the state, political 12833
subdivision, district, institution, or agency for the difference 12834
between the bidder's bid and that of the next lowest bidder, or 12835
for a penal sum not to exceed ten per cent of the amount of the 12836
bid, whichever is less. If the state, political subdivision, 12837
district, institution, or agency does not award the contract to 12838
the next lowest bidder but resubmits the project for bidding, 12839
the bidder failing to enter into the contract, except as 12840
provided in division (G) of this section, is liable to the 12841
state, political subdivision, district, institution, or agency 12842
for a penal sum not to exceed ten per cent of the amount of the 12843
bid or the costs in connection with the resubmission, of 12844
printing new contract documents, required advertising, and 12845
printing and mailing notices to prospective bidders, whichever 12846
is less. 12847

If the bidder enters into the contract, the bidder, at the 12848
time the contract is entered to, shall file a bond for the 12849
amount of the contract to indemnify the state, political 12850
subdivision, district, institution, or agency against all damage 12851

suffered by failure to perform the contract according to its provisions and in accordance with the plans, details, and specifications and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(2) A construction manager who enters into a contract pursuant to sections 9.33 to 9.333 of the Revised Code, if required by the public authority at the time the construction manager enters into the contract, shall file a letter of credit pursuant to Chapter 1305. of the Revised Code, bond, certified check, or cashier's check, for the value of the construction management contract to indemnify the state, political subdivision, district, institution, or agency against all damage suffered by the construction manager's failure to perform the contract according to its provisions, and shall agree and assent that this undertaking is for the benefit of the state, political subdivision, district, institution, or agency. A letter of credit provided by the construction manager is revocable only at the option of the beneficiary state, political subdivision, district, institution, or agency.

(D) Where the state, political subdivision, district, institution, or agency accepts a bid but the bidder fails or refuses to enter into a proper contract in accordance with the bid, plans, details, and specifications within ten days after the awarding of the contract, the bidder and the surety on any bond, except as provided in division (G) of this section, are liable for the amount of the difference between the bidder's bid

and that of the next lowest bidder, but not in excess of the 12883
liability specified in division (B) (1) or (C) of this section. 12884
Where the state, political subdivision, district, institution, 12885
or agency then awards the bid to such next lowest bidder and 12886
such next lowest bidder also fails or refuses to enter into a 12887
proper contract in accordance with the bid, plans, details, and 12888
specifications within ten days after the awarding of the 12889
contract, the liability of such next lowest bidder, except as 12890
provided in division (G) of this section, is the amount of the 12891
difference between the bids of such next lowest bidder and the 12892
third lowest bidder, but not in excess of the liability 12893
specified in division (B) (1) or (C) of this section. Liability 12894
on account of an award to any lowest bidder beyond the third 12895
lowest bidder shall be determined in like manner. 12896

(E) Notwithstanding division (C) of this section, where 12897
the state, political subdivision, district, institution, or 12898
agency resubmits the project for bidding, each bidder whose bid 12899
was accepted but who failed or refused to enter into a proper 12900
contract, except as provided in division (G) of this section, is 12901
liable for an equal share of a penal sum in connection with the 12902
resubmission, of printing new contract documents, required 12903
advertising, and printing and mailing notices to prospective 12904
bidders, but no bidder's liability shall exceed the amount of 12905
the bidder's bid guaranty. 12906

(F) All bid guaranties filed pursuant to this section 12907
shall be payable to the state, political subdivision, district, 12908
institution, or agency, be for the benefit of the state, 12909
political subdivision, district, institution, or agency or any 12910
person having a right of action thereon, and be deposited with, 12911
and held by, the board, officer, or agent contracting on behalf 12912
of the state, political subdivision, district, institution, or 12913

agency. All bonds filed pursuant to this section shall be issued 12914
by a surety company authorized to do business in this state as 12915
surety approved by the board, officer, or agent awarding the 12916
contract on behalf of the state, political subdivision, 12917
district, institution, or agency. 12918

(G) A bidder for a contract with the state or any 12919
political subdivision, district, institution, or other agency 12920
thereof, excluding therefrom the Ohio department of 12921
transportation, for a public improvement costing less than one- 12922
half million dollars may withdraw the bid from consideration if 12923
the bidder's bid for some other contract with the state or any 12924
political subdivision, district, institution, or other agency 12925
thereof, excluding therefrom the department of transportation, 12926
for the public improvement costing less than one-half million 12927
dollars has already been accepted, if the bidder certifies in 12928
good faith that the total amount of all the bidder's current 12929
contracts is less than one-half million dollars, and if the 12930
surety certifies in good faith that the bidder is unable to 12931
perform the subsequent contract because to do so would exceed 12932
the bidder's bonding capacity. If a bid is withdrawn under 12933
authority of this division, the contracting authority may award 12934
the contract to the next lowest bidder or reject all bids and 12935
resubmit the project for bidding, and neither the bidder nor the 12936
surety on the bidder's bond are liable for the difference 12937
between the bidder's bid and that of the next lowest bidder, for 12938
a penal sum, or for the costs of printing new contract 12939
documents, required advertising, and printing and mailing 12940
notices to prospective bidders. 12941

(H) Bid guaranties filed pursuant to division (A) of this 12942
section shall be returned to all unsuccessful bidders 12943
immediately after the contract is executed. The bid guaranty 12944

filed pursuant to division (A) (2) of this section shall be 12945
returned to the successful bidder upon filing of the bond 12946
required in division (C) of this section. 12947

(I) For the purposes of this section and sections 153.56, 12948
153.57, and 153.571 of the Revised Code, "public improvement," 12949
"subcontractor," "material supplier," "laborer," and "materials" 12950
have the same meanings as in section 1311.25 of the Revised 12951
Code. 12952

Sec. 153.63. (A) Any money which is due from the public 12953
owner referred to in section ~~153.12~~ 1311.28 of the Revised Code 12954
under a contract entered into under this chapter or entered into 12955
under other applicable sections of the Revised Code for the 12956
construction, reconstruction, improvement, enlargement, 12957
alteration, repair, painting, or decoration of a public 12958
improvement shall, on the day it is due, be paid to the 12959
contractor or deposited in an escrow account, whichever is 12960
applicable, with one or more banks or building and loan 12961
associations in the state selected by mutual agreement between 12962
the contractor and the public owner. The agreement shall contain 12963
the following provisions: 12964

(1) The money shall be deposited in a savings account or 12965
the escrow agent shall promptly invest all of the escrowed 12966
principal in obligations selected by the escrow agent, as 12967
stipulated in the agreement. 12968

(2) The escrow agent shall hold the escrowed principal and 12969
income until receipt of notice from the public owner and the 12970
contractor, or until receipt of an arbitration order or an order 12971
of the court of claims specifying the amount of the escrowed 12972
principal to be released and the person to whom it is to be 12973
released. Upon receipt of the notice or order, the agent shall 12974

promptly pay such amount of principal and a proportionate amount 12975
of the escrowed income to the person indicated. 12976

(3) The escrow agent shall be compensated for its services 12977
as agreed to by the public owner and the contractor from the 12978
income from the escrow account. 12979

The agreement may include other provisions not 12980
inconsistent with this section, including, but not limited to 12981
granting authority for the escrow agent to commingle the 12982
escrowed funds with funds held pursuant to other escrow 12983
agreements and limiting the liability of the escrow agent. 12984

(B) When the public owner, as defined in division (B) of 12985
section 2743.01 of the Revised Code, and the contractor disagree 12986
as to the conditions under which money is to be paid under this 12987
section, the parties shall apply for a decision by arbitration 12988
under the procedures of Chapter 2711. of the Revised Code. When 12989
an application is made, neither party shall initiate, and no 12990
court shall permit the maintenance of, an action in court for 12991
decision of the same issues sought to be determined in the 12992
arbitration application. The award made by the arbitrator may 12993
include the costs of arbitration. The arbitration shall be 12994
binding on all parties. 12995

(C) When the public owner, as defined in division (A) of 12996
section 2743.01 of the Revised Code, and the contractor disagree 12997
as to the conditions under which money is to be paid under this 12998
section the contractor shall file an action in the court of 12999
claims. 13000

(D) If the money required to be paid or deposited under 13001
division (A) of this section is not paid or deposited, the 13002
governmental entity shall pay to the contractor an amount equal 13003

to eight per cent annual interest compounded daily. 13004

Sec. 153.65. As used in sections 153.65 to 153.73 of the 13005
Revised Code: 13006

(A) (1) "Public authority" means the state, a state 13007
institution of higher education as defined in section 3345.011 13008
of the Revised Code, a county, township, municipal corporation, 13009
school district, or other political subdivision, or any public 13010
agency, authority, board, commission, instrumentality, or 13011
special purpose district of the state or of a political 13012
subdivision. 13013

(2) "Public authority" does not include the director of 13014
transportation when exercising the director's authority to 13015
prepare plans for, acquire rights-of-way for, construct, or 13016
maintain roads, highways, or bridges. 13017

(B) "Professional design firm" means any person legally 13018
engaged in rendering professional design services. 13019

(C) "Professional design services" means services within 13020
the scope of practice of an architect or landscape architect 13021
registered under Chapter 4703. of the Revised Code or a 13022
professional engineer or surveyor registered under Chapter 4733. 13023
of the Revised Code. 13024

(D) "Qualifications" means all of the following: 13025

(1) (a) For a professional design firm, competence to 13026
perform the required professional design services as indicated 13027
by the technical training, education, and experience of the 13028
firm's personnel, especially the technical training, education, 13029
and experience of the employees within the firm who would be 13030
assigned to perform the services; 13031

(b) For a design-build firm, competence to perform the required design-build services as indicated by the technical training, education, and experience of the design-build firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the design-build firm who would be assigned to perform the services, including the proposed architect or engineer of record.

(2) Ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services or design-build services competently and expeditiously;

(3) Past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines;

(4) Any other relevant factors as determined by the public authority;

(5) With respect to a design-build firm, compliance with sections 4703.182, 4703.332, and 4733.16 of the Revised Code, including the use of a licensed design professional for all design services.

(E) "Design-build contract" means a contract between a public authority and another person that obligates the person to provide design-build services.

(F) "Design-build firm" means a person capable of providing design-build services.

(G) "Design-build services" means services that form an integrated delivery system for which a person is responsible to a public authority for both the design and construction,

demolition, alteration, repair, or reconstruction of a public 13061
improvement. 13062

(H) "Architect or engineer of record" means the architect 13063
or engineer that serves as the final signatory on the plans and 13064
specifications for the design-build project. 13065

(I) "Criteria architect or engineer" means the architect 13066
or engineer retained by a public authority to prepare conceptual 13067
plans and specifications, to assist the public authority in 13068
connection with the establishment of the design criteria for a 13069
design-build project, and, if requested by the public authority, 13070
to serve as the representative of the public authority and 13071
provide, during the design-build project, other design and 13072
construction administration services on behalf of the public 13073
authority, including but not limited to, confirming that the 13074
design prepared by the design-build firm reflects the original 13075
design intent established in the design criteria package. 13076

(J) "Open book pricing method" means a method in which a 13077
design-build firm or integrated project contractor provides the 13078
public authority, at the public authority's request, all books, 13079
records, documents, contracts, subcontracts, purchase orders, 13080
and other data in its possession pertaining to the bidding, 13081
pricing, or performance of a contract for design-build or 13082
integrated project delivery services awarded to the design-build 13083
firm or integrated project contractor. 13084

(K) "Integrated project delivery" means a method to 13085
deliver a capital project through a multi-party agreement, 13086
executed by at least three parties, among a team comprised of a 13087
public authority, a professional design firm as described in 13088
section 153.693 of the Revised Code, and an integrated project 13089
contractor, commencing at early design and continuing through to 13090

project completion. 13091

(L) "Integrated project contractor" means a person with 13092
the ability to plan, coordinate, manage, direct, and execute all 13093
phases of a capital project through integrated project delivery, 13094
including the construction, demolition, alteration, repair, or 13095
reconstruction of any public building, structure, or other 13096
improvement. 13097

Sec. 153.693. ~~(A)~~ (A) (1) For every design-build contract, 13098
the public authority planning to contract for design-build 13099
services, in consultation with the criteria architect or 13100
engineer, shall evaluate the statements of qualifications 13101
submitted by design-build firms specifically regarding the 13102
project, including the design-build firm's proposed architect or 13103
engineer of record. 13104

(2) For projects valued at less than four million dollars, 13105
the public authority may require the design-build firm to submit 13106
a statement along with a pricing proposal described in division 13107
(B) (2) (h) of this section. The public authority shall provide 13108
each design-build firm who desires to submit both a statement 13109
and a proposal a pre-proposal meeting to explore the proposals 13110
further, in which the public authority shall provide the design- 13111
build firm with a description of the project, including the 13112
scope and nature of the proposed services and potential 13113
technical approaches. The Ohio facilities construction 13114
commission shall biannually adjust for the rate of inflation, as 13115
defined in section 107.032 of the Revised Code and as of the 13116
effective date of this amendment, the maximum project value 13117
amount indicated in this division and post this amount on the 13118
commission's web site. 13119

(B) Following this evaluation, the public authority shall: 13120

(1) Select and rank not fewer than three firms which it 13121
considers to be the most qualified to provide the required 13122
design-build services, except that the public authority shall 13123
select and rank fewer than three firms when the public authority 13124
determines in writing that fewer than three qualified firms are 13125
available; 13126

(2) Provide each selected design-build firm with all of 13127
the following: 13128

(a) A description of the project and project delivery; 13129

(b) The design criteria produced by the criteria architect 13130
or engineer under section 153.692 of the Revised Code; 13131

(c) A preliminary project schedule; 13132

(d) A description of any preconstruction services; 13133

(e) A description of the proposed design services; 13134

(f) A description of a guaranteed maximum price, including 13135
the estimated level of design on which such guaranteed maximum 13136
price is based; 13137

(g) The form of the design-build services contract; 13138

(h) A-Except for projects under division (A) (2) of this 13139
section, a request for a pricing proposal that shall be divided 13140
into a design services fee and a preconstruction and design- 13141
build services fee. The pricing proposal of each design-build 13142
firm shall include at least all of the following: 13143

(i) A list of key personnel and consultants for the 13144
project; 13145

(ii) Design concepts adhering to the design criteria 13146
produced by the criteria architect or engineer under section 13147

153.692 of the Revised Code; 13148

(iii) The design-build firm's statement of general 13149
conditions and estimated contingency requirements; 13150

(iv) A preliminary project schedule. 13151

(3) Evaluate the pricing proposal submitted by each 13152
selected firm and, at its discretion, hold discussions with each 13153
firm to further investigate its pricing proposal, including the 13154
scope and nature of the firm's proposed services and potential 13155
technical approaches; 13156

(4) Rank the selected firms based on the public 13157
authority's evaluation of the value of each firm's pricing 13158
proposal, with such evaluation considering each firm's proposed 13159
costs and qualifications; 13160

(5) Enter into contract negotiations for design-build 13161
services with the design-build firm whose pricing proposal the 13162
public authority determines to be the best value under this 13163
section. 13164

~~(B)~~(C) In complying with division ~~(A)~~(5)~~(B)~~(5) of this 13165
section, contract negotiations shall be directed toward: 13166

(1) Ensuring that the design-build firm and the public 13167
authority mutually understand the essential requirements 13168
involved in providing the required design-build services, the 13169
provisions for the use of contingency funds, and the terms of 13170
the contract, including terms related to the possible 13171
distribution of savings in the final costs of the project; 13172

(2) Ensuring that the design-build firm shall be able to 13173
provide the necessary personnel, equipment, and facilities to 13174
perform the design-build services within the time required by 13175

the design-build construction contract; 13176

(3) Agreeing upon a procedure and schedule for determining 13177
a guaranteed maximum price using an open book pricing method 13178
that shall represent the total maximum amount to be paid by the 13179
public authority to the design-build firm for the project and 13180
that shall include the costs of all work, the cost of its 13181
general conditions, the contingency, and the fee payable to the 13182
design-build firm. 13183

~~(C)~~ (D) If the public authority fails to negotiate a 13184
contract with the design-build firm whose pricing proposal the 13185
public authority determines to be the best value as determined 13186
under this section, the public authority shall inform the 13187
design-build firm in writing of the termination of negotiations. 13188
The public authority may then do the following: 13189

(1) Negotiate a contract with a design-build firm ranked 13190
next highest under this section following the negotiation 13191
procedure described in this section; 13192

(2) If negotiations fail with the design-build firm under 13193
division ~~(C)~~ ~~(1)~~ (D) (1) of this section, negotiate a contract with 13194
the design-build firm ranked next highest under this section 13195
following the negotiation procedure described in this section 13196
and continue negotiating with the design-build firms selected 13197
under this section in the order of their ranking until a 13198
contract is negotiated. 13199

~~(D)~~ (E) If the public authority fails to negotiate a 13200
contract with a design-build firm whose pricing proposal the 13201
public authority determines to be the best value as determined 13202
under this section, it may select additional design-build firms 13203
to provide pricing proposals to the public authority pursuant to 13204

this section or may select an alternative delivery method for 13205
the project. 13206

~~(E)~~(F) The public authority may provide a stipend for 13207
pricing proposals received from design-build firms. 13208

~~(F)~~(G) Nothing in this section affects a public 13209
authority's right to accept or reject any or all proposals in 13210
whole or in part. 13211

Sec. 153.695. (A) For every integrated project delivery 13212
contract, the public authority planning to contract for 13213
integrated project delivery services shall evaluate the 13214
statements of qualifications submitted by integrated project 13215
contractors specifically regarding the project. Following this 13216
evaluation, the public authority shall do all of the following: 13217

(1) Select not fewer than three firms that it considers to 13218
be the most qualified to provide the required integrated project 13219
delivery construction services, except that the public authority 13220
may select fewer than three firms when the public authority 13221
determines in writing that fewer than three qualified firms are 13222
available; 13223

(2) Provide each selected integrated project contractor 13224
with all of the following: 13225

(a) A description of the project and project delivery; 13226

(b) A preliminary project schedule; 13227

(c) A description of any preconstruction services; 13228

(d) A description of a target price, including the 13229
estimated level of design on which such target price is based; 13230

(e) The form of the integrated project delivery contract, 13231

which shall define target price, schedule, and quality of the 13232
project, establish collaboration and decision-making processes, 13233
and share risk by linking compensation and incentives to project 13234
outcomes; 13235

(f) A request for a pricing proposal that shall be divided 13236
into a preconstruction and integrated project delivery services 13237
fee, which shall include at least both of the following: 13238

(i) A list of key personnel and consultants for the 13239
project; 13240

(ii) A preliminary project schedule. 13241

(3) Evaluate the pricing proposal submitted by each 13242
selected firm and, at its discretion, hold discussions with each 13243
firm to further investigate its pricing proposal, including the 13244
scope and nature of the firm's proposed services and potential 13245
technical approaches; 13246

(4) Rank the selected firms based on the public 13247
authority's evaluation of the value of each firm's pricing 13248
proposal, with such evaluation considering each firm's proposed 13249
costs and qualifications; 13250

(5) Enter into contract negotiations for integrated 13251
project delivery construction services with the integrated 13252
project contractor whose pricing proposal the public authority 13253
ranks the highest under this section. 13254

(B) In negotiating with integrated project contractors 13255
under this section, the public authority shall do all of the 13256
following: 13257

(1) Ensure that the integrated project contractor and the 13258
public authority mutually understand the essential requirements 13259

involved in providing the required integrated project delivery 13260
construction services, the provisions for the use of contingency 13261
funds, and the terms of the contract, including terms related to 13262
the possible distribution of savings in the final costs of the 13263
project; 13264

(2) Ensure that the integrated project contractor will be 13265
able to provide the necessary personnel, equipment, and 13266
facilities to perform the integrated project services within the 13267
time required by the contract; 13268

(3) Use an open book pricing method to attempt to agree 13269
upon a procedure and schedule for determining a target price 13270
for the project, which shall include the cost of all work, the 13271
cost of its general conditions, the contingency, and the fee 13272
payable to the integrated project contractor. 13273

(C) If the public authority fails to negotiate a contract 13274
with the integrated project contractor ranked highest under this 13275
section, the public authority shall inform the integrated 13276
project contractor in writing of the termination of 13277
negotiations. The public authority then may negotiate a contract 13278
with the integrated project contractor ranked next highest under 13279
this section, following the negotiation procedure described in 13280
this section. If negotiations fail with the second integrated 13281
project contractor, the public authority may negotiate a 13282
contract with the integrated project contractor ranked next 13283
highest, and may continue negotiating with the integrated 13284
project contractors selected under this section in the order of 13285
their ranking until a contract is negotiated. 13286

(D) If the public authority fails to negotiate a contract 13287
with an integrated project contractor under this section, the 13288
public authority may select additional integrated project 13289

contractors to provide pricing proposals to the public authority 13290
pursuant to this section, or may select an alternative delivery 13291
method for the project. 13292

(E) Nothing in this section affects a public authority's 13293
right to accept or reject any or all proposals in whole or in 13294
part. 13295

(F) Before construction begins pursuant to an integrated 13296
project delivery contract, the integrated project contractor 13297
shall provide a surety bond to the public authority in 13298
accordance with rules adopted by the executive director of the 13299
Ohio facilities construction commission under Chapter 119. of 13300
the Revised Code. 13301

Sec. 164.01. As used in this chapter: 13302

(A) "Capital improvement" or "capital improvement project" 13303
or "project" means the acquisition, construction, 13304
reconstruction, improvement, planning, and equipping of roads 13305
and bridges, appurtenances to roads and bridges to enhance the 13306
safety of animal-drawn vehicles, pedestrians, and bicycles, 13307
waste water treatment systems, water supply systems, solid waste 13308
disposal facilities, and storm water and sanitary collection, 13309
storage, and treatment facilities, including real property, 13310
interests in real property, facilities, and equipment related or 13311
incidental to those facilities. 13312

(B) "Local subdivision" means any county, municipal 13313
corporation, township, sanitary district, or regional water and 13314
sewer district. 13315

(C) "Bond proceedings" means the resolutions, orders, 13316
trust agreements, indentures, and other agreements, credit 13317
facilities and credit enhancement facilities, and amendments and 13318

supplements to the foregoing, or any one or more or combination 13319
thereof, authorizing, awarding, or providing for the terms and 13320
conditions applicable to or providing for the security or 13321
liquidity of obligations, and the provisions contained in those 13322
obligations. 13323

(D) "Bond service charges" means principal, including any 13324
mandatory sinking fund or redemption requirements for retirement 13325
of obligations, interest and other accreted amounts, and any 13326
redemption premium payable on obligations. If not prohibited by 13327
the applicable bond proceedings, bond service charges include 13328
costs of credit enhancement facilities that are related to, and 13329
represent or are intended to provide a source of payment of or 13330
limitation on, other bond service charges. 13331

(E) "Bond service fund" means the fund, and any accounts 13332
in that fund, created by section 164.10 of the Revised Code, 13333
including all moneys and investments, and earnings from 13334
investments, credited and to be credited to that fund and 13335
accounts as provided in the bond proceedings. 13336

(F) "Cost of capital improvement projects" means the costs 13337
of acquiring, constructing, reconstructing, expanding, 13338
improving, and engineering capital improvement projects, and 13339
related financing costs. 13340

(G) "Credit enhancement facilities" means letters of 13341
credit, lines of credit, stand-by, contingent, or firm 13342
securities purchase agreements, interest rate hedges including, 13343
without limitation, interest rate swaps, insurance or surety 13344
arrangements, reserve or guarantee funds, and guarantees, and 13345
other arrangements that provide for contingent or direct payment 13346
of bond service charges, for security or additional security in 13347
the event of nonpayment or default in respect of obligations, or 13348

for making or providing funds for making payment of bond service 13349
charges to, and at the option and on demand of, holders of 13350
obligations or at the option of the issuer under put or similar 13351
arrangements, or for otherwise supporting the credit or 13352
liquidity of obligations, and includes credit, reimbursement, 13353
marketing, remarketing, indexing, carrying, purchase, and 13354
subrogation agreements, and other agreements and arrangements 13355
for reimbursement of the person providing the credit enhancement 13356
facility and the security for that reimbursement. As used in 13357
this division, obligations include debt obligations of local 13358
subdivisions. 13359

(H) "Financing costs" means all costs and expenses 13360
relating to the authorization, issuance, sale, delivery, 13361
authentication, deposit, custody, clearing, registration, 13362
transfer, exchange, fractionalization, replacement, and 13363
servicing of obligations, including, without limitation, costs 13364
and expenses for or relating to, or payment obligations under, 13365
publication and printing, postage and express delivery, official 13366
statements, offering circulars, and informational statements, 13367
travel and transportation, paying agents, bond registrars, 13368
authenticating agents, remarketing agents, custodians, clearing 13369
agencies or corporations, securities depositories, financial 13370
advisory services, certifications, audits, federal or state 13371
regulatory agencies, accounting services, legal services and 13372
obtaining approving legal opinions and other legal opinions, 13373
credit ratings, original issue discount, credit facilities, and 13374
credit enhancement facilities. Financing costs may be paid from 13375
any moneys lawfully available for the purpose, including, unless 13376
otherwise provided in the bond proceedings, from the proceeds of 13377
the obligations to which they relate and from the same sources 13378
from which bond service charges on the obligations are paid and 13379

as though bond service charges. 13380

(I) "Issuer" means the treasurer of state, or the officer 13381
who by law performs the functions of that officer. 13382

(J) "Obligations" means bonds, notes, or other evidences 13383
of obligation of the state, including any interest coupons 13384
pertaining thereto, issued pursuant to sections 164.09 to 164.12 13385
of the Revised Code. 13386

(K) "Special funds" or "funds" means, except where the 13387
context does not permit, the bond service fund, and any other 13388
funds, including reserve funds, created under the bond 13389
proceedings and stated to be special funds in those proceedings, 13390
including all moneys and investments, and earnings from 13391
investments, credited and to be credited to the ~~particular~~ fund. 13392
Special funds do not include the state capital improvements fund 13393
created by section 164.08 of the Revised Code or, if so provided 13394
in the bond proceedings, a rebate fund or account established 13395
for purposes of federal tax laws. 13396

(L) "Net proceeds" means amounts received from the sale of 13397
obligations pursuant to this chapter, excluding amounts used to 13398
refund or retire outstanding obligations, and does not include 13399
amounts required to be deposited in special funds pursuant to 13400
the applicable bond proceedings, or financing costs paid from 13401
such amounts received. 13402

(M) "Local debt support" means ~~a full or partial pledge of~~ 13403
~~support for any local bond issue, the payment of all or a part~~ 13404
~~of the premium for bond insurance obtained from a private~~ 13405
~~insurer,~~ the subsidization of the interest rate on a loan 13406
obtained by the a subdivision, ~~or a source of revenue pledged in~~ 13407
~~support of revenue bonds issued by a subdivision.~~ 13408

(N) "Principal amount" refers to the aggregate of the 13409
amount as stated or provided for in the bond proceedings 13410
authorizing the obligations as the amount on which interest or 13411
interest equivalent is initially calculated. 13412

Sec. 164.05. (A) The director of the Ohio public works 13413
commission shall do all of the following: 13414

(1) Approve requests for financial assistance from 13415
district public works integrating committees and enter into 13416
agreements with one or more local subdivisions to provide loans, 13417
grants, and local debt support for a capital improvement project 13418
if the director determines that: 13419

(a) The project is an eligible project pursuant to this 13420
chapter; 13421

(b) The financial assistance for the project has been 13422
properly approved and requested by the district committee of the 13423
district which includes the recipient of the loan or grant; 13424

(c) The amount of the financial assistance, when added to 13425
all other financial assistance provided during the fiscal year 13426
for projects within the district, does not exceed that 13427
district's allocation of money from the state capital 13428
improvements fund for that fiscal year; 13429

(d) The district committee has provided such documentation 13430
and other evidence as the director may require that the district 13431
committee has satisfied the requirements of section 164.06 or 13432
164.14 of the Revised Code; 13433

(e) The portion of a district's annual allocation which 13434
the director approves in the form of loans and local debt 13435
support for eligible projects is consistent with divisions (E) 13436
and (F) of this section. 13437

(2) Authorize payments to local subdivisions or their contractors for costs incurred for capital improvement projects which have been approved pursuant to this chapter. All requests for payments shall be submitted to the director on forms and in accordance with procedures specified in rules adopted by the director pursuant to division (A)(4) of this section.

(3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the director determines are necessary to carry out the director's duties under this chapter and fix the compensation for their services. From among these employees, the director shall appoint a deputy with the necessary qualifications to act as the director when the director is absent or temporarily unable to carry out the duties of office.

(4) Adopt rules establishing the procedures for making applications, reviewing, approving, and rejecting projects for which assistance is authorized under this chapter, and any other rules needed to implement the provisions of this chapter. Such rules shall be adopted under Chapter 119. of the Revised Code.

(5) Provide information and other assistance to local subdivisions and district public works integrating committees in developing their requests for financial assistance for capital improvements under this chapter and encourage cooperation and coordination of requests and the development of multisubdivision projects in order to maximize the benefits that may be derived by districts from each year's allocation;

(6) Require local subdivisions, to the extent practicable, to use Ohio products, materials, services, and labor in connection with any capital improvement project financed in whole or in part under this chapter;

(7) Notify the director of budget and management of all 13468
approved projects, and supply all information necessary to track 13469
approved projects through the state accounting system; 13470

(8) Appoint the administrator of the Ohio small government 13471
capital improvements commission; 13472

(9) Do all other acts, enter into contracts, and execute 13473
all instruments necessary or appropriate to carry out this 13474
chapter; 13475

(10) Develop a standardized methodology for evaluating 13476
local subdivision capital improvement needs that a district 13477
public works integrating committee shall consider when 13478
addressing a subdivision's project application; 13479

(11) Establish a program to provide local subdivisions 13480
with technical assistance in preparing project applications. The 13481
program shall be designed to assist local subdivisions that lack 13482
the financial or technical resources to prepare project 13483
applications on their own. 13484

(B) When the director of the Ohio public works commission 13485
decides to conditionally approve or disapprove projects, the 13486
director's decisions and the reasons for which they are made 13487
shall be made in writing. These written decisions shall be 13488
conclusive for the purposes of the validity and enforceability 13489
of such determinations. 13490

(C) Fees, charges, rates of interest, times of payment of 13491
interest and principal, and other terms, conditions, and 13492
provisions of and security for financial assistance provided 13493
pursuant to the provisions of this chapter shall be such as the 13494
director determines to be appropriate. If any payments required 13495
by a loan agreement entered into pursuant to this chapter are 13496

not paid, the funds which would otherwise be apportioned to the 13497
local subdivision from the county undivided local government 13498
fund, pursuant to sections 5747.51 to 5747.53 of the Revised 13499
Code, may, at the direction of the director of the Ohio public 13500
works commission, be reduced by the amount payable. The county 13501
treasurer shall, at the direction of the director, pay the 13502
amount of such reductions to the state capital improvements 13503
revolving loan fund. The director may renegotiate a loan 13504
repayment schedule with a local subdivision whose payments from 13505
the county undivided local government fund could be reduced 13506
pursuant to this division, but such a renegotiation may occur 13507
only one time with respect to any particular loan agreement. 13508

(D) Grants approved for the repair and replacement of 13509
existing infrastructure pursuant to this chapter shall not 13510
exceed ninety per cent of the estimated total cost of the 13511
capital improvement project. Grants approved for new or expanded 13512
infrastructure shall not exceed fifty per cent of the estimated 13513
cost of the new or expansion elements of the capital improvement 13514
project. A local subdivision share of the estimated cost of a 13515
capital improvement may consist of any of the following: 13516

(1) The reasonable value, as determined by the director or 13517
the administrator, of labor, materials, and equipment that will 13518
be contributed by the local subdivision in performing the 13519
capital improvement project; 13520

(2) Moneys received by the local subdivision in any form 13521
from an authority, commission, or agency of the United States 13522
for use in performing the capital improvement project; 13523

(3) Loans made to the local subdivision under this 13524
chapter; 13525

(4) Engineering costs incurred by the local subdivision in 13526
performing engineering activities related to the project. 13527

A local subdivision share of the cost of a capital 13528
improvement shall not include any amounts awarded to it from the 13529
local transportation improvement program fund created in section 13530
164.14 of the Revised Code. 13531

(E) ~~Not more than ten per cent of a~~ A district public 13532
works integrating ~~committee's~~ committee may determine how much 13533
of its annual allocation share pursuant to section 164.08 of the 13534
Revised Code ~~may be~~ is awarded to subdivisions ~~only~~ in the form 13535
of interest-free, low-interest, market rate of interest, or 13536
blended-rate loans and in the form of local debt support. 13537

(F) ~~Not more than ten per cent of a district public works~~ 13538
~~integrating committee's annual allocation pursuant to section~~ 13539
~~164.08 of the Revised Code may be awarded to subdivisions in the~~ 13540
~~form of local debt support.~~ 13541

~~(G)~~ For the period commencing July 1, 1993, and ending 13542
June 30, 1999, and for each five-year period thereafter, the 13543
total amount of financial assistance awarded under sections 13544
164.01 to 164.08 of the Revised Code for capital improvement 13545
projects located wholly or partially within a county shall be 13546
equal to at least thirty per cent of the amount of what the 13547
county would have been allocated from the obligations authorized 13548
to be sold under this chapter during each period, if such 13549
amounts had been allocable to each county on a per capita basis. 13550

~~(H)~~ (G) The amount of the annual allocations made pursuant 13551
to divisions (B) (1) and (4) of section 164.08 of the Revised 13552
Code which can be used for new or expanded infrastructure is 13553
limited to twenty per cent. 13554

~~(I)~~(H) No project shall be approved under this section 13555
unless the project is designed to have a useful life of at least 13556
seven years. In addition, the average useful life of all 13557
projects for which grants or loans are awarded in each district 13558
during a program year shall not be less than twenty years. 13559

Sec. 164.06. (A) Each district public works integrating 13560
committee shall evaluate materials submitted to it by the local 13561
subdivisions located in the district concerning capital 13562
improvements for which assistance is sought from the state 13563
capital improvements fund and shall, pursuant to division (B) of 13564
this section, select the requests for financial assistance that 13565
will be formally submitted by the district to the director of 13566
the Ohio public works commission. In order to provide for the 13567
efficient use of the district's state capital improvements fund 13568
allocation each year, a district committee shall assist its 13569
subdivisions in the preparation and coordination of project 13570
plans. 13571

(B) In selecting the requests for assistance for capital 13572
improvement projects which will be submitted to the director, 13573
and in determining the nature, amount, and terms of the 13574
assistance that will be requested, a district public works 13575
integrating committee shall give priority to capital improvement 13576
projects for the repair or replacement of existing 13577
infrastructure and which would be unlikely to be undertaken 13578
without assistance under this chapter, and shall specifically 13579
consider all of the following factors: 13580

(1) The infrastructure repair and replacement needs of the 13581
district; 13582

(2) The age and condition of the system to be repaired or 13583
replaced; 13584

(3) Whether the project would generate revenue in the form of user fees or assessments; 13585
13586

(4) The importance of the project to the health and safety of the citizens of the district; 13587
13588

(5) The cost of the project and whether it is consistent with division ~~(G)~~(F) of section 164.05 of the Revised Code and the district's allocation for grants, loans, and local debt support for that year; 13589
13590
13591
13592

(6) The effort and ability of the benefited local subdivisions to assist in financing the project; 13593
13594

(7) The availability of federal or other funds for the project; 13595
13596

(8) The overall economic health of the particular local subdivision; 13597
13598

(9) The adequacy of the planning for the project and the readiness of the applicant to proceed should the project be approved; 13599
13600
13601

(10) Any other factors relevant to a particular project. 13602

(C) When applying the methodology under division (A) (10) of section 164.05 of the Revised Code, a district public works integrating committee may require a subdivision to submit information on its capital infrastructure as part of an application for assistance in financing a capital improvement project under this section. 13603
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(D) In addition to reviewing and selecting the projects for which approval will be sought from the director of the Ohio public works commission for financial assistance from the state capital improvements fund, each district public works 13609
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13611
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integrating committee shall appoint a subcommittee of its 13613
members that will represent the interests of villages and 13614
townships and that will review and select the capital 13615
improvement projects which will be submitted by the subcommittee 13616
to the administrator of the Ohio small government capital 13617
improvements commission for consideration of assistance from the 13618
portion of the net proceeds of obligations issued and sold by 13619
the treasurer of state which is allocated pursuant to division 13620
(B) (1) of section 164.08 of the Revised Code. In reviewing and 13621
approving the projects selected by its subcommittee, the 13622
administrator, and the Ohio small government capital 13623
improvements commission shall be guided by the provisions of 13624
division (B) of this section, and shall also take into account 13625
the fact that villages and townships may have different public 13626
infrastructure needs than larger subdivisions. 13627

Sec. 164.08. (A) Except as provided in sections 151.01 and 13628
151.08 or section 164.09 of the Revised Code, the net proceeds 13629
of obligations issued and sold by the treasurer of state 13630
pursuant to section 164.09 of the Revised Code before September 13631
30, 2000, or pursuant to sections 151.01 and 151.08 of the 13632
Revised Code, for the purpose of financing or assisting in the 13633
financing of the cost of public infrastructure capital 13634
improvement projects of local subdivisions, as provided for in 13635
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 13636
and this chapter, shall be paid into the state capital 13637
improvements fund, which is hereby created in the state 13638
treasury. Investment earnings on moneys in the fund shall be 13639
credited to the fund. 13640

(B) Beginning July 1, 2016, each program year the amount 13641
of obligations authorized by the general assembly in accordance 13642
with sections 151.01 and 151.08 or section 164.09 of the Revised 13643

Code, excluding the proceeds of refunding or renewal 13644
obligations, shall be allocated by the director of the Ohio 13645
public works commission as follows: 13646

(1) First, ten per cent of the amount of obligations 13647
authorized shall be allocated to provide financial assistance to 13648
villages and to townships with populations in the unincorporated 13649
areas of the township of less than five thousand persons, for 13650
capital improvements in accordance with section 164.051 and 13651
division (D) of section 164.06 of the Revised Code. As used in 13652
division (B) (1) of this section, "capital improvements" includes 13653
resurfacing and improving roads. 13654

(2) Following the allocation required by division (B) (1) 13655
of this section, the director may allocate two per cent of the 13656
authorized obligations to provide financial assistance to local 13657
subdivisions for capital improvement projects which in the 13658
judgment of the director of the Ohio public works commission are 13659
necessary for the immediate preservation of the health, safety, 13660
and welfare of the citizens of the local subdivision requesting 13661
assistance. Starting July 1, 2021, the director may allocate up 13662
to six per cent of authorized obligations as provided in this 13663
division. 13664

(3) The director shall determine the amount of the 13665
remaining obligations authorized to be issued and sold that each 13666
county would receive if such amounts were allocated on a per 13667
capita basis each year. If a county's per capita share for the 13668
year would be less than three hundred thousand dollars, the 13669
director shall allocate to the district in which that county is 13670
located an amount equal to the difference between three hundred 13671
thousand dollars and the county's per capita share. 13672

(4) After making the allocation required by division (B) 13673

(3) of this section, the director shall allocate the remaining 13674
amount to each district on a per capita basis. 13675

(C) (1) There is hereby created in the state treasury the 13676
state capital improvements revolving loan fund, into which shall 13677
be deposited all repayments of loans made to local subdivisions 13678
for capital improvements pursuant to this chapter. Investment 13679
earnings on moneys in the fund shall be credited to the fund. 13680

(2) There may also be deposited in the state capital 13681
improvements revolving loan fund moneys obtained from federal or 13682
private grants, or from other sources, which are to be used for 13683
any of the purposes authorized by this chapter. Such moneys 13684
shall be allocated each year in accordance with division (B) (4) 13685
of this section. 13686

(3) Moneys deposited into the state capital improvements 13687
revolving loan fund shall be used to make loans for the purpose 13688
of financing or assisting in the financing of the cost of 13689
capital improvement projects of local subdivisions. 13690

(4) Investment earnings credited to the state capital 13691
improvements revolving loan fund that exceed the amounts 13692
required to meet estimated federal arbitrage rebate requirements 13693
shall be used to pay costs incurred by the public works 13694
commission in administering this section. Investment earnings 13695
credited to the state capital improvements revolving loan fund 13696
that exceed the amounts required to pay for the administrative 13697
costs and estimated rebate requirements shall be allocated to 13698
each district on a per capita basis. 13699

(5) Each program year, loan repayments received and on 13700
deposit in the state capital improvements revolving loan fund 13701
shall be allocated as follows: 13702

(a) Each district public works integrating committee shall 13703
be allocated an amount equal to the sum of all loan repayments 13704
made to the state capital improvements revolving loan fund by 13705
local subdivisions that are part of the district. Moneys not 13706
used in a program year may be used in the next program year in 13707
the same manner and for the same purpose as originally 13708
allocated. 13709

(b) Loan repayments made pursuant to projects approved 13710
under division (B) (1) of this section shall be used to make 13711
loans in accordance with section 164.051 and division (D) of 13712
section 164.06 of the Revised Code. Allocations for this purpose 13713
made pursuant to division (C) (5) of this section shall be in 13714
addition to the allocation provided in division (B) (1) of this 13715
section. 13716

(c) Loan repayments made pursuant to projects approved 13717
under division (B) (2) of this section shall be used to make 13718
loans in accordance with division (B) (2) of this section. 13719
Allocations for this purpose made pursuant to division (C) (5) of 13720
this section shall be in addition to the allocation provided in 13721
division (B) (2) of this section. 13722

(d) Loans made from the state capital improvements 13723
revolving loan fund shall not be limited in their usage by 13724
divisions (E), (F), and (G), ~~and (H)~~ of section 164.05 of the 13725
Revised Code. 13726

(D) Investment earnings credited to the state capital 13727
improvements fund that exceed the amounts required to meet 13728
estimated federal arbitrage rebate requirements shall be used to 13729
pay costs incurred by the public works commission in 13730
administering sections 164.01 to 164.12 of the Revised Code. 13731

(E) The director of the Ohio public works commission shall 13732
notify the director of budget and management of the amounts 13733
allocated pursuant to this section and such information shall be 13734
entered into the state accounting system. The director of budget 13735
and management shall establish appropriation line items as 13736
needed to track these allocations. 13737

(F) If the amount of a district's allocation in a program 13738
year exceeds the amount of financial assistance approved for the 13739
district by the commission for that year, the remaining portion 13740
of the district's allocation shall be added to the district's 13741
allocation pursuant to division (B) of this section for the next 13742
succeeding year for use in the same manner and for the same 13743
purposes as it was originally allocated, except that any portion 13744
of a district's allocation which was available for use on new or 13745
expanded infrastructure pursuant to division ~~(H)~~ (G) of section 13746
164.05 of the Revised Code shall be available in succeeding 13747
years only for the repair and replacement of existing 13748
infrastructure. 13749

(G) When an allocation based on population is made by the 13750
director pursuant to division (B) of this section, the director 13751
shall use the most recent decennial census statistics, and shall 13752
not make any reallocations based upon a change in a district's 13753
population. 13754

Sec. 164.14. (A) The local transportation improvement 13755
program fund is hereby created in the state treasury. The fund 13756
shall consist of moneys credited to it pursuant to sections 13757
117.16 and 5735.051 of the Revised Code, and, subject to the 13758
limitations of section 5735.05 of the Revised Code, shall be 13759
used to make grants to local subdivisions for projects that have 13760
been approved by district public works integrating committees 13761

and the Ohio public works commission in accordance with this 13762
section. The fund shall be administered by the Ohio public works 13763
commission, and shall be allocated each fiscal year on a per 13764
capita basis to district public works integrating committees in 13765
accordance with the most recent decennial census statistics. 13766
Money in the fund may be used to pay reasonable costs incurred 13767
by the commission in administering this section. Investment 13768
earnings on moneys credited to the fund shall be retained by the 13769
fund. 13770

(B) Grants awarded under this section may provide up to 13771
one hundred per cent of the estimated total cost of the project. 13772

(C) No grant shall be awarded for a project under this 13773
section unless the project is designed to have a useful life of 13774
at least seven years, except that the average useful life of all 13775
such projects for which grants are awarded in each district 13776
during a fiscal year shall be not less than twenty years. 13777

(D) For the period beginning on July 1, 1989, and ending 13778
on June 30, 1994, and for each succeeding five-year period, at 13779
least one-third of the total amount of money allocated to each 13780
district from the local transportation improvement program fund 13781
shall be awarded as follows: 13782

(1) Forty-two and eight-tenths per cent for projects of 13783
municipal corporations; 13784

(2) Thirty-seven and two-tenths per cent for projects of 13785
counties; 13786

(3) Twenty per cent for projects of townships, except that 13787
the requirement of division (D) (3) of this section shall not 13788
apply in districts where the combined population of the 13789
townships in the district is less than five per cent of the 13790

population of the district. 13791

(E) Each district public works integrating committee shall 13792
review, and approve or disapprove requests submitted to it by 13793
local subdivisions for assistance from the local transportation 13794
improvement program fund. In reviewing projects submitted to it, 13795
a district public works integrating committee shall consider the 13796
following factors: 13797

(1) Whether the project is of critical importance to the 13798
safety of the residents of the local subdivision; 13799

(2) Whether the project would alleviate serious traffic 13800
problems or hazards or would respond to needs caused by rapid 13801
growth and development; 13802

(3) Whether the project would assist the local subdivision 13803
in attaining the transportation infrastructure needed to pursue 13804
significant and specific economic development opportunities; 13805

(4) The availability of other sources of funding for the 13806
project; 13807

(5) The adequacy of the planning for the project and the 13808
readiness of the local subdivision to proceed should the project 13809
be approved; 13810

(6) The local subdivision's ability to pay for and history 13811
of investing in bridge and highway improvements; 13812

(7) The impact of the project on the multijurisdictional 13813
highway and bridge needs of the district; 13814

(8) The requirements of divisions (A), (B), (C), and (D) 13815
of this section; 13816

(9) The condition of the infrastructure system proposed 13817

for improvement; 13818

(10) Any other factors related to the safety, orderly 13819
growth, or economic development of the district or local 13820
subdivision that the district public works integrating committee 13821
considers relevant. 13822

A district public works integrating committee or its 13823
executive committee may appoint a subcommittee to assist it in 13824
carrying out its responsibilities under this section. 13825

(F) Every project approved by a district public works 13826
integrating committee shall be submitted to the Ohio public 13827
works commission for its review and approval or disapproval. The 13828
commission shall not approve any project that fails to meet the 13829
requirements of this section. 13830

(G) Grants awarded from the local transportation 13831
improvement program fund shall not be limited in their usage by 13832
divisions (D), (E), (F), and (G), ~~and (H)~~ of section 164.05 of 13833
the Revised Code. 13834

(H) As used in this section, "local subdivision" means a 13835
county, municipal corporation, or township. 13836

(I) The director of the Ohio public works commission shall 13837
notify the director of budget and management of the amounts 13838
allocated pursuant to this section, and the allocation 13839
information shall be entered into the state accounting system. 13840
The director of budget and management shall establish 13841
appropriation line items as needed to track these allocations. 13842

Sec. 165.04. The bond proceedings may contain provisions 13843
which shall be part of the contract with the bondholders as to: 13844

(A) Pledging the rentals, revenues, and other income, 13845

charges, and moneys therein designated for the payment of the 13846
principal of and interest on the bonds and all other payments 13847
required to be made by the bond proceedings; 13848

(B) Acquisition by gift or purchase, construction, 13849
reconstruction, enlargement, improvement, furnishing, equipment, 13850
operation, alteration, maintenance, insurance, and repair of the 13851
pledged facilities and the duties of the issuing authority with 13852
respect thereto; 13853

(C) Provisions regarding the purposes to which the 13854
proceeds of the bonds may be applied; 13855

(D) Terms of the bonds; 13856

(E) Maintenance, collection, use and disposition of 13857
rentals, revenues, and other income, charges, and moneys 13858
received from the lease, sale, or other disposition of the 13859
pledged facilities; 13860

(F) Terms and conditions under which additional bonds may 13861
be issued secured by a pledge of rentals, revenues, and other 13862
income, charges, and moneys received from or a mortgage on the 13863
same pledged facilities; 13864

(G) Terms of any trust agreement or indenture of mortgage 13865
securing the bonds including authorization to enter into such 13866
agreement or indenture; 13867

(H) The deposit, application, safeguarding, and investment 13868
of funds of the issuer received or held under the bond 13869
proceedings, to which Chapters 131. and 135. and sections 13870
~~122.57, 122.571, 122.58, and 321.44~~ of the Revised Code are not 13871
applicable. 13872

(I) Any other appropriate agreements with the bondholders 13873

with respect to the pledged facilities and the rentals, 13874
revenues, and other income, charges, and moneys received 13875
therefrom~~+~~. 13876

Sec. 166.03. (A) There is hereby created the facilities 13877
establishment fund within the state treasury, consisting of 13878
proceeds from the issuance of obligations as specified under 13879
section 166.08 of the Revised Code; the moneys received by the 13880
state from the sources specified in section 166.09 of the 13881
Revised Code; service charges imposed under sections 166.06 and 13882
166.07 of the Revised Code; any grants, gifts, or contributions 13883
of moneys received by the director of development to be used for 13884
loans made under section 166.07 of the Revised Code or for the 13885
payment of the allowable costs of project facilities; and all 13886
other moneys appropriated or transferred to the fund. Moneys in 13887
the loan guarantee fund in excess of the loan guarantee reserve 13888
requirement, but subject to the provisions and requirements of 13889
any guarantee contracts, may be transferred to the facilities 13890
establishment fund by the treasurer of state upon the order of 13891
the director of development. Moneys received by the state under 13892
Chapter 122. of the Revised Code, to the extent allocable to the 13893
utilization of moneys derived from proceeds of the sale of 13894
obligations pursuant to section 166.08 of the Revised Code, 13895
shall be credited to the facilities establishment fund. All 13896
investment earnings on the cash balance in the fund shall be 13897
credited to the fund. 13898

(B) All moneys appropriated or transferred to the 13899
facilities establishment fund may be released at the request of 13900
the director of development for payment of allowable costs or 13901
the making of loans under section 166.07 of the Revised Code, 13902
for transfer to the loan guarantee fund established in section 13903
166.06 of the Revised Code, or for use for the purpose of or 13904

transfer to the funds established by sections 122.35, 122.42, 13905
122.54, ~~122.55, 122.56, 122.561, 122.57,~~ 122.601, and 122.80 of 13906
the Revised Code and, until July 1, 2003, the fund established 13907
by section 166.031 of the Revised Code, and, until July 1, 2007, 13908
the fund established by section 122.26 of the Revised Code, but 13909
only for such of those purposes as are within the authorization 13910
of Section 13 of Article VIII, Ohio Constitution, in all cases 13911
subject to the approval of the controlling board. 13912

(C) The department of development, in the administration 13913
of the facilities establishment fund, is encouraged to utilize 13914
and promote the utilization of, to the maximum practicable 13915
extent, the other existing programs, business incentives, and 13916
tax incentives that department is required or authorized to 13917
administer or supervise. 13918

Sec. 166.08. (A) As used in this chapter: 13919

(1) "Bond proceedings" means the resolution, order, trust 13920
agreement, indenture, lease, and other agreements, amendments 13921
and supplements to the foregoing, or any one or more or 13922
combination thereof, authorizing or providing for the terms and 13923
conditions applicable to, or providing for the security or 13924
liquidity of, obligations issued pursuant to this section, and 13925
the provisions contained in such obligations. 13926

(2) "Bond service charges" means principal, including 13927
mandatory sinking fund requirements for retirement of 13928
obligations, and interest, and redemption premium, if any, 13929
required to be paid by the state on obligations. 13930

(3) "Bond service fund" means the applicable fund and 13931
accounts therein created for and pledged to the payment of bond 13932
service charges, which may be, or may be part of, the economic 13933

development bond service fund created by division (S) of this 13934
section including all moneys and investments, and earnings from 13935
investments, credited and to be credited thereto. 13936

(4) "Issuing authority" means the treasurer of state, or 13937
the officer who by law performs the functions of such officer. 13938

(5) "Obligations" means bonds, notes, or other evidence of 13939
obligation including interest coupons pertaining thereto, issued 13940
pursuant to this section. 13941

(6) "Pledged receipts" means all receipts of the state 13942
representing the gross profit on the sale of spirituous liquor, 13943
as referred to in division (B) (4) of section 4301.10 of the 13944
Revised Code, after paying all costs and expenses of the 13945
division of liquor control and providing an adequate working 13946
capital reserve for the division of liquor control as provided 13947
in that division, but excluding the sum required by the second 13948
paragraph of section 4301.12 of the Revised Code, as in effect 13949
on May 2, 1980, to be paid into the state treasury; moneys 13950
accruing to the state from the lease, sale, or other 13951
disposition, or use, of project facilities, and from the 13952
repayment, including interest, of loans made from proceeds 13953
received from the sale of obligations; accrued interest received 13954
from the sale of obligations; income from the investment of the 13955
special funds; and any gifts, grants, donations, and pledges, 13956
and receipts therefrom, available for the payment of bond 13957
service charges. 13958

(7) "Special funds" or "funds" means, except where the 13959
context does not permit, the bond service fund, and any other 13960
funds, including reserve funds, created under the bond 13961
proceedings, and the economic development bond service fund 13962
created by division (S) of this section to the extent provided 13963

in the bond proceedings, including all moneys and investments, 13964
and earnings from investment, credited and to be credited 13965
thereto. 13966

(B) Subject to the limitations provided in section 166.11 13967
of the Revised Code, the issuing authority, upon the 13968
certification by the director of development or, prior to ~~the~~ 13969
~~effective date of this amendment~~ September 29, 2017, upon 13970
certification by the Ohio air quality development authority 13971
regarding eligible advanced energy projects, to the issuing 13972
authority of the amount of moneys or additional moneys needed in 13973
the facilities establishment fund, the loan guarantee fund, the 13974
innovation Ohio loan fund, the innovation Ohio loan guarantee 13975
fund, the research and development loan fund, the logistics and 13976
distribution infrastructure fund, the advanced energy research 13977
and development fund, or the advanced energy research and 13978
development taxable fund, as applicable, for the purpose of 13979
paying, or making loans for, allowable costs from the facilities 13980
establishment fund, allowable innovation costs from the 13981
innovation Ohio loan fund, allowable costs from the research and 13982
development loan fund, allowable costs from the logistics and 13983
distribution infrastructure fund, allowable costs from the 13984
advanced energy research and development fund, or allowable 13985
costs from the advanced energy research and development taxable 13986
fund, as applicable, or needed for capitalized interest, for 13987
funding reserves, and for paying costs and expenses incurred in 13988
connection with the issuance, carrying, securing, paying, 13989
redeeming, or retirement of the obligations or any obligations 13990
refunded thereby, including payment of costs and expenses 13991
relating to letters of credit, lines of credit, insurance, put 13992
agreements, standby purchase agreements, indexing, marketing, 13993
remarketing and administrative arrangements, interest swap or 13994

hedging agreements, and any other credit enhancement, liquidity, 13995
remarketing, renewal, or refunding arrangements, all of which 13996
are authorized by this section, or providing moneys for the loan 13997
guarantee fund or the innovation Ohio loan guarantee fund, as 13998
provided in this chapter or needed for the purposes of funds 13999
established in accordance with or pursuant to sections 122.35, 14000
122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of 14001
the Revised Code which are within the authorization of Section 14002
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 14003
~~effective date of this amendment~~ September 29, 2017, with 14004
respect to certain eligible advanced energy projects, Section 2p 14005
of Article VIII, Ohio Constitution, shall issue obligations of 14006
the state under this section in the required amount; provided 14007
that such obligations may be issued to satisfy the covenants in 14008
contracts of guarantee made under section 166.06 or 166.15 of 14009
the Revised Code, notwithstanding limitations otherwise 14010
applicable to the issuance of obligations under this section. 14011
The proceeds of such obligations, except for the portion to be 14012
deposited in special funds, including reserve funds, as may be 14013
provided in the bond proceedings, shall as provided in the bond 14014
proceedings be deposited by the director of development to the 14015
facilities establishment fund, the loan guarantee fund, the 14016
innovation Ohio loan guarantee fund, the innovation Ohio loan 14017
fund, the research and development loan fund, or the logistics 14018
and distribution infrastructure fund, or be deposited by the 14019
Ohio air quality development authority prior to ~~the effective~~ 14020
~~date of this amendment~~ September 29, 2017, to the advanced 14021
energy research and development fund or the advanced energy 14022
research and development taxable fund. Bond proceedings for 14023
project financing obligations may provide that the proceeds 14024
derived from the issuance of such obligations shall be deposited 14025
into such fund or funds provided for in the bond proceedings 14026

and, to the extent provided for in the bond proceedings, such 14027
proceeds shall be deemed to have been deposited into the 14028
facilities establishment fund and transferred to such fund or 14029
funds. The issuing authority may appoint trustees, paying 14030
agents, and transfer agents and may retain the services of 14031
financial advisors, accounting experts, and attorneys, and 14032
retain or contract for the services of marketing, remarketing, 14033
indexing, and administrative agents, other consultants, and 14034
independent contractors, including printing services, as are 14035
necessary in the issuing authority's judgment to carry out this 14036
section. The costs of such services are allowable costs payable 14037
from the facilities establishment fund or the research and 14038
development loan fund, allowable innovation costs payable from 14039
the innovation Ohio loan fund, allowable costs payable from the 14040
logistics and distribution infrastructure fund, or allowable 14041
costs payable prior to ~~the effective date of this amendment~~ 14042
September 29, 2017, from the advanced energy research and 14043
development fund or the advanced energy research and development 14044
taxable fund, as applicable. 14045

(C) The holders or owners of such obligations shall have 14046
no right to have moneys raised by taxation obligated or pledged, 14047
and moneys raised by taxation shall not be obligated or pledged, 14048
for the payment of bond service charges. Such holders or owners 14049
shall have no rights to payment of bond service charges from any 14050
moneys accruing to the state from the lease, sale, or other 14051
disposition, or use, of project facilities, or from payment of 14052
the principal of or interest on loans made, or fees charged for 14053
guarantees made, or from any money or property received by the 14054
director, treasurer of state, or the state under Chapter 122. of 14055
the Revised Code, or from any other use of the proceeds of the 14056
sale of the obligations, and no such moneys may be used for the 14057

payment of bond service charges, except for accrued interest, 14058
capitalized interest, and reserves funded from proceeds received 14059
upon the sale of the obligations and except as otherwise 14060
expressly provided in the applicable bond proceedings pursuant 14061
to written directions by the director. The right of such holders 14062
and owners to payment of bond service charges is limited to all 14063
or that portion of the pledged receipts and those special funds 14064
pledged thereto pursuant to the bond proceedings in accordance 14065
with this section, and each such obligation shall bear on its 14066
face a statement to that effect. 14067

(D) Obligations shall be authorized by resolution or order 14068
of the issuing authority and the bond proceedings shall provide 14069
for the purpose thereof and the principal amount or amounts, and 14070
shall provide for or authorize the manner or agency for 14071
determining the principal maturity or maturities, not exceeding 14072
twenty-five years from the date of issuance, the interest rate 14073
or rates or the maximum interest rate, the date of the 14074
obligations and the dates of payment of interest thereon, their 14075
denomination, and the establishment within or without the state 14076
of a place or places of payment of bond service charges. 14077
Sections 9.98 to 9.983 of the Revised Code are applicable to 14078
obligations issued under this section, subject to any applicable 14079
limitation under section 166.11 of the Revised Code. The purpose 14080
of such obligations may be stated in the bond proceedings in 14081
terms describing the general purpose or purposes to be served. 14082
The bond proceedings also shall provide, subject to the 14083
provisions of any other applicable bond proceedings, for the 14084
pledge of all, or such part as the issuing authority may 14085
determine, of the pledged receipts and the applicable special 14086
fund or funds to the payment of bond service charges, which 14087
pledges may be made either prior or subordinate to other 14088

expenses, claims, or payments, and may be made to secure the 14089
obligations on a parity with obligations theretofore or 14090
thereafter issued, if and to the extent provided in the bond 14091
proceedings. The pledged receipts and special funds so pledged 14092
and thereafter received by the state are immediately subject to 14093
the lien of such pledge without any physical delivery thereof or 14094
further act, and the lien of any such pledges is valid and 14095
binding against all parties having claims of any kind against 14096
the state or any governmental agency of the state, irrespective 14097
of whether such parties have notice thereof, and shall create a 14098
perfected security interest for all purposes of Chapter 1309. of 14099
the Revised Code, without the necessity for separation or 14100
delivery of funds or for the filing or recording of the bond 14101
proceedings by which such pledge is created or any certificate, 14102
statement or other document with respect thereto; and the pledge 14103
of such pledged receipts and special funds is effective and the 14104
money therefrom and thereof may be applied to the purposes for 14105
which pledged without necessity for any act of appropriation. 14106
Every pledge, and every covenant and agreement made with respect 14107
thereto, made in the bond proceedings may therein be extended to 14108
the benefit of the owners and holders of obligations authorized 14109
by this section, and to any trustee therefor, for the further 14110
security of the payment of the bond service charges. 14111

(E) The bond proceedings may contain additional provisions 14112
as to: 14113

(1) The redemption of obligations prior to maturity at the 14114
option of the issuing authority at such price or prices and 14115
under such terms and conditions as are provided in the bond 14116
proceedings; 14117

(2) Other terms of the obligations; 14118

- (3) Limitations on the issuance of additional obligations; 14119
- (4) The terms of any trust agreement or indenture securing 14120
the obligations or under which the same may be issued; 14121
- (5) The deposit, investment and application of special 14122
funds, and the safeguarding of moneys on hand or on deposit, 14123
without regard to Chapter 131. or 135. of the Revised Code, but 14124
subject to any special provisions of this chapter, with respect 14125
to particular funds or moneys, provided that any bank or trust 14126
company which acts as depository of any moneys in the special 14127
funds may furnish such indemnifying bonds or may pledge such 14128
securities as required by the issuing authority; 14129
- (6) Any or every provision of the bond proceedings being 14130
binding upon such officer, board, commission, authority, agency, 14131
department, or other person or body as may from time to time 14132
have the authority under law to take such actions as may be 14133
necessary to perform all or any part of the duty required by 14134
such provision; 14135
- (7) Any provision that may be made in a trust agreement or 14136
indenture; 14137
- (8) Any other or additional agreements with the holders of 14138
the obligations, or the trustee therefor, relating to the 14139
obligations or the security therefor, including the assignment 14140
of mortgages or other security obtained or to be obtained for 14141
loans under section 122.43, 166.07, or 166.16 of the Revised 14142
Code. 14143
- (F) The obligations may have the great seal of the state 14144
or a facsimile thereof affixed thereto or printed thereon. The 14145
obligations and any coupons pertaining to obligations shall be 14146
signed or bear the facsimile signature of the issuing authority. 14147

Any obligations or coupons may be executed by the person who, on 14148
the date of execution, is the proper issuing authority although 14149
on the date of such bonds or coupons such person was not the 14150
issuing authority. If the issuing authority whose signature or a 14151
facsimile of whose signature appears on any such obligation or 14152
coupon ceases to be the issuing authority before delivery 14153
thereof, such signature or facsimile is nevertheless valid and 14154
sufficient for all purposes as if the former issuing authority 14155
had remained the issuing authority until such delivery; and if 14156
the seal to be affixed to obligations has been changed after a 14157
facsimile of the seal has been imprinted on such obligations, 14158
such facsimile seal shall continue to be sufficient as to such 14159
obligations and obligations issued in substitution or exchange 14160
therefor. 14161

(G) All obligations are negotiable instruments and 14162
securities under Chapter 1308. of the Revised Code, subject to 14163
the provisions of the bond proceedings as to registration. The 14164
obligations may be issued in coupon or in registered form, or 14165
both, as the issuing authority determines. Provision may be made 14166
for the registration of any obligations with coupons attached 14167
thereto as to principal alone or as to both principal and 14168
interest, their exchange for obligations so registered, and for 14169
the conversion or reconversion into obligations with coupons 14170
attached thereto of any obligations registered as to both 14171
principal and interest, and for reasonable charges for such 14172
registration, exchange, conversion, and reconversion. 14173

(H) Obligations may be sold at public sale or at private 14174
sale, as determined in the bond proceedings. 14175

Obligations issued to provide moneys for the loan 14176
guarantee fund or the innovation Ohio loan guarantee fund may, 14177

as determined by the issuing authority, be sold at private sale, 14178
and without publication of a notice of sale. 14179

(I) Pending preparation of definitive obligations, the 14180
issuing authority may issue interim receipts or certificates 14181
which shall be exchanged for such definitive obligations. 14182

(J) In the discretion of the issuing authority, 14183
obligations may be secured additionally by a trust agreement or 14184
indenture between the issuing authority and a corporate trustee 14185
which may be any trust company or bank having a place of 14186
business within the state. Any such agreement or indenture may 14187
contain the resolution or order authorizing the issuance of the 14188
obligations, any provisions that may be contained in any bond 14189
proceedings, and other provisions which are customary or 14190
appropriate in an agreement or indenture of such type, 14191
including, but not limited to: 14192

(1) Maintenance of each pledge, trust agreement, 14193
indenture, or other instrument comprising part of the bond 14194
proceedings until the state has fully paid the bond service 14195
charges on the obligations secured thereby, or provision 14196
therefor has been made; 14197

(2) In the event of default in any payments required to be 14198
made by the bond proceedings, or any other agreement of the 14199
issuing authority made as a part of the contract under which the 14200
obligations were issued, enforcement of such payments or 14201
agreement by mandamus, the appointment of a receiver, suit in 14202
equity, action at law, or any combination of the foregoing; 14203

(3) The rights and remedies of the holders of obligations 14204
and of the trustee, and provisions for protecting and enforcing 14205
them, including limitations on rights of individual holders of 14206

obligations; 14207

(4) The replacement of any obligations that become 14208
mutilated or are destroyed, lost, or stolen; 14209

(5) Such other provisions as the trustee and the issuing 14210
authority agree upon, including limitations, conditions, or 14211
qualifications relating to any of the foregoing. 14212

(K) Any holders of obligations or trustees under the bond 14213
proceedings, except to the extent that their rights are 14214
restricted by the bond proceedings, may by any suitable form of 14215
legal proceedings, protect and enforce any rights under the laws 14216
of this state or granted by such bond proceedings. Such rights 14217
include the right to compel the performance of all duties of the 14218
issuing authority, the director of development, the Ohio air 14219
quality development authority, or the division of liquor control 14220
required by this chapter or the bond proceedings; to enjoin 14221
unlawful activities; and in the event of default with respect to 14222
the payment of any bond service charges on any obligations or in 14223
the performance of any covenant or agreement on the part of the 14224
issuing authority, the director of development, the Ohio air 14225
quality development authority, or the division of liquor control 14226
in the bond proceedings, to apply to a court having jurisdiction 14227
of the cause to appoint a receiver to receive and administer the 14228
pledged receipts and special funds, other than those in the 14229
custody of the treasurer of state, which are pledged to the 14230
payment of the bond service charges on such obligations or which 14231
are the subject of the covenant or agreement, with full power to 14232
pay, and to provide for payment of bond service charges on, such 14233
obligations, and with such powers, subject to the direction of 14234
the court, as are accorded receivers in general equity cases, 14235
excluding any power to pledge additional revenues or receipts or 14236

other income or moneys of the issuing authority or the state or 14237
governmental agencies of the state to the payment of such 14238
principal and interest and excluding the power to take 14239
possession of, mortgage, or cause the sale or otherwise dispose 14240
of any project facilities. 14241

Each duty of the issuing authority and the issuing 14242
authority's officers and employees, and of each governmental 14243
agency and its officers, members, or employees, undertaken 14244
pursuant to the bond proceedings or any agreement or lease, 14245
lease-purchase agreement, or loan made under authority of this 14246
chapter, and in every agreement by or with the issuing 14247
authority, is hereby established as a duty of the issuing 14248
authority, and of each such officer, member, or employee having 14249
authority to perform such duty, specifically enjoined by the law 14250
resulting from an office, trust, or station within the meaning 14251
of section 2731.01 of the Revised Code. 14252

The person who is at the time the issuing authority, or 14253
the issuing authority's officers or employees, are not liable in 14254
their personal capacities on any obligations issued by the 14255
issuing authority or any agreements of or with the issuing 14256
authority. 14257

(L) The issuing authority may authorize and issue 14258
obligations for the refunding, including funding and retirement, 14259
and advance refunding with or without payment or redemption 14260
prior to maturity, of any obligations previously issued by the 14261
issuing authority. Such obligations may be issued in amounts 14262
sufficient for payment of the principal amount of the prior 14263
obligations, any redemption premiums thereon, principal 14264
maturities of any such obligations maturing prior to the 14265
redemption of the remaining obligations on a parity therewith, 14266

interest accrued or to accrue to the maturity dates or dates of 14267
redemption of such obligations, and any allowable costs 14268
including expenses incurred or to be incurred in connection with 14269
such issuance and such refunding, funding, and retirement. 14270
Subject to the bond proceedings therefor, the portion of 14271
proceeds of the sale of obligations issued under this division 14272
to be applied to bond service charges on the prior obligations 14273
shall be credited to an appropriate account held by the trustee 14274
for such prior or new obligations or to the appropriate account 14275
in the bond service fund for such obligations. Obligations 14276
authorized under this division shall be deemed to be issued for 14277
those purposes for which such prior obligations were issued and 14278
are subject to the provisions of this section pertaining to 14279
other obligations, except as otherwise provided in this section; 14280
provided that, unless otherwise authorized by the general 14281
assembly, any limitations imposed by the general assembly 14282
pursuant to this section with respect to bond service charges 14283
applicable to the prior obligations shall be applicable to the 14284
obligations issued under this division to refund, fund, advance 14285
refund or retire such prior obligations. 14286

(M) The authority to issue obligations under this section 14287
includes authority to issue obligations in the form of bond 14288
anticipation notes and to renew the same from time to time by 14289
the issuance of new notes. The holders of such notes or interest 14290
coupons pertaining thereto shall have a right to be paid solely 14291
from the pledged receipts and special funds that may be pledged 14292
to the payment of the bonds anticipated, or from the proceeds of 14293
such bonds or renewal notes, or both, as the issuing authority 14294
provides in the resolution or order authorizing such notes. Such 14295
notes may be additionally secured by covenants of the issuing 14296
authority to the effect that the issuing authority and the state 14297

will do such or all things necessary for the issuance of such 14298
bonds or renewal notes in appropriate amount, and apply the 14299
proceeds thereof to the extent necessary, to make full payment 14300
of the principal of and interest on such notes at the time or 14301
times contemplated, as provided in such resolution or order. For 14302
such purpose, the issuing authority may issue bonds or renewal 14303
notes in such principal amount and upon such terms as may be 14304
necessary to provide funds to pay when required the principal of 14305
and interest on such notes, notwithstanding any limitations 14306
prescribed by or for purposes of this section. Subject to this 14307
division, all provisions for and references to obligations in 14308
this section are applicable to notes authorized under this 14309
division. 14310

The issuing authority in the bond proceedings authorizing 14311
the issuance of bond anticipation notes shall set forth for such 14312
bonds an estimated interest rate and a schedule of principal 14313
payments for such bonds and the annual maturity dates thereof, 14314
and for purposes of any limitation on bond service charges 14315
prescribed under division (A) of section 166.11 of the Revised 14316
Code, the amount of bond service charges on such bond 14317
anticipation notes is deemed to be the bond service charges for 14318
the bonds anticipated thereby as set forth in the bond 14319
proceedings applicable to such notes, but this provision does 14320
not modify any authority in this section to pledge receipts and 14321
special funds to, and covenant to issue bonds to fund, the 14322
payment of principal of and interest and any premium on such 14323
notes. 14324

(N) Obligations issued under this section are lawful 14325
investments for banks, societies for savings, savings and loan 14326
associations, deposit guarantee associations, trust companies, 14327
trustees, fiduciaries, insurance companies, including domestic 14328

for life and domestic not for life, trustees or other officers 14329
having charge of sinking and bond retirement or other special 14330
funds of political subdivisions and taxing districts of this 14331
state, the commissioners of the sinking fund of the state, the 14332
administrator of workers' compensation, the state teachers 14333
retirement system, the public employees retirement system, the 14334
school employees retirement system, and the Ohio police and fire 14335
pension fund, notwithstanding any other provisions of the 14336
Revised Code or rules adopted pursuant thereto by any 14337
governmental agency of the state with respect to investments by 14338
them, and are also acceptable as security for the deposit of 14339
public moneys. 14340

(O) Unless otherwise provided in any applicable bond 14341
proceedings, moneys to the credit of or in the special funds 14342
established by or pursuant to this section may be invested by or 14343
on behalf of the issuing authority only in notes, bonds, or 14344
other obligations of the United States, or of any agency or 14345
instrumentality of the United States, obligations guaranteed as 14346
to principal and interest by the United States, obligations of 14347
this state or any political subdivision of this state, and 14348
certificates of deposit of any national bank located in this 14349
state and any bank, as defined in section 1101.01 of the Revised 14350
Code, subject to inspection by the superintendent of banks. If 14351
the law or the instrument creating a trust pursuant to division 14352
(J) of this section expressly permits investment in direct 14353
obligations of the United States or an agency of the United 14354
States, unless expressly prohibited by the instrument, such 14355
moneys also may be invested in no-front-end-load money market 14356
mutual funds consisting exclusively of obligations of the United 14357
States or an agency of the United States and in repurchase 14358
agreements, including those issued by the fiduciary itself, 14359

secured by obligations of the United States or an agency of the 14360
United States; and in common trust funds established in 14361
accordance with section 1111.20 of the Revised Code and 14362
consisting exclusively of any such securities, notwithstanding 14363
division (A)(4) of that section. The income from such 14364
investments shall be credited to such funds as the issuing 14365
authority determines, and such investments may be sold at such 14366
times as the issuing authority determines or authorizes. 14367

(P) Provision may be made in the applicable bond 14368
proceedings for the establishment of separate accounts in the 14369
bond service fund and for the application of such accounts only 14370
to the specified bond service charges on obligations pertinent 14371
to such accounts and bond service fund and for other accounts 14372
therein within the general purposes of such fund. Unless 14373
otherwise provided in any applicable bond proceedings, moneys to 14374
the credit of or in the several special funds established 14375
pursuant to this section shall be disbursed on the order of the 14376
treasurer of state, provided that no such order is required for 14377
the payment from the bond service fund when due of bond service 14378
charges on obligations. 14379

(Q) The issuing authority may pledge all, or such portion 14380
as the issuing authority determines, of the pledged receipts to 14381
the payment of bond service charges on obligations issued under 14382
this section, and for the establishment and maintenance of any 14383
reserves, as provided in the bond proceedings, and make other 14384
provisions therein with respect to pledged receipts as 14385
authorized by this chapter, which provisions are controlling 14386
notwithstanding any other provisions of law pertaining thereto. 14387

(R) The issuing authority may covenant in the bond 14388
proceedings, and any such covenants are controlling 14389

notwithstanding any other provision of law, that the state and 14390
applicable officers and governmental agencies of the state, 14391
including the general assembly, so long as any obligations are 14392
outstanding, shall: 14393

(1) Maintain statutory authority for and cause to be 14394
charged and collected wholesale and retail prices for spirituous 14395
liquor sold by the state or its agents so that the pledged 14396
receipts are sufficient in amount to meet bond service charges, 14397
and the establishment and maintenance of any reserves and other 14398
requirements provided for in the bond proceedings, and, as 14399
necessary, to meet covenants contained in contracts of guarantee 14400
made under section 166.06 of the Revised Code; 14401

(2) Take or permit no action, by statute or otherwise, 14402
that would impair the exemption from federal income taxation of 14403
the interest on the obligations. 14404

(S) There is hereby created the economic development bond 14405
service fund, which shall be in the custody of the treasurer of 14406
state but shall be separate and apart from and not a part of the 14407
state treasury. All moneys received by or on account of the 14408
issuing authority or state agencies and required by the 14409
applicable bond proceedings, consistent with this section, to be 14410
deposited, transferred, or credited to a bond service fund or 14411
the economic development bond service fund, and all other moneys 14412
transferred or allocated to or received for the purposes of the 14413
fund, shall be deposited and credited to such fund and to any 14414
separate accounts therein, subject to applicable provisions of 14415
the bond proceedings, but without necessity for any act of 14416
appropriation. During the period beginning with the date of the 14417
first issuance of obligations and continuing during such time as 14418
any such obligations are outstanding, and so long as moneys in 14419

the pertinent bond service funds are insufficient to pay all 14420
bond services charges on such obligations becoming due in each 14421
year, a sufficient amount of the gross profit on the sale of 14422
spirituous liquor included in pledged receipts are committed and 14423
shall be paid to the bond service fund or economic development 14424
bond service fund in each year for the purpose of paying the 14425
bond service charges becoming due in that year without necessity 14426
for further act of appropriation for such purpose and 14427
notwithstanding anything to the contrary in Chapter 4301. of the 14428
Revised Code. The economic development bond service fund is a 14429
trust fund and is hereby pledged to the payment of bond service 14430
charges to the extent provided in the applicable bond 14431
proceedings, and payment thereof from such fund shall be made or 14432
provided for by the treasurer of state in accordance with such 14433
bond proceedings without necessity for any act of appropriation. 14434

(T) The obligations, the transfer thereof, and the income 14435
therefrom, including any profit made on the sale thereof, shall 14436
at all times be free from taxation within the state. 14437

Sec. 166.36. The automated clearing house payments fund is 14438
created, which shall be in the custody of the treasurer of state 14439
but shall not be part of the state treasury. The fund shall be 14440
used to receive regular loan repayments and fees by automated 14441
clearing house transfer for loans made from loan programs 14442
administered by the director of development under the Revised 14443
Code. At the direction of the director of development, money in 14444
the fund shall be transferred to the enterprise bond retirement 14445
fund created under section 166.37 of the Revised Code or to any 14446
fund within the state treasury. All interest and investment 14447
income earned by the fund shall be deposited in the fund. 14448

Sec. 166.37. In accordance with division (S) of section 14449

166.08 of the Revised Code, the enterprise bond retirement fund 14450
is created, which shall be in the custody of the treasurer of 14451
state but shall not be part of the state treasury. The fund 14452
shall be used to receive repayments, fees, and other money 14453
attributable to loans made by the director of development under 14454
section 166.07 of the Revised Code. At the direction of the 14455
director of development, money in the fund may be transferred to 14456
any fund related to this chapter or to any fund in the state 14457
treasury. All interest and investment income earned by the fund 14458
shall be deposited in the fund. 14459

Sec. 166.38. The regional loan escrow fund is created, 14460
which shall be in the custody of the treasurer of state but 14461
shall not be part of the state treasury. The fund shall consist 14462
of all grants, gifts, and contributions of money or rights to 14463
money made to the director of development for such fund, all 14464
money and rights to money lawfully designated for or deposited 14465
in such fund, and all repayments, fees, and other money 14466
attributable to loans made under the regional 166 loan program 14467
for which the director acts as escrow agent. All money received 14468
or transferred to the fund may be released at the direction of 14469
the director of development for the making of loans under this 14470
chapter. All interest and investment income earned by the fund 14471
shall be deposited in the fund. 14472

Sec. 169.01. As used in this chapter, unless the context 14473
otherwise requires: 14474

(A) "Financial organization" means any bank, trust 14475
company, savings bank, safe deposit company, mutual savings bank 14476
without mutual stock, savings and loan association, credit 14477
union, or investment company. 14478

(B) (1) "Unclaimed funds" means any moneys, rights to 14479

moneys, or intangible property, described in section 169.02 of	14480
the Revised Code, when, as shown by the records of the holder,	14481
the owner has not, within the times provided in section 169.02	14482
of the Revised Code, done any of the following:	14483
(a) Increased, decreased, or adjusted the amount of such	14484
funds;	14485
(b) Assigned, paid premiums, or encumbered such funds;	14486
(c) Presented an appropriate record for the crediting of	14487
such funds or received payment of such funds by check, draft, or	14488
otherwise;	14489
(d) Corresponded with the holder concerning such funds;	14490
(e) Otherwise indicated an interest in or knowledge of	14491
such funds;	14492
(f) Transacted business with the holder.	14493
(2) "Unclaimed funds" does not include any of the	14494
following:	14495
(a) Money received or collected under section 9.39 of the	14496
Revised Code;	14497
(b) Any payment or credit due to a business association	14498
from a business association representing sums payable to	14499
suppliers, or payment for services rendered, in the course of	14500
business, including, but not limited to, checks or memoranda,	14501
overpayments, unidentified remittances, nonrefunded overcharges,	14502
discounts, refunds, and rebates;	14503
(c) Any payment or credit received by a business	14504
association from a business association for tangible goods sold,	14505
or services performed, in the course of business, including, but	14506

not limited to, checks or memoranda, overpayments, unidentified 14507
remittances, nonrefunded overcharges, discounts, refunds, and 14508
rebates; 14509

(d) Either of the following: 14510

(i) Any credit or obligation due a retail customer that is 14511
represented by a gift certificate, gift card, merchandise 14512
credit, or merchandise credit card, redeemable only for goods or 14513
services, including gift cards issued by financial organizations 14514
or business associations; 14515

(ii) Any electronic payment device that is issued by a 14516
financial organization or a business association that has no 14517
expiration date and meets all of the following conditions: 14518

(I) It is purchased or loaded on a prepaid basis for the 14519
future purchase or delivery of goods or services. 14520

(II) It is redeemable upon presentation to a single 14521
merchant or service provider or an affiliated group of merchants 14522
or service providers. 14523

(III) It is not redeemable for cash in whole or in part. 14524

(e) Any open-loop prepaid card that is issued by a 14525
financial organization or a business association for which the 14526
underlying funds do not expire. For purposes of division (B) (2) 14527
(e) of this section, "open-loop prepaid card" means an 14528
electronic payment device that meets all of the following 14529
conditions: 14530

(i) It is purchased or loaded on a prepaid basis for the 14531
future purchase or delivery of any goods or services. 14532

(ii) It can be used to purchase goods and services at 14533
multiple unaffiliated merchants or service providers. 14534

(iii) It is not redeemable for cash in whole or in part. 14535

(f) Any rewards card. For purposes of division (B) (2) (f) 14536
of this section, "rewards card" includes any loyalty, incentive, 14537
or promotional type program that is issued by a financial 14538
organization or a business association whether represented by a 14539
card or electronic record, which program is established for the 14540
purposes of providing cardholder awards, rewards, rebates, or 14541
other amounts to reward the cardholder for the cardholder's 14542
relationship with the entity sponsoring the rewards card, 14543
provided that no direct money was paid by the cardholder for the 14544
rewards card. "Rewards card" includes both of the following: 14545

(i) Cards or electronic records consisting of points, 14546
cash, or other tokens of value given to a cardholder as a reward 14547
or incentive for engaging in a transaction or a series of 14548
transactions; 14549

(ii) The unpaid portion of a rewards card when the rewards 14550
card is partially loaded by the cardholder with the remaining 14551
portion funded as a reward or incentive. 14552

A minimal annual fee charged to the cardholder for joining 14553
any such loyalty, incentive, or promotional type program shall 14554
not be considered direct money paid by the cardholder for the 14555
rewards card. For purposes of division (B) (2) (f) of this 14556
section, "cardholder" means the holder of a rewards card, 14557
regardless of whether the rewards card is represented by a card 14558
or by an electronic record. 14559

For purposes of division (B) (2) of this section, "business 14560
association" means any corporation, joint venture, business 14561
trust, limited liability company, partnership, association, or 14562
other business entity composed of one or more individuals, 14563

whether or not the entity is for profit. 14564

(C) "Owner" means any person, or the person's legal 14565
representative, entitled to receive or having a legal or 14566
equitable interest in or claim against moneys, rights to moneys, 14567
or other intangible property, subject to this chapter. 14568

(D) (1) "Holder" means any person that has possession, 14569
custody, or control of moneys, rights to moneys, or other 14570
intangible property, or that is indebted to another, if any of 14571
the following applies: 14572

(a) Such person resides in this state; 14573

(b) Such person is formed under the laws of this state; 14574

(c) Such person is formed under the laws of the United 14575
States and has an office or principal place of business in this 14576
state; 14577

(d) The records of such person indicate that the last 14578
known address of the owner of such moneys, rights to moneys, or 14579
other intangible property is in this state; 14580

(e) The records of such person do not indicate the last 14581
known address of the owner of the moneys, rights to moneys, or 14582
other intangible property and the entity originating or issuing 14583
the moneys, rights to moneys, or other intangible property in 14584
this state or any political subdivision of this state, or is 14585
incorporated, organized, created, or otherwise located in this 14586
state. Division (D) (1) (e) of this section applies to all moneys, 14587
rights to moneys, or other intangible property that is in the 14588
possession, custody, or control of such person on or after July 14589
22, 1994, whether the moneys, rights to moneys, or other 14590
intangible property becomes unclaimed funds prior to or on or 14591
after that date. 14592

(2) "Holder" does not mean any hospital granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code or any hospital owned or operated by the state or by any political subdivision. Any entity in order to be exempt from the definition of "holder" pursuant to this division shall make a reasonable, good-faith effort to contact the owner of the unclaimed funds.

(E) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated nonprofit association; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

(F) "Mortgage funds" means ~~the mortgage insurance fund created by section 122.561 of the Revised Code, and the housing guarantee fund created by division (D) of section 128.11 of the Revised Code.~~

(G) "Lawful claims" means any vested right a holder of unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by division (A) of section 745.01 or by section 4905.02 of the Revised Code.

(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an

income-bearing account by purchase or otherwise. 14622

(J) "Income-bearing account" means a time or savings 14623
account, whether or not evidenced by a certificate of deposit, 14624
or an investment account through which investments are made 14625
solely in obligations of the United States or its agencies or 14626
instrumentalities or guaranteed as to principal and interest by 14627
the United States or its agencies or instrumentalities, debt 14628
securities rated as investment grade by at least two nationally 14629
recognized rating services, debt securities which the director 14630
of commerce has determined to have been issued for the safety 14631
and welfare of the residents of this state, and equity interests 14632
in mutual funds that invest solely in some or all of the above- 14633
listed securities and involve no general liability, without 14634
regard to whether income earned on such accounts, securities, or 14635
interests is paid periodically or at the end of a term. 14636

(K) "Director of commerce" may be read as the "division of 14637
unclaimed funds" or the "superintendent of unclaimed funds." 14638

(L) "Attorney unclaimed funds" means any unclaimed funds, 14639
as defined in division (B)(1) of this section, that are any of 14640
the following: 14641

(1) Funds held in interest on lawyer trust accounts 14642
pursuant to section 4705.09 of the Revised Code; 14643

(2) Funds held in an interest on trust accounts pursuant 14644
to section 3953.231 of the Revised Code; 14645

(3) Residual settlement funds whether for named or unnamed 14646
plaintiffs, received by the division of unclaimed funds, and 14647
held, paid out, or allocated by the division pursuant to or 14648
consistent with the terms and conditions of the court order 14649
authorizing the settlement fund. 14650

Sec. 169.05. (A) Every holder required to file a report 14651
under section 169.03 of the Revised Code shall, at the time of 14652
filing, pay to the director of commerce ten per cent of the 14653
aggregate amount of unclaimed funds as shown on the report, 14654
except for aggregate amounts of fifty dollars or less in which 14655
case one hundred per cent shall be paid. The funds may be 14656
deposited by the director in the state treasury to the credit of 14657
the unclaimed funds trust fund, which is hereby created, or 14658
placed with a financial organization. Any interest earned on 14659
money in the trust fund shall be credited to the trust fund. The 14660
remainder of the aggregate amount of unclaimed funds as shown on 14661
the report, plus earnings accrued to date of payment to the 14662
director, shall, at the option of the director, be retained by 14663
the holder or paid to the director for deposit as agent for the 14664
mortgage funds with a financial organization as defined in 14665
section 169.01 of the Revised Code, with the funds to be in 14666
income-bearing accounts to the credit of the mortgage funds, or 14667
the holder may enter into an agreement with the director 14668
specifying the obligations of the United States in which funds 14669
are to be invested, and agree to pay the interest on the 14670
obligations to the state. Holders retaining any funds not in 14671
obligations of the United States shall enter into an agreement 14672
with the director specifying the classification of income- 14673
bearing account in which the funds will be held and pay the 14674
state interest on the funds at a rate equal to the prevailing 14675
market rate for similar funds. Moneys that the holder is 14676
required to pay to the director rather than to retain may be 14677
deposited with the treasurer of state, or placed with a 14678
financial organization. 14679

Securities and other intangible property transferred to 14680
the director shall, within a reasonable time, be converted to 14681

cash and the proceeds deposited as provided for other funds. 14682

~~One-half of the~~ The funds evidenced by agreements, in 14683
income-bearing accounts, or on deposit with the treasurer of 14684
state shall be allocated on the records of the director ~~to the~~ 14685
~~mortgage insurance fund created by section 122.561 of the~~ 14686
~~Revised Code. Out of the remaining half,~~ after allocation of 14687
sufficient moneys to the minority business bonding fund to meet 14688
the provisions of division (B) of this section, ~~the remainder~~ 14689
~~shall be allocated on the records of the director to the housing~~ 14690
development fund created by division (A) of section 175.11 of 14691
the Revised Code. 14692

(B) The director shall serve as agent for the director of 14693
development and as agent for the Ohio housing finance agency in 14694
making deposits and withdrawals and maintaining records 14695
pertaining to the minority business bonding fund created by 14696
section 122.88 of the Revised Code, ~~the mortgage insurance fund,~~ 14697
and the housing development fund created by section 175.11 of 14698
the Revised Code. ~~Funds from the mortgage insurance fund are~~ 14699
~~available to the director of development when those funds are to~~ 14700
~~be disbursed to prevent or cure, or upon the occurrence of, a~~ 14701
~~default of a mortgage insured pursuant to section 122.451 of the~~ 14702
~~Revised Code.~~ Funds from the housing development fund are 14703
available upon request to the Ohio housing finance agency, in an 14704
amount not to exceed the funds allocated on the records of the 14705
director, for the purposes of section 175.05 of the Revised 14706
Code. Funds from the minority business bonding fund are 14707
available to the director of development upon request to pay 14708
obligations on bonds the director writes pursuant to section 14709
122.88 of the Revised Code; except that, unless the general 14710
assembly authorizes additional amounts, the total maximum amount 14711
of moneys that may be allocated to the minority business bonding 14712

fund under this division is ten million dollars. 14713

When funds are to be disbursed, the appropriate agency 14714
shall call upon the director to transfer the necessary funds to 14715
it. The director shall first withdraw the funds paid by the 14716
holders and deposited with the treasurer of state or in a 14717
financial institution as agent for the funds. Whenever these 14718
funds are inadequate to meet the request, the director shall 14719
provide for a withdrawal of funds, within a reasonable time and 14720
in the amount necessary to meet the request, from financial 14721
institutions in which the funds were retained or placed by a 14722
holder and from other holders who have retained funds, in an 14723
equitable manner as the director prescribes. In the event that 14724
the amount to be withdrawn from any one holder is less than five 14725
hundred dollars, the amount to be withdrawn is at the director's 14726
discretion. The director shall then transfer to the agency the 14727
amount of funds requested. 14728

Funds deposited in the unclaimed funds trust fund are 14729
subject to call by the director when necessary to pay claims the 14730
director allows under section 169.08 of the Revised Code, in 14731
accordance with the director's rules, to defray the necessary 14732
costs of making publications this chapter requires and to pay 14733
other operating and administrative expenses the department of 14734
commerce incurs in the administration and enforcement of this 14735
chapter. 14736

The unclaimed funds trust fund shall be assessed a 14737
proportionate share of the administrative costs of the 14738
department of commerce in accordance with procedures the 14739
director of commerce prescribes. The assessment shall be paid 14740
from the unclaimed funds trust fund to the division of 14741
administration fund. 14742

(C) Earnings on the accounts in financial organizations to 14743
the credit of the mortgage funds shall, at the option of the 14744
financial organization, be credited to the accounts at times and 14745
at rates as earnings are paid on other accounts of the same 14746
classification held in the financial organization or paid to the 14747
director. The director shall be notified annually, and at other 14748
times as the director may request, of the amount of the earnings 14749
credited to the accounts. Interest on unclaimed funds a holder 14750
retains shall be paid to the director or credited as specified 14751
in the agreement under which the organization retains the funds. 14752
Interest payable to the director under an agreement to invest 14753
unclaimed funds in income-bearing accounts or obligations of the 14754
United States shall be paid annually by the holder to the 14755
director. Any earnings or interest the director receives under 14756
this division shall be deposited in and credited to the mortgage 14757
funds. 14758

Sec. 169.061. (A) The director of commerce may request any 14759
officer, board, or commission of the state or any political 14760
subdivision of the state to furnish information to, or exchange 14761
information with, the department of commerce to assist the 14762
department in performing the department's or the director's 14763
duties under this chapter, including records related to the 14764
notice, report, remission, and return of unclaimed funds to a 14765
rightful claimant. 14766

(B) An officer, a board, or a commission of the state or a 14767
political subdivision of the state may, by mutual agreement with 14768
the director, make and forward to the department such records, 14769
or parts thereof, and other information in the officer's, 14770
board's, or commission's possession as are deemed necessary by 14771
the department to properly carry into operation the laws of this 14772
chapter. 14773

Sec. 169.08. ~~(A)~~ (A) (1) The director shall pay to the owner 14774
or other person who has established the right to payment under 14775
this section, funds from the unclaimed funds trust fund in an 14776
amount equal to the amount of property delivered or reported to 14777
the director, or equal to the net proceeds if the securities or 14778
other property have been sold, together with interest earned by 14779
the state if required to be paid under division (D) of this 14780
section. 14781

(2) Any person claiming a property interest in unclaimed 14782
funds delivered or reported to the state under Chapter 169. of 14783
the Revised Code, including the office of child support in the 14784
department of job and family services, pursuant to section 14785
3123.88 of the Revised Code, may file a claim thereto on the 14786
form prescribed by the director of commerce. 14787

(3) (a) The director may pay or deliver unclaimed funds, as 14788
required by division (A) (1) of this section, without requiring 14789
the person claiming a property interest in the unclaimed funds 14790
to file a claim form under division (A) (2) of this section, if 14791
both of the following apply: 14792

(i) The person claiming a property interest is identified 14793
as the owner of the funds or property on the report filed under 14794
section 169.03 of the Revised Code; 14795

(ii) The director reasonably believes the person claiming 14796
a property interest is entitled to receive the payment. 14797

(b) The director may use state tax information, 14798
information obtained under section 169.061 of the Revised Code, 14799
and information from reliable databases of the director's 14800
choosing to assist the director in determining whether a person 14801
claiming a property interest in unclaimed funds or property is 14802

entitled to payment under this section. 14803

(B) The director shall consider matters relevant to any 14804
claim filed or otherwise received under division (A) of this 14805
section and shall hold a formal hearing if requested or 14806
considered necessary and receive evidence concerning such claim. 14807
A finding and decision in writing on each such claim ~~filed~~ shall 14808
be prepared, stating the substance of any evidence received or 14809
heard and the reasons for allowance or disallowance of the 14810
claim. The evidence and decision shall be a public record. No 14811
statute of limitations shall bar the allowance of a claim. 14812

(C) For the purpose of conducting any hearing, the 14813
director may require the attendance of such witnesses and the 14814
production of such books, records, and papers as the director 14815
desires, and the director may take the depositions of witnesses 14816
residing within or without this state in the same manner as is 14817
prescribed by law for the taking of depositions in civil actions 14818
in the court of common pleas, and for that purpose the director 14819
may issue a subpoena for any witness or a subpoena duces tecum 14820
to compel the production of any books, records, or papers, 14821
directed to the sheriff of the county where such witness resides 14822
or is found, which shall be served and returned. The fees of the 14823
sheriff shall be the same as that allowed in the court of common 14824
pleas in criminal cases. Witnesses shall be paid the fees and 14825
mileage provided for under section 119.094 of the Revised Code. 14826
Fees and mileage shall be paid from the unclaimed funds trust 14827
fund. 14828

(D) Interest earned by the state shall be payable to 14829
claimants of unclaimed funds held by the state in accordance 14830
with final court orders derived from the *Sogg v. Zurz*, 121 Ohio 14831
St.3d 449 (2009), line of cases and final settlement agreement 14832

determining payment of interest on unclaimed funds. For 14833
properties received by the state on or before July 26, 1991, 14834
interest shall be paid at a rate of six per cent per annum from 14835
the date the state received the property up to and including 14836
July 26, 1991. No interest shall be payable on any properties 14837
for the period from July 27, 1991, up to and including August 2, 14838
2000. For properties held by the state on August 3, 2000, or 14839
after, interest shall be paid at the applicable required rate 14840
per annum for the period held from August 3, 2000, or the date 14841
of receipt, whichever is later, up to and including the date the 14842
claim is paid. 14843

(E) Claims shall be paid from the trust fund. If the 14844
amount available in the trust fund is not sufficient to pay 14845
pending claims, or other amounts disbursable from the trust 14846
fund, the treasurer of state shall certify such fact to the 14847
director, who shall then withdraw such amount of funds from the 14848
mortgage accounts as the director determines necessary to 14849
reestablish the trust fund to a level required to pay 14850
anticipated claims but not more than ten per cent of the net 14851
unclaimed funds reported to date. 14852

The director may withdraw the funds paid to the director 14853
by the holders and deposited by the director with the treasurer 14854
of state or in a financial institution as agent for such funds. 14855
Whenever these funds are inadequate to meet the requirements for 14856
the trust fund, the director shall provide for a withdrawal of 14857
funds, within a reasonable time, in such amount as is necessary 14858
to meet the requirements, from financial institutions in which 14859
such funds were retained or placed by a holder and from other 14860
holders who have retained funds, in an equitable manner as 14861
prescribed by the director. In the event that the amount to be 14862
withdrawn from any one such holder is less than five hundred 14863

dollars, the amount to be withdrawn shall be at the discretion 14864
of the director. Such funds may be reimbursed in the amounts 14865
withdrawn when the trust fund has a surplus over the amount 14866
required to pay anticipated claims. Whenever the trust fund has 14867
a surplus over the amount required to pay anticipated claims, 14868
the director may transfer such surplus to the mortgage accounts. 14869

(F) (1) If a claim which is allowed under this section 14870
relates to funds which have been retained by the reporting 14871
holder, and if the funds, on deposit with the treasurer of state 14872
pursuant to this chapter, are insufficient to pay claims, the 14873
director may notify such holder in writing of the payment of the 14874
claim and such holder shall immediately reimburse the state in 14875
the amount of such claim. The reimbursement shall be credited to 14876
the unclaimed funds trust fund. 14877

(2) If a claim that is allowed under this section relates 14878
to attorney unclaimed funds that have been recovered by the Ohio 14879
access to justice foundation, pursuant to division (A) of 14880
section 169.052 of the Revised Code and division (A) of this 14881
section, the director shall notify the Ohio access to justice 14882
foundation in writing of the payment of the claim and the Ohio 14883
access to justice foundation shall immediately reimburse the 14884
unclaimed funds trust fund in the amount of such claim inclusive 14885
of interest as required by division (D) of this section. The 14886
reimbursement shall be credited to the unclaimed funds trust 14887
fund. 14888

(G) Any person, including the office of child support, 14889
adversely affected by a decision of the director may appeal such 14890
decision in the manner provided in Chapter 119. of the Revised 14891
Code. 14892

In the event the claimant prevails, the claimant shall be 14893

reimbursed for reasonable attorney's fees and costs. 14894

(H) Notwithstanding anything to the contrary in this 14895
chapter, any holder who has paid moneys to or entered into an 14896
agreement with the director pursuant to section 169.05 of the 14897
Revised Code on certified checks, cashiers' checks, bills of 14898
exchange, letters of credit, drafts, money orders, or travelers' 14899
checks, may make payment to any person entitled thereto, 14900
including the office of child support, and upon surrender of the 14901
document, except in the case of travelers' checks, and proof of 14902
such payment, the director shall reimburse the holder for such 14903
payment without interest. 14904

Sec. 169.081. (A) The director of commerce shall not 14905
authorize a payment from the unclaimed funds trust fund in 14906
response to a claim under section 169.08 of the Revised Code 14907
made by the representative of a deceased owner's estate, or 14908
another person related to a deceased owner's estate, unless it 14909
affirmatively appears to the director that the payment will be 14910
received by one or more of the following: 14911

(1) Actual heirs or legatees of the deceased owner; 14912

(2) Creditors of the deceased owner whose claims are valid 14913
and not barred, subject to both of the following: 14914

(a) The amount received by a creditor for a claim relating 14915
to the administration of the deceased owner's estate shall not 14916
exceed the reasonable cost of administering the estate, 14917
including court costs, administration fees, and attorney's fees. 14918

(b) The amount received by any other creditor shall not 14919
exceed the amount necessary to pay the creditor's claim, 14920
excluding any claim or portion of a claim that is not in 14921
existence on the date of the owner's death. 14922

(B) This section applies to claims pending on the 14923
effective date of this section and claims filed on or after that 14924
date. 14925

Sec. 169.12. (A) ~~Whoever knowingly violates section 169.03~~ 14926
~~of the Revised Code by failure~~ Subject to division (D) of this 14927
section, whoever fails to report, pay, or deliver unclaimed 14928
~~funds by the date prescribed therefor may be subject to a civil~~ 14929
~~penalty of one hundred dollars per day~~ within the time required 14930
by this chapter shall pay interest at an annual rate of three 14931
per cent. Interest is applied to the amount of the unclaimed 14932
funds or value of the unclaimed property that was not timely 14933
reported, paid, or delivered from the date the funds or property 14934
is required to be reported, paid, or delivered until the date 14935
the funds or property is actually reported, paid, or delivered 14936
as required by this chapter. 14937

(B) ~~Whoever violates section 169.03 of the Revised Code by~~ 14938
~~failure to file an~~ Subject to division (D) of this section, 14939
whoever fails to report, pay, or deliver unclaimed funds ~~report-~~ 14940
~~upon request~~ within four months of the date of such request- 14941
required by this chapter shall be subject to a civil penalty of 14942
one hundred dollars per day for each day the duty is not 14943
performed, not to exceed ten thousand dollars, which may be in 14944
addition to the ~~other civil penalties provided for in~~ interest 14945
assessed under division (A) of this section. 14946

(C) ~~Unclaimed funds not paid or made the subject of an~~ 14947
~~agreement with the director of commerce as provided in sections-~~ 14948
~~169.03 and 169.05 of the Revised Code either because they were-~~ 14949
~~not reported or they were underreported or when reported were-~~ 14950
~~not paid or not made the subject of the required agreement shall~~ 14951
~~have added thereto interest from the date prescribed for such-~~ 14952

~~payment or agreement until the date settlement is made. Such~~ 14953
~~interest shall, if the holder is a financial institution, be the~~ 14954
~~best available, nonnegotiable, retail time deposit base rate~~ 14955
~~offered by that financial institution in the calendar year~~ 14956
~~previous to the date of discovery of the violation, or if the~~ 14957
~~holder is not a financial institution, be the best available~~ 14958
~~six-month treasury bill rate offered in the calendar year~~ 14959
~~previous to the date of discovery of violation. In addition, a~~ 14960
~~civil penalty of one per cent of the amount of unclaimed funds~~ 14961
~~not reported, underreported, or on which settlement has not been~~ 14962
~~made shall be imposed for each month from the date prescribed~~ 14963
~~for such reporting and payment or agreement until such required~~ 14964
~~settlement is made, except that such penalty shall not be~~ 14965
~~imposed for more than twenty-five months.~~ 14966

~~(D) In determining interest and penalties due in respect~~ 14967
~~to intangible property, such property will be valued at the~~ 14968
~~market value as of the date prescribed for reporting and payment~~ 14969
~~in sections 169.03 and 169.05 of the Revised Code. If no market~~ 14970
~~value is determinable such property shall be valued as of the~~ 14971
~~same date on the basis used by the department of taxation.~~ 14972

~~(E) If any person refuses to report or settle with the~~ 14973
~~director as required under this chapter, the director may bring~~ 14974
~~an action in the court having jurisdiction in the county where~~ 14975
~~the holder resides or has ~~his~~the holder's principal place of~~ 14976
~~business or is engaged in business, to enforce such reporting or~~ 14977
~~settlement requirements and to recover interest and penalties~~ 14978
~~due.~~ 14979

(D) The director may waive part or all of the interest and 14980
civil penalties provided for in this section for good cause 14981
shown and shall waive such civil penalties upon a showing that a 14982

holder had reasonable grounds for not complying with this 14983
chapter. 14984

Sec. 169.99. (A) Whoever violates section 169.10 of the 14985
Revised Code shall be fined not more than five hundred dollars_ 14986
for each offense. Each day of continuance of such violation is a 14987
separate offense. Any penalty assessed under this division is in 14988
place of, not in addition to, penalties that might otherwise be 14989
assessed under section 169.12 of the Revised Code. 14990

(B) Whoever files a fraudulent report under this chapter 14991
may be required to pay to the director of commerce, in addition 14992
to interest and penalties prescribed by section 169.12 of the 14993
Revised Code, either or both of the following: 14994

(1) A civil penalty of five hundred dollars per day, from 14995
the date the report was made until the date the report is 14996
corrected, not to exceed twenty-five thousand dollars; 14997

(2) A civil penalty of twenty-five per cent of the amount 14998
or value of any funds, property, or both, that was fraudulently 14999
reported, including both unreported and underreported funds. 15000

(C) Whoever violates division (C) of section 169.13 or 15001
division (A) of section 169.16 of the Revised Code is guilty of 15002
a misdemeanor of the first degree for a first offense and of a 15003
felony of the fifth degree for any subsequent offense. 15004

(E) The director may waive, in whole or in part, civil 15005
penalty amounts assessed pursuant to division (A) of this 15006
section if the director determines that the person or holder 15007
acted in good faith and without negligence. 15008

Sec. 173.38. (A) As used in this section: 15009

(1) "Applicant" means a person who is under final 15010

consideration for employment with a responsible party in a full- 15011
time, part-time, or temporary direct-care position or is 15012
referred to a responsible party by an employment service for 15013
such a position. "Applicant" does not include a person being 15014
considered for a direct-care position as a volunteer. 15015

(2) "Area agency on aging" has the same meaning as in 15016
section 173.14 of the Revised Code. 15017

~~(3) "Chief administrator of a responsible party" includes~~ 15018
~~a consumer when the consumer is a responsible party.~~ 15019

~~(4)~~ "Community-based long-term care services" means 15020
community-based long-term care services, as defined in section 15021
173.14 of the Revised Code, that are provided under a program 15022
the department of aging administers. 15023

~~(5)~~ (4) "Consumer" means an individual who receives 15024
community-based long-term care services. 15025

~~(6)~~ (5) "Criminal records check" has the same meaning as in 15026
section 109.572 of the Revised Code. 15027

~~(7)~~ ~~(a)~~ (6) (a) "Direct-care position" means an employment 15028
position in which an employee has either or both of the 15029
following: 15030

(i) In-person contact with one or more consumers; 15031

(ii) Access to one or more consumers' personal property or 15032
records. 15033

(b) "Direct-care position" does not include ~~a~~ any of the 15034
following: 15035

(i) A person whose sole duties are transporting 15036
individuals under Chapter 306. of the Revised Code; 15037

<u>(ii) An attorney licensed to practice law in this state;</u>	15038
<u>(iii) A person who is not licensed to practice law in this</u>	15039
<u>state, but, at the direction of an attorney licensed to practice</u>	15040
<u>law in this state, assists the attorney in the attorney's</u>	15041
<u>provision of legal services.</u>	15042
(8) <u>(7)</u> "Disqualifying offense" means any of the offenses	15043
listed or described in divisions (A) (3) (a) to (e) of section	15044
109.572 of the Revised Code.	15045
(9) <u>(8)</u> "Employee" means a person employed by a responsible	15046
party in a full-time, part-time, or temporary direct-care	15047
position and a person who works in such a position due to being	15048
referred to a responsible party by an employment service.	15049
"Employee" does not include a person who works in a direct-care	15050
position as a volunteer.	15051
(10) <u>(9)</u> "PASSPORT administrative agency" has the same	15052
meaning as in section 173.42 of the Revised Code.	15053
(11) <u>(10)</u> "Provider" has the same meaning as in section	15054
173.39 of the Revised Code.	15055
(12) <u>(11)</u> "Responsible party" means the following:	15056
(a) An area agency on aging in the case of either of the	15057
following:	15058
(i) A person who is an applicant because the person is	15059
under final consideration for employment with the agency in a	15060
full-time, part-time, or temporary direct-care position or is	15061
referred to the agency by an employment service for such a	15062
position;	15063
(ii) A person who is an employee because the person is	15064
employed by the agency in a full-time, part-time, or temporary	15065

direct-care position or works in such a position due to being 15066
referred to the agency by an employment service. 15067

(b) A PASSPORT administrative agency in the case of either 15068
of the following: 15069

(i) A person who is an applicant because the person is 15070
under final consideration for employment with the agency in a 15071
full-time, part-time, or temporary direct-care position or is 15072
referred to the agency by an employment service for such a 15073
position; 15074

(ii) A person who is an employee because the person is 15075
employed by the agency in a full-time, part-time, or temporary 15076
direct-care position or works in such a position due to being 15077
referred to the agency by an employment service. 15078

(c) A provider in the case of either of the following: 15079

(i) A person who is an applicant because the person is 15080
under final consideration for employment with the provider in a 15081
full-time, part-time, or temporary direct-care position or is 15082
referred to the provider by an employment service for such a 15083
position; 15084

(ii) A person who is an employee because the person is 15085
employed by the provider in a full-time, part-time, or temporary 15086
direct-care position or works in such a position due to being 15087
referred to the provider by an employment service. 15088

(d) A subcontractor in the case of either of the 15089
following: 15090

(i) A person who is an applicant because the person is 15091
under final consideration for employment with the subcontractor 15092
in a full-time, part-time, or temporary direct-care position or 15093

is referred to the subcontractor by an employment service for 15094
such a position; 15095

(ii) A person who is an employee because the person is 15096
employed by the subcontractor in a full-time, part-time, or 15097
temporary direct-care position or works in such a position due 15098
to being referred to the subcontractor by an employment service. 15099

~~(e) A consumer in the case of either of the following: 15100~~

~~(i) A person who is an applicant because the person is 15101
under final consideration for employment with the consumer in a 15102
full-time, part-time, or temporary direct-care position for 15103
which the consumer, as the employer of record, is to direct the 15104
person in the provision of community-based long-term care 15105
services the person is to provide the consumer or is referred to 15106
the consumer by an employment service for such a position; 15107~~

~~(ii) A person who is an employee because the person is 15108
employed by the consumer in a full-time, part-time, or temporary 15109
direct-care position for which the consumer, as the employer of 15110
record, directs the person in the provision of community-based 15111
long-term care services the person provides to the consumer or 15112
who works in such a position due to being referred to the 15113
consumer by an employment service. 15114~~

~~(13)~~ (12) "Subcontractor" has the meaning specified in 15115
rules adopted under this section. 15116

~~(14)~~ (13) "Volunteer" means a person who serves in a 15117
direct-care position without receiving or expecting to receive 15118
any form of remuneration other than reimbursement for actual 15119
expenses. 15120

~~(15)~~ (14) "Waiver agency" has the same meaning as in 15121
section 5164.342 of the Revised Code. 15122

(B) This section does not apply to any ~~individual~~ of the 15123
following: 15124

(1) A person who is subject to a database review or 15125
criminal records check under section 173.381 or 3740.11 of the 15126
Revised Code ~~or to any individual;~~ 15127

(2) A person who is subject to a criminal records check 15128
under section 3721.121 of the Revised Code; 15129

(3) A participant-directed provider. 15130

(C) No responsible party shall employ an applicant or 15131
continue to employ an employee in a direct-care position if any 15132
of the following apply: 15133

(1) A review of the databases listed in division (E) of 15134
this section reveals any of the following: 15135

(a) That the applicant or employee is included in one or 15136
more of the databases listed in divisions (E) (1) to (5) of this 15137
section; 15138

(b) That there is in the state nurse aide registry 15139
established under section 3721.32 of the Revised Code a 15140
statement detailing findings by the director of health that the 15141
applicant or employee abused, neglected, or exploited a long- 15142
term care facility or residential care facility resident or 15143
misappropriated property of such a resident; 15144

(c) That the applicant or employee is included in one or 15145
more of the databases, if any, specified in rules adopted under 15146
this section and the rules prohibit the responsible party from 15147
employing an applicant or continuing to employ an employee 15148
included in such a database in a direct-care position. 15149

(2) After the applicant or employee is provided, pursuant 15150

to division (F) (2) (a) of this section, a copy of the form 15151
prescribed pursuant to division (C) (1) of section 109.572 of the 15152
Revised Code and the standard impression sheet prescribed 15153
pursuant to division (C) (2) of that section, the applicant or 15154
employee fails to complete the form or provide the applicant's 15155
or employee's fingerprint impressions on the standard impression 15156
sheet. 15157

(3) Unless the applicant or employee meets standards 15158
specified in rules adopted under this section, the applicant or 15159
employee is found by a criminal records check required by this 15160
section to have been convicted of, pleaded guilty to, or been 15161
found eligible for intervention in lieu of conviction for a 15162
disqualifying offense. 15163

(D) Except as provided by division (G) of this section, 15164
the chief administrator of a responsible party shall inform each 15165
applicant of both of the following at the time of the 15166
applicant's initial application for employment or referral to 15167
the responsible party by an employment service for a direct-care 15168
position: 15169

(1) That a review of the databases listed in division (E) 15170
of this section will be conducted to determine whether the 15171
responsible party is prohibited by division (C) (1) of this 15172
section from employing the applicant in the direct-care 15173
position; 15174

(2) That, unless the database review reveals that the 15175
applicant may not be employed in the direct-care position, a 15176
criminal records check of the applicant will be conducted and 15177
the applicant is required to provide a set of the applicant's 15178
fingerprint impressions as part of the criminal records check. 15179

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A) (11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under 15209
section 3721.32 of the Revised Code; 15210

(7) Any other database, if any, specified in rules adopted 15211
under this section. 15212

(F) (1) As a condition of employing any applicant in a 15213
direct-care position, the chief administrator of a responsible 15214
party shall request that the superintendent of the bureau of 15215
criminal identification and investigation conduct a criminal 15216
records check of the applicant. If rules adopted under this 15217
section so require, the chief administrator of a responsible 15218
party shall request that the superintendent conduct a criminal 15219
records check of an employee at times specified in the rules as 15220
a condition of continuing to employ the employee in a direct- 15221
care position. However, the chief administrator is not required 15222
to request the criminal records check of the applicant or 15223
employee if division (G) of this section applies or the 15224
responsible party is prohibited by division (C) (1) of this 15225
section from employing the applicant or continuing to employ the 15226
employee in a direct-care position. If an applicant or employee 15227
for whom a criminal records check request is required by this 15228
section does not present proof of having been a resident of this 15229
state for the five-year period immediately prior to the date the 15230
criminal records check is requested or provide evidence that 15231
within that five-year period the superintendent has requested 15232
information about the applicant or employee from the federal 15233
bureau of investigation in a criminal records check, the chief 15234
administrator shall request that the superintendent obtain 15235
information from the federal bureau of investigation as part of 15236
the criminal records check. Even if an applicant or employee for 15237
whom a criminal records check request is required by this 15238
section presents proof of having been a resident of this state 15239

for the five-year period, the chief administrator may request 15240
that the superintendent include information from the federal 15241
bureau of investigation in the criminal records check. 15242

(2) The chief administrator shall do all of the following: 15243

(a) Provide to each applicant and employee for whom a 15244
criminal records check request is required by this section a 15245
copy of the form prescribed pursuant to division (C)(1) of 15246
section 109.572 of the Revised Code and a standard impression 15247
sheet prescribed pursuant to division (C)(2) of that section; 15248

(b) Obtain the completed form and standard impression 15249
sheet from the applicant or employee; 15250

(c) Forward the completed form and standard impression 15251
sheet to the superintendent. 15252

(3) A responsible party shall pay to the bureau of 15253
criminal identification and investigation the fee prescribed 15254
pursuant to division (C)(3) of section 109.572 of the Revised 15255
Code for each criminal records check the responsible party 15256
requests under this section. A responsible party may charge an 15257
applicant a fee not exceeding the amount the responsible party 15258
pays to the bureau under this section if both of the following 15259
apply: 15260

(a) The responsible party notifies the applicant at the 15261
time of initial application for employment of the amount of the 15262
fee and that, unless the fee is paid, the applicant will not be 15263
considered for employment. 15264

(b) The medicaid program does not pay the responsible 15265
party for the fee it pays to the bureau under this section. 15266

(G) Divisions (D) to (F) of this section do not apply with 15267

regard to an applicant or employee if the applicant or employee 15268
is referred to a responsible party by an employment service that 15269
supplies full-time, part-time, or temporary staff for direct- 15270
care positions and both of the following apply: 15271

(1) The chief administrator of the responsible party 15272
receives from the employment service confirmation that a review 15273
of the databases listed in division (E) of this section was 15274
conducted of the applicant or employee. 15275

(2) The chief administrator of the responsible party 15276
receives from the employment service, applicant, or employee a 15277
report of the results of a criminal records check of the 15278
applicant or employee that has been conducted by the 15279
superintendent within the one-year period immediately preceding 15280
the following: 15281

(a) In the case of an applicant, the date of the 15282
applicant's referral by the employment service to the 15283
responsible party; 15284

(b) In the case of an employee, the date by which the 15285
responsible party would otherwise have to request a criminal 15286
records check of the employee under division (F) of this 15287
section. 15288

(H) (1) A responsible party may employ conditionally an 15289
applicant for whom a criminal records check request is required 15290
by this section prior to obtaining the results of the criminal 15291
records check if the responsible party is not prohibited by 15292
division (C) (1) of this section from employing the applicant in 15293
a direct-care position and either of the following applies: 15294

(a) The chief administrator of the responsible party 15295
requests the criminal records check in accordance with division 15296

(F) of this section before conditionally employing the 15297
applicant. 15298

(b) The applicant is referred to the responsible party by 15299
an employment service, the employment service or the applicant 15300
provides the chief administrator of the responsible party a 15301
letter that is on the letterhead of the employment service, the 15302
letter is dated and signed by a supervisor or another designated 15303
official of the employment service, and the letter states all of 15304
the following: 15305

(i) That the employment service has requested the 15306
superintendent to conduct a criminal records check regarding the 15307
applicant; 15308

(ii) That the requested criminal records check is to 15309
include a determination of whether the applicant has been 15310
convicted of, pleaded guilty to, or been found eligible for 15311
intervention in lieu of conviction for a disqualifying offense; 15312

(iii) That the employment service has not received the 15313
results of the criminal records check as of the date set forth 15314
on the letter; 15315

(iv) That the employment service promptly will send a copy 15316
of the results of the criminal records check to the chief 15317
administrator of the responsible party when the employment 15318
service receives the results. 15319

(2) If a responsible party employs an applicant 15320
conditionally pursuant to division (H) (1) (b) of this section, 15321
the employment service, on its receipt of the results of the 15322
criminal records check, promptly shall send a copy of the 15323
results to the chief administrator of the responsible party. 15324

(3) A responsible party that employs an applicant 15325

conditionally pursuant to division (H) (1) (a) or (b) of this 15326
section shall terminate the applicant's employment if the 15327
results of the criminal records check, other than the results of 15328
any request for information from the federal bureau of 15329
investigation, are not obtained within the period ending sixty 15330
days after the date the request for the criminal records check 15331
is made. Regardless of when the results of the criminal records 15332
check are obtained, if the results indicate that the applicant 15333
has been convicted of, pleaded guilty to, or been found eligible 15334
for intervention in lieu of conviction for a disqualifying 15335
offense, the responsible party shall terminate the applicant's 15336
employment unless the applicant meets standards specified in 15337
rules adopted under this section that permit the responsible 15338
party to employ the applicant and the responsible party chooses 15339
to employ the applicant. Termination of employment under this 15340
division shall be considered just cause for discharge for 15341
purposes of division (D) (2) of section 4141.29 of the Revised 15342
Code if the applicant makes any attempt to deceive the 15343
responsible party about the applicant's criminal record. 15344

(I) The report of any criminal records check conducted 15345
pursuant to a request made under this section is not a public 15346
record for the purposes of section 149.43 of the Revised Code 15347
and shall not be made available to any person other than the 15348
following: 15349

(1) The applicant or employee who is the subject of the 15350
criminal records check or the applicant's or employee's 15351
representative; 15352

(2) The chief administrator of the responsible party 15353
requesting the criminal records check or the administrator's 15354
representative; 15355

(3) The administrator of any other facility, agency, or 15356
program that provides community-based long-term care services 15357
that is owned or operated by the same entity that owns or 15358
operates the responsible party that requested the criminal 15359
records check; 15360

(4) The employment service that requested the criminal 15361
records check; 15362

(5) The director of aging or a person authorized by the 15363
director to monitor a responsible party's compliance with this 15364
section; 15365

(6) The medicaid director and the staff of the department 15366
of medicaid who are involved in the administration of the 15367
medicaid program if any of the following apply: 15368

(a) In the case of a criminal records check requested by a 15369
provider or subcontractor, the provider or subcontractor also is 15370
a waiver agency; 15371

(b) In the case of a criminal records check requested by 15372
an employment service, the employment service makes the request 15373
for an applicant or employee the employment service refers to a 15374
provider or subcontractor that also is a waiver agency;— 15375

~~(c) The criminal records check is requested by a consumer— 15376~~
~~who is acting as a responsible party. 15377~~

(7) A court or hearing officer involved in a case dealing 15378
with any of the following: 15379

(a) A denial of employment of the applicant or employee; 15380

(b) Employment or unemployment benefits of the applicant 15381
or employee; 15382

(c) A civil or criminal action regarding the medicaid 15383
program or a program the department of aging administers. 15384

(8) Pursuant to a lawful subpoena or valid court order, 15385
any necessary individual not identified in division (I) (7) of 15386
this section who is involved in a case dealing with any issue, 15387
matter, or action described in division (I) (7) (a), (b), or (c) 15388
of this section. 15389

(J) In a tort or other civil action for damages that is 15390
brought as the result of an injury, death, or loss to person or 15391
property caused by an applicant or employee who a responsible 15392
party employs in a direct-care position, all of the following 15393
shall apply: 15394

(1) If the responsible party employed the applicant or 15395
employee in good faith and reasonable reliance on the report of 15396
a criminal records check requested under this section, the 15397
responsible party shall not be found negligent solely because of 15398
its reliance on the report, even if the information in the 15399
report is determined later to have been incomplete or 15400
inaccurate. 15401

(2) If the responsible party employed the applicant in 15402
good faith on a conditional basis pursuant to division (H) of 15403
this section, the responsible party shall not be found negligent 15404
solely because it employed the applicant prior to receiving the 15405
report of a criminal records check requested under this section. 15406

(3) If the responsible party in good faith employed the 15407
applicant or employee because the applicant or employee meets 15408
standards specified in rules adopted under this section, the 15409
responsible party shall not be found negligent solely because 15410
the applicant or employee has been convicted of, pleaded guilty 15411

to, or been found eligible for intervention in lieu of 15412
conviction for a disqualifying offense. 15413

(K) The director of aging shall adopt rules in accordance 15414
with Chapter 119. of the Revised Code to implement this section. 15415

(1) The rules may do the following: 15416

(a) Require employees to undergo database reviews and 15417
criminal records checks under this section; 15418

(b) If the rules require employees to undergo database 15419
reviews and criminal records checks under this section, exempt 15420
one or more classes of employees from the requirements; 15421

(c) For the purpose of division (E) (7) of this section, 15422
specify other databases that are to be checked as part of a 15423
database review conducted under this section. 15424

(2) The rules shall specify all of the following: 15425

(a) The meaning of the term "subcontractor"; 15426

(b) The procedures for conducting database reviews under 15427
this section; 15428

(c) If the rules require employees to undergo database 15429
reviews and criminal records checks under this section, the 15430
times at which the database reviews and criminal records checks 15431
are to be conducted; 15432

(d) If the rules specify other databases to be checked as 15433
part of the database reviews, the circumstances under which a 15434
responsible party is prohibited from employing an applicant or 15435
continuing to employ an employee who is found by a database 15436
review to be included in one or more of those databases; 15437

(e) Standards that an applicant or employee must meet for 15438

a responsible party to be permitted to employ the applicant or 15439
continue to employ the employee in a direct-care position if the 15440
applicant or employee is found by a criminal records check 15441
required by this section to have been convicted of, pleaded 15442
guilty to, or been found eligible for intervention in lieu of 15443
conviction for a disqualifying offense. 15444

Sec. 173.381. (A) As used in this section: 15445

(1) "Community-based long-term care services" means 15446
community-based long-term care services, as defined in section 15447
173.14 of the Revised Code, that are provided under a program 15448
the department of aging administers. 15449

(2) "Community-based long-term care services certificate" 15450
means a certificate issued under section 173.391 of the Revised 15451
Code. 15452

(3) "Community-based long-term care services contract or 15453
grant" means a contract or grant awarded under section 173.392 15454
of the Revised Code. 15455

(4) "Criminal records check" has the same meaning as in 15456
section 109.572 of the Revised Code. 15457

(5) "Disqualifying offense" means any of the offenses 15458
listed or described in divisions (A)(3)(a) to (e) of section 15459
109.572 of the Revised Code. 15460

(6) "Provider" has the same meaning as in section 173.39 15461
of the Revised Code. 15462

(7) "Self-employed provider" means a provider who works 15463
for the provider's self and has no employees. 15464

(B) This section does not apply to any ~~individual who is~~ 15465
~~subject to a database review or criminal records check under of~~ 15466

the following: 15467

(1) An applicant as defined in section 3740.11 of the 15468
Revised Code or an employee as defined in section 3740.01 of the 15469
Revised Code; 15470

(2) An ambulette driver employed by an organization 15471
licensed under Chapter 4766. of the Revised Code; 15472

(3) An attorney licensed to practice law in this state; 15473

(4) A person who is not licensed to practice law in this 15474
state, but who, at the direction of an attorney licensed to 15475
practice law in this state, assists the attorney in the 15476
attorney's provision of legal services. 15477

(C) (1) The department of aging or its designee shall take 15478
the following actions when the circumstances specified in 15479
division (C) (2) of this section apply: 15480

(a) Refuse to issue a community-based long-term care 15481
services certificate to a self-employed provider; 15482

(b) Revoke a self-employed provider's community-based 15483
long-term care services certificate; 15484

(c) Refuse to award a community-based long-term care 15485
services contract or grant to a self-employed provider; 15486

(d) Terminate a self-employed provider's community-based 15487
long-term care services contract or grant awarded on or after 15488
September 15, 2014. 15489

(2) The following are the circumstances that require the 15490
department of aging or its designee to take action under 15491
division (C) (1) of this section: 15492

(a) A review of the databases listed in division (E) of 15493

this section reveals any of the following: 15494

(i) That the self-employed provider is included in one or 15495
more of the databases listed in divisions (E) (1) to (5) of this 15496
section; 15497

(ii) That there is in the state nurse aide registry 15498
established under section 3721.32 of the Revised Code a 15499
statement detailing findings by the director of health that the 15500
self-employed provider abused, neglected, or exploited a long- 15501
term care facility or residential care facility resident or 15502
misappropriated property of such a resident; 15503

(iii) That the self-employed provider is included in one 15504
or more of the databases, if any, specified in rules adopted 15505
under this section and the rules require the department or its 15506
designee to take action under division (C) (1) of this section if 15507
a self-employed provider is included in such a database. 15508

(b) After the self-employed provider is provided, pursuant 15509
to division (F) (2) (a) of this section, a copy of the form 15510
prescribed pursuant to division (C) (1) of section 109.572 of the 15511
Revised Code and the standard impression sheet prescribed 15512
pursuant to division (C) (2) of that section, the self-employed 15513
provider fails to complete the form or provide the self-employed 15514
provider's fingerprint impressions on the standard impression 15515
sheet. 15516

(c) Unless the self-employed provider meets standards 15517
specified in rules adopted under this section, the self-employed 15518
provider is found by a criminal records check required by this 15519
section to have been convicted of, pleaded guilty to, or been 15520
found eligible for intervention in lieu of conviction for a 15521
disqualifying offense. 15522

(D) The department of aging or its designee shall inform 15523
each self-employed provider of both of the following at the time 15524
of the self-employed provider's initial application for a 15525
community-based long-term care services certificate or initial 15526
bid for a community-based long-term care services contract or 15527
grant: 15528

(1) That a review of the databases listed in division (E) 15529
of this section will be conducted to determine whether the 15530
department or its designee is required by division (C) of this 15531
section to refuse to issue or award a community-based long-term 15532
care services certificate or community-based long-term care 15533
services contract or grant to the self-employed provider; 15534

(2) That, unless the database review reveals that the 15535
department or its designee is required to refuse to issue or 15536
award a community-based long-term care services certificate or 15537
community-based long-term care services contract or grant to the 15538
self-employed provider, a criminal records check of the self- 15539
employed provider will be conducted and the self-employed 15540
provider is required to provide a set of the self-employed 15541
provider's fingerprint impressions as part of the criminal 15542
records check. 15543

(E) As a condition of issuing or awarding a community- 15544
based long-term care services certificate or community-based 15545
long-term care services contract or grant to a self-employed 15546
provider, the department of aging or its designee shall conduct 15547
a database review of the self-employed provider in accordance 15548
with rules adopted under this section. If rules adopted under 15549
this section so require, the department or its designee shall 15550
conduct a database review of a self-employed provider in 15551
accordance with the rules as a condition of not revoking or 15552

terminating the self-employed provider's community-based long- 15553
term care services certificate or community-based long-term care 15554
services contract or grant. A database review shall determine 15555
whether the self-employed provider is included in any of the 15556
following: 15557

(1) The excluded parties list system that is maintained by 15558
the United States general services administration pursuant to 15559
subpart 9.4 of the federal acquisition regulation and available 15560
at the federal web site known as the system for award 15561
management; 15562

(2) The list of excluded individuals and entities 15563
maintained by the office of inspector general in the United 15564
States department of health and human services pursuant to the 15565
"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5; 15566

(3) The registry of developmental disabilities employees 15567
established under section 5123.52 of the Revised Code; 15568

(4) The internet-based sex offender and child-victim 15569
offender database established under division (A) (11) of section 15570
2950.13 of the Revised Code; 15571

(5) The internet-based database of inmates established 15572
under section 5120.66 of the Revised Code; 15573

(6) The state nurse aide registry established under 15574
section 3721.32 of the Revised Code; 15575

(7) Any other database, if any, specified in rules adopted 15576
under this section. 15577

(F) (1) As a condition of issuing or awarding a community- 15578
based long-term care services certificate or community-based 15579
long-term care services contract or grant to a self-employed 15580

provider, the department of aging or its designee shall request 15581
that the superintendent of the bureau of criminal identification 15582
and investigation conduct a criminal records check of the self- 15583
employed provider. If rules adopted under this section so 15584
require, the department or its designee shall request that the 15585
superintendent conduct a criminal records check of a self- 15586
employed provider at times specified in the rules as a condition 15587
of not revoking or terminating the self-employed provider's 15588
community-based long-term care services certificate or 15589
community-based long-term care services contract or grant. 15590
However, the department or its designee is not required to 15591
request the criminal records check of the self-employed provider 15592
if the department or its designee, because of circumstances 15593
specified in division (C)(2)(a) of this section, is required to 15594
refuse to issue or award a community-based long-term care 15595
services certificate or community-based long-term care services 15596
contract or grant to the self-employed provider or to revoke or 15597
terminate the self-employed provider's certificate or contract 15598
or grant. 15599

If a self-employed provider for whom a criminal records 15600
check request is required by this section does not present proof 15601
of having been a resident of this state for the five-year period 15602
immediately prior to the date the criminal records check is 15603
requested or provide evidence that within that five-year period 15604
the superintendent has requested information about the self- 15605
employed provider from the federal bureau of investigation in a 15606
criminal records check, the department or its designee shall 15607
request that the superintendent obtain information from the 15608
federal bureau of investigation as part of the criminal records 15609
check. Even if a self-employed provider for whom a criminal 15610
records check request is required by this section presents proof 15611

of having been a resident of this state for the five-year 15612
period, the department or its designee may request that the 15613
superintendent include information from the federal bureau of 15614
investigation in the criminal records check. 15615

(2) The department or its designee shall do all of the 15616
following: 15617

(a) Provide to each self-employed provider for whom a 15618
criminal records check request is required by this section a 15619
copy of the form prescribed pursuant to division (C)(1) of 15620
section 109.572 of the Revised Code and a standard impression 15621
sheet prescribed pursuant to division (C)(2) of that section; 15622

(b) Obtain the completed form and standard impression 15623
sheet from the self-employed provider; 15624

(c) Forward the completed form and standard impression 15625
sheet to the superintendent. 15626

(3) The department or its designee shall pay to the bureau 15627
of criminal identification and investigation the fee prescribed 15628
pursuant to division (C)(3) of section 109.572 of the Revised 15629
Code for each criminal records check of a self-employed provider 15630
the department or its designee requests under this section. The 15631
department or its designee may charge the self-employed provider 15632
a fee that does not exceed the amount the department or its 15633
designee pays to the bureau. 15634

(G) The report of any criminal records check of a self- 15635
employed provider conducted pursuant to a request made under 15636
this section is not a public record for the purposes of section 15637
149.43 of the Revised Code and shall not be made available to 15638
any person other than the following: 15639

(1) The self-employed provider or the self-employed 15640

provider's representative; 15641

(2) The department of aging, the department's designee, or 15642
a representative of the department or its designee; 15643

(3) The medicaid director and the staff of the department 15644
of medicaid who are involved in the administration of the 15645
medicaid program if the self-employed provider is to provide, or 15646
provides, community-based long-term care services under a 15647
component of the medicaid program that the department of aging 15648
administers; 15649

(4) A court or hearing officer involved in a case dealing 15650
with any of the following: 15651

(a) A refusal to issue or award a community-based long- 15652
term services certificate or community-based long-term care 15653
services contract or grant to the self-employed provider; 15654

(b) A revocation or termination of the self-employed 15655
provider's community-based long-term care services certificate 15656
or community-based long-term care services contract or grant; 15657

(c) A civil or criminal action regarding a program the 15658
department of aging administers. 15659

(5) Pursuant to a lawful subpoena or valid court order, 15660
any necessary individual not identified in division (G) (4) of 15661
this section who is involved in a case dealing with any issue, 15662
matter, or action described in division (G) (4) (a), (b), or (c) 15663
of this section. 15664

(H) In a tort or other civil action for damages that is 15665
brought as the result of an injury, death, or loss to person or 15666
property caused by a self-employed provider, both of the 15667
following shall apply: 15668

(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant because the self-employed provider meets standards specified in rules adopted under this section, the department and its designee shall not be found negligent solely because the self-employed provider has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;

(b) If the rules require self-employed providers who have 15699
been issued or awarded community-based long-term care services 15700
certificates or community-based long-term care services 15701
contracts or grants to undergo database reviews and criminal 15702
records checks under this section, exempt one or more classes of 15703
such self-employed providers from the requirements; 15704

(c) For the purpose of division (E)(7) of this section, 15705
specify other databases that are to be checked as part of a 15706
database review conducted under this section. 15707

(2) The rules shall specify all of the following: 15708

(a) The procedures for conducting database reviews under 15709
this section; 15710

(b) If the rules require self-employed providers who have 15711
been issued or awarded community-based long-term care services 15712
certificates or community-based long-term care services 15713
contracts or grants to undergo database reviews and criminal 15714
records checks under this section, the times at which the 15715
database reviews and criminal records checks are to be 15716
conducted; 15717

(c) If the rules specify other databases to be checked as 15718
part of the database reviews, the circumstances under which the 15719
department of aging or its designee is required to refuse to 15720
issue or award a community-based long-term care services 15721
certificate or community-based long-term care services contract 15722
or grant to a self-employed provider or to revoke or terminate a 15723
self-employed provider's certificate or contract or grant when 15724
the self-employed provider is found by a database review to be 15725
included in one or more of those databases; 15726

(d) Standards that a self-employed provider must meet for 15727

the department or its designee to be permitted to issue or award 15728
a community-based long-term care services certificate or 15729
community-based long-term care services contract or grant to the 15730
self-employed provider or not to revoke or terminate the self- 15731
employed provider's certificate or contract or grant if the 15732
self-employed provider is found by a criminal records check 15733
required by this section to have been convicted of, pleaded 15734
guilty to, or been found eligible for intervention in lieu of 15735
conviction for a disqualifying offense. 15736

Sec. 173.391. (A) Subject to section 173.381 of the 15737
Revised Code and except as provided in division (I) of this 15738
section, the department of aging or its designee shall do all of 15739
the following in accordance with Chapter 119. of the Revised 15740
Code: 15741

(1) Certify a provider to provide services, including 15742
community-based long-term care services, under a program the 15743
department administers if the provider satisfies the 15744
requirements for certification established by rules adopted 15745
under division (B) of this section and pays the fee, if any, 15746
established by rules adopted under division (G) of this section; 15747

(2) When required to do so by rules adopted under division 15748
(B) of this section, take one or more of the following 15749
disciplinary actions against a provider certified under division 15750
(A) (1) of this section: 15751

(a) Issue a written warning; 15752

(b) Require the submission of both of the following: a 15753
plan of correction ~~or~~ and evidence of compliance with 15754
requirements identified by the department; 15755

(c) Suspend referrals; 15756

(d) Remove clients; 15757

(e) Impose a fiscal sanction such as a civil monetary 15758
penalty or an order that unearned funds be repaid; 15759

(f) Suspend the certification; 15760

(g) Revoke the certification; 15761

(h) Impose another sanction. 15762

(3) Except as provided in division (E) of this section, 15763
hold hearings when there is a dispute between the department or 15764
its designee and a provider concerning actions the department or 15765
its designee takes regarding a decision not to certify the 15766
provider under division (A) (1) of this section or a disciplinary 15767
action under divisions (A) (2) (e) to (h) of this section. 15768

(B) The director of aging shall adopt rules in accordance 15769
with Chapter 119. of the Revised Code establishing certification 15770
requirements and standards for determining which type of 15771
disciplinary action to take under division (A) (2) of this 15772
section in individual situations. The rules shall establish 15773
procedures for all of the following: 15774

(1) Ensuring that providers comply with sections 173.38 15775
and 173.381 of the Revised Code; 15776

(2) Evaluating the services provided by the providers to 15777
ensure that the services are provided in a quality manner 15778
advantageous to the individual receiving the services; 15779

(3) In a manner consistent with section 173.381 of the 15780
Revised Code, determining when to take disciplinary action under 15781
division (A) (2) of this section and which disciplinary action to 15782
take; 15783

(4) Determining what constitutes another sanction for 15784
purposes of division (A) (2) (h) of this section. 15785

(C) The procedures established in rules adopted under 15786
division (B) (2) of this section shall require that all of the 15787
following be considered as part of an evaluation described in 15788
division (B) (2) of this section: 15789

(1) The provider's experience and financial 15790
responsibility; 15791

(2) The provider's ability to comply with standards for 15792
the services, including community-based long-term care services, 15793
that the provider provides under a program the department 15794
administers; 15795

(3) The provider's ability to meet the needs of the 15796
individuals served; 15797

(4) Any other factor the director considers relevant. 15798

(D) The rules adopted under division (B) (3) of this 15799
section shall specify that the reasons disciplinary action may 15800
be taken under division (A) (2) of this section include good 15801
cause, including misfeasance, malfeasance, nonfeasance, 15802
confirmed abuse or neglect, financial irresponsibility, or other 15803
conduct the director determines is injurious, or poses a threat, 15804
to the health or safety of individuals being served. 15805

(E) Subject to division (F) of this section, the 15806
department is not required to hold hearings under division (A) 15807
(3) of this section if any of the following conditions apply: 15808

(1) Rules adopted by the director of aging pursuant to 15809
this chapter require the provider to be a party to a provider 15810
agreement; hold a license, certificate, or permit; or maintain a 15811

certification, any of which is required or issued by a state or 15812
federal government entity other than the department of aging, 15813
and either of the following is the case: 15814

(a) The provider agreement has not been entered into or 15815
the license, certificate, permit, or certification has not been 15816
obtained or maintained. 15817

(b) The provider agreement, license, certificate, permit, 15818
or certification has been denied, revoked, not renewed, or 15819
suspended or has been otherwise restricted. 15820

(2) The provider's certification under this section has 15821
been denied, suspended, or revoked for any of the following 15822
reasons: 15823

(a) A government entity of this state, other than the 15824
department of aging, has terminated or refused to renew any of 15825
the following held by, or has denied any of the following sought 15826
by, a provider: a provider agreement, license, certificate, 15827
permit, or certification. Division (E) (2) (a) of this section 15828
applies regardless of whether the provider has entered into a 15829
provider agreement in, or holds a license, certificate, permit, 15830
or certification issued by, another state. 15831

(b) The provider or a principal owner or manager of the 15832
provider who provides direct care has entered a guilty plea for, 15833
or has been convicted of, an offense materially related to the 15834
medicaid program. 15835

(c) ~~A~~ The provider or a principal owner or manager of the 15836
provider who provides direct care has entered a guilty plea for, 15837
been convicted of, or been found eligible for intervention in 15838
lieu of conviction for an offense listed or described in 15839
divisions (A) (3) (a) to (e) of section 109.572 of the Revised 15840

Code, but only if the provider, principal owner, or manager does 15841
not meet standards specified by the director in rules adopted 15842
under section 173.38 of the Revised Code. 15843

(d) The department or its designee is required by section 15844
173.381 of the Revised Code to deny or revoke the provider's 15845
certification. 15846

(e) The United States department of health and human 15847
services has taken adverse action against the provider and that 15848
action impacts the provider's participation in the medicaid 15849
program. 15850

(f) The provider has failed to enter into or renew a 15851
provider agreement with either of the following: the department 15852
or the PASSPORT administrative agency, as that term is defined 15853
in section 173.42 of the Revised Code, that administers programs 15854
on behalf of the department of aging in the region of the state 15855
in which the provider is certified to provide services. 15856

(g) The provider has not billed or otherwise submitted a 15857
claim to the department for payment under the medicaid program 15858
in at least two years. 15859

(h) The provider denied or failed to provide the 15860
department or its designee access to the provider's facilities 15861
during the provider's normal business hours for purposes of 15862
conducting an audit or structural compliance review. 15863

(i) The provider has ceased doing business. 15864

(j) The provider has voluntarily relinquished its 15865
certification for any reason. 15866

(3) The provider's provider agreement with the department 15867
of medicaid has been suspended under section 5164.36 of the 15868

Revised Code. 15869

(4) The provider's provider agreement with the department 15870
of medicaid is denied or revoked because the provider or its 15871
owner, officer, authorized agent, associate, manager, or 15872
employee has been convicted of an offense that caused the 15873
provider agreement to be suspended under section 5164.36 of the 15874
Revised Code. 15875

(F) If the department does not hold hearings when any 15876
condition described in division (E) of this section applies, the 15877
department shall send a notice to the provider describing a 15878
decision not to certify the provider under division (A)(1) of 15879
this section or the disciplinary action the department is taking 15880
under divisions (A)(2)(e) to (h) of this section. The notice 15881
shall be sent to the provider's address that is on record with 15882
the department and may be sent by regular or electronic mail. 15883

(G) The director of aging may adopt rules in accordance 15884
with Chapter 119. of the Revised Code establishing a fee to be 15885
charged by the department of aging or its designee for 15886
certification issued under division (A) of this section. 15887

(H) Any amounts collected by the department or its 15888
designee under this section shall be deposited in the state 15889
treasury to the credit of the provider certification fund, which 15890
is hereby created. Money credited to the fund shall be used to 15891
pay for services, including community-based long-term care 15892
services, to pay for administrative costs associated with 15893
provider certification under this section, and to pay for 15894
administrative costs related to the publication of the Ohio 15895
long-term care consumer guide. 15896

(I) The director shall certify a provider in accordance 15897

with Chapter 4796. of the Revised Code if either of the 15898
following applies: 15899

(1) The provider is licensed or certified in another 15900
state. 15901

(2) The provider has satisfactory work experience, a 15902
government certification, or a private certification as 15903
described in that chapter as a provider of community-based long- 15904
term care services under a state program in a state that does 15905
not issue that license or certificate. 15906

Sec. 173.525. (A) (1) In addition to any other eligibility 15907
requirement of this chapter, to be eligible to serve as a 15908
personal care aide under the PASSPORT program, an individual 15909
must successfully complete thirty hours of pre-service training 15910
acceptable to the department of aging. 15911

To maintain eligibility, each personal care aide must 15912
successfully complete six hours of in-service training 15913
acceptable to the department. Such training must be completed 15914
every twelve months. 15915

(2) In administering the PASSPORT program, the department 15916
shall not require a personal care aide to do ~~either~~ any of the 15917
following: 15918

(a) Complete more than thirty hours of pre-service 15919
training; 15920

(b) Complete more than six hours of in-service training in 15921
a twelve-month period.— 15922

~~(B) The department shall not require an individual serving 15923
as a home health aide under the PASSPORT program to complete; 15924~~

(c) Complete more hours of pre-service training or annual 15925

in-service training than required by federal law. 15926

~~(C)~~ (B) Only the following may supervise a ~~home health aide~~ 15927
~~or~~ personal care aide under the PASSPORT program: 15928

(1) A registered nurse; 15929

(2) A licensed practical nurse under the direction of a 15930
chiropractor, dentist, optometrist, physician, physician 15931
assistant, podiatrist, or registered nurse. 15932

Sec. 175.16. (A) As used in this section: 15933

(1) "Federal credit" means the tax credit authorized under 15934
section 42 of the Internal Revenue Code. 15935

(2) "Credit period," "qualified low-income building," and 15936
"qualified basis" have the same meanings as in section 42 of the 15937
Internal Revenue Code. 15938

(3) "Qualified project" means a qualified low-income 15939
building that is located in Ohio, is placed in service on or 15940
after July 1, 2023, and for which the director reserves a tax 15941
credit under division (B) of this section before July 1, 2027. 15942

(4) "Pass-through entity" has the same meaning as in 15943
section 5733.04 of the Revised Code. 15944

(5) "Project owner" means a person holding a fee simple 15945
interest or a leasehold interest pursuant to a ground lease in 15946
the land on which a qualified project sits. 15947

(6) "Reserved credit amount" means the amount determined 15948
by the director and stipulated in the notice sent to each owner 15949
of a qualified project under division (B) of this section. 15950

(7) "Annual credit amount" means the amount computed by 15951
the director under division (D) of this section prior to issuing 15952

an eligibility certificate. 15953

(8) "Equity owner" means a direct or indirect owner of a 15954
project owner, provided the project owner is a pass-through 15955
entity, as determined under applicable state law governing such 15956
an entity. 15957

(9) "Person" has the same meaning as in section 5701.01 of 15958
the Revised Code. 15959

(10) "Eligibility certificate" means a certificate issued 15960
by the director to each owner of a qualified project under 15961
division (D) of this section stating the amount of credit that 15962
may be claimed for each year of the credit period. 15963

(11) "Qualified allocation plan" means the plan developed 15964
by the Ohio housing finance agency, as required under section 15965
175.06 of the Revised Code, for evaluating and selecting 15966
projects for the federal credit pursuant to the mandates and 15967
requirements within section 42 of the Internal Revenue Code. 15968

(12) "Internal Revenue Code" has the same meaning as in 15969
section 5747.01 of the Revised Code. 15970

(13) "Designated reporter" means the project owner or one 15971
of the project owner's equity owners designated pursuant to 15972
division (I)(1) of this section. 15973

(14) "Director" means the executive director of the Ohio 15974
housing finance agency. 15975

(B) Except as otherwise provided by this division, the 15976
director, upon allocating a federal credit and issuing a binding 15977
reservation or letter of eligibility, pursuant to the Ohio 15978
housing finance agency's qualified allocation plan, for a 15979
qualified low-income building that is located in this state and 15980

placed in service on or after July 1, 2023, may reserve a tax 15981
credit under this section for the project owners so long as 15982
doing so will not result in exceeding the annual credit cap 15983
prescribed by division (C) of this section. The director shall 15984
not reserve a tax credit under this section after June 30, 2027. 15985

The director shall send written notice of the reservation 15986
to each project owner. The notice shall state the aggregate 15987
credit amount reserved for all years of the qualified project's 15988
credit period and stipulate that receipt of the credit is 15989
contingent upon issuance of an eligibility certificate and 15990
filing the information described in division (I) of this 15991
section. Upon receipt of that notice, the owner shall provide 15992
the identity of the owner's designated reporter to the director. 15993

The director shall determine the credit amount reserved 15994
for each qualified project. The reserved credit amount shall not 15995
exceed the amount necessary, when combined with the federal 15996
credit, to ensure the financial feasibility of the qualified 15997
project. 15998

The director shall reserve credits in a manner that 15999
ensures that a qualified project is creating additional housing 16000
units that would not have otherwise been created with other 16001
state, federal, or private financing. The director may assess 16002
application, processing, and reporting fees to cover the cost of 16003
administering the tax credit authorized under this section. 16004

(C) The aggregate amount of credits reserved by the 16005
director under division (B) of this section in a fiscal year 16006
shall not exceed the sum of (1) one hundred million dollars, (2) 16007
the amount, if any, by which the credit cap prescribed by this 16008
division for the preceding fiscal year exceeds the credits 16009
reserved by the director in that year, and (3) the amount of tax 16010

credits recaptured or otherwise disallowed under division (G) of 16011
this section in the preceding fiscal year. 16012

For the purpose of computing and determining compliance 16013
with the credit cap prescribed by this division, the credit 16014
amount reserved for the project owners of a qualified project is 16015
the full amount for all years of the qualified project's credit 16016
period. 16017

(D) Immediately after approving the final cost 16018
certification for a qualified project for which a tax credit 16019
under this section is reserved, or upon otherwise determining 16020
the qualified basis of the qualified project and the date it was 16021
placed into service as required by section 42(m) of the Internal 16022
Revenue Code, the director shall compute the annual credit 16023
amount and issue an eligibility certificate to each project 16024
owner. The director shall send copies of all eligibility 16025
certificates issued each calendar year to the tax commissioner 16026
and the superintendent of insurance. 16027

The annual credit amount shall equal the lesser of the 16028
following: 16029

(1) The amount of the federal credit that would be awarded 16030
to the project owners for the first year of the credit period if 16031
not for the adjustment required under section 42(f)(2) of the 16032
Internal Revenue Code; 16033

(2) One-tenth of the reserved credit amount stated in the 16034
notice issued under division (B) of this section. 16035

(E) Each eligibility certificate shall state the annual 16036
credit amount, the years that comprise the credit period, the 16037
name, address, and taxpayer identification number of each 16038
project owner, each owner's designated reporter, the date the 16039

certificate is issued, a unique identifying number, and any 16040
additional information prescribed by a rule adopted under 16041
division (H) of this section. A project owner, if the project 16042
owner is a pass-through entity, shall provide a copy of the 16043
eligibility certificate and any information described in 16044
division (I) of this section to each equity owner that has been 16045
allocated a credit under division (F)(2) of this section, if 16046
requested. 16047

(F)(1) For each year of a qualified project's credit 16048
period, the project owner or an equity owner may claim a 16049
nonrefundable credit against the tax imposed by section 5725.18, 16050
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal 16051
to all or a portion of the annual credit amount stated on the 16052
eligibility certificate. The credit shall be claimed in the 16053
manner prescribed by section 5725.36, 5726.58, 5729.19, or 16054
5747.83 of the Revised Code, as applicable. 16055

(2) If a project owner is a pass-through entity, the 16056
annual credit amount for any year of a qualified project's 16057
credit period may be allocated by the project owner among one or 16058
more equity owners and may be applied by those equity owners 16059
against more than one tax, but the total credits claimed in 16060
connection with that year of the qualified project's credit 16061
period by all project owners and equity owners against all taxes 16062
shall not exceed the annual credit amount stated on the 16063
eligibility certificate. 16064

(3) A project owner or equity owner may claim the credit 16065
authorized by this section after the date the qualified project 16066
is placed into service but not before the director issues the 16067
project owner an eligibility certificate under division (D) of 16068
this section and the applicable report required by division (I) 16069

of this section is filed by the designated reporter. 16070

(4) A project owner or equity owner that claims a tax 16071
credit under division (F) (1) of this section shall submit a copy 16072
of the eligibility certificate with the project owner's or 16073
equity owner's tax return or report. Upon request of the tax 16074
commissioner or the superintendent of insurance, any project 16075
owner or equity owner claiming a tax credit under this section 16076
shall provide the commissioner or superintendent other 16077
documentation that may be necessary to verify that the project 16078
owner or equity owner is entitled to claim the credit. 16079

(5) A project owner that is a pass-through entity may 16080
allocate the credit authorized by this section to its equity 16081
owners under division (F) (2) of this section in any manner 16082
agreed to by such persons regardless of whether such equity 16083
owners are eligible for an allocation of the federal credit, 16084
whether the allocation of the credit under the terms of the 16085
agreement has substantial economic effect within the meaning of 16086
section 704(b) of the Internal Revenue Code, and whether any 16087
such person is deemed a partner of the project owner or equity 16088
owner for federal income tax purposes as long as the equity 16089
owner acquired its ownership interest prior to claiming the 16090
credit. The allocation shall be allowed without regard to any 16091
provision of the Internal Revenue Code, or regulation 16092
promulgated pursuant to it, that may be interpreted as contrary 16093
to the allocation, including, without limitation, the treatment 16094
of the allocation as a disguised sale. 16095

An equity owner may assign all or any part of its interest 16096
in a qualified project, including its interest in the tax 16097
credits authorized by this section, to one or more other equity 16098
owners, and each assignee shall be able to claim the credit so 16099

long as its interest is acquired prior to the filing of its tax 16100
return or report or amended tax return or report claiming the 16101
credit and the assignee's ownership interest is identified in 16102
the report required by division (I) of this section. 16103

(6) Nothing in this section or section 5725.36, 5726.58, 16104
5729.19, or 5747.83 of the Revised Code allows the assignment or 16105
transfer of any carryforward of the credit authorized under this 16106
section once the annual credit amount is claimed. 16107

(G) If any portion of the federal credit allocated to a 16108
qualified project is recaptured under section 42(j) of the 16109
Internal Revenue Code or is otherwise disallowed, the director 16110
shall recapture a proportionate amount of the tax credit claimed 16111
pursuant to this section in connection with the same qualified 16112
project. 16113

If the director determines to recapture such a tax credit, 16114
the director shall certify the name of each project owner and 16115
the amount to be recaptured to the tax commissioner and to the 16116
superintendent of insurance. The commissioner or superintendent 16117
shall determine the taxpayer or taxpayers that claimed the 16118
credit, the tax against which the credit was claimed, and the 16119
amount to be recaptured and make an assessment against the 16120
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 16121
5747. of the Revised Code, as applicable, for the amount of the 16122
tax credit to be recaptured. The time limitations on assessments 16123
under those chapters do not bar an assessment made under this 16124
division. 16125

(H) The director, in consultation with the tax 16126
commissioner and superintendent of insurance, shall adopt any 16127
rules necessary to implement this section in accordance with 16128
Chapter 119. of the Revised Code. 16129

(I) (1) For each calendar year, a designated reporter shall 16130
provide the tax commissioner ~~and the superintendent of~~ 16131
~~insurance~~, in the form prescribed by the tax commissioner in 16132
consultation with the superintendent of insurance, all of the 16133
following: 16134

(a) The name, address, and taxpayer identification number 16135
of each project owner and equity owner that has been allocated a 16136
portion of the annual credit awarded on the eligibility 16137
certificate for that year; 16138

(b) The amount of the annual credit allocated to each such 16139
project owner and equity owner for such year and the tax against 16140
which the credit will be claimed; 16141

(c) The total of the amounts listed for each project owner 16142
and equity owner under division (I) (1) (b) of this section, 16143
demonstrating that the total does not exceed the amount listed 16144
on the eligibility certificate for that year. 16145

(2) A designated reporter shall notify the tax 16146
commissioner ~~and the superintendent of insurance~~ of any changes 16147
to the information reported in division (I) (1) of this section 16148
in the time and manner prescribed by the commissioner ~~and~~ 16149
~~superintendent~~. 16150

(3) No credit allocated under this section may be claimed 16151
by a project owner or equity owner for a year unless that owner 16152
and the amount of the credit allocated to that owner appear on 16153
the report required by division (I) (1) of this section for that 16154
year. 16155

The tax commissioner shall provide a copy of the report, 16156
and any subsequent changes to the report, submitted by the 16157
designated reporter under division (I) of this section to the 16158

superintendent of insurance in the time and manner agreed to by 16159
the commissioner and superintendent. 16160

Sec. 175.17. (A) As used in this section: 16161

(1) "Qualified project" means a project to develop single- 16162
family dwellings in this state that satisfies any qualifications 16163
established by the director under division (I) of this section. 16164

(2) "Pass-through entity" has the same meaning as in 16165
section 5733.04 of the Revised Code. 16166

(3) "Reserved credit amount" means the amount determined 16167
by the director and stipulated in the notice sent under division 16168
(B) of this section. 16169

(4) "Annual credit amount" means the amount computed by 16170
the director under division (D) of this section before issuing 16171
an eligibility certificate. 16172

(5) "Equity owner" means any person who directly or 16173
indirectly, through one or more pass-through entities, is a 16174
member, partner, or shareholder of a pass-through entity. 16175

(6) "Person" has the same meaning as in section 5701.01 of 16176
the Revised Code. 16177

(7) "Eligibility certificate" means a certificate issued 16178
by the director to a project development owner under division 16179
(D) of this section. 16180

(8) "Project development owner" means a unit of government 16181
that owns a qualified project. 16182

(9) "Affordability period" means the period that commences 16183
on the date of sale of a single-family dwelling constructed as 16184
part of a qualified project to the initial qualified buyer and 16185

continues through subsequent qualified buyers for ten years. 16186

(10) "Designated reporter" means the project development 16187
owner or one of the owner's direct or indirect partners, 16188
members, or shareholders, as selected by the owner under 16189
division (B) of this section. 16190

(11) "Project development investor" means any person that 16191
contributes capital to a qualified project in exchange for an 16192
allocation of a tax credit under this section. 16193

(12) "Credit period" means the ten-year period that begins 16194
in the year the eligibility certificate is issued. 16195

(13) "Director" means the executive director of the Ohio 16196
housing finance agency. 16197

(14) "Unit of government" means a county, township, 16198
municipal corporation, regional planning commission, community 16199
improvement corporation, economic development corporation, or 16200
county land reutilization corporation organized under Chapter 16201
1724. of the Revised Code, or port authority. 16202

(15) "Project development team" means the group of 16203
entities that develops, constructs, reports, appraises, 16204
finances, and services the associated properties of a qualified 16205
project in partnership with the project development owner. 16206

(B) (1) A project development owner may submit an 16207
application to the director for a credit reservation under this 16208
section on a form and in a manner that the director shall 16209
prescribe. On the application, the project development owner 16210
shall provide all of the following: 16211

(a) The name and address of the project development 16212
owner's designated reporter; 16213

(b) The names and addresses of all members of the project development team; 16214
16215

(c) An estimate of the qualified project's development costs; 16216
16217

(d) Any other information as the director may require pursuant to division (I) of this section. 16218
16219

The director shall competitively evaluate and approve applications and award tax credit reservations under this section for a qualified project in accordance with the plan adopted under division (I) (1) of this section. The director shall determine the credit amount reserved for each qualified project, which shall not exceed the difference between the total estimated development costs included with the application and the appraised market value of all homes in the finished project, as estimated by the director. The director shall not reserve a credit under this section if doing so would exceed the annual limit prescribed by division (B) (3) of this section. 16220
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(2) The director shall send written notice of the tax credit reservation to the project development owner of an approved qualified project. The notice shall state the aggregate credit amount reserved for all years of the qualified project's credit period and stipulate that receipt of the credit is contingent upon issuance of an eligibility certificate and filing the information required by division (H) of this section. 16231
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(3) The amount of credits reserved by the director under division (B) of this section in a fiscal year shall not exceed the sum of (a) fifty million dollars, (b) the amount, if any, by which the credit allocation prescribed by this division for the preceding fiscal year exceeds the credits reserved by the 16238
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director in that year, and (c) the amount of tax credits 16243
recaptured, assessed, and collected by the tax commissioner or 16244
superintendent of insurance, and disallowed or subject to 16245
reduction under this section in the preceding fiscal year. For 16246
the purpose of computing and determining compliance with the 16247
credit allocation prescribed by division (B)(3) of this section, 16248
the credit amount reserved for the project development owner is 16249
the full amount for all years of the qualified project's credit 16250
period. 16251

(4) The director shall not reserve a tax credit under this 16252
section after June 30, 2027. 16253

(C) The project development owner shall maintain ownership 16254
of a qualified project and associated single-family dwellings 16255
until the dwellings are sold to qualified buyers. The project 16256
development team shall service the associated properties of a 16257
qualified project for the duration of the applicable 16258
affordability period. 16259

The qualified buyer of a single-family home constructed as 16260
part of a qualified project for which a tax credit was reserved 16261
under this section shall occupy the home as the buyer's primary 16262
residence during the affordability period. 16263

(D) Upon completion of a qualified project for which a tax 16264
credit was reserved under this section, the project development 16265
owner shall notify the director and provide a final development 16266
cost certification for approval. After receipt of this notice, 16267
the director shall appraise the project's dwellings. Immediately 16268
after approving the final cost certification, the director shall 16269
compute the amount of the tax credit that may be claimed in each 16270
year and issue an eligibility certificate to the project 16271
development owner. That annual amount, which shall be stated on 16272

the certificate, shall equal one-tenth of the reserved credit 16273
amount stated in the notice issued under division (B) of this 16274
section, subject to any reduction or increase as the result of 16275
the approval of the final cost certification and the appraisal 16276
conducted under this division. 16277

(E) Each eligibility certificate shall state the annual 16278
credit amount, the years that comprise the credit period, the 16279
name, address, and the taxpayer identification number of the 16280
project development owner, the project development owner's 16281
designated reporter, and all members of the project development 16282
team along with the date the certificate is issued, a unique 16283
identifying number, and any additional information the director 16284
may require by rule. The director shall certify a copy of each 16285
eligibility certificate to the tax commissioner and the 16286
superintendent of insurance. 16287

(F) (1) For each year of a qualified project's credit 16288
period, a project development owner may claim a nonrefundable 16289
credit against the tax imposed by section 5725.18, 5726.02, 16290
5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or 16291
a portion of the annual credit amount listed on the eligibility 16292
certificate. The credit shall be claimed in the manner 16293
prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of 16294
the Revised Code. 16295

(2) A project development owner may or, if the owner is 16296
not subject to any tax against which the credit authorized under 16297
this section may be claimed, shall allocate all or a portion of 16298
the annual credit amount for any year of a qualified project's 16299
credit period among one or more project development investors. 16300
Such allocated credits may be applied by those project 16301
development investors or the equity owners of such an investor 16302

that is a pass-through entity against more than one tax, as 16303
applicable, but the total credits claimed for that year of the 16304
qualified project's credit period by all project development 16305
investors and equity owners shall not exceed the annual credit 16306
amount stated on the eligibility certificate. 16307

(3) A project development investor or the equity owner of 16308
such an investor that is a pass-through entity may claim the 16309
credit authorized by this section after the date the director 16310
issues an eligibility certificate under division (D) of this 16311
section and the applicable annual report required by division 16312
(H) of this section is filed by the designated reporter. 16313

(4) A project development investor or equity owner that 16314
claims a tax credit under division (F) (2) of this section shall 16315
submit a copy of the eligibility certificate with the investor's 16316
or equity owner's tax return. Upon request of the tax 16317
commissioner or the superintendent of insurance, any project 16318
development investor or equity owner claiming a tax credit under 16319
that division shall provide the tax commissioner or 16320
superintendent other documentation that may be necessary to 16321
verify that the project development investor or equity owner is 16322
entitled to claim the credit. 16323

(G) The director may disallow or recapture any portion of 16324
a credit if the project development owner or the project 16325
development owner's qualified project does not or ceases to 16326
qualify for the credit. If the director determines to recapture 16327
such a tax credit, the director shall certify the name of the 16328
project development owner, and the amount to be recaptured to 16329
the tax commissioner and to the superintendent of insurance. The 16330
tax commissioner or superintendent shall determine the taxpayer 16331
or taxpayers that claimed the credit, the tax against which the 16332

credit was claimed, and the amount to be recaptured and make an 16333
assessment against the taxpayer or taxpayers under Chapter 16334
5725., 5726., 5729., or 5747. of the Revised Code, as 16335
applicable, for the amount to be recaptured. The time 16336
limitations on assessments under those chapters do not bar an 16337
assessment made under this division. 16338

(H) For each calendar year, a designated reporter shall 16339
provide the following information to the ~~director~~tax 16340
commissioner on a form prescribed by the ~~director~~commissioner 16341
in consultation with ~~the tax commissioner and the~~ superintendent 16342
of insurance: 16343

(1) A list of each project development investor or equity 16344
owner that has been allocated a portion of the annual credit 16345
awarded in an eligibility certificate for that year, including 16346
the investor or owner's name, address, taxpayer identification 16347
number, and the tax against which the credit will be claimed by 16348
each. 16349

(2) For each project development investor or equity owner, 16350
the amount of annual credit that has been allocated for that 16351
year. 16352

(3) An aggregate list of the credit amount allocated for a 16353
qualified project demonstrating that the aggregate annual amount 16354
of the credits allocated does not exceed the aggregate annual 16355
credit awarded in the eligibility certificate. 16356

A designated reporter shall notify the ~~director~~tax 16357
commissioner of any changes to the information reported under 16358
division (H) of this section in the time and manner prescribed 16359
by the ~~director~~commissioner. The ~~director~~commissioner shall 16360
provide a copy of the report, and any subsequent changes to the 16361

report, submitted by the designated reporter under division (H) 16362
of this section to ~~the tax commissioner and the~~ superintendent 16363
of insurance in the time and manner ~~prescribed~~ agreed to by the 16364
commissioner and superintendent. 16365

No credits allocated under this section may be claimed 16366
unless the credits are listed on the report required by division 16367
(H) of this section. 16368

(I) (1) The director shall adopt a plan for competitively 16369
awarding tax credits under this section. The plan shall 16370
establish the criteria and metrics under which projects will be 16371
assessed for qualification and may allocate tax credits in a 16372
pooled manner. 16373

(2) The director may assess application, processing, and 16374
reporting fees to cover the cost of administering this section. 16375

(3) The director, in consultation with the tax 16376
commissioner and the superintendent of insurance, shall adopt 16377
any rules necessary to implement this section in accordance with 16378
Chapter 119. of the Revised Code. Such rules may include all of 16379
the following: 16380

(a) Supplementary definitions as may be necessary to 16381
administer this section. 16382

(b) Underwriting criteria to assess the risk associated 16383
with any application and determine appropriate criteria to deny 16384
an application based upon risk. 16385

(c) Criteria by which a project development owner shall be 16386
responsible for any or all risk associated with a qualified 16387
project such as homeowner abandonment, default, foreclosure, or 16388
other such risks. 16389

(d) Criteria to maintain the affordability of each of a 16390
qualified project's single-family dwellings during the 16391
affordability period, which may include a deed restriction held 16392
by the project development owner for some or all of the amount 16393
of the tax credit or any appreciated value of the property. 16394

(e) Requirements that the project development owner 16395
provide certain capital assets or other investments that 16396
contribute to the affordability of the project. 16397

(f) Criteria to be used in determining whether an 16398
individual is a qualified buyer. 16399

(g) Criteria regarding the purchase, ownership, and sale 16400
of completed qualified project single-family dwellings. 16401

(h) The manner of determining the project's development 16402
costs and the appraised market value of qualified project 16403
single-family dwellings. 16404

(i) Any other qualifications a project must meet to 16405
qualify as a qualified project. 16406

Sec. 307.515. (A) All fines and penalties collected by, 16407
and moneys arising from forfeited bail in, a municipal court for 16408
offenses and misdemeanors brought for prosecution in the name of 16409
a municipal corporation under one of its penal ordinances, where 16410
there is in force a state statute under which the offense might 16411
be prosecuted, or brought for prosecution in the name of the 16412
state, except a portion of those fines, penalties, and moneys 16413
that, plus all costs collected monthly in those state cases, 16414
equal the compensation allowed by the board of county 16415
commissioners to the judges of the municipal court, its clerk, 16416
and the prosecuting attorney of that court in state cases, shall 16417
be retained by the clerk of that municipal court and shall be 16418

deposited by the clerk each month in the county law library 16419
resources fund that is created under section 307.514 of the 16420
Revised Code in the county in which that municipal corporation 16421
is located. The sum that the clerk of the municipal court 16422
deposits in the county law library resources fund shall in no 16423
month be less than twenty-five per cent of the amount of such 16424
fines, penalties, and moneys received in that month, without 16425
deducting the amount of the allowance of the board of county 16426
commissioners to the judges, clerk, and prosecuting attorney. 16427

The total amount paid under this section in any one 16428
calendar year by the clerks of all municipal courts in any one 16429
county to the county law library resources fund shall in no 16430
event exceed the following amounts: 16431

(1) In counties having a population of fifty thousand or 16432
less, seventy-five hundred dollars and the maximum amount paid 16433
by any of such courts shall not exceed four thousand dollars in 16434
any calendar year. 16435

(2) In counties having a population in excess of fifty 16436
thousand but not in excess of one hundred thousand, eight 16437
thousand dollars and the maximum amount paid by any of such 16438
courts shall not exceed five thousand five hundred dollars in 16439
any calendar year. 16440

(3) In counties having a population in excess of one 16441
hundred thousand but not in excess of one hundred fifty 16442
thousand, ten thousand dollars and the maximum amount paid by 16443
any of such courts shall not exceed seven thousand dollars in 16444
any calendar year. 16445

(4) In counties having a population of in excess of one 16446
hundred fifty thousand, fifteen thousand dollars in any calendar 16447

year. The maximum amount to be paid by each clerk shall be 16448
determined by the county auditor in December of each year for 16449
the next succeeding calendar year and shall bear the same ratio 16450
to the total amount payable under this section from the clerks 16451
of all municipal courts in such county as the total fines, 16452
costs, and forfeitures received by the corresponding municipal 16453
court, bear to the total fines, costs, and forfeitures received 16454
by all the municipal courts in the county, as shown for the last 16455
complete year of actual receipts, on the latest available 16456
budgets of such municipal courts. Payments in the full amounts 16457
provided in this section shall be made monthly by each clerk in 16458
each calendar year until the maximum amount for such year has 16459
been paid. When that amount, so determined by the auditor, has 16460
been paid to the county law library resources fund, then no 16461
further payments shall be required in that calendar year from 16462
the clerk of that court. 16463

(5) This section does not apply to fines collected by a 16464
municipal court for violations of division (B) of section 16465
4513.263 of the Revised Code, or for violations of any municipal 16466
ordinance that is substantively comparable to that division, all 16467
of which shall be forwarded to the treasurer of state as 16468
provided in ~~division (E) of~~ section 4513.263 of the Revised 16469
Code. 16470

(B) The county treasurer, upon the voucher of the county 16471
auditor, shall deposit fifty per cent of all moneys collected by 16472
a county court accruing from fines, penalties, and forfeited 16473
bail, unless otherwise distributed by law, in the county law 16474
library resources fund in that county that is created under 16475
section 307.514 of the Revised Code. The county treasurer shall 16476
deposit those moneys into that fund within thirty days after 16477
those moneys have been paid into the county treasury by the 16478

clerk of the county court. 16479

This section does not apply to fines collected by a county 16480
court for violations of division (B) of section 4513.263 of the 16481
Revised Code, or for violations of any municipal ordinance that 16482
is substantively comparable to that division, all of which shall 16483
be forwarded to the treasurer of state as provided in ~~division~~ 16484
~~(E)~~ of section 4513.263 of the Revised Code. 16485

(C) In each county of the state, the clerk of the court of 16486
common pleas and the clerk of the probate court shall retain all 16487
fines and penalties collected by, and moneys arising from 16488
forfeited bail in, the court of common pleas and the probate 16489
court of that county for offenses and misdemeanors brought for 16490
prosecution in those courts in the name of the state and monthly 16491
shall deposit those moneys in the county law library resources 16492
fund in that county that is created under section 307.514 of the 16493
Revised Code. The total sums so deposited shall not exceed 16494
twelve hundred fifty dollars per annum, and when that amount has 16495
been deposited in the fund in accordance with this section then 16496
no further payments shall be required under this section in that 16497
calendar year from the clerks of those respective courts. 16498

This section does not apply to fines collected by a court 16499
of common pleas for violations of division (B) of section 16500
4513.263 of the Revised Code, all of which shall be forwarded to 16501
the treasurer of state as provided in ~~division (E)~~ of that 16502
section. 16503

This section does not apply to fines imposed under 16504
division (B) (9) of section 2929.18 of the Revised Code and 16505
collected by a court of common pleas, all of which shall be 16506
forwarded by the court to the treasurer of state not later than 16507
the twentieth day of the month after the month in which they are 16508

collected for deposit into the state treasury to the credit of 16509
the rape crisis program trust fund created by section 109.921 of 16510
the Revised Code. 16511

(D) In each county, the treasurer of the county or the 16512
treasurer of the municipal corporation shall deposit monthly 16513
fifty per cent of all fines and penalties collected by, and 16514
fifty per cent of moneys arising from forfeited bail in, any 16515
court in that county for offenses brought for prosecution under 16516
Chapters 4301. and 4303. of the Revised Code and the state 16517
traffic laws in the county legal resources fund in that county 16518
that is created under section 307.514 of the Revised Code. The 16519
sum so deposited in that fund by each treasurer shall not exceed 16520
twelve hundred dollars per annum under Chapters 4301. and 4303. 16521
of the Revised Code, and when that amount has been deposited in 16522
that fund in accordance with this section, then no further 16523
deposits shall be required under this section in that calendar 16524
year from those treasurers. 16525

As used in this section, "state traffic laws" does not 16526
include division (B) of section 4513.263 of the Revised Code. 16527

Sec. 307.86. Anything to be purchased, leased, leased with 16528
an option or agreement to purchase, or constructed, including, 16529
but not limited to, any product, structure, construction, 16530
reconstruction, improvement, maintenance, repair, or service, 16531
except the services of an accountant, architect, attorney at 16532
law, physician, professional engineer, construction project 16533
manager, consultant, surveyor, or appraiser, by or on behalf of 16534
the county or contracting authority, as defined in section 16535
307.92 of the Revised Code, at a cost in excess of the amount 16536
specified in section 9.17 of the Revised Code, except as 16537
otherwise provided in division (D) of section 713.23 and in 16538

sections 9.48, 125.04, ~~125.60 to 125.601~~125.601, 307.022, 16539
307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 16540
5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, 16541
shall be obtained through competitive bidding. No purchase, 16542
lease, project, or other transaction subject to this section 16543
shall be divided into component parts, separate projects, or 16544
separate items of work in order to avoid the requirements of 16545
this section. However, competitive bidding is not required when 16546
any of the following applies: 16547

(A) The board of county commissioners, by a unanimous vote 16548
of its members, makes a determination that a real and present 16549
emergency exists, and that determination and the reasons for it 16550
are entered in the minutes of the proceedings of the board, when 16551
any of the following applies: 16552

(1) The estimated cost is less than one hundred twenty- 16553
five thousand dollars. 16554

(2) There is actual physical disaster to structures, radio 16555
communications equipment, or computers. 16556

(3) The product to be purchased is personal protective 16557
equipment and the purchase is completed during the period of the 16558
emergency declared by Executive Order 2020-01D, issued on March 16559
9, 2020. 16560

For purposes of this division: 16561

"Personal protective equipment" means equipment worn to 16562
minimize exposure to hazards that cause workplace injuries and 16563
illnesses. 16564

"Unanimous vote" means all three members of a board of 16565
county commissioners when all three members are present, or two 16566
members of the board if only two members, constituting a quorum, 16567

are present. 16568

Whenever a contract of purchase, lease, or construction is 16569
exempted from competitive bidding under division (A) (1) of this 16570
section because the estimated cost is less than one hundred 16571
twenty-five thousand dollars, but the estimated cost is the 16572
amount specified in section 9.17 of the Revised Code or more, 16573
the county or contracting authority shall solicit informal 16574
estimates from no fewer than three persons who could perform the 16575
contract, before awarding the contract. With regard to each such 16576
contract, the county or contracting authority shall maintain a 16577
record of such estimates, including the name of each person from 16578
whom an estimate is solicited. The county or contracting 16579
authority shall maintain the record for the longer of at least 16580
one year after the contract is awarded or the amount of time the 16581
federal government requires. 16582

(B) (1) The purchase consists of supplies or a replacement 16583
or supplemental part or parts for a product or equipment owned 16584
or leased by the county, and the only source of supply for the 16585
supplies, part, or parts is limited to a single supplier. 16586

(2) The purchase consists of services related to 16587
information technology, such as programming services, that are 16588
proprietary or limited to a single source. 16589

(C) The purchase is from the federal government, the 16590
state, another county or contracting authority of another 16591
county, or a board of education, educational service center, 16592
township, or municipal corporation. 16593

(D) The purchase is made by a county department of job and 16594
family services under section 329.04 of the Revised Code and 16595
consists of family services duties or workforce development 16596

activities or is made by a county board of developmental 16597
disabilities under section 5126.05 of the Revised Code and 16598
consists of program services, such as direct and ancillary 16599
client services, child care, case management services, 16600
residential services, and family resource services. 16601

(E) The purchase consists of criminal justice services, 16602
social services programs, family services, or workforce 16603
development activities by the board of county commissioners from 16604
nonprofit corporations or associations under programs funded by 16605
the federal government or by state grants. 16606

(F) The purchase consists of any form of an insurance 16607
policy or contract authorized to be issued under Title XXXIX of 16608
the Revised Code or any form of health care plan authorized to 16609
be issued under Chapter 1751. of the Revised Code, or any 16610
combination of such policies, contracts, plans, or services that 16611
the contracting authority is authorized to purchase, and the 16612
contracting authority does all of the following: 16613

(1) Determines that compliance with the requirements of 16614
this section would increase, rather than decrease, the cost of 16615
the purchase; 16616

(2) Requests issuers of the policies, contracts, plans, or 16617
services to submit proposals to the contracting authority, in a 16618
form prescribed by the contracting authority, setting forth the 16619
coverage and cost of the policies, contracts, plans, or services 16620
as the contracting authority desires to purchase; 16621

(3) Negotiates with the issuers for the purpose of 16622
purchasing the policies, contracts, plans, or services at the 16623
best and lowest price reasonably possible. 16624

(G) The purchase consists of computer hardware, software, 16625

or consulting services that are necessary to implement a 16626
computerized case management automation project administered by 16627
the Ohio prosecuting attorneys association and funded by a grant 16628
from the federal government. 16629

(H) Child care services are purchased for provision to 16630
county employees. 16631

(I) (1) Property, including land, buildings, and other real 16632
property, is leased for offices, storage, parking, or other 16633
purposes, and all of the following apply: 16634

(a) The contracting authority is authorized by the Revised 16635
Code to lease the property. 16636

(b) The contracting authority develops requests for 16637
proposals for leasing the property, specifying the criteria that 16638
will be considered prior to leasing the property, including the 16639
desired size and geographic location of the property. 16640

(c) The contracting authority receives responses from 16641
prospective lessors with property meeting the criteria specified 16642
in the requests for proposals by giving notice in a manner 16643
substantially similar to the procedures established for giving 16644
notice under section 307.87 of the Revised Code. 16645

(d) The contracting authority negotiates with the 16646
prospective lessors to obtain a lease at the best and lowest 16647
price reasonably possible considering the fair market value of 16648
the property and any relocation and operational costs that may 16649
be incurred during the period the lease is in effect. 16650

(2) The contracting authority may use the services of a 16651
real estate appraiser to obtain advice, consultations, or other 16652
recommendations regarding the lease of property under this 16653
division. 16654

(J) The purchase is made pursuant to section 5139.34 or 16655
sections 5139.41 to 5139.46 of the Revised Code and is of 16656
programs or services that provide case management, treatment, or 16657
prevention services to any felony or misdemeanor delinquent, 16658
unruly youth, or status offender under the supervision of the 16659
juvenile court, including, but not limited to, community 16660
residential care, day treatment, services to children in their 16661
home, or electronic monitoring. 16662

(K) The purchase is made by a public children services 16663
agency pursuant to section 307.92 or 5153.16 of the Revised Code 16664
and consists of family services, programs, or ancillary services 16665
that provide case management, prevention, or treatment services 16666
for children at risk of being or alleged to be abused, 16667
neglected, or dependent children. 16668

(L) The purchase is to obtain the services of emergency 16669
medical service organizations under a contract made by the board 16670
of county commissioners pursuant to section 307.05 of the 16671
Revised Code with a joint emergency medical services district. 16672

(M) The county contracting authority determines that the 16673
use of competitive sealed proposals would be advantageous to the 16674
county and the contracting authority complies with section 16675
307.862 of the Revised Code. 16676

(N) The purchase consists of used supplies and is made at 16677
a public auction. 16678

Any issuer of policies, contracts, plans, or services 16679
listed in division (F) of this section and any prospective 16680
lessor under division (I) of this section may have the issuer's 16681
or prospective lessor's name and address, or the name and 16682
address of an agent, placed on a special notification list to be 16683

kept by the contracting authority, by sending the contracting 16684
authority that name and address. The contracting authority shall 16685
send notice to all persons listed on the special notification 16686
list. Notices shall state the deadline and place for submitting 16687
proposals. The contracting authority shall mail the notices at 16688
least six weeks prior to the deadline set by the contracting 16689
authority for submitting proposals. Every five years the 16690
contracting authority may review this list and remove any person 16691
from the list after mailing the person notification of that 16692
action. 16693

Any contracting authority that negotiates a contract under 16694
division (F) of this section shall request proposals and 16695
negotiate with issuers in accordance with that division at least 16696
every three years from the date of the signing of such a 16697
contract, unless the parties agree upon terms for extensions or 16698
renewals of the contract. Such extension or renewal periods 16699
shall not exceed six years from the date the initial contract is 16700
signed. 16701

Any real estate appraiser employed pursuant to division 16702
(I) of this section shall disclose any fees or compensation 16703
received from any source in connection with that employment. 16704

As used in division (N) of this section, "supplies" means 16705
any personal property including equipment, materials, and other 16706
tangible assets. 16707

Sec. 307.985. Each board of county commissioners shall 16708
develop a written transportation work plan that establishes 16709
policies regarding the transportation needs of low income 16710
residents of the county seeking or striving to retain 16711
employment. In developing the transportation work plan, the 16712
board shall consult with all of the following: 16713

(A) The county department of job and family services; 16714

(B) If a regional transit authority created under section 16715
306.32 of the Revised Code serves the county, the regional 16716
transit authority; 16717

(C) If a community action agency, as defined in section 16718
~~122.66~~ 5101.311 of the Revised Code, serves the county, the 16719
community action agency; 16720

(D) As designated by the board of county commissioners, 16721
representatives of private ~~non-profit~~ nonprofit and government 16722
entities that work with issues related to economic development, 16723
employment, and persons with physical disabilities; 16724

(E) Other individuals designated by the board of county 16725
commissioners. 16726

Sec. 340.01. (A) As used in this chapter: 16727

(1) "Addiction," "addiction services," "alcohol and drug 16728
addiction services," "alcohol use disorder," "certifiable 16729
services and supports," "community addiction services provider," 16730
"community mental health services provider," "drug addiction," 16731
"gambling addiction services," "included opioid and co-occurring 16732
drug addiction services and recovery supports," "mental health 16733
services," "mental illness," "recovery housing residence," and 16734
"recovery supports" have the same meanings as in section 5119.01 16735
of the Revised Code. 16736

(2) "Medication-assisted treatment" means alcohol and drug 16737
addiction services that are accompanied by medication approved 16738
by the United States food and drug administration for the 16739
treatment of alcohol use disorder or drug addiction, prevention 16740
of relapse, or both. 16741

(B) An alcohol, drug addiction, and mental health service 16742
district shall be established in any county or combination of 16743
counties having a population of at least fifty thousand. With 16744
the approval of the director of ~~mental-behavioral health-and-~~ 16745
~~addiction services~~, any county or combination of counties having 16746
a population of less than fifty thousand may establish such a 16747
district. Districts comprising more than one county shall be 16748
known as joint-county districts. 16749

The board of county commissioners of any county 16750
participating in a joint-county district may submit a resolution 16751
requesting withdrawal from the district together with a 16752
comprehensive plan or plans that are in compliance with rules 16753
adopted by the director of ~~mental-behavioral health and-~~ 16754
~~addiction services~~ under section 5119.22 of the Revised Code to 16755
the board of alcohol, drug addiction, and mental health 16756
services, to the boards of county commissioners of each county 16757
in the district, and to the director. The plan or plans shall 16758
include all of the following: proposed bylaws for the operation 16759
of the newly established district; a list of potential board 16760
members; a list of the behavioral health services available in 16761
the newly established district, including inpatient, outpatient, 16762
prevention, and housing services; equitable adjustment and 16763
division of all services, assets, property, debts, and 16764
obligations of the former joint-county district; a plan ensuring 16765
no disruption in behavioral health services in the newly 16766
established district; and provision for the employment of an 16767
executive director of the newly established district. 16768

The director shall approve the plan not later than one 16769
year after the date the resolution was adopted by the board of 16770
county commissioners. No county participating in a joint-county 16771
district may withdraw from the district without the consent of 16772

the director of ~~mental-behavioral health and addiction services~~ 16773
nor earlier than one year after the submission of such 16774
resolution unless all of the participating counties agree to an 16775
earlier withdrawal. 16776

Any county withdrawing from a joint-county district shall 16777
continue to have levied against its tax list and duplicate any 16778
tax levied by the district during the period in which the county 16779
was a member of the district until such time as the levy expires 16780
or is renewed or replaced. 16781

(C) For any tax levied under section 5705.19 of the 16782
Revised Code by a board of a joint-county district formed on or 16783
after April 3, 2023, revenue from the tax shall only be expended 16784
for the benefit of the residents of the county from which the 16785
revenue is derived. For the purpose of this division, a joint- 16786
county district is not formed by virtue of a county joining or 16787
withdrawing from a district or if a joint-county service 16788
district merges with another joint-county district. 16789

Sec. 340.011. (A) This chapter shall be interpreted to 16790
accomplish all of the following: 16791

(1) Establish a unified system of treatment for persons 16792
with mental illnesses and persons with addictions; 16793

(2) Establish a community support system available for 16794
every alcohol, drug addiction, and mental health service 16795
district; 16796

(3) Protect the personal liberty of persons with mental 16797
illnesses so that they may be treated in the least restrictive 16798
environment; 16799

(4) Encourage the development of high quality, cost 16800
effective, and comprehensive services, including culturally 16801

sensitive services; 16802

(5) Foster the development of comprehensive community 16803
mental health services, based on recognized local needs, 16804
especially for persons with severe mental disabilities; 16805

(6) Ensure that services provided meet minimum standards 16806
established by the director of ~~mental-behavioral health-and-~~ 16807
~~addiction services;~~ 16808

(7) Promote the delivery of high quality and cost- 16809
effective addiction and mental health services; 16810

(8) Promote the participation of persons receiving mental 16811
health services and addiction services in the planning, 16812
delivery, and evaluation of these services. 16813

(B) Nothing in Chapter 340., 5119., or 5122. of the 16814
Revised Code shall be construed as requiring a board of county 16815
commissioners to provide resources beyond the total amount set 16816
forth in a budget and list of addiction services, mental health 16817
services, and recovery supports required by section 340.08 of 16818
the Revised Code and approved by the department of ~~mental-~~ 16819
~~behavioral health and addiction services~~ under section 5119.22 16820
of the Revised Code. 16821

Sec. 340.02. (A) For each alcohol, drug addiction, and 16822
mental health service district, there shall be appointed a board 16823
of alcohol, drug addiction, and mental health services. As 16824
provided in this section, the board shall consist of eighteen 16825
members, fifteen members, fourteen members, twelve members, or 16826
nine members. 16827

In a single-county district, the size of the board shall 16828
be determined by the board of county commissioners representing 16829
the county that constitutes the district. In a joint-county 16830

district, the size of the board shall be determined jointly by 16831
all of the boards of county commissioners representing the 16832
counties that constitute the district. 16833

The determination of board size shall be made by selecting 16834
one of the options described in division (B) of this section. 16835
After an option is selected and implemented, a subsequent 16836
determination of board size may be made, except that subsequent 16837
determinations shall not occur more frequently than once every 16838
four calendar years. 16839

If a selected option would result in a change in board 16840
size, before the option may be implemented the board of county 16841
commissioners or boards of county commissioners, as the case may 16842
be, shall send a representative to a meeting of the board of 16843
alcohol, drug addiction, and mental health services to solicit 16844
feedback about the matter. After considering any feedback 16845
received, the board or boards of county commissioners may 16846
proceed with implementing the change in board size. If the 16847
change results in a reduction of board members, the reduction 16848
shall be implemented by not filling vacancies as they occur. 16849

To implement a selected option that would result in the 16850
establishment of a new board of alcohol, drug addiction, and 16851
mental health services or in a change in size of an existing 16852
board, the board or boards of county commissioners, as the case 16853
may be, shall adopt a resolution specifying the board size that 16854
has been selected. The board or boards of county commissioners 16855
also shall notify the department of ~~mental-behavioral health and~~ 16856
~~addiction services~~ of the board size that has been selected. 16857

(B) (1) In the case of a board of alcohol, drug addiction, 16858
and mental health services that is established on or after ~~the~~ 16859
~~effective date of this amendment~~ October 3, 2023, any of the 16860

following options may be selected for purposes of division (A) 16861
of this section: 16862

(a) To establish the board as an eighteen-member board; 16863

(b) To establish the board as a fifteen-member board; 16864

(c) To establish the board as a fourteen-member board; 16865

(d) To establish the board as a twelve-member board; 16866

(e) To establish the board as a nine-member board; 16867

(f) To change the board's size after it has been 16868
established by selecting a number of members that is eighteen, 16869
fifteen, fourteen, twelve, or nine, as the case may be. 16870

(2) In the case of a board of alcohol, drug addiction, and 16871
mental health services that existed immediately prior to ~~the~~ 16872
~~effective date of this amendment~~ October 3, 2023, either of the 16873
following options may be selected for purposes of division (A) 16874
of this section: 16875

(a) To continue the board's operation as an eighteen- 16876
member or fourteen-member board, as a board of that size was 16877
authorized prior to ~~the effective date of this amendment~~ October 16878
3, 2023, in which case no further action is required; 16879

(b) To change the board's size by selecting a number of 16880
members that is eighteen, fifteen, fourteen, twelve, or nine as 16881
the case may be. 16882

(C) All members shall be residents of the service 16883
district. The membership shall, as nearly as possible, reflect 16884
the composition of the population of the service district as to 16885
race and sex. 16886

The director of ~~mental behavioral health and addiction~~ 16887

~~services~~ shall appoint one-third of the members of the board and 16888
the board of county commissioners shall appoint two-thirds of 16889
the members. In a joint-county district, the board of county 16890
commissioners of each participating county shall appoint members 16891
in as nearly as possible the same proportion as that county's 16892
population bears to the total population of the district, except 16893
that at least one member shall be appointed from each 16894
participating county. 16895

The director of ~~mental-behavioral health and addiction-~~ 16896
~~services~~ shall ensure that at least one member of the board is a 16897
clinician with experience in the delivery of mental health 16898
services, at least one member of the board is a person who has 16899
received or is receiving mental health services, at least one 16900
member of the board is a parent or other relative of such a 16901
person, at least one member of the board is a clinician with 16902
experience in the delivery of addiction services, at least one 16903
member of the board is a person who has received or is receiving 16904
addiction services, and at least one member of the board is a 16905
parent or other relative of such a person. A single member who 16906
meets both qualifications may fulfill the requirement for a 16907
clinician with experience in the delivery of mental health 16908
services and a clinician with experience in the delivery of 16909
addiction services. 16910

No member or employee of a board of alcohol, drug 16911
addiction, and mental health services shall serve as a member of 16912
the board of any provider with which the board of alcohol, drug 16913
addiction, and mental health services has entered into a 16914
contract for the provision of services or facilities. No member 16915
of a board of alcohol, drug addiction, and mental health 16916
services shall be an employee of any provider with which the 16917
board has entered into a contract for the provision of services 16918

or facilities. No person shall be an employee of a board and 16919
such a provider unless the board and provider both agree in 16920
writing. 16921

No person shall serve as a member of the board of alcohol, 16922
drug addiction, and mental health services whose spouse, child, 16923
parent, brother, sister, grandchild, stepparent, stepchild, 16924
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 16925
law, daughter-in-law, brother-in-law, or sister-in-law serves as 16926
a member of the board of any provider with which the board of 16927
alcohol, drug addiction, and mental health services has entered 16928
into a contract for the provision of services or facilities. No 16929
person shall serve as a member or employee of the board whose 16930
spouse, child, parent, brother, sister, stepparent, stepchild, 16931
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 16932
law, daughter-in-law, brother-in-law, or sister-in-law serves as 16933
a county commissioner of a county or counties in the alcohol, 16934
drug addiction, and mental health service district. 16935

Each year each board member shall attend at least one 16936
inservice training session provided or approved by the 16937
department of ~~mental-behavioral health-and-addiction services~~. 16938

Each member shall be appointed for a term of four years, 16939
commencing the first day of July, except that when a board is 16940
established on or after ~~the effective date of this amendment~~ 16941
October 3, 2023, the initial appointments shall be staggered 16942
among the members as equally as possible with terms of two 16943
years, three years, and four years. 16944

No member shall serve more than two consecutive four-year 16945
terms under the same appointing authority. A member may serve 16946
for three consecutive terms under the same appointing authority 16947
only if one of the terms is for less than two years. A member 16948

who has served two consecutive four-year terms or three 16949
consecutive terms totaling less than ten years is eligible for 16950
reappointment by the same appointing authority one year 16951
following the end of the second or third term, respectively. 16952

When a vacancy occurs, appointment for the expired or 16953
unexpired term shall be made in the same manner as an original 16954
appointment. The board shall notify the appointing authority 16955
either by certified mail or, if the board has record of an 16956
internet identifier of record associated with the authority, by 16957
ordinary mail and by that internet identifier of record of any 16958
vacancy and shall fill the vacancy within sixty days following 16959
that notice. As used in this paragraph, "internet identifier of 16960
record" has the same meaning as in section 9.312 of the Revised 16961
Code. 16962

Any member of the board may be removed from office by the 16963
appointing authority at will. Before a member may be removed at 16964
will, the member shall be informed in writing of the proposed 16965
removal and afforded an opportunity for a public hearing. Upon 16966
the absence of a member within one year from either four board 16967
meetings or from two board meetings without prior notice, the 16968
board shall notify the appointing authority, which may vacate 16969
the appointment and appoint another person to complete the 16970
member's term. 16971

Members of the board shall serve without compensation, but 16972
shall be reimbursed for actual and necessary expenses incurred 16973
in the performance of their official duties, as defined by rules 16974
of the department of ~~mental-behavioral health-and-addiction-~~ 16975
~~services.~~ 16976

Sec. 340.021. (A) In an alcohol, drug addiction, and 16977
mental health service district where the board of county 16978

commissioners has established an alcohol and drug addiction 16979
services board, the community mental health board established 16980
under former section 340.02 of the Revised Code shall serve as 16981
the entity responsible for providing mental health services in 16982
the county. A community mental health board has all the powers, 16983
duties, and obligations of a board of alcohol, drug addiction, 16984
and mental health services with regard to mental health 16985
services. An alcohol and drug addiction services board has all 16986
the powers, duties, and obligations of a board of alcohol, drug 16987
addiction, and mental health services with regard to addiction 16988
services. Any provision of the Revised Code that refers to a 16989
board of alcohol, drug addiction, and mental health services 16990
with regard to mental health services also refers to a community 16991
mental health board and any provision that refers to a board of 16992
alcohol, drug addiction, and mental health services with regard 16993
to alcohol and drug addiction services also refers to an alcohol 16994
and drug addiction services board. 16995

An alcohol and drug addiction services board shall consist 16996
of eighteen members or fourteen members, at the election of the 16997
board. Not later than January 1, 2014, each alcohol and drug 16998
addiction services board shall notify the department of ~~mental-~~ 16999
behavioral health ~~and addiction services~~ of its election to 17000
operate as an eighteen-member board or to operate as a fourteen- 17001
member board. The election shall be final. Failure to provide 17002
notice of its election to the department on or before January 1, 17003
2014, shall constitute an election to continue to operate as an 17004
eighteen-member board. If an existing board provides timely 17005
notice of its election to operate as a fourteen-member board, 17006
the number of board members may decline from eighteen to 17007
fourteen by attrition as current members' terms expire. However, 17008
the composition of the board must reflect the requirements set 17009

forth in this section and in applicable provisions of section 17010
340.02 of the Revised Code for fourteen-member boards. For 17011
boards operating as eighteen-member boards, six members shall be 17012
appointed by the director of ~~mental-behavioral~~ health and 17013
~~addiction services~~ and twelve members shall be appointed by the 17014
board of county commissioners. The director of ~~mental-behavioral~~ 17015
~~health and addiction services~~ shall ensure that at least one 17016
member of the board is a person who has received or is receiving 17017
services for alcohol, drug, or gambling addiction, at least one 17018
member is a parent or relative of such a person, and at least 17019
one member is a clinician with experience in the delivery of 17020
addiction services. The membership of the board shall, as nearly 17021
as possible, reflect the composition of the population of the 17022
service district as to race and sex. Members shall be residents 17023
of the service district and shall be interested in alcohol, 17024
drug, or gambling addiction services. Requirements for 17025
membership, including prohibitions against certain family and 17026
business relationships, and terms of office shall be the same as 17027
those for members of boards of alcohol, drug addiction, and 17028
mental health services. 17029

A community mental health board shall consist of eighteen 17030
members or fourteen members, at the election of the board. Not 17031
later than January 1, 2014, each community mental health board 17032
shall notify the department of ~~mental-behavioral~~ health and 17033
~~addiction services~~ of its election to operate as an eighteen- 17034
member board or to operate as a fourteen-member board. The 17035
election shall be final. Failure to provide notice of its 17036
election to the department on or before January 1, 2014, shall 17037
constitute an election to continue to operate as an eighteen- 17038
member board. If an existing board provides timely notice of its 17039
election to operate as a fourteen-member board, the number of 17040

board members may decline from eighteen to fourteen by attrition 17041
as current members' terms expire. However, the composition of 17042
the board must reflect the requirements set forth in this 17043
section and in applicable provisions of section 340.02 of the 17044
Revised Code for fourteen-member boards. For boards operating as 17045
eighteen-member boards, six members shall be appointed by the 17046
director of ~~mental-behavioral health and addiction services~~ and 17047
twelve members shall be appointed by the board of county 17048
commissioners. The director of ~~mental-behavioral health and~~ 17049
~~addiction services~~ shall ensure that at least one member of the 17050
board is a person who has received or is receiving mental health 17051
services, at least one member is a parent or relative of such a 17052
person, and at least one member is a clinician with experience 17053
in the delivery of mental health services. The membership of the 17054
board as nearly as possible shall reflect the composition of the 17055
population of the service district as to race and sex. Members 17056
shall be residents of the service district and shall be 17057
interested in mental health services. Requirements for 17058
membership, including prohibitions against certain family and 17059
business relationships, and terms of office shall be the same as 17060
those for members of boards of alcohol, drug addiction, and 17061
mental health services. 17062

(B) (1) If a board of county commissioners subject to 17063
division (A) of this section did not adopt a final resolution 17064
providing for a board of alcohol, drug addiction, and mental 17065
health services on or before July 1, 2007, the board of county 17066
commissioners may establish a board of alcohol, drug addiction, 17067
and mental health services on or after September 23, 2008. To 17068
establish the board, the board of county commissioners shall 17069
adopt a resolution providing for the board's establishment. The 17070
composition of the board, the procedures for appointing members, 17071

and all other matters related to the board and its members are 17072
subject to section 340.02 of the Revised Code, with the 17073
following exceptions: 17074

(a) For initial appointments to the board, the county's 17075
community mental health board and alcohol and drug addiction 17076
services board shall jointly recommend members of those boards 17077
for reappointment and shall submit the recommendations to the 17078
board of county commissioners and the director of ~~mental~~ 17079
behavioral health and addiction services. 17080

(b) The appointing authorities shall appoint the initial 17081
members from among the members jointly recommended under 17082
division (B)(1)(a) of this section unless the appointment is 17083
otherwise prohibited by law. 17084

(2) If a board of alcohol, drug addiction, and mental 17085
health services is established pursuant to division (B)(1) of 17086
this section, the board has the same rights, privileges, 17087
immunities, powers, and duties that were possessed by the 17088
county's community mental health board and alcohol and drug 17089
addiction services board. When the board is established, all 17090
property and obligations of the community mental health board 17091
and alcohol and drug addiction services board shall be 17092
transferred to the board of alcohol, drug addiction, and mental 17093
health services. 17094

Sec. 340.022. Notwithstanding the procedures established 17095
by section 340.02 of the Revised Code for determining the size 17096
of a board of alcohol, drug addiction, and mental health 17097
services, the size of a board shall be determined in accordance 17098
with this section in both of the following circumstances: 17099

(A)(1) If the director of ~~mental~~ behavioral health and 17100

~~addiction services~~ during the period beginning January 1, 2021, 17101
and ending December 31, 2022, grants approval to a board of 17102
county commissioners of a county with a population of at least 17103
seventy thousand but not more than eighty thousand, according to 17104
data from the 2010 federal census, to withdraw from a joint- 17105
county alcohol, drug addiction, and mental health service 17106
district pursuant to section 340.01 of the Revised Code, the 17107
size of the board shall be determined by the board of county 17108
commissioners representing the county that constitutes the 17109
single-county alcohol, drug addiction, and mental health service 17110
district created as a result of the withdrawal. The 17111
determination shall be made from among the options that may be 17112
selected under division (A)(2) of this section. Once an option 17113
is selected, the board of county commissioners shall adopt a 17114
resolution specifying the selection that has been made and shall 17115
notify the department of ~~mental behavioral health and addiction~~ 17116
~~services~~. After the resolution is adopted and the department is 17117
notified, the determination of size is final. 17118

(2) In the case of a board of alcohol, drug addiction, and 17119
mental health services that is established on or after the date 17120
the director grants the approval to withdraw described in 17121
division (A)(1) of this section, either of the following options 17122
may be selected by the board of county commissioners when making 17123
the determination required under that division: 17124

(a) To establish the board as an eighteen-member board; 17125

(b) To establish the board as a fourteen-member board. 17126

(3) When a board is established on or after September 30, 17127
2021, the initial appointments shall be staggered among the 17128
members as equally as possible with terms of two years, three 17129
years, and four years. 17130

(B) (1) If a county with a population of at least thirty-five thousand but not more than forty-five thousand, according to data from the 2010 federal census, joins an existing alcohol, drug addiction, and mental health service district during the period beginning on June 30, 2021, and ending June 30, 2023, the existing board of alcohol, drug addiction, and mental health services serving that district may elect to expand its membership to eighteen members if the existing board has fourteen members.

(2) The option to expand the board, as provided in division (B) (1) of this section, is available only during the twelve-month period beginning on the date the county with a population of at least thirty-five thousand but not more than forty-five thousand joins the alcohol, drug addiction, and mental health service district served by the board. The additional members shall be appointed in the manner specified in section 340.02 of the Revised Code.

Sec. 340.03. (A) Subject to rules issued by the director of ~~mental behavioral health and addiction services~~ after consultation with relevant constituencies as required by division (A) (10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community addiction and mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facility services, addiction services, mental health services, and recovery supports;

(b) In cooperation with other local and regional planning

and funding bodies and with relevant ethnic organizations, 17160
evaluate strengths and challenges and set priorities for 17161
addiction services, mental health services, and recovery 17162
supports. A board shall include treatment and prevention 17163
services when setting priorities for addiction services and 17164
mental health services. When a board sets priorities for 17165
addiction services, the board shall consult with the county 17166
commissioners of the counties in the board's service district 17167
regarding the services described in section 340.15 of the 17168
Revised Code and shall give priority to those services, except 17169
that those services shall not have a priority over services 17170
provided to pregnant women under programs developed in relation 17171
to the mandate established in section 5119.17 of the Revised 17172
Code. 17173

(c) In accordance with guidelines issued by the director 17174
of ~~mental-behavioral health and addiction services~~ under 17175
division (F) of section 5119.22 of the Revised Code, annually 17176
develop and submit to the department of ~~mental-behavioral health~~ 17177
~~and addiction services~~ a community addiction and mental health 17178
plan that addresses both of the following: 17179

(i) The needs of all residents of the service district 17180
currently receiving inpatient services in state-operated 17181
hospitals, the needs of other populations as required by state 17182
or federal law or programs, and the needs of all children 17183
subject to a determination made pursuant to section 121.38 of 17184
the Revised Code; 17185

(ii) The department's priorities for facility services, 17186
addiction services, mental health services, and recovery 17187
supports during the period for which the plan will be in effect. 17188
The department shall inform all of the boards of the 17189

department's priorities in a timely manner that enables the 17190
boards to know the department's priorities before the boards 17191
develop and submit the plans. 17192

In alcohol, drug addiction, and mental health service 17193
districts that have separate alcohol and drug addiction services 17194
and community mental health boards, the alcohol and drug 17195
addiction services board shall submit a community addiction plan 17196
and the community mental health board shall submit a community 17197
mental health plan. Each board shall consult with its 17198
counterpart in developing its plan and address the interaction 17199
between the local addiction and mental health systems and 17200
populations with regard to needs and priorities in developing 17201
its plan. 17202

The department shall approve or disapprove the plan, in 17203
whole or in part, in accordance with division (G) of section 17204
5119.22 of the Revised Code. Eligibility for state and federal 17205
funding shall be contingent upon an approved plan or relevant 17206
part of a plan. 17207

If a board determines that it is necessary to amend an 17208
approved plan, the board shall submit a proposed amendment to 17209
the director. The director shall approve or disapprove all or 17210
part of the amendment in accordance with division (H) of section 17211
5119.22 of the Revised Code. 17212

The board shall operate in accordance with the plan 17213
approved by the department. 17214

(d) Promote, arrange, and implement working agreements 17215
with social service agencies, both public and private, and with 17216
judicial agencies. 17217

(2) Investigate, or request another agency to investigate, 17218

any complaint alleging abuse or neglect of any person receiving 17219
addiction services, mental health services, or recovery supports 17220
from a community addiction services provider or community mental 17221
health services provider or alleging abuse or neglect of a 17222
resident receiving addiction services or with mental illness or 17223
severe mental disability residing in a residential facility 17224
licensed under section 5119.34 of the Revised Code. If the 17225
investigation substantiates the charge of abuse or neglect, the 17226
board shall take whatever action it determines is necessary to 17227
correct the situation, including notification of the appropriate 17228
authorities. Upon request, the board shall provide information 17229
about such investigations to the department. 17230

(3) For the purpose of section 5119.36 of the Revised 17231
Code, cooperate with the director of ~~mental~~-behavioral health 17232
~~and addiction services~~ in visiting and evaluating whether the 17233
certifiable services and supports of a community addiction 17234
services provider or community mental health services provider 17235
satisfy the certification standards established by rules adopted 17236
under that section. In addition, a board may provide input and 17237
recommendations to the department when an application for 17238
certification or the renewal of a certification has been 17239
submitted by a provider or when a provider is being investigated 17240
by the department, if the board, in either of those 17241
circumstances, is aware of information that would be beneficial 17242
to the department's consideration of the matter. 17243

(4) In accordance with criteria established under division 17244
(D) of section 5119.22 of the Revised Code, conduct program 17245
audits that review and evaluate the quality, effectiveness, and 17246
efficiency of addiction services, mental health services, and 17247
recovery supports provided by community addiction services 17248
providers and community mental health services providers under 17249

contract with the board and submit the board's findings and 17250
recommendations to the department of ~~mental-behavioral health-~~ 17251
~~and addiction services;~~ 17252

(5) In accordance with section 5119.34 of the Revised 17253
Code, review an application for a residential facility license 17254
and provide to the department of ~~mental-behavioral health and-~~ 17255
~~addiction services~~ any information about the applicant or 17256
facility that the board would like the department to consider in 17257
reviewing the application; 17258

(6) Audit, in accordance with rules adopted by the auditor 17259
of state pursuant to section 117.20 of the Revised Code, at 17260
least annually all programs, addiction services, mental health 17261
services, and recovery supports provided under contract with the 17262
board. In so doing, the board may contract for or employ the 17263
services of private auditors. A copy of the fiscal audit report 17264
shall be provided to the director of ~~mental-behavioral health-~~ 17265
~~and addiction services~~, the auditor of state, and the county 17266
auditor of each county in the board's district. 17267

(7) Recruit and promote local financial support for 17268
addiction services, mental health services, and recovery 17269
supports from private and public sources; 17270

(8) In accordance with guidelines issued by the department 17271
as necessary to comply with state and federal laws pertaining to 17272
financial assistance, approve fee schedules and related charges 17273
or adopt a unit cost schedule or other methods of payment for 17274
addiction services, mental health services, and recovery 17275
supports provided by community addiction services providers and 17276
community mental health services providers that have contracted 17277
with the board under section 340.036 of the Revised Code; 17278

(9) Submit to the director and the county commissioners of 17279
the county or counties served by the board, and make available 17280
to the public, an annual report of the addiction services, 17281
mental health services, and recovery supports under the 17282
jurisdiction of the board, including a fiscal accounting; 17283

(10) Establish a method for evaluating referrals for 17284
court-ordered treatment and affidavits filed pursuant to section 17285
5122.11 of the Revised Code in order to assist the probate 17286
division of the court of common pleas in determining whether 17287
there is probable cause that a respondent is subject to court- 17288
ordered treatment and whether alternatives to hospitalization 17289
are available and appropriate; 17290

(11) Designate the treatment services, provider, facility, 17291
or other placement for each person involuntarily committed to 17292
the board pursuant to Chapter 5122. of the Revised Code. The 17293
board shall provide the least restrictive and most appropriate 17294
alternative that is available for any person involuntarily 17295
committed to it and shall assure that the list of addiction 17296
services, mental health services, and recovery supports 17297
submitted and approved in accordance with division (B) of 17298
section 340.08 of the Revised Code are available to persons with 17299
severe mental disabilities residing within its service district. 17300
The board shall establish the procedure for authorizing payment 17301
for the services and supports, which may include prior 17302
authorization in appropriate circumstances. In accordance with 17303
section 340.037 of the Revised Code, the board may provide 17304
addiction services and mental health services directly to a 17305
person with a severe mental disability when life or safety is 17306
endangered and when no community addiction services provider or 17307
community mental health services provider is available to 17308
provide the service. 17309

(12) Ensure that housing built, subsidized, renovated, 17310
rented, owned, or leased by the board or a community addiction 17311
services provider or community mental health services provider 17312
has been approved as meeting minimum fire safety standards and 17313
that persons residing in the housing have access to appropriate 17314
and necessary services, including culturally relevant services, 17315
from a community addiction services provider or community mental 17316
health services provider. This division does not apply to 17317
residential facilities licensed pursuant to section 5119.34 of 17318
the Revised Code. 17319

(13) Establish a mechanism for obtaining advice and 17320
involvement of persons receiving addiction services, mental 17321
health services, or recovery supports on matters pertaining to 17322
services and supports in the alcohol, drug addiction, and mental 17323
health service district; 17324

(14) Perform the duties required by rules adopted under 17325
section 5119.22 of the Revised Code regarding referrals by the 17326
board or community mental health services providers under 17327
contract with the board of individuals with mental illness or 17328
severe mental disability to class two residential facilities 17329
licensed under section 5119.34 of the Revised Code and effective 17330
arrangements for ongoing mental health services for the 17331
individuals. The board is accountable in the manner specified in 17332
the rules for ensuring that the ongoing mental health services 17333
are effectively arranged for the individuals. 17334

(B) Each board of alcohol, drug addiction, and mental 17335
health services shall establish such rules, operating 17336
procedures, standards, and bylaws, and perform such other duties 17337
as may be necessary or proper to carry out the purposes of this 17338
chapter. 17339

(C) A board of alcohol, drug addiction, and mental health 17340
services may receive by gift, grant, devise, or bequest any 17341
moneys, lands, or property for the benefit of the purposes for 17342
which the board is established, and may hold and apply it 17343
according to the terms of the gift, grant, or bequest. All money 17344
received, including accrued interest, by gift, grant, or bequest 17345
shall be deposited in the treasury of the county, the treasurer 17346
of which is custodian of the alcohol, drug addiction, and mental 17347
health services funds to the credit of the board and shall be 17348
available for use by the board for purposes stated by the donor 17349
or grantor. 17350

(D) No member or employee of a board of alcohol, drug 17351
addiction, and mental health services shall be liable for injury 17352
or damages caused by any action or inaction taken within the 17353
scope of the member's official duties or the employee's 17354
employment, whether or not such action or inaction is expressly 17355
authorized by this section or any other section of the Revised 17356
Code, unless such action or inaction constitutes willful or 17357
wanton misconduct. Chapter 2744. of the Revised Code applies to 17358
any action or inaction by a member or employee of a board taken 17359
within the scope of the member's official duties or employee's 17360
employment. For the purposes of this division, the conduct of a 17361
member or employee shall not be considered willful or wanton 17362
misconduct if the member or employee acted in good faith and in 17363
a manner that the member or employee reasonably believed was in 17364
or was not opposed to the best interests of the board and, with 17365
respect to any criminal action or proceeding, had no reasonable 17366
cause to believe the conduct was unlawful. 17367

(E) The meetings held by any committee established by a 17368
board of alcohol, drug addiction, and mental health services 17369
shall be considered to be meetings of a public body subject to 17370

section 121.22 of the Revised Code. 17371

(F) (1) A board of alcohol, drug addiction, and mental 17372
health services may establish a rule, operating procedure, 17373
standard, or bylaw to allow the executive director of the board 17374
to execute both of the following types of contracts valued at 17375
twenty-five thousand dollars or less, as determined by the 17376
board, on behalf of the board without the board's prior 17377
approval: 17378

(a) Emergency contracts for clinical services or recovery 17379
support services; 17380

(b) Standard service contracts pertaining to the board's 17381
operations. 17382

(2) If a board establishes a rule, operating procedure, 17383
standard, or bylaw under division (F) (1) of this section, both 17384
of the following shall be the case: 17385

(a) The board shall define the scope of contracts 17386
described in divisions (F) (1) (a) and (b) of this section in that 17387
rule, operating procedure, standard, or bylaw. 17388

(b) The board shall disclose the existence of a contract 17389
executed pursuant to the rule, operating procedure, standard, or 17390
bylaw at the first board meeting that occurs after the contract 17391
was executed and ensure that a record of that disclosure is 17392
included in the written minutes of that meeting. 17393

Sec. 340.032. Subject to rules adopted by the director of 17394
~~mental-behavioral health and addiction services~~ after 17395
consultation with relevant constituencies as required by 17396
division (A) (10) of section 5119.21 of the Revised Code, each 17397
board of alcohol, drug addiction, and mental health services 17398
shall do all of the following: 17399

(A) Establish, to the extent resources are available, a community-based continuum of care that includes all of the following as essential elements:

(1) Prevention and wellness management services;

(2) At least both of the following outreach and engagement activities:

(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports;

(b) Helping persons who receive addiction services and persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income.

(3) Assessment services;

(4) Care coordination;

(5) Residential services;

(6) At least the following outpatient services:

(a) Nonintensive;

(b) Intensive, such as partial hospitalization and assertive community treatment;

(c) Withdrawal management;

(d) Emergency and crisis.

(7) Where appropriate, at least the following inpatient services:

(a) Psychiatric care;

(b) Medically managed alcohol or drug treatment.	17426
(8) At least all of the following recovery supports:	17427
(a) Peer support;	17428
(b) A wide range of housing and support services, including recovery housing residences;	17429 17430
(c) Employment, vocational, and educational opportunities;	17431
(d) Assistance with social, personal, and living skills;	17432
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	17433 17434
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	17435 17436 17437
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	17438 17439 17440
(10) Any additional elements the department of mental- <u>behavioral health-and-addiction services</u> , pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	17441 17442 17443 17444
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	17445 17446
(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.	17447 17448 17449
Sec. 340.034. All of the following apply to recovery housing residences required by section 340.033 of the Revised Code to be part of included opioid and co-occurring drug	17450 17451 17452

addiction services and recovery supports: 17453

(A) A recovery housing residence shall comply with the 17454
requirements of being monitored by the department of ~~mental~~ 17455
behavioral health and addiction services under sections 5119.39 17456
to 5119.396 of the Revised Code and any rules adopted under 17457
section 5119.397 of the Revised Code, but the residence is not 17458
subject to residential facility licensure by the department 17459
under section 5119.34 of the Revised Code. 17460

(B) A recovery housing residence shall not be operated by 17461
a board of alcohol, drug addiction, and mental health services 17462
unless any of the following applies: 17463

(1) The board operated the recovery housing residence on 17464
July 1, 2017. 17465

(2) The board utilizes local funds in the development or 17466
operation of the recovery housing residence. 17467

(3) The board determines that there is a need for the 17468
board to assume operation of the recovery housing residence, 17469
such as when an existing operator of the residence goes out of 17470
business and the board considers the assumption of operation of 17471
the residence to be in the best interest of the community. 17472

(C) A recovery housing residence shall have protocols for 17473
all of the following: 17474

(1) Administrative oversight; 17475

(2) Quality standards; 17476

(3) Policies and procedures, including house rules, for 17477
its residents to which the residents must agree to adhere. 17478

(D) Family members of a resident of a recovery housing 17479

residence may reside in the residence to the extent permitted by 17480
protocols of the residence. 17481

(E) A recovery housing residence shall not limit a 17482
resident's duration of stay to an arbitrary or fixed amount of 17483
time. Instead, each resident's duration of stay shall be 17484
determined by the resident's needs, progress, and willingness to 17485
abide by the residence's protocols, in collaboration with the 17486
residence's operator, and, if appropriate, in consultation and 17487
integration with a community addiction services provider. 17488

(F) A recovery housing residence may permit its residents 17489
to receive medication-assisted treatment. 17490

(G) A resident of a recovery housing residence may receive 17491
addiction services that are certified by the department under 17492
section 5119.36 of the Revised Code. 17493

Sec. 340.036. (A) Subject to division (B) of this section 17494
and rules adopted by the director of ~~mental-behavioral health~~ 17495
~~and addiction services~~ after consultation with relevant 17496
constituencies as required by division (A)(10) of section 17497
5119.21 of the Revised Code, each board of alcohol, drug 17498
addiction, and mental health services shall enter into contracts 17499
with all of the following: 17500

(1) Public and private facilities for the operation of 17501
facility services; 17502

(2) Community addiction services providers for addiction 17503
services and recovery supports; 17504

(3) Community mental health services providers for mental 17505
health services and recovery supports. 17506

(B) No board shall do any of the following: 17507

(1) Contract with a residential facility required to be 17508
licensed under section 5119.34 of the Revised Code unless the 17509
facility is so licensed; 17510

(2) Contract with a community addiction services provider 17511
or community mental health services provider for certifiable 17512
services and supports unless the certifiable services and 17513
supports are certified under section 5119.36 of the Revised 17514
Code; 17515

(3) Contract with a community addiction services provider 17516
or community mental health services provider for recovery 17517
supports that are required by the director to meet quality 17518
criteria or core competencies unless the recovery supports meet 17519
the criteria or competencies. 17520

(C) When a board contracts with a community addiction 17521
services provider or community mental health services provider 17522
for addiction services, mental health services, or recovery 17523
supports, all of the following apply: 17524

(1) The board shall consider both of the following: 17525

(a) The cost effectiveness and quality of the provider's 17526
services and supports; 17527

(b) Continuity of care. 17528

(2) The board may review cost elements, including salary 17529
costs, of the services and supports. 17530

(3) The board may establish, in a way that is most 17531
effective and efficient in meeting local needs, a utilization 17532
review process as part of the contract. 17533

(4) The board may contract with a government entity, for- 17534
profit entity, or nonprofit entity. Any such entity may be 17535

faith-based. 17536

(D) If a party to a contract entered into under this 17537
section proposes not to renew the contract or proposes 17538
substantial changes in contract terms, the other party shall be 17539
given written notice at least one hundred twenty days before the 17540
expiration date of the contract. During the first sixty days of 17541
this one-hundred-twenty-day period, both parties shall attempt 17542
to resolve any dispute through good faith collaboration and 17543
negotiation in order to continue to provide services and 17544
supports to persons in need. If the dispute has not been 17545
resolved sixty days before the expiration date of the contract, 17546
either party may notify the director of the unresolved dispute. 17547
The director may require both parties to submit the dispute to 17548
another entity with the cost to be shared by the parties. Not 17549
later than twenty days before the expiration date of the 17550
contract or a later date to which both parties agree, the other 17551
entity shall issue to the parties and director recommendations 17552
on how the dispute may be resolved. The director shall adopt 17553
rules establishing the procedures of this dispute resolution 17554
process. 17555

(E) Section 307.86 of the Revised Code does not apply to 17556
contracts entered into under this section. 17557

Sec. 340.037. (A) Subject to division (B) of this section 17558
and rules adopted by the director of ~~mental-behavioral~~ health 17559
~~and addiction services~~ after consultation with relevant 17560
constituencies as required by division (A)(10) of section 17561
5119.21 of the Revised Code, a board of alcohol, drug addiction, 17562
and mental health services may operate a facility or provide an 17563
addiction service or mental health service if both of the 17564
following apply: 17565

- (1) The director gives the board prior approval; 17566
- (2) There is no other qualified private or public 17567
facility, community addiction services provider, or community 17568
mental health services provider that is immediately available 17569
and willing to operate such a facility or provide the service. 17570
- (B) (1) In an emergency situation, a board may operate a 17571
facility or provide an addiction service or mental health 17572
service in order to provide essential services for the duration 17573
of the emergency. 17574
- (2) In a service district with a population of at least 17575
one hundred thousand but less than five hundred thousand, a 17576
board may operate a facility or provide an addiction service or 17577
mental health service for not longer than one year. 17578
- (3) In a service district with a population of less than 17579
one hundred thousand, a board may operate a facility or provide 17580
an addiction service or mental health service for not longer 17581
than one year, except that the board may operate a facility or 17582
provide an addiction service or mental health service for more 17583
than one year with the prior approval of both of the following: 17584
- (a) The director; 17585
- (b) The board of county commissioners with jurisdiction 17586
over the service district or, if the service district is a 17587
joint-county district, a majority of the boards of county 17588
commissioners with jurisdiction over the district. 17589
- (C) The director shall not do any of the following: 17590
- (1) Except in an emergency situation, give a board 17591
approval to operate a facility or provide an addiction service 17592
or mental health service unless the director determines that it 17593

is not feasible to have the department operate the facility or 17594
provide the service; 17595

(2) Give a board that serves a service district with a 17596
population of less than one hundred thousand approval to operate 17597
a facility or provide an addiction service or mental health 17598
service unless the director determines that the board will 17599
provide greater administrative efficiency and more or better 17600
services than would be available if the board contracted with a 17601
private or public facility, community addiction services 17602
provider, or community mental health services provider; 17603

(3) Give a board approval to operate a facility previously 17604
operated by a person or other government entity unless the board 17605
has established to the director's satisfaction that the person 17606
or other government entity cannot effectively operate the 17607
facility or that the person or other government entity has 17608
requested the board to take over operation of the facility; 17609

(4) Give a board approval to provide an addiction service 17610
or mental health service previously provided by a community 17611
addiction services provider or community mental health services 17612
provider unless the board has established to the director's 17613
satisfaction that the provider cannot effectively provide the 17614
service or that the provider has requested the board to take 17615
over providing the service. 17616

(D) The director shall review and evaluate a board's 17617
operation of a facility and provision of addiction services or 17618
mental health services under this section. 17619

(E) Nothing in this section authorizes a board to 17620
administer or direct the daily operation of any facility, 17621
community addiction services provider, or community mental 17622

health services provider. However, a facility or provider may 17623
contract with a board to receive administrative services or 17624
staff direction from the board under the direction of the 17625
governing body of the facility or provider. 17626

Sec. 340.04. Each board of alcohol, drug addiction, and 17627
mental health services shall employ a qualified mental health or 17628
addiction services professional with experience in 17629
administration or a professional administrator with experience 17630
in mental health services or addiction services to serve as 17631
executive director of the board and shall prescribe the 17632
director's duties. 17633

The board shall fix the compensation of the executive 17634
director. In addition to such compensation, the director shall 17635
be reimbursed for actual and necessary expenses incurred in the 17636
performance of the director's official duties. The board, by 17637
majority vote of the full membership, may remove the director 17638
for cause at any time, contingent upon any written contract 17639
between the board and the executive director, upon written 17640
charges, after an opportunity has been afforded the director for 17641
a hearing before the board on request. 17642

The board may delegate to its executive director the 17643
authority to act in its behalf in the performance of its 17644
administrative duties. 17645

As used in this section, "mental health professional" and 17646
"addiction services professional" mean an individual who is 17647
qualified to work with persons with mental illnesses or persons 17648
receiving addiction services, pursuant to standards established 17649
by the director of ~~mental-behavioral health and addiction-~~ 17650
~~services~~ under Chapter 5119. of the Revised Code. 17651

Sec. 340.041. In addition to such other duties as may be 17652
lawfully imposed, the executive director of a board of alcohol, 17653
drug addiction, and mental health services shall: 17654

(A) Serve as executive officer of the board and, subject 17655
to the prior approval of the board for each contract, except 17656
contracts, if any, to which division (F) of section 340.03 of 17657
the Revised Code applies, execute contracts on its behalf; 17658

(B) Supervise addiction services, mental health services, 17659
recovery supports, and facilities provided, operated, 17660
contracted, or supported by the board to the extent of 17661
determining that services, supports, and facilities are being 17662
administered in conformity with this chapter and rules of the 17663
director of ~~mental-behavioral health-and-addiction services~~; 17664

(C) Provide consultation to community addiction services 17665
providers and community mental health services providers; 17666

(D) Recommend to the board the changes necessary to 17667
increase the effectiveness of addiction services, mental health 17668
services, and recovery supports and other matters necessary or 17669
desirable to carry out this chapter; 17670

(E) Employ and remove from office such employees and 17671
consultants in the classified civil service and, subject to the 17672
approval of the board, employ and remove from office such other 17673
employees and consultants as may be necessary for the work of 17674
the board, and fix their compensation and reimbursement within 17675
the limits set by the salary schedule and the budget approved by 17676
the board; 17677

(F) Encourage the development and expansion of preventive, 17678
treatment, and consultative services, as well as recovery 17679
supports, in the fields of addiction services and mental health 17680

services with emphasis on continuity of care; 17681

(G) Prepare for board approval an annual report of the 17682
addiction services, mental health services, recovery supports, 17683
and facilities under the jurisdiction of the board, including a 17684
fiscal accounting of all services and supports; 17685

(H) Conduct such studies as may be necessary and 17686
practicable for the promotion of mental health, promotion of 17687
addiction services, and the prevention of mental illness, 17688
emotional disorders, and addiction; 17689

(I) Authorize the county auditor, or in a joint-county 17690
district the county auditor designated as the auditor for the 17691
district, to issue warrants for the payment of board obligations 17692
approved by the board, provided that all payments from funds 17693
distributed to the board by the department of ~~mental-behavioral~~ 17694
health ~~and addiction services~~ are in accordance with the budget 17695
submitted pursuant to section 340.08 of the Revised Code, as 17696
approved by the department of ~~mental-behavioral~~ health ~~and~~ 17697
~~addiction services~~. 17698

Sec. 340.05. If a community addiction services provider or 17699
community mental health services provider receives a complaint 17700
alleging abuse or neglect of an individual with mental illness 17701
or severe mental disability, or an individual receiving 17702
addiction services, who resides in a residential facility 17703
licensed under section 5119.34 of the Revised Code, the provider 17704
shall report the complaint to the board of alcohol, drug 17705
addiction, and mental health services serving the alcohol, drug 17706
addiction, and mental health service district in which the 17707
residential facility is located. A board of alcohol, drug 17708
addiction, and mental health services that receives such a 17709
report from a community addiction services provider or community 17710

mental health services provider of such a complaint shall report 17711
the complaint to the director of ~~mental-behavioral health and~~ 17712
~~addiction services~~ for the purpose of the director conducting an 17713
investigation under section 5119.34 of the Revised Code. The 17714
board may enter the facility with or without the director and, 17715
if the health and safety of a resident is in immediate danger, 17716
take any necessary action to protect the resident. The board's 17717
action shall not violate any resident's rights specified in 17718
rules adopted by the department of ~~mental-behavioral health and~~ 17719
~~addiction services~~ under section 5119.34 of the Revised Code. 17720
The board shall immediately report to the director regarding the 17721
board's actions under this section. 17722

Sec. 340.07. The board of county commissioners of any 17723
county participating in an alcohol, drug addiction, and mental 17724
health service district or joint-county district, upon receipt 17725
from the board of alcohol, drug addiction, and mental health 17726
services of a resolution so requesting, may appropriate money to 17727
such board for the operation, lease, acquisition, construction, 17728
renovation, and maintenance of community addiction services 17729
providers, community mental health services providers, and 17730
facilities in accordance with the budget required by section 17731
340.08 of the Revised Code and approved by the department of 17732
~~mental-behavioral health and addiction services~~ pursuant to 17733
section 5119.22 of the Revised Code. 17734

Sec. 340.08. In accordance with rules or guidelines issued 17735
by the director of ~~mental-behavioral health and addiction~~ 17736
~~services~~, each board of alcohol, drug addiction, and mental 17737
health services shall do all of the following: 17738

(A) Submit to the department of ~~mental-behavioral health~~ 17739
~~and addiction services~~ a proposed budget of receipts and 17740

expenditures for all federal, state, and local moneys the board expects to receive. 17741
17742

(1) The proposed budget shall identify funds the board has 17743
available for included opioid and co-occurring drug addiction 17744
services and recovery supports. 17745

(2) The proposed budget shall identify funds the board and 17746
public children services agencies in the board's service 17747
district have available to fund jointly the services described 17748
in section 340.15 of the Revised Code. 17749

(3) The board's proposed budget for expenditures of state 17750
and federal funds distributed to the board by the department 17751
shall be deemed an application for funds, and the department 17752
shall approve or disapprove the budget for these expenditures in 17753
whole or in part in accordance with division (G) of section 17754
5119.22 of the Revised Code. 17755

If a board determines that it is necessary to amend an 17756
approved budget, the board shall submit a proposed amendment to 17757
the director. The director shall approve or disapprove all or 17758
part of the amendment in accordance with division (H) of section 17759
5119.22 of the Revised Code. 17760

(B) Submit to the department a proposed list of addiction 17761
services, mental health services, and recovery supports the 17762
board intends to make available. The board shall include the 17763
services and supports required by section 340.032 of the Revised 17764
Code to be included in the community-based continuum of care and 17765
the services required by section 340.15 of the Revised Code. The 17766
board shall explain the manner in which the board intends to 17767
make such services and supports available. The list shall be 17768
compatible with the budget submitted pursuant to division (A) of 17769

this section. The department shall approve or disapprove the 17770
list in whole or in part in accordance with division (G) of 17771
section 5119.22 of the Revised Code. 17772

If a board determines that it is necessary to amend an 17773
approved list, the board shall submit a proposed amendment to 17774
the director. The director shall approve or disapprove all or 17775
part of the amendment in accordance with division (H) of section 17776
5119.22 of the Revised Code. 17777

(C) Enter into a continuity of care agreement with the 17778
state institution operated by the department of ~~mental~~ 17779
behavioral health and addiction services and designated as the 17780
institution serving the district encompassing the board's 17781
service district. The continuity of care agreement shall outline 17782
the department's and the board's responsibilities to plan for 17783
and coordinate with each other to address the needs of board 17784
residents who are patients in the institution, with an emphasis 17785
on managing appropriate hospital bed day use and discharge 17786
planning. The continuity of care agreement shall not require the 17787
board to provide addiction services, mental health services, or 17788
recovery supports other than those on the list of services and 17789
supports submitted by the board pursuant to division (B) of this 17790
section and approved by the department in accordance with 17791
division (G) of section 5119.22 of the Revised Code. 17792

(D) In conjunction with the department, operate a 17793
coordinated system for tracking and monitoring persons found not 17794
guilty by reason of insanity and committed pursuant to section 17795
2945.40 of the Revised Code who have been granted a conditional 17796
release and persons found incompetent to stand trial and 17797
committed pursuant to section 2945.39 of the Revised Code who 17798
have been granted a conditional release. The system shall do all 17799

of the following: 17800

(1) Centralize responsibility for the tracking of those 17801
persons; 17802

(2) Provide for uniformity in monitoring those persons; 17803

(3) Provide a mechanism to allow prompt rehospitization, 17804
reinstitutionalization, or detention when a violation of the 17805
conditional release or decompensation occurs. 17806

(E) Submit to the department a report summarizing all of 17807
the following: 17808

(1) Complaints and grievances received by the board 17809
concerning the rights of persons seeking or receiving addiction 17810
services, mental health services, or recovery supports; 17811

(2) Investigations of the complaints and grievances; 17812

(3) Outcomes of the investigations. 17813

(F) Provide to the department information to be submitted 17814
to the community behavioral health information system or systems 17815
established by the department under Chapter 5119. of the Revised 17816
Code. 17817

(G) Annually, and upon any change in membership, submit to 17818
the department a list of all current members of the board of 17819
alcohol, drug addiction, and mental health services, including 17820
the appointing authority for each member, and the member's 17821
specific qualification for appointment pursuant to section 17822
340.02 or 340.021 of the Revised Code, if applicable. 17823

(H) Submit to the department other information as is 17824
reasonably required for purposes of the department's operations, 17825
service evaluation, reporting activities, research, system 17826

administration, and oversight. 17827

(I) Annually update and publish on the board's web site a 17828
list of all opioid treatment programs licensed under section 17829
5119.37 of the Revised Code that are operating within the 17830
board's district, based on information obtained from any of the 17831
following: 17832

(1) The federal substance abuse and mental health services 17833
administration's opioid treatment program directory; 17834

(2) A resource directory created by the department of 17835
~~mental behavioral health and addiction services~~; 17836

(3) The list maintained by the department of ~~mental~~ 17837
~~behavioral health and addiction services~~ pursuant to division 17838
(P) of section 5119.37 of the Revised Code. 17839

Sec. 340.09. (A) Using funds the general assembly 17840
appropriates for these purposes, the department of ~~mental~~ 17841
~~behavioral health and addiction services~~ shall provide any 17842
county assistance for one or more of the following: 17843

(1) The operation of the board of alcohol, drug addiction, 17844
and mental health services serving the county; 17845

(2) The provision of addiction services, mental health 17846
services, and recovery supports included in the board's list of 17847
services and supports required by section 340.08 of the Revised 17848
Code and approved by the department under section 5119.22 of the 17849
Revised Code; 17850

(3) The provision of approved support functions; 17851

(4) The partnership in, or support for, approved 17852
community-based continuum of care-related activities. 17853

(B) Support functions may include the following: 17854

(1) Consultation; 17855

(2) Research; 17856

(3) Administrative; 17857

(4) Referral and information; 17858

(5) Training; 17859

(6) Service and program evaluation. 17860

Sec. 340.12. As used in this section, "disability" has the 17861
same meaning as in section 4112.01 of the Revised Code. 17862

No board of alcohol, drug addiction, and mental health 17863
services or any community addiction services provider or 17864
community mental health services provider under contract with 17865
such a board shall discriminate in the provision of addiction 17866
services, mental health services, or recovery supports under its 17867
authority, in employment, or under a contract on the basis of 17868
race, color, religion, ancestry, military status, sex, age, 17869
national origin, or disability. 17870

Each board, community addiction services provider, and 17871
community mental health services provider shall have a written 17872
affirmative action program. The affirmative action program shall 17873
include goals for the employment and effective utilization of, 17874
including contracts with, members of economically disadvantaged 17875
groups as defined in division (E)(1) of section 122.71 of the 17876
Revised Code in percentages reflecting as nearly as possible the 17877
composition of the alcohol, drug addiction, and mental health 17878
service district served by the board. Each board and provider 17879
shall file a description of the affirmative action program and a 17880
progress report on its implementation with the department of 17881

~~mental-behavioral health-and-addiction services.~~ 17882

Sec. 340.13. (A) As used in this section: 17883

(1) "Minority business enterprise" has the same meaning as 17884
in section 122.71 of the Revised Code. 17885

(2) "EDGE business enterprise" has the same meaning as in 17886
section 122.922 of the Revised Code. 17887

(B) Any minority business enterprise that desires to bid 17888
on a contract under division (C) of this section shall first 17889
apply to the department of development for certification as a 17890
minority business enterprise. Any EDGE business enterprise that 17891
desires to bid on a contract under division (D) of this section 17892
shall first apply to the department of development for 17893
certification as an EDGE business enterprise. The director of 17894
development shall approve the application of any minority 17895
business enterprise or EDGE business enterprise that complies 17896
with the rules adopted under section 122.71 or 122.922 of the 17897
Revised Code, respectively. The director shall prepare and 17898
maintain a list of minority business enterprises and EDGE 17899
business enterprises certified under those sections. 17900

(C) From the contracts to be awarded for the purchases of 17901
equipment, materials, supplies, or services, other than 17902
contracts entered into under section 340.036 of the Revised 17903
Code, each board of alcohol, drug addiction, and mental health 17904
services shall select a number of contracts with an aggregate 17905
value of approximately fifteen per cent of the total estimated 17906
value of contracts to be awarded in the current fiscal year. The 17907
board shall set aside the contracts so selected for bidding by 17908
minority business enterprises only. The bidding procedures for 17909
such contracts shall be the same as for all other contracts 17910

awarded under section 307.86 of the Revised Code, except that 17911
only minority business enterprises certified and listed pursuant 17912
to division (B) of this section shall be qualified to submit 17913
bids. 17914

(D) To the extent that a board is authorized to enter into 17915
contracts for construction, the board shall strive to attain a 17916
yearly contract dollar procurement goal the aggregate value of 17917
which equals approximately five per cent of the aggregate value 17918
of construction contracts for the current fiscal year for EDGE 17919
business enterprises only. 17920

(E) (1) In the case of contracts set aside under division 17921
(C) of this section, if no bid is submitted by a minority 17922
business enterprise, the contract shall be awarded according to 17923
normal bidding procedures. The board shall from time to time set 17924
aside such additional contracts as are necessary to replace 17925
those contracts previously set aside on which no minority 17926
business enterprise bid. 17927

(2) If a board, after having made a good faith effort, is 17928
unable to comply with the goal of procurement for contracting 17929
with EDGE business enterprises pursuant to division (D) of this 17930
section, the board may apply in writing, on a form prescribed by 17931
the department of administrative services, to the director of 17932
~~mental-behavioral health and addiction services~~ for a waiver or 17933
modification of the goal. 17934

(F) This section does not preclude any minority business 17935
enterprise or EDGE business enterprise from bidding on any other 17936
contract not specifically set aside for minority business 17937
enterprises or subject to procurement goals for EDGE business 17938
enterprises. 17939

(G) Within ninety days after the beginning of each fiscal year, each board shall file a report with the department of ~~mental-behavioral health and addiction services~~ that shows for that fiscal year the name of each minority business enterprise and EDGE business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise or an EDGE business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 340.16. The department of ~~mental-behavioral health and addiction services~~ and the department of medicaid shall adopt rules that establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 718.031. As used in this section, "sports gaming facility" and "type B sports gaming proprietor" have the same meanings as in section 3775.01 of the Revised Code and ~~"lottery"~~

~~sports gaming" has "~~video lottery terminal~~" and "video lottery~~
sales agent" have the same meaning-meanings as in section
~~3770.23~~3770.10 of the Revised Code.

(A) A municipal corporation shall require the following
persons to withhold and remit municipal income tax with respect
to amounts other than qualifying wages as provided in this
section:

(1) A casino facility or a casino operator, as defined in
Section 6(C)(9) of Article XV, Ohio Constitution, and section
3772.01 of the Revised Code, respectively;

(2) A video lottery sales agent conducting video lottery
terminals on behalf of the state;

(3) A type B sports gaming proprietor offering sports
gaming at a sports gaming facility.

(B) If a person's winnings at a casino facility or sports
gaming facility are an amount for which reporting to the
internal revenue service of the amount is required by section
6041 of the Internal Revenue Code, as amended, a casino operator
or sports gaming proprietor shall deduct and withhold municipal
income tax from the person's winnings at the rate of the tax
imposed by the municipal corporation in which the casino
facility or sports gaming facility is located.

(C) Amounts deducted and withheld by a casino operator or
sports gaming proprietor are held in trust for the benefit of
the municipal corporation to which the tax is owed.

(1) On or before the tenth day of each month, the casino
operator or sports gaming proprietor shall file a return
electronically with the tax administrator of the municipal
corporation, providing the name, address, and social security

number of the person from whose winnings amounts were deducted 17999
and withheld, the amount of each such deduction and withholding 18000
during the preceding calendar month, the amount of the winnings 18001
from which each such amount was withheld, the type of casino 18002
gaming or sports gaming that resulted in such winnings, and any 18003
other information required by the tax administrator. With this 18004
return, the casino operator or sports gaming proprietor shall 18005
remit electronically to the municipal corporation all amounts 18006
deducted and withheld during the preceding month. 18007

(2) Annually, on or before the thirty-first day of 18008
January, a casino operator or sports gaming proprietor shall 18009
file an annual return electronically with the tax administrator 18010
of the municipal corporation in which the casino facility or 18011
sports gaming facility is located, indicating the total amount 18012
deducted and withheld during the preceding calendar year. The 18013
casino operator or sports gaming proprietor shall remit 18014
electronically with the annual return any amount that was 18015
deducted and withheld and that was not previously remitted. If 18016
the name, address, or social security number of a person or the 18017
amount deducted and withheld with respect to that person was 18018
omitted on a monthly return for that reporting period, that 18019
information shall be indicated on the annual return. 18020

(3) Annually, on or before the thirty-first day of 18021
January, a casino operator or sports gaming proprietor shall 18022
issue an information return to each person with respect to whom 18023
an amount has been deducted and withheld during the preceding 18024
calendar year. The information return shall show the total 18025
amount of municipal income tax deducted from the person's 18026
winnings during the preceding year. The casino operator or 18027
sports gaming proprietor shall provide to the tax administrator 18028
a copy of each information return issued under this division. 18029

The administrator may require that such copies be transmitted 18030
electronically. 18031

(4) A casino operator or sports gaming proprietor that 18032
fails to file a return and remit the amounts deducted and 18033
withheld shall be personally liable for the amount withheld and 18034
not remitted. Such personal liability extends to any penalty and 18035
interest imposed for the late filing of a return or the late 18036
payment of tax deducted and withheld. 18037

(5) If a casino operator or sports gaming proprietor sells 18038
the casino facility or sports gaming facility, or otherwise 18039
quits the casino or sports gaming business, the amounts deducted 18040
and withheld along with any penalties and interest thereon are 18041
immediately due and payable. The successor shall withhold an 18042
amount of the purchase money that is sufficient to cover the 18043
amounts deducted and withheld along with any penalties and 18044
interest thereon until the predecessor casino operator or sports 18045
gaming proprietor produces either of the following: 18046

(a) A receipt from the tax administrator showing that the 18047
amounts deducted and withheld and penalties and interest thereon 18048
have been paid; 18049

(b) A certificate from the tax administrator indicating 18050
that no amounts are due. 18051

If the successor fails to withhold purchase money, the 18052
successor is personally liable for the payment of the amounts 18053
deducted and withheld and penalties and interest thereon. 18054

(6) The failure of a casino operator or sports gaming 18055
proprietor to deduct and withhold the required amount from a 18056
person's winnings does not relieve that person from liability 18057
for the municipal income tax with respect to those winnings. 18058

(D) If a person's prize award from a video lottery terminal ~~or from lottery sports gaming offered in a video lottery terminal facility~~ is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's prize award at the rate of the tax imposed by the municipal corporation in which the video lottery terminal facility is located.

(E) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) The video lottery sales agent shall issue to a person from whose prize award an amount has been deducted and withheld a receipt for the amount deducted and withheld, and shall obtain from the person receiving a prize award the person's name, address, and social security number in order to facilitate the preparation of returns required by this section.

(2) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the tax administrator of the municipal corporation providing the names, addresses, and social security numbers of the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the prize award from which each such amount was withheld, and any other information required by the tax administrator. With the return, the video lottery sales agent shall remit electronically to the tax administrator all amounts deducted and withheld during the preceding month.

(3) A video lottery sales agent shall maintain a record of all receipts issued under division (E) of this section and shall make those records available to the tax administrator upon request. Such records shall be maintained in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(4) Annually, on or before the thirty-first day of January, each video lottery ~~terminal~~ sales agent shall file an annual return electronically with the tax administrator of the municipal corporation in which the facility is located indicating the total amount deducted and withheld during the preceding calendar year. The video lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.

(5) Annually, on or before the thirty-first day of January, a video lottery sales agent shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted and withheld from the person's prize award by the video lottery sales agent during the preceding year. A video lottery sales agent shall provide to the tax administrator of the municipal corporation a copy of each information return issued under this division. The tax administrator may require that such copies be transmitted electronically.

(6) A video lottery sales agent who fails to file a return

and remit the amounts deducted and withheld is personally liable 18119
for the amount deducted and withheld and not remitted. Such 18120
personal liability extends to any penalty and interest imposed 18121
for the late filing of a return or the late payment of tax 18122
deducted and withheld. 18123

(F) If a video lottery sales agent ceases to operate video 18124
lottery terminals, the amounts deducted and withheld along with 18125
any penalties and interest thereon are immediately due and 18126
payable. The successor of the video lottery sales agent that 18127
purchases the video lottery terminals from the agent shall 18128
withhold an amount from the purchase money that is sufficient to 18129
cover the amounts deducted and withheld and any penalties and 18130
interest thereon until the predecessor video lottery sales agent 18131
operator produces either of the following: 18132

(1) A receipt from the tax administrator showing that the 18133
amounts deducted and withheld and penalties and interest thereon 18134
have been paid; 18135

(2) A certificate from the tax administrator indicating 18136
that no amounts are due. 18137

If the successor fails to withhold purchase money, the 18138
successor is personally liable for the payment of the amounts 18139
deducted and withheld and penalties and interest thereon. 18140

(G) The failure of a video lottery sales agent to deduct 18141
and withhold the required amount from a person's prize award 18142
does not relieve that person from liability for the municipal 18143
income tax with respect to that prize award. 18144

(H) If a casino operator, sports gaming proprietor, or 18145
video lottery sales agent files a return late, fails to file a 18146
return, remits amounts deducted and withheld late, or fails to 18147

remit amounts deducted and withheld as required under this 18148
section, the tax administrator of a municipal corporation may 18149
impose the following applicable penalty: 18150

(1) For the late remittance of, or failure to remit, tax 18151
deducted and withheld under this section, a penalty equal to 18152
fifty per cent of the tax deducted and withheld; 18153

(2) For the failure to file, or the late filing of, a 18154
monthly or annual return, a penalty of five hundred dollars for 18155
each return not filed or filed late. Interest shall accrue on 18156
past due amounts deducted and withheld at the rate prescribed in 18157
section 5703.47 of the Revised Code. 18158

(I) Amounts deducted and withheld on behalf of a municipal 18159
corporation shall be allowed as a credit against payment of the 18160
tax imposed by the municipal corporation and shall be treated as 18161
taxes paid for purposes of section 718.08 of the Revised Code. 18162
This division applies only to the person for whom the amount is 18163
deducted and withheld. 18164

(J) The tax administrator shall prescribe the forms of the 18165
receipts and returns required under this section. 18166

Sec. 718.85. (A) (1) For each taxable year, every taxpayer 18167
shall file an annual return. Such return, along with the amount 18168
of tax shown to be due on the return less the amount paid for 18169
the taxable year under section 718.88 of the Revised Code, shall 18170
be submitted to the tax commissioner, on a form and in the 18171
manner prescribed by the commissioner, on or before the 18172
fifteenth day of the fourth month following the end of the 18173
taxpayer's taxable year. 18174

(2) The remittance shall be made payable to the treasurer 18175
of state and in the form prescribed by the tax commissioner. If 18176

the amount payable with the tax return is ten dollars or less, 18177
no remittance is required. 18178

(B) The tax commissioner shall immediately forward to the 18179
treasurer of state all amounts the commissioner receives 18180
pursuant to sections 718.80 to 718.95 of the Revised Code. The 18181
treasurer shall credit such amounts to the municipal net profit 18182
tax fund which is hereby created in the state treasury. 18183

(C) (1) Each return required to be filed under this section 18184
shall contain the signature of the taxpayer or the taxpayer's 18185
duly authorized agent and of the person who prepared the return 18186
for the taxpayer, and shall include the taxpayer's 18187
identification number. Each return shall be verified by a 18188
declaration under penalty of perjury. 18189

(2) (a) The tax commissioner may require a taxpayer to 18190
include, with each annual tax return, amended return, or request 18191
for refund filed with the commissioner under sections 718.80 to 18192
718.95 of the Revised Code, copies of any relevant documents or 18193
other information. 18194

(b) A taxpayer that files an annual tax return 18195
electronically through the Ohio business gateway or in another 18196
manner as prescribed by the tax commissioner shall either submit 18197
the documents required under this division electronically as 18198
prescribed at the time of filing or, if electronic submission is 18199
not available, mail the documents to the tax commissioner. The 18200
department of taxation shall publish a method of electronically 18201
submitting the documents required under this division on or 18202
before January 1, 2019. 18203

(3) After a taxpayer files a tax return, the tax 18204
commissioner may request, and the taxpayer shall provide, any 18205

information, statements, or documents required to determine and 18206
verify the taxpayer's municipal income tax. 18207

(D) (1) (a) Any taxpayer that has duly requested an 18208
automatic extension for filing the taxpayer's federal income tax 18209
return shall automatically receive an extension for the filing 18210
of a tax return with the commissioner under this section. The 18211
extended due date of the return shall be the fifteenth day of 18212
the eleventh month after the last day of the taxable year to 18213
which the return relates. 18214

(b) A taxpayer that has not requested or received a six- 18215
month extension for filing the taxpayer's federal income tax 18216
return may request that the commissioner grant the taxpayer a 18217
~~six-month~~ seven-month extension of the date for filing the 18218
taxpayer's tax return. If the commissioner receives the request 18219
on or before the date the tax return is due, the commissioner 18220
shall grant the taxpayer's extension request. 18221

(c) An extension of time to file under division (D) (1) of 18222
this section is not an extension of the time to pay any tax due 18223
unless the tax commissioner grants an extension of that date. 18224

(2) If the commissioner considers it necessary in order to 18225
ensure payment of a tax imposed in accordance with section 18226
718.04 of the Revised Code, the commissioner may require 18227
taxpayers to file returns and make payments otherwise than as 18228
provided in this section, including taxpayers not otherwise 18229
required to file annual returns. 18230

(3) If a taxpayer receives an extension for the filing of 18231
a tax return under division (D) (1) or (2) of this section, the 18232
commissioner shall not make any inquiry or send any notice to 18233
the taxpayer with regard to the return on or before the date the 18234

taxpayer files the return or on or before the extended due date 18235
to file the return, whichever occurs first. 18236

Division (D) (3) of this section does not apply to an 18237
extension received under division (D) (1) of this section if the 18238
commissioner has actual knowledge that the taxpayer failed to 18239
file for a federal extension as required to receive the 18240
extension under division (D) (1) (a) of this section or failed to 18241
file for an extension under division (D) (1) (b) of this section. 18242

(E) Each return required to be filed in accordance with 18243
this section shall include a box that the taxpayer may check to 18244
authorize another person, including a tax return preparer who 18245
prepared the return, to communicate with the tax commissioner 18246
about matters pertaining to the return. The return or 18247
instructions accompanying the return shall indicate that by 18248
checking the box the taxpayer authorizes the commissioner to 18249
contact the preparer or other person concerning questions that 18250
arise during the examination or other review of the return and 18251
authorizes the preparer or other person only to provide the 18252
commissioner with information that is missing from the return, 18253
to contact the commissioner for information about the 18254
examination or other review of the return or the status of the 18255
taxpayer's refund or payments, and to respond to notices about 18256
mathematical errors, offsets, or return preparation that the 18257
taxpayer has received from the commissioner and has shown to the 18258
preparer or other person. 18259

(F) When income tax returns or other documents require the 18260
signature of a tax return preparer, the tax commissioner shall 18261
accept a facsimile or electronic version of such a signature in 18262
lieu of a manual signature. 18263

Sec. 718.88. (A) As used in this section: 18264

(1) "Combined tax liability" means the total amount of a 18265
taxpayer's income tax liabilities to all municipal corporations 18266
in this state for a taxable year. 18267

(2) "Estimated taxes" means the amount that the taxpayer 18268
reasonably estimates to be the taxpayer's combined tax liability 18269
for the current taxable year. 18270

(B) (1) Except as provided in division (B) (4) of this 18271
section, every taxpayer shall make a declaration of estimated 18272
taxes for the current taxable year, on the form prescribed by 18273
the tax commissioner, if the amount payable as estimated taxes 18274
is at least two hundred dollars. 18275

(2) Except as provided in division (B) (4) of this section, 18276
a taxpayer having a taxable year of less than twelve months 18277
shall make a declaration under rules prescribed by the 18278
commissioner. 18279

(3) The declaration of estimated taxes shall be filed on 18280
or before the fifteenth day of the fourth month after the 18281
beginning of the taxable year or on or before the fifteenth day 18282
of the fourth month after the taxpayer becomes subject to tax 18283
for the first time. 18284

(4) The tax commissioner may waive the requirement for 18285
filing a declaration of estimated taxes for any class of 18286
taxpayers after finding that the waiver is reasonable and proper 18287
in view of administrative costs and other factors. 18288

(C) Each taxpayer shall file the declaration of estimated 18289
taxes with, and remit estimated taxes to, the tax commissioner 18290
at the times and in the amounts prescribed in division (C) (1) of 18291
this section. Remitted taxes shall be made payable to the 18292
treasurer of state. 18293

(1) The required portion of the combined tax liability for 18294
the taxable year that shall be paid through estimated taxes 18295
shall be as follows: 18296

(a) On or before the fifteenth day of the fourth month 18297
after the beginning of the taxable year, twenty-two and one-half 18298
per cent of the combined tax liability for the taxable year; 18299

(b) On or before the fifteenth day of the sixth month 18300
after the beginning of the taxable year, forty-five per cent of 18301
the combined tax liability for the taxable year; 18302

(c) On or before the fifteenth day of the ninth month 18303
after the beginning of the taxable year, sixty-seven and one- 18304
half per cent of the combined tax liability for the taxable 18305
year; 18306

(d) On or before the fifteenth day of the twelfth month of 18307
the taxable year, ninety per cent of the combined tax liability 18308
for the taxable year. 18309

(2) If the taxpayer determines that its declaration of 18310
estimated taxes will not accurately reflect the taxpayer's tax 18311
liability for the taxable year, the taxpayer shall increase or 18312
decrease, as appropriate, its subsequent payments in equal 18313
installments to result in a more accurate payment of estimated 18314
taxes. 18315

(3) (a) Each taxpayer shall report on the declaration of 18316
estimated taxes the portion of the remittance that the taxpayer 18317
estimates that it owes to each municipal corporation for the 18318
taxable year. 18319

(b) Upon receiving a payment of estimated taxes under this 18320
section, the commissioner shall immediately forward the payment 18321
to the treasurer of state. The treasurer shall credit the 18322

payment in the same manner as in division (B) of section 718.85 18323
of the Revised Code. 18324

(D) (1) In the case of any underpayment of estimated taxes, 18325
~~there shall be added~~ the tax commissioner may add to the taxes 18326
an amount determined at the rate per annum prescribed by section 18327
5703.47 of the Revised Code upon the amount of underpayment for 18328
the period of underpayment, unless the underpayment is due to 18329
reasonable cause as described in division (E) of this section. 18330
The amount of the underpayment shall be determined as follows: 18331

(a) For the first payment of estimated taxes each year, 18332
twenty-two and one-half per cent of the combined tax liability, 18333
less the amount of taxes paid by the date prescribed for that 18334
payment; 18335

(b) For the second payment of estimated taxes each year, 18336
forty-five per cent of the combined tax liability, less the 18337
amount of taxes paid by the date prescribed for that payment; 18338

(c) For the third payment of estimated taxes each year, 18339
sixty-seven and one-half per cent of the combined tax liability, 18340
less the amount of taxes paid by the date prescribed for that 18341
payment; 18342

(d) For the fourth payment of estimated taxes each year, 18343
ninety per cent of the combined tax liability, less the amount 18344
of taxes paid by the date prescribed for that payment. 18345

(2) The period of the underpayment shall run from the day 18346
the estimated payment was required to be made to the date on 18347
which the payment is made. For purposes of this section, a 18348
payment of estimated taxes on or before any payment date shall 18349
be considered a payment of any previous underpayment only to the 18350
extent the payment of estimated taxes exceeds the amount of the 18351

payment presently due. 18352

(3) All amounts collected under this section shall be 18353
considered as taxes collected under sections 718.80 to 718.95 of 18354
the Revised Code and shall be credited and distributed to 18355
municipal corporations in accordance with section 718.83 of the 18356
Revised Code. 18357

(E) An underpayment of any portion of a combined tax 18358
liability shall be due to reasonable cause and the penalty 18359
imposed by this section shall not be added to the taxes for the 18360
taxable year if any of the following apply: 18361

(1) The amount of estimated taxes that were paid equals at 18362
least ninety per cent of the combined tax liability for the 18363
current taxable year, determined by annualizing the income 18364
received during the year up to the end of the month immediately 18365
preceding the month in which the payment is due. 18366

(2) The amount of estimated taxes that were paid equals at 18367
least one hundred per cent of the tax liability shown on the 18368
return of the taxpayer for the preceding taxable year, provided 18369
that the immediately preceding taxable year reflected a period 18370
of twelve months and the taxpayer filed a municipal income tax 18371
return for that year. 18372

Sec. 718.89. (A) In addition to any other penalty imposed 18373
by sections 718.80 to 718.95 or Chapter 5703. of the Revised 18374
Code, the following penalties shall apply: 18375

(1) If a taxpayer required to file a tax return under 18376
sections 718.80 to 718.95 of the Revised Code fails to make and 18377
file the return within the time prescribed, including any 18378
extensions of time granted by the tax commissioner, the 18379
commissioner may impose a penalty not exceeding twenty-five 18380

dollars, except that the commissioner shall abate or refund the 18381
penalty assessed on a taxpayer's first failure to timely file a 18382
return after the taxpayer files that return. 18383

(2) If a person required to file a tax return 18384
electronically under sections 718.80 to 718.95 of the Revised 18385
Code fails to do so, the commissioner may impose a penalty not 18386
to exceed the following: 18387

(a) For each of the first two failures, five per cent of 18388
the amount required to be reported on the return; 18389

(b) For the third and any subsequent failure, ten per cent 18390
of the amount required to be reported on the return. 18391

(3) If a taxpayer that has made the election allowed under 18392
section 718.80 of the Revised Code fails to timely pay an amount 18393
of tax required to be paid under this chapter, the commissioner 18394
may impose a penalty equal to fifteen per cent of the amount not 18395
timely paid. 18396

(4) If a taxpayer files what purports to be a tax return 18397
required by sections 718.80 to 718.95 of the Revised Code that 18398
does not contain information upon which the substantial 18399
correctness of the return may be judged or contains information 18400
that on its face indicates that the return is substantially 18401
incorrect, and the filing of the return in that manner is due to 18402
a position that is frivolous or a desire that is apparent from 18403
the return to delay or impede the administration of sections 18404
718.80 to 718.95 of the Revised Code, a penalty of up to five 18405
hundred dollars may be imposed. 18406

(5) If a taxpayer makes a fraudulent attempt to evade the 18407
reporting or payment of the tax required to be shown on any 18408
return required under sections 718.80 to 718.95 of the Revised 18409

Code, a penalty may be imposed not exceeding the greater of one 18410
thousand dollars or one hundred per cent of the tax required to 18411
be shown on the return. 18412

(6) If any person makes a false or fraudulent claim for a 18413
refund under section 718.91 of the Revised Code, a penalty may 18414
be imposed not exceeding the greater of one thousand dollars or 18415
one hundred per cent of the claim. Any penalty imposed under 18416
this division, any refund issued on the claim, and interest on 18417
any refund from the date of the refund, may be assessed under 18418
section 718.90 of the Revised Code without regard to any time 18419
limitation for the assessment imposed by division (A) of that 18420
section. 18421

(B) For purposes of this section, the tax required to be 18422
shown on a tax return shall be reduced by the amount of any part 18423
of the tax paid on or before the date, including any extensions 18424
of the date, prescribed for filing the return. 18425

(C) Each penalty imposed under this section shall be in 18426
addition to any other penalty imposed under this section. ~~All or 18427
part of any penalty imposed under this section may be abated by 18428
the tax commissioner. The commissioner may adopt rules governing 18429
the imposition and abatement of such penalties. 18430~~

(D) All amounts collected under this section shall be 18431
considered as taxes collected under sections 718.80 to 718.95 of 18432
the Revised Code and shall be credited and distributed to 18433
municipal corporations in the same proportion as the underlying 18434
tax liability is required to be distributed to such municipal 18435
corporations under section 718.83 of the Revised Code. 18436

Sec. 718.90. (A) If any taxpayer required to file a return 18437
under section 718.80 to 718.95 of the Revised Code fails to file 18438

the return within the time prescribed, files an incorrect 18439
return, or fails to remit the full amount of the tax due for the 18440
period covered by the return, the tax commissioner may make an 18441
assessment against the taxpayer for any deficiency for the 18442
period for which the return or tax is due, based upon any 18443
information in the commissioner's possession. 18444

The tax commissioner shall not make or issue an assessment 18445
against a taxpayer more than three years after the later of the 18446
date the return subject to assessment was required to be filed 18447
or the date the return was filed. Such time limit may be 18448
extended if both the taxpayer and the commissioner consent in 18449
writing to the extension. Any such extension shall extend the 18450
three-year time limit in section 718.91 of the Revised Code for 18451
the same period of time. There shall be no bar or limit to an 18452
assessment against a taxpayer that fails to file a return 18453
subject to assessment as required by sections 718.80 to 718.95 18454
of the Revised Code, or that files a fraudulent return. The 18455
commissioner shall give the taxpayer assessed written notice of 18456
the assessment as provided in section 5703.37 of the Revised 18457
Code. With the notice, the commissioner shall provide 18458
instructions on how to petition for reassessment and request a 18459
hearing on the petition. 18460

(B) Unless the taxpayer assessed files with the tax 18461
commissioner within sixty days after service of the notice of 18462
assessment, ~~either personally or by certified mail,~~ a written 18463
petition for reassessment signed by the authorized agent of the 18464
taxpayer assessed having knowledge of the facts, the assessment 18465
becomes final, and the amount of the assessment is due and 18466
payable from the taxpayer to the treasurer of state. The 18467
petition shall indicate the taxpayer's objections, but 18468
additional objections may be raised in writing if received by 18469

the commissioner prior to the date shown on the final 18470
determination. If the petition has been properly filed, the 18471
commissioner shall proceed under section 5703.60 of the Revised 18472
Code. 18473

(C) After an assessment becomes final, if any portion of 18474
the assessment remains unpaid, including accrued interest, a 18475
certified copy of the tax commissioner's entry making the 18476
assessment final may be filed in the office of the clerk of the 18477
court of common pleas in the county in which the taxpayer has an 18478
office or place of business in this state, the county in which 18479
the taxpayer's statutory agent is located, or Franklin county. 18480

Immediately upon the filing of the entry, the clerk shall 18481
enter a judgment against the taxpayer assessed in the amount 18482
shown on the entry. The judgment may be filed by the clerk in a 18483
loose-leaf book entitled "special judgments for municipal income 18484
taxes," and shall have the same effect as other judgments. 18485
Execution shall issue upon the judgment upon the request of the 18486
tax commissioner, and all laws applicable to sales on execution 18487
shall apply to sales made under the judgment. 18488

If the assessment is not paid in its entirety within sixty 18489
days after the day the assessment was issued, the portion of the 18490
assessment consisting of tax due shall bear interest at the rate 18491
per annum prescribed by section 5703.47 of the Revised Code from 18492
the day the commissioner issues the assessment until the 18493
assessment is paid or until it is certified to the attorney 18494
general for collection under section 131.02 of the Revised Code, 18495
whichever comes first. If the unpaid portion of the assessment 18496
is certified to the attorney general for collection, the entire 18497
unpaid portion of the assessment shall bear interest at the rate 18498
per annum prescribed by section 5703.47 of the Revised Code from 18499

the date of certification until the date it is paid in its 18500
entirety. Interest shall be paid in the same manner as the tax 18501
and may be collected by issuing an assessment under this 18502
section. 18503

(D) (1) Except as provided in division (D) (2) of this 18504
section, all money collected under this section shall be 18505
credited to the municipal net profit tax fund and distributed to 18506
the municipal corporation to which the money is owed based on 18507
the assessment issued under this section. 18508

(2) The attorney general may assess collection costs as 18509
authorized under section 109.08, 109.081, or 131.02 of the 18510
Revised Code on amounts collected under this section, which 18511
shall be credited to the attorney general claims fund created 18512
under section 109.081 of the Revised Code. 18513

(E) If the tax commissioner believes that collection of 18514
the tax will be jeopardized unless proceedings to collect or 18515
secure collection of the tax are instituted without delay, the 18516
commissioner may issue a jeopardy assessment against the 18517
taxpayer liable for the tax. Immediately upon the issuance of 18518
the jeopardy assessment, the commissioner shall file an entry 18519
with the clerk of the court of common pleas in the manner 18520
prescribed by division (C) of this section. Notice of the 18521
jeopardy assessment shall be served on the taxpayer assessed or 18522
the taxpayer's legal representative in the manner provided in 18523
section 5703.37 of the Revised Code within five days of the 18524
filing of the entry with the clerk. The total amount assessed is 18525
immediately due and payable, unless the taxpayer assessed files 18526
a petition for reassessment in accordance with division (B) of 18527
this section and provides security in a form satisfactory to the 18528
commissioner and in an amount sufficient to satisfy the unpaid 18529

balance of the assessment. Full or partial payment of the 18530
assessment does not prejudice the commissioner's consideration 18531
of the petition for reassessment. 18532

(F) Notwithstanding the fact that a petition for 18533
reassessment is pending, the taxpayer may pay all or a portion 18534
of the assessment that is the subject of the petition. The 18535
acceptance of a payment by the treasurer of state does not 18536
prejudice any claim for refund upon final determination of the 18537
petition. 18538

If upon final determination of the petition an error in 18539
the assessment is corrected by the tax commissioner, upon 18540
petition so filed or pursuant to a decision of the board of tax 18541
appeals or any court to which the determination or decision has 18542
been appealed, so that the amount due from the taxpayer under 18543
the corrected assessment is less than the portion paid, there 18544
shall be issued to the taxpayer, its assigns, or legal 18545
representative a refund in the amount of the overpayment as 18546
provided by section 718.91 of the Revised Code, with interest on 18547
that amount as provided by that section. 18548

Sec. 731.14. All contracts made by the legislative 18549
authority of a village shall be executed in the name of the 18550
village and signed on its behalf by the mayor and clerk. Except 18551
where the contract is for equipment, services, materials, or 18552
supplies to be purchased under division (D) of section 713.23 or 18553
section 125.04 or 5513.01 of the Revised Code, available from a 18554
qualified nonprofit agency pursuant to sections 4115.31 to 18555
4115.35 of the Revised Code, or required to be purchased from a 18556
qualified nonprofit agency under ~~sections 125.60 to 125.6012~~ 18557
section 125.601 of the Revised Code, when any expenditure, other 18558
than the compensation of persons employed in the village, 18559

exceeds the amount specified in section 9.17 of the Revised 18560
Code, such contracts shall be in writing and made with the 18561
lowest and best bidder after advertising once a week for not 18562
less than two consecutive weeks in a newspaper of general 18563
circulation within the village. The legislative authority may 18564
also cause notice to be inserted in trade papers or other 18565
publications designated by it or to be distributed by electronic 18566
means, including posting the notice on the legislative 18567
authority's internet web site. If the legislative authority 18568
posts the notice on its web site, it may eliminate the second 18569
notice otherwise required to be published in a newspaper of 18570
general circulation within the village, provided that the first 18571
notice published in such newspaper meets all of the following 18572
requirements: 18573

(A) It is published at least two weeks before the opening 18574
of bids. 18575

(B) It includes a statement that the notice is posted on 18576
the legislative authority's internet web site. 18577

(C) It includes the internet address of the legislative 18578
authority's internet web site. 18579

(D) It includes instructions describing how the notice may 18580
be accessed on the legislative authority's internet web site. 18581

The bids shall be opened and shall be publicly read by the 18582
clerk of the village or a person designated by the clerk at the 18583
time, date, and place specified in the advertisement to bidders 18584
or specifications. The time, date, and place of bid openings may 18585
be extended to a later date by the legislative authority of the 18586
village, provided that written or oral notice of the change 18587
shall be given to all persons who have received or requested 18588

specifications no later than ninety-six hours prior to the 18589
original time and date fixed for the opening. This section does 18590
not apply to those villages that have provided for the 18591
appointment of a village administrator under section 735.271 of 18592
the Revised Code. 18593

As used in this section, "personal protective equipment" 18594
means equipment worn to minimize exposure to hazards that cause 18595
workplace injuries and illnesses. 18596

Sec. 731.141. In those villages that have established the 18597
position of village administrator, as provided by section 18598
735.271 of the Revised Code, the village administrator shall 18599
make contracts, purchase supplies and materials, and provide 18600
labor for any work under the administrator's supervision 18601
involving not more than the amount specified in section 9.17 of 18602
the Revised Code. When an expenditure, other than the 18603
compensation of persons employed by the village, exceeds the 18604
amount specified in section 9.17 of the Revised Code, the 18605
expenditure shall first be authorized and directed by ordinance 18606
of the legislative authority of the village. When so authorized 18607
and directed, except where the contract is for equipment, 18608
services, materials, or supplies to be purchased under division 18609
(D) of section 713.23 or section 125.04 or 5513.01 of the 18610
Revised Code, available from a qualified nonprofit agency 18611
pursuant to sections 4115.31 to 4115.35 of the Revised Code, or 18612
required to be purchased from a qualified nonprofit agency under 18613
~~sections 125.60 to 125.6012~~ section 125.601 of the Revised Code, 18614
the village administrator shall make a written contract with the 18615
lowest and best bidder after advertisement for not less than two 18616
nor more than four consecutive weeks in a newspaper of general 18617
circulation within the village or as provided in section 7.16 of 18618
the Revised Code. The bids shall be opened and shall be publicly 18619

read by the village administrator or a person designated by the 18620
village administrator at the time, date, and place as specified 18621
in the advertisement to bidders or specifications. The time, 18622
date, and place of bid openings may be extended to a later date 18623
by the village administrator, provided that written or oral 18624
notice of the change shall be given to all persons who have 18625
received or requested specifications no later than ninety-six 18626
hours prior to the original time and date fixed for the opening. 18627
All contracts shall be executed in the name of the village and 18628
signed on its behalf by the village administrator and the clerk. 18629
No expenditure subject to this section shall be divided into 18630
component parts, separate projects, or separate items of work in 18631
order to avoid the requirements of this section. 18632

The legislative authority of a village may provide, by 18633
ordinance, for central purchasing for all offices, departments, 18634
divisions, boards, and commissions of the village, under the 18635
direction of the village administrator, who shall make 18636
contracts, purchase supplies or materials, and provide labor for 18637
any work of the village in the manner provided by this section. 18638

Sec. 733.40. Except as otherwise provided in section 18639
4511.193 of the Revised Code, all fines, forfeitures, and costs 18640
in ordinance cases and all fees that are collected by the mayor, 18641
that in any manner come into the mayor's hands, or that are due 18642
the mayor or a marshal, chief of police, or other officer of the 18643
municipal corporation, any other fees and expenses that have 18644
been advanced out of the treasury of the municipal corporation, 18645
and all money received by the mayor for the use of the municipal 18646
corporation shall be paid by the mayor into the treasury of the 18647
municipal corporation on the first Monday of each month. At the 18648
first regular meeting of the legislative authority each month, 18649
the mayor shall submit a full statement of all money received, 18650

from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by section 307.515 or 4511.19 of the Revised Code, all fines, and forfeitures collected by the mayor in state cases, together with all fees and expenses collected that have been advanced out of the county treasury, shall be paid by the mayor to the county treasury on the first business day of each month. Except as otherwise provided by section 307.515 or 4511.19 of the Revised Code, the mayor shall pay all court costs and fees collected by the mayor in state cases into the municipal treasury on the first business day of each month.

This section does not apply to fines collected by a mayor's court for violations of division (B) of section 4513.263 of the Revised Code, or for violations of any municipal ordinance that is substantively comparable to that division, all of which shall be forwarded to the treasurer of state as provided in ~~division (E) of~~ section 4513.263 of the Revised Code.

Sec. 901.43. (A) As used in this section, "certificate of free sale" means a document issued by the director of agriculture that certifies to states and countries receiving the listed product that the product being exported is freely marketed without restriction in the United States.

(B) ~~The director of agriculture~~ may authorize any department of agriculture laboratory to perform a laboratory service for any person, organization, political subdivision, state agency, federal agency, or other entity, whether public or private. The director shall adopt and enforce rules to provide for the rendering of a laboratory service.

~~(B)~~ (C) The director may charge a reasonable fee for the

performance of a laboratory service, except when the service is 18681
performed on an official sample taken by the director acting 18682
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 18683
Revised Code; by a board of health acting as the licensor of 18684
retail food establishments or food service operations under 18685
Chapter 3717. of the Revised Code; or by the director of health 18686
acting as the licensor of food service operations under Chapter 18687
3717. of the Revised Code. The director of agriculture shall 18688
adopt rules specifying what constitutes an official sample. 18689

The director shall publish a list of laboratory services 18690
offered, together with the fee for each service. 18691

~~(C)~~ (D) The director may enter into a contract with any 18692
person, organization, political subdivision, state agency, 18693
federal agency, or other entity for the provision of a 18694
laboratory service. 18695

~~(D)~~ ~~(1)~~ (E) (1) The director may adopt rules establishing 18696
standards for accreditation of laboratories and laboratory 18697
services and in doing so may adopt by reference existing or 18698
recognized standards or practices. 18699

(2) The director may inspect and accredit laboratories and 18700
laboratory services, and may charge a reasonable fee for the 18701
inspections and accreditation. 18702

~~(E)~~ ~~(1)~~ (F) (1) There is hereby created in the state treasury 18703
the animal and consumer protection laboratory fund. Moneys from 18704
the following sources shall be deposited into the state treasury 18705
to the credit of the fund: all moneys collected by the director 18706
under this section that are from fees generated by a laboratory 18707
service performed by the department and related to the diseases 18708
of animals, all moneys so collected that are from fees generated 18709

for the inspection and accreditation of laboratories and 18710
laboratory services related to the diseases of animals, all 18711
moneys collected by the director under this section that are 18712
from fees generated by a laboratory service performed by the 18713
consumer protection laboratory, all moneys so collected that are 18714
from fees generated for the inspection and accreditation of 18715
laboratories and laboratory services not related to weights and 18716
measures, money received by the director under sections 947.01 18717
to 947.06 of the Revised Code, and all moneys collected under 18718
Chapters 943. and Chapter 953. of the Revised Code that are not 18719
credited to the animal and consumer protection fund created in 18720
section 943.26 of the Revised Code. The director may use the 18721
moneys held in the fund to pay the expenses necessary to operate 18722
the animal industry laboratory and the consumer protection 18723
laboratory, including the purchase of supplies and equipment. 18724

(2) All moneys collected by the director under this 18725
section that are from fees generated by a laboratory service 18726
performed by the weights and measures laboratory, and all moneys 18727
so collected that are from fees generated for the inspection and 18728
accreditation of laboratories and laboratory services related to 18729
weights and measures, shall be deposited in the state treasury 18730
to the credit of the weights and measures laboratory fund, which 18731
is hereby created in the state treasury. The moneys held in the 18732
fund may be used to pay the expenses necessary to operate the 18733
division of weights and measures, including the purchase of 18734
supplies and equipment. 18735

(G) (1) The director may authorize any department of 18736
agriculture division or program to issue a certificate of free 18737
sale to any person, organization, political subdivision, state 18738
agency, federal agency, or other entity, whether public or 18739
private. The director may charge a reasonable fee for issuance 18740

of a certificate of free sale. The director shall adopt and 18741
enforce rules in accordance with Chapter 119. of the Revised 18742
Code to provide for the issuance of the certificates of free 18743
sale. 18744

(2) All money collected by the director under this section 18745
that is from fees related to the issuance of certificates of 18746
free sale shall be credited to the appropriate program fund 18747
administered by the department. 18748

Sec. 904.02. (A) There is hereby created the Ohio 18749
livestock care standards board consisting of the following 18750
members: 18751

(1) The director of agriculture, who shall be the 18752
chairperson of the board; 18753

(2) Ten members appointed by the governor with the advice 18754
and consent of the senate. The ten members shall be residents of 18755
this state and shall include the following: 18756

(a) One member representing family farms; 18757

(b) One member who is knowledgeable about food safety in 18758
this state; 18759

(c) Two members representing statewide organizations that 18760
represent farmers; 18761

(d) One member who is a veterinarian licensed under 18762
Chapter 4741. of the Revised Code; 18763

(e) The state veterinarian in the department of 18764
agriculture; 18765

(f) The dean of the agriculture department of a college or 18766
university located in this state; 18767

(g) Two members of the public representing consumers in this state; 18768
18769

(h) One member representing a county humane society organized under Chapter 1717. of the Revised Code. 18770
18771

(3) One member appointed by the speaker of the house of representatives who shall be a family farmer; 18772
18773

(4) One member appointed by the president of the senate who shall be a family farmer. 18774
18775

Not more than seven members appointed to the board at any given time shall be of the same political party. 18776
18777

(B) (1) The governor, the speaker of the house of representatives, and the president of the senate shall make appointments to the board not later than forty-five days after ~~the effective date of this section~~ March 31, 2010. 18778
18779
18780
18781

(2) The following initial members of the board appointed by the governor shall be appointed for a term ending January 25, 2011: 18782
18783
18784

(a) The member representing family farmers; 18785

(b) The dean of the agriculture department of a college or university located in this state; 18786
18787

(c) The member who is a veterinarian licensed under Chapter 4741. of the Revised Code; 18788
18789

(d) One of the members of the public representing consumers in this state. 18790
18791

(3) The following initial members of the board shall be appointed for a term ending January 15, 2012: 18792
18793

(a) The member appointed by the speaker of the house of 18794

representatives who is a family farmer; 18795

(b) One of the members representing a statewide 18796
organization that represents farmers; 18797

(c) The member representing a county humane society 18798
organized under Chapter 1717. of the Revised Code; 18799

(d) The member who is knowledgeable about food safety in 18800
this state. 18801

(4) The following initial members of the board shall be 18802
appointed for a term ending January 15, 2013: 18803

(a) The member appointed by the president of the senate 18804
who is a family farmer; 18805

(b) One of the members of the public representing 18806
consumers in this state; 18807

(c) One of the members representing a statewide 18808
organization that represents farmers. 18809

(C) After the initial terms served in accordance with 18810
division (B) of this section, terms of office shall be for three 18811
years with each term ending on the same day of the same month as 18812
did the term that it succeeds. However, the terms for the 18813
director of agriculture and the state veterinarian shall 18814
coincide with the length of time that the person holds the 18815
position of director or state veterinarian, as applicable. If 18816
the director or the state veterinarian resigns or that person's 18817
employment is terminated, the director or state veterinarian, as 18818
applicable, shall cease to serve on the board, and the successor 18819
of the director or state veterinarian shall then serve on the 18820
board in accordance with this section. Every other member shall 18821
hold office from the date of the member's appointment until the 18822

end of the term for which the member was appointed. 18823

Vacancies on the board shall be filled in the manner 18824
provided for original appointments. Any member appointed to fill 18825
a vacancy occurring prior to the expiration of the term for 18826
which the member's predecessor was appointed shall hold office 18827
for the remainder of that term. A member shall continue in 18828
office subsequent to the expiration date of the member's term 18829
until the member's successor takes office, or until a period of 18830
one hundred eighty days has elapsed, whichever occurs first. A 18831
member may be reappointed upon the expiration of the member's 18832
term. 18833

(D) The board shall hold at least three regular meetings 18834
each year and may hold additional meetings at times that the 18835
chairperson or a majority of the board members considers 18836
appropriate. At the three regular meetings held by the board 18837
each year, the board shall conduct a review of the rules 18838
governing the care and well-being of livestock that have been or 18839
are proposed to be adopted under section 904.03 of the Revised 18840
Code. 18841

At the first meeting of the board in each calendar year, 18842
the director shall designate one member of the board to serve as 18843
its vice-chairperson. A majority of the board constitutes a 18844
quorum. The board may act only if a quorum is present and only 18845
by majority vote of that quorum. A vacancy on the board does not 18846
impair the right of the other members to exercise all of the 18847
board's powers. 18848

(E) Serving as an appointed member of the board does not 18849
constitute holding a public office or position of employment 18850
under the laws of this state and does not constitute grounds for 18851
removal of public officers or employees from their offices or 18852

positions of employment. 18853

(F) Appointed members of the board shall receive no 18854
compensation for their services. Members shall be reimbursed for 18855
their actual and necessary expenses incurred in the performance 18856
of their duties as members. The expenses shall be paid from the 18857
~~Ohio livestock care standards~~ animal and consumer protection 18858
fund created in section ~~904.06~~ 943.26 of the Revised Code. The 18859
expenses shall be paid in accordance with the rules and 18860
requirements adopted by the department of administrative 18861
services that are applicable to state employees. 18862

(G) The board may create committees that it considers 18863
appropriate to make recommendations to the board. Committees may 18864
include non-board members. 18865

Sec. 904.04. (A) In order to assist the Ohio livestock 18866
care standards board in the administration and enforcement of 18867
this chapter, the director of agriculture shall do all of the 18868
following: 18869

(1) Hire all employees of the board, including an 18870
executive director. Employees of the board shall be in the 18871
unclassified civil service, serve at the pleasure of the 18872
director of agriculture, and be compensated with money from the 18873
~~Ohio livestock care standards~~ animal and consumer protection 18874
fund created in section ~~904.06~~ 943.26 of the Revised Code. 18875

(2) Enter into contracts on behalf of the board; 18876

(3) Do all of the following with regard to rules governing 18877
the care and well-being of livestock adopted by the board under 18878
section 904.03 of the Revised Code: 18879

(a) Process and submit the rules to the joint committee on 18880
agency rule review pursuant to Chapter 119. of the Revised Code; 18881

(b) Contract for surveys and analyses; 18882

(c) Perform any other activities that assist the board in 18883
adopting the rules. 18884

(4) Publish and distribute information related to 18885
livestock care, including educational materials, to livestock 18886
producers and members of the public; 18887

(5) Investigate complaints regarding violations of the 18888
rules adopted under section 904.03 of the Revised Code in 18889
accordance with the authority granted by this chapter, sections 18890
901.25 to 901.29 of the Revised Code, and rules adopted under 18891
this chapter and section 901.03 of the Revised Code; 18892

(6) Enforce the rules adopted under section 904.03 of the 18893
Revised Code and levy the civil penalties established by those 18894
rules. The director may apply to a court of competent 18895
jurisdiction for a temporary or permanent injunction or other 18896
appropriate relief for violations of this chapter and rules 18897
adopted under it. For purposes of this division, the court of 18898
competent jurisdiction shall be either the court of common pleas 18899
of Licking county or the court of common pleas of the county 18900
where the violation is occurring. Money collected from civil 18901
penalties levied under division (A) (6) of this section shall be 18902
deposited in the state treasury to the credit of the general 18903
revenue fund. 18904

(7) Perform any other duties necessary to assist the board 18905
in the administration and enforcement of this chapter. 18906

(B) With the consent of the premises owner and, if the 18907
premises owner is different from the livestock owner, the 18908
livestock owner, the director or the director's authorized 18909
representative may enter at all reasonable times on any premises 18910

for the purpose of determining compliance with the rules adopted 18911
under section 904.03 of the Revised Code. If the director or the 18912
director's authorized representative is denied access to the 18913
premises and the director or the director's authorized 18914
representative suspects that those rules are not being complied 18915
with, the director may apply for a search warrant authorizing 18916
access from a court of competent jurisdiction. The court shall 18917
issue the search warrant if there is probable cause. Probable 18918
cause may be based on hearsay, provided that there is 18919
substantial basis for believing the source is credible and there 18920
is factual basis for the information. 18921

Upon entry on premises in accordance with this division, 18922
the director or the director's authorized representative shall 18923
observe biosecurity measures in order to prevent spreading 18924
disease and infecting livestock. 18925

Sec. 905.32. (A) No person shall manufacture or distribute 18926
in this state any type of fertilizer until a license to 18927
manufacture or distribute has been obtained by the manufacturer 18928
or distributor from the department of agriculture upon payment 18929
of a ~~five-dollar~~ fifty-dollar fee: 18930

(1) For each fixed (permanent) location at which 18931
fertilizer is manufactured in this state; 18932

(2) For each mobile unit used to manufacture fertilizer in 18933
this state; 18934

(3) For each location out of the state from which 18935
fertilizer is distributed into this state; 18936

(4) For each location in this state from which fertilizer 18937
is distributed in this state. 18938

All licenses shall be valid for one year beginning on the 18939

first day of December of a calendar year through the thirtieth 18940
day of November of the following calendar year. A renewal 18941
application for a license shall be submitted no later than the 18942
thirtieth day of November each year. A person who submits a 18943
renewal application for a license after the thirtieth day of 18944
November shall include with the application a late filing fee of 18945
~~ten~~ twenty-five dollars. 18946

(B) An application for a license shall include: 18947

(1) The name and address of the licensee; 18948

(2) The name and address of each bulk distribution point 18949
in the state, not licensed for fertilizer manufacture and 18950
distribution. 18951

The name and address shown on the license shall be shown 18952
on all labels, pertinent invoices, and bulk storage for 18953
fertilizers distributed by the licensee in this state. 18954

(C) The licensee shall inform the director of agriculture 18955
in writing of additional distribution points established during 18956
the period of the license. 18957

(D) All money collected under this section shall be 18958
credited to the pesticide, fertilizer, and lime program fund 18959
created in section 921.22 of the Revised Code. 18960

Sec. 905.57. ~~(A) All information furnished to or procured~~ 18961
~~by the director of agriculture under section 905.56 of the~~ 18962
~~Revised Code is for the exclusive use and information of the~~ 18963
~~director in the discharge of his official duties and is not open~~ 18964
~~to the public nor to be used in any court in any action or~~ 18965
~~proceeding therein unless the director is a party to such action~~ 18966
~~or proceeding, but such information may be consolidated in~~ 18967
~~statistical tables and published by the director in statistical~~ 18968

~~form, without disclosing details of information furnished by any particular person.~~ 18969
18970

~~(B)~~ No person shall willfully divulge any information 18971
secured while in the employ of the department of agriculture, 18972
with respect to the transactions, property, files, records, or 18973
papers of the department, or with respect to the business of any 18974
manufacturer, seller, or distributor of agricultural liming 18975
material to any person other than the director or the superior 18976
of such employee, or when called upon to testify in an action or 18977
proceeding to which the director is a party. 18978

Sec. 907.13. No person shall label agricultural, 18979
vegetable, or flower seed that is intended for sale in this 18980
state unless the person holds a valid seed labeler permit that 18981
has been issued by the director of agriculture in accordance 18982
with this section. 18983

A person who wishes to obtain a seed labeler permit shall 18984
file an application with the director on a form that the 18985
director provides and shall submit a permit fee in the amount of 18986
~~ten~~ fifty dollars. Such a person who labels seed under more than 18987
one name or at more than one address shall obtain a separate 18988
seed labeler permit and pay a separate permit fee for each name 18989
and address. 18990

The applicant shall include the applicant's full name and 18991
address on the application together with any additional 18992
information that the director requires by rules adopted under 18993
section 907.10 of the Revised Code. If the applicant's address 18994
is not within this state or it does not represent a location in 18995
this state where the director can collect samples of the 18996
applicant's seed for analysis, then the applicant shall include 18997
on the application an address within this state where samples of 18998

the applicant's seed may be collected for those purposes or 18999
shall agree to provide the director or the director's authorized 19000
representative with seeds for sampling upon request. 19001

Upon receipt of a complete application accompanied by the 19002
~~ten-dollar~~ fifty-dollar permit fee, the director shall issue a 19003
seed labeler's permit to the applicant. All seed labeler permits 19004
that are issued under this section shall expire on the thirty- 19005
first day of ~~December~~ January of each year regardless of the 19006
date on which a permit was issued during ~~that year~~ the previous
one-year period. 19007
19008

Each person who obtains a seed labeler permit shall label 19009
the seed that the person intends for sale in this state in 19010
accordance with the requirements established in sections 907.01 19011
to 907.17 of the Revised Code. Each person who holds a valid 19012
seed labeler permit shall keep the permit posted in a 19013
conspicuous place in the principal seed room from which the 19014
person sells seed and shall comply with the reporting and fee 19015
requirements that are established in section 907.14 of the 19016
Revised Code. 19017

All money collected under this section shall be credited 19018
to the commercial feed and seed fund created in section 923.46 19019
of the Revised Code. 19020

Sec. 907.14. (A) A person who holds a valid seed labeler 19021
permit issued under section 907.13 of the Revised Code shall 19022
report to the director of agriculture concerning the amount of 19023
seed that the person sells in this state. The report shall be 19024
made ~~semiannually~~ annually on a form that the director 19025
prescribes and provides. ~~One semiannual~~ The report shall be 19026
filed with the director prior to the first day of February of 19027
each year with respect to all sales that the person made during 19028

the period from the first day of ~~July~~January to the thirty- 19029
first day of December of the ~~preceding~~previous year. ~~The second~~ 19030
~~semiannual report shall be filed prior to the first day of~~ 19031
~~August of each year with respect to all sales that the person~~ 19032
~~made during the period from the first day of January to the~~ 19033
~~thirtieth day of June of that year.~~ 19034

(B) A person who holds a valid seed labeler permit shall 19035
include with each ~~semiannual~~annual report a seed fee based on 19036
the amount of the seed that the person sold during that 19037
reporting period as follows: 19038

(1) For soybeans and small grains, including barley, oats, 19039
rye, wheat, triticale, and spelt, four cents per one hundred 19040
pounds; 19041

(2) For corn and grain sorghum, five cents per one hundred 19042
pounds; 19043

(3) (a) For any of the following seed sold at wholesale or 19044
retail or on consignment or commission, two per cent of the 19045
wholesale value of the containers of seed or, if the seed is not 19046
sold wholesale, two per cent of the retail value of the 19047
containers of seed: 19048

(i) Vegetable and flower seed sold in containers, other 19049
than hermetically sealed containers, of eight ounces or less; 19050

(ii) Flower seed sold in hermetically sealed containers 19051
that contain fewer than three hundred seeds; 19052

(iii) Vegetable seed sold in hermetically sealed 19053
containers that contain fewer than one thousand seeds. 19054

(b) The fees established pursuant to divisions (B) (3) (a) 19055
(ii) and (iii) of this section apply to both of the following: 19056

(i) Seed sold in hermetically sealed containers that 19057
contain the amount of seeds specified in division (B) (3) (a) (ii) 19058
or (iii) of this section, as applicable; 19059

(ii) Seed sold in hermetically sealed containers that do 19060
not clearly state the number of seeds that they contain. 19061

(c) Except as otherwise provided in division (B) (3) (b) (ii) 19062
of this section, if the weight of seed in a container, or the 19063
quantity of seed in a container, exceeds the applicable weight 19064
or quantity specified in division (B) (3) (a) (i), (ii), or (iii) 19065
of this section, the fee established in division (B) (4) of this 19066
section applies. 19067

(4) For alfalfa, clover, grass, native grass, mixtures 19068
containing any of these, and all agricultural, vegetable, and 19069
flower seeds not specified in divisions (B) (1) to (3) of this 19070
section, ten cents per one hundred pounds. 19071

If the total amount of the seed fee that is due is less 19072
than ~~five-fifty~~ dollars, the person shall pay ~~the minimum seed-~~ 19073
no fee, which is five dollars. 19074

(C) For each failure to report in full the amount of seed 19075
sold or to submit the required seed fees in full by the due 19076
date, a person who holds a valid seed labeler permit shall pay a 19077
penalty of ten per cent of the amount due or fifty dollars, 19078
whichever is greater. Failure to pay either the fee or the 19079
penalty within thirty days after the due date is cause for 19080
suspension or revocation by the director of the seed labeler 19081
permit or refusal, without a hearing, to issue a subsequent seed 19082
labeler permit for which the person applies. 19083

(D) This section does not apply to governmental entities 19084
that donate seed for conservation purposes. 19085

(E) All money collected under this section shall be 19086
credited to the commercial feed and seed fund created in section 19087
923.46 of the Revised Code. 19088

Sec. 909.01. As used in sections 909.01 to 909.18 of the 19089
Revised Code: 19090

(A) "Person" includes corporations, companies, societies, 19091
associations, partnerships, any individual or combination of 19092
individuals, or any institution, park, or other public agency 19093
administered by the state or by any district, county, municipal 19094
corporation, or other governmental subdivision thereof. When 19095
construing or enforcing such sections, the act, omission, or 19096
failure of any officer, agent, servant, or other individual 19097
acting for or employed by any person as above defined within the 19098
scope of ~~his~~ the person's employment or office is deemed to be 19099
the act, omission, or failure of such person, as well as that of 19100
the officer, agent, servant, or other employee. 19101

(B) "Bees" means any stage of any species of the genus 19102
Apis. 19103

(C) "Bee diseases" means any infectious or contagious 19104
disease that is pathogenic or parasitic and affects the eggs, or 19105
the larval, pupal, or adult stages, of bees. 19106

(D) "Apiary" means any place where one or more colonies or 19107
nuclei of bees are kept. 19108

(E) "Queen rearing apiaries" means any apiary in which 19109
~~queen bees~~queens are ~~reared~~raised or purchased for sale, trade, 19110
or gift; or otherwise distributed or used to create, for sale, 19111
trade or gift, nucs, packages, or colonies. 19112

(F) "Hive" means any modern frame hive, box hive, box, 19113
barrel, log gum, skep, or any other natural or artificial 19114

receptacle, or any part thereof, that may be used as a domicile 19115
for bees. 19116

(G) "Equipment" means any used hives or parts thereof, 19117
used frames, used honey houses, used tools, used machines, or 19118
used devices employed in the handling or manipulation of bees, 19119
honey, or beeswax, or any used container for honey or beeswax 19120
that may be used in any apiary. 19121

(H) "Serious bee diseases" means any bee disease the 19122
director of agriculture determines to be a threat to the 19123
beekeeping industry within the state. 19124

(I) "Africanized honey bees" means any bees identified by 19125
the United States department of agriculture by approved 19126
identification methods to be classified as *Apis mellifera* 19127
scutellata. 19128

(J) "Swarm" means a population of bees that is not 19129
permanently established. 19130

(K) "Colony" means the hive and its equipment, including 19131
bees, combs, and brood. 19132

(L) "Compliance agreement" means a written agreement 19133
between the department of agriculture and any person engaged in 19134
queen rearing in which the person agrees to comply with 19135
stipulated requirements. 19136

(M) "Nuc" means a small colony of bees in a hive box to 19137
which all of the following applies: 19138

(1) The hive box contains three to five frames. 19139

(2) The hive box contains a laying queen bee and the 19140
queen's progeny in egg, larval, pupa, and adult stages. 19141

(3) The small colony has honey and a viable population 19142
sufficient enough to develop into a full-sized colony. 19143

Sec. 909.02. Any person owning or possessing bees shall on 19144
or before the first day of June of each year, or thereafter 19145
within ~~ten~~ thirty days after coming into ownership or possession 19146
of bees, or upon moving bees into this state from outside the 19147
state, file with the director of agriculture an application for 19148
registration setting forth the exact location of ~~his~~ the 19149
person's apiaries and ~~the number of colonies of bees in each~~ 19150
~~apiary, together with~~ such other information as is required by 19151
the director, ~~and accompanied by a registration fee of five~~ 19152
~~dollars for each separate apiary owned or possessed by him at~~ 19153
~~time of registration. Any person who submits his application~~ 19154
~~after the dates specified by this section, or after the dates~~ 19155
~~specified in rules adopted by the director, shall be subject to~~ 19156
~~a ten-dollar late filing fee in addition to the five-dollar~~ 19157
~~registration fee. Upon acceptance of the application, the~~ 19158
~~director shall issue to such person a certificate of~~ 19159
~~registration.~~ All ~~certificates~~ registrations issued in 19160
accordance with this section expire on the following thirty- 19161
first day of May ~~next following date of issuance or renewal,~~ and 19162
shall be renewed according to the standard renewal procedure of 19163
sections 4745.01 to 4745.03 of the Revised Code. 19164

No person shall maintain an apiary ~~located on premises~~ 19165
~~other than that of his residence unless~~ such the apiary is 19166
registered under this section and identifiable by ~~an apiary name~~ 19167
or identification number assigned to such person by the 19168
director. Such identification number shall be posted in a 19169
conspicuous location in the apiary. The moving, raising, and 19170
production of bees, beeswax, honey, and honey products shall be 19171
deemed an agricultural pursuit. 19172

Sec. 909.07. The board of county commissioners may 19173
~~appropriate such funds as it deems sufficient for the inspection~~ 19174
~~of apiaries in its county. It may appoint~~ appoint, with the 19175
consent and concurrence of the director of agriculture, a deputy 19176
~~apiarist with the consent and concurrence of the director of~~ 19177
~~agriculture, said deputy to serve during the pleasure of said~~ 19178
~~board except as specified in this section. Such~~ Except as 19179
otherwise specified in this section, a deputy serves at the 19180
pleasure of the applicable board of county commissioners. A 19181
deputy apiarist shall be paid ~~such a~~ salary as the board of 19182
~~county commissioners determine for each day, or for each half~~ 19183
~~day of~~ determines for inspection work ~~actually done, together~~ 19184
~~with such and other~~ expenses as are necessarily incurred in the 19185
~~doing of the~~ directly related to inspection work. Before the 19186
board approves ~~said the~~ salary and expenses for payment, ~~such~~ 19187
the deputy apiarist shall submit the same to the director for 19188
~~his approval~~ review. Such 19189

A deputy apiarist shall work under the direction of the 19190
director and shall be responsible ~~to him for the enforcement of~~ 19191
~~sections 909.01 to 909.18, inclusive, of the Revised~~ 19192
~~Code~~ inspection of apiaries in assigned counties prescribed by 19193
the department of agriculture and for the administration and 19194
enforcement of this chapter. The 19195

The director may terminate the appointment of any deputy 19196
~~upon submitting to the board a statement that such deputy has~~ 19197
~~shown himself to be~~ apiarist if there is evidence that the 19198
deputy has been unethical, negligent, incompetent, inefficient, 19199
or untrustworthy in the discharge of ~~his~~ official duties. ~~Such A~~ 19200
deputy apiarist shall furnish to the director ~~such~~ reports as 19201
are required ~~and upon blanks furnished by him~~ the director. A 19202
~~duplicate of such reports shall be presented to the board each~~ 19203

~~time that a statement of salary and expense is presented for~~ 19204
~~payment.~~ 19205

Sec. 909.08. Each person within the state ~~engaged in the~~ 19206
~~rearing of~~ that intends to sell, trade, gift, or otherwise 19207
distribute queen bees ~~for sale or gift, before the first day of~~ 19208
~~April of each year,~~ packaged bees, nucs, or colonies shall file 19209
with the ~~director~~ department of agriculture a request for the 19210
~~inspection of his~~ certification of all of the person's queen 19211
rearing apiaries ~~where queen bees are reared~~ for which 19212
certification is requested. Each request shall be accompanied by 19213
a certification fee of fifty dollars or an amount specified in 19214
rules adopted by the director of agriculture. The director ~~shall~~ 19215
may require all queen rearing apiaries to be inspected as 19216
specified in rules adopted by the director at least once each 19217
year. If the inspection results in the diagnosis of any serious 19218
bee disease or pest or indicates the presence of Africanized 19219
honey bees, the owner thereof shall not ~~ship, sell, or give away~~ 19220
~~any queen~~ sell, trade, gift, or otherwise distribute any bees 19221
until ~~he has~~ the diagnosed problem has been controlled or 19222
eradicated ~~the disease or bees~~ to the satisfaction of the 19223
director. 19224

When such serious bee diseases or ~~bees~~ pests have been 19225
controlled or eradicated in the queen rearing apiary, or if no 19226
serious bee disease or pest is diagnosed or Africanized honey 19227
bees are found, the director ~~shall~~ may issue a ~~an~~ official 19228
certificate, ~~signed by the state apiarist, a copy of which.~~ A 19229
copy of the certificate shall be ~~attached to each package or~~ 19230
~~shipment of~~ included with each queen bees ~~mailed or shipped,~~ nuc, 19231
or colony provided by the producer. The certificate shall ~~be~~ 19232
~~valid for, but not to exceed, one year~~ expire on the thirty-first 19233
day of May of the following year and may be renewed annually. 19234

The use of tags or other devices bearing an invalid or altered 19235
certificate and the misuse of any valid certificate is 19236
prohibited. 19237

Sec. 909.09. No person shall sell, offer for sale, give, 19238
~~offer to give, barter, or offer to barter~~ trade, or otherwise 19239
distribute any bees, honeycombs, or used beekeeping equipment 19240
~~without a permit from the director of agriculture~~ that contains a 19241
serious bee disease or pest. Upon request, the state or a deputy 19242
apiarist may issue a transfer permit if, upon inspection, the 19243
item is determined to be apparently free from serious bee 19244
diseases and pests. The permit, or a copy of it, ~~shall~~ may 19245
accompany any such transfer of ownership. The director may 19246
refuse to issue the permit until ~~he finds it is found by~~ 19247
inspection that any ~~afrieanized honey bees are eradicated from~~ 19248
~~and any serious bee diseases and pests~~ are controlled or 19249
eradicated from the bees, honeycombs, or used beekeeping 19250
equipment. 19251

This section does not apply to the transfer of ownership 19252
of honeycomb for human consumption. 19253

Sec. 909.13. The director of agriculture, in accordance 19254
with sections 119.01 to 119.13, ~~inclusive,~~ of the Revised Code, 19255
may suspend or revoke any registration, certificate, or permit 19256
issued under ~~sections 909.01 to 909.18, inclusive, of the~~ 19257
~~Revised Code~~ this chapter, or a compliance agreement entered into 19258
under this chapter, for cause, including any violation of such 19259
~~sections this chapter or nonconformity with any rule or order~~ 19260
promulgated under ~~such sections in accordance with sections~~ 19261
~~119.01 to 119.13, inclusive, of the Revised Code~~ this chapter. 19262
There shall be no revocation of a compliance agreement, 19263
registration, certificate, or permit until the compliance 19264

agreement holder, registrant, or certificate or permit holder 19265
first is given an opportunity for a hearing by the director in 19266
regard thereto in accordance with sections 119.01 to 119.13,— 19267
~~inclusive,~~ of the Revised Code. An appeal may be taken from the 19268
action of the director in revocation of a compliance agreement, 19269
registration, certificate, or permit to the court of common 19270
pleas as provided in section 119.12 of the Revised Code. 19271

Sec. 911.02. Each person, firm, partnership, or 19272
corporation that owns or operates a bakery shall register each 19273
bakery that it owns or operates with the director of 19274
agriculture. For the registration, the owner or operator of each 19275
bakery shall pay an annual fee of ~~thirty dollars for a~~ 19276
~~production capacity of one thousand pounds of bakery product per~~ 19277
~~hour or less and an annual fee of thirty dollars for each one~~ 19278
~~thousand pounds of bakery product per hour capacity, or part~~ 19279
~~thereof, in excess of one thousand pounds of bakery product per~~ 19280
~~hour~~ two hundred dollars. 19281

Any person who owns or operates a home bakery with only 19282
one oven, in a stove of ordinary home kitchen design and located 19283
in a home, used for the baking of baked goods to be sold, shall 19284
pay a sum of ten dollars annually for registration regardless of 19285
the capacity of the home bakery oven. The registration shall be 19286
renewed annually by the thirtieth day of September and shall be 19287
renewed according to the standard renewal procedure of Chapter 19288
4745. of the Revised Code. The registration of the bakery shall 19289
show the location, including municipal corporation, street, and 19290
number, the name of the owner, and the name of the operator. The 19291
application for registration shall be made on a form prescribed 19292
and provided by the director. All moneys received from 19293
registration fees and fines collected under sections 911.01 to 19294
911.20 of the Revised Code shall be deposited with the treasurer 19295

of state to the credit of the food safety fund created in 19296
section 915.24 of the Revised Code. All annual renewal 19297
registration fees required by this section shall be paid by the 19298
applicant for the renewal to the treasurer of state for deposit 19299
into the food safety fund. 19300

No bakery product that is manufactured in an out-of-state 19301
bakery shall be sold or offered for sale within this state 19302
unless the bakery is in compliance with sections 911.01 to 19303
911.20 of the Revised Code, and is registered, having paid the 19304
annual registration fee. 19305

Registration of out-of-state bakeries is not required if a 19306
reciprocal agreement is in effect whereby a bakery located in 19307
this state is not subject to a license or registration fee by 19308
the receiving state or a political subdivision thereof. 19309

Sec. 913.23. (A) The director of agriculture may issue 19310
licenses as required by sections 913.22 to 913.28 of the Revised 19311
Code, may make the inspections and registrations required by 19312
those sections, and may prescribe the form of application to be 19313
filed under this section. 19314

(B) No person shall manufacture or bottle for sale within 19315
this state any soft drink in closed containers unless the person 19316
has a license issued by the director. Upon receipt of an 19317
application for such a license, the director shall examine the 19318
products and the place of manufacture where the business is to 19319
be conducted, to determine whether the products and place comply 19320
with sections 913.22 to 913.28 of the Revised Code. Upon finding 19321
there is compliance, and upon payment of a license fee of two 19322
hundred dollars, the director shall issue a license authorizing 19323
the applicant to manufacture or bottle for sale such soft 19324
drinks, subject to sections 913.22 to 913.28 of the Revised 19325

Code. The license shall expire on the last day of March of each 19326
year unless renewed. 19327

(C) No soft drink that is manufactured or bottled out of 19328
the state shall be sold or offered for sale within this state 19329
unless the soft drink and the plant in which the soft drink is 19330
manufactured or bottled are found by the director to comply with 19331
sections 913.22 to 913.28 of the Revised Code, and are 19332
registered by the director, which shall be upon a like 19333
application as provided in division (B) of this section. 19334

An annual registration fee of two hundred dollars shall be 19335
paid to the director by each applicant under this division. The 19336
registration shall be renewed annually, and the registration fee 19337
paid with the application for annual renewal. 19338

Registration of out-of-state soft drink manufacturers or 19339
bottlers or syrup and extract manufacturers is not required if a 19340
reciprocal agreement is in effect whereby a soft drink 19341
manufacturer or bottler or syrup and extract manufacturer 19342
located in this state is not subject to a license or 19343
registration fee by another state or a political subdivision 19344
thereof. 19345

~~(D) No person, other than a manufacturer or bottler~~ 19346
~~holding a soft drink plant license under this section, shall~~ 19347
~~sell, offer for sale, use, or have in the person's possession~~ 19348
~~with intent to sell, any soda water syrup or extract or soft~~ 19349
~~drink syrup, to be used in making, drawing, or dispensing soda~~ 19350
~~water or other soft drinks, without first registering the~~ 19351
~~person's name and address, the name and address of the~~ 19352
~~manufacturer of the syrup or extract, the number and variety of~~ 19353
~~such syrups or extracts intended to be sold, and the trade name~~ 19354
~~or brand of those products, with the director, together with~~ 19355

~~such samples of the syrups or extracts as the director requests for analysis. The person also shall pay to the department of agriculture at the time of making registration a license fee of one hundred dollars. No license shall be granted by the director unless the director determines that the syrup or extract is free from all harmful drugs and other ingredients that, as used, may be injurious to health. The registration shall be renewed annually upon like terms. If any manufacturer, bottler, agent, or seller is licensed or has registered the manufacturer's, bottler's, agent's, or seller's name and product as required by this section and has paid the manufacturer's, bottler's, agent's, or seller's fee, the manufacturer's, bottler's, agent's, or seller's distributor, retail agent, or retail seller using the products shall not be required to pay that fee. This section does not apply to local sellers of soft drinks as to syrups and extracts made by themselves for their own use exclusively.~~ 19356
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~~(E)~~ All moneys received under sections 913.22 to 913.28 of the Revised Code shall be deposited with the treasurer of state to the credit of the food safety fund created in section 915.24 of the Revised Code. 19373
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~~(F)~~ (E) The director may revoke any license or registration issued under sections 913.22 to 913.28 of the Revised Code, whenever the director determines that those sections have been violated. When a license has been revoked, the licensee shall discontinue the manufacture and sale of soft drinks or other products for which the license was issued. When a registration has been revoked, the registrant shall discontinue the sale within this state of the registrant's products until those sections have been complied with and a new license or registration has been issued. The director may suspend any such 19377
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license or registration temporarily, pending compliance with 19387
such conditions required by those sections as the director 19388
prescribes. 19389

Sec. 915.16. The license fee for an establishment is ~~fifty~~ 19390
two hundred dollars. Any operator operating in connection with a 19391
cold-storage warehouse holding a license under section 915.02 of 19392
the Revised Code is not required to secure an additional license 19393
under section 915.15 of the Revised Code so long as the operator 19394
continues to be licensed as a cold-storage warehouse; but the 19395
operator shall comply with sections 915.14 to 915.24 of the 19396
Revised Code, and all rules and regulations promulgated 19397
thereunder. The license issued shall be in such form as the 19398
department of agriculture prescribes. Licenses shall be valid 19399
until the last day of November following initial issuance or 19400
renewal and shall become invalid on that date unless renewed. 19401
The original license or a certified copy thereof shall be 19402
conspicuously displayed by the operator in the establishment. 19403

Sec. 915.24. (A) There is hereby created in the state 19404
treasury the food safety fund. All of the following moneys shall 19405
be credited to the fund: 19406

(1) Bakery registration fees and fines received under 19407
sections 911.02 to 911.20 of the Revised Code; 19408

(2) Cannery license fees and renewal fees received under 19409
sections 913.01 to 913.05 of the Revised Code; 19410

(3) Moneys received under sections 913.22 to 913.28 of the 19411
Revised Code; 19412

(4) License fees, fines, and penalties recovered for the 19413
violation of sections 915.01 to 915.12 of the Revised Code; 19414

(5) License fees collected under sections 915.14 to 915.23 19415

of the Revised Code; 19416

(6) License fees, other fees, and fines collected by or 19417
for the director of agriculture under Chapter 3717. of the 19418
Revised Code; 19419

(7) Fees collected under section 3715.04 of the Revised 19420
Code for the issuance of certificates of health and freesale; 19421

(8) Registration fees and other fees collected by the 19422
director of agriculture under section 3715.041 of the Revised 19423
Code; 19424

(9) Money received from contracts or cooperative 19425
agreements with any agency of the United States government, or 19426
any other public or private agency or organization, for either 19427
of the following: 19428

(a) The performance of the prescribed duties of the 19429
department of agriculture under this chapter and Chapters 911., 19430
913., 925., 3715., and 3717. of the Revised Code; 19431

(b) Accomplishing cooperative projects within the scope of 19432
such duties. 19433

(B) The director of agriculture shall use the moneys 19434
deposited into the food safety fund to administer and enforce 19435
the laws pursuant to which the moneys were collected. 19436

Sec. 921.01. As used in this chapter: 19437

(A) "Active ingredient" means any ingredient that will 19438
prevent, destroy, kill, repel, control, or mitigate any pest, or 19439
that will act as a plant regulator, defoliant, or desiccant. 19440

(B) "Adulterated" shall apply to any pesticide if its 19441
strength or purity is less than or greater than the professed 19442

standard or quality as expressed on its labeling or under which 19443
it is sold, if any substance has been substituted wholly or in 19444
part for the pesticide, or if any valuable constituent of the 19445
pesticide has been wholly or in part abstracted. 19446

(C) "Agricultural commodity" means any plant or part 19447
thereof or animal or animal product, produced for commercial use 19448
by a person, including farmers, ranchers, vineyardists, plant 19449
propagators, Christmas tree growers, aquaculturists, 19450
floriculturists, orchardists, foresters, or other comparable 19451
persons, primarily for the sale, consumption, propagation, or 19452
other use, by humans or animals. 19453

(D) "Aircraft" means any device used or designed for 19454
navigation or flight in the air, except a parachute or other 19455
device used primarily as safety equipment. 19456

(E) "Animal" means all vertebrate and invertebrate 19457
species, including, but not limited to, humans and other 19458
mammals, birds, fish, and shellfish. 19459

(F) "Authorized diagnostic inspection" means a diagnostic 19460
inspection conducted by a commercial applicator in the 19461
pesticide-use category in which the commercial applicator is 19462
licensed under this chapter. 19463

(G) "Beneficial insects" means those insects that, during 19464
their life cycle, are effective pollinators of plants, are 19465
parasites or predators of pests, or are otherwise beneficial. 19466

(H) "Brand" means any word, name, symbol, device, or 19467
combination thereof, that serves to distinguish the pesticide 19468
manufactured or distributed by one person from that manufactured 19469
or distributed by any other person. 19470

(I) "Pesticide applicator" means a commercial applicator 19471

or a private applicator. 19472

(J) "Private applicator" means an individual who is 19473
licensed under section 921.11 of the Revised Code. 19474

(K) "Commercial applicator" means an individual who is 19475
licensed under section 921.06 of the Revised Code to apply 19476
pesticides or to conduct authorized diagnostic inspections. 19477

(L) "Competent" means properly qualified as evidenced by 19478
passing the general examination and each applicable pesticide- 19479
use category examination for the pesticide-use categories in 19480
which a person applies pesticides and, in the case of a person 19481
who is a commercial applicator, conducts diagnostic inspections 19482
and by meeting any other criteria established by rule. 19483

(M) "Federal act" means the "Federal Insecticide, 19484
Fungicide and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 19485
136, as amended. 19486

(N) "Defoliant" means any substance or mixture of 19487
substances intended for causing the leaves or foliage to drop 19488
from a plant, with or without causing abscission. 19489

(O) "Desiccant" means any substance or mixture of 19490
substances intended for artificially accelerating the drying of 19491
plant tissue. 19492

(P) "Device" means any instrument or contrivance, other 19493
than a firearm, that is intended for trapping, destroying, 19494
repelling, or mitigating any pest or any other form of plant or 19495
animal life, other than human beings and other than bacteria, 19496
virus, or other microorganism on or in living human beings or 19497
other living animals. "Device" does not include equipment used 19498
for the application of pesticides when sold separately 19499
therefrom. 19500

(Q) "Direct supervision" means ~~either of the following, as~~ 19501
~~applicable:~~ 19502

~~(1) Unless, unless~~ otherwise prescribed by its labeling, 19503
a general use pesticide is considered to be applied under the 19504
direct supervision of a commercial applicator, if it is applied 19505
by a trained serviceperson acting under the instructions and 19506
control of a commercial applicator. 19507

~~(2) Unless otherwise prescribed by its labeling, a~~ 19508
~~restricted use pesticide is considered to be applied under the~~ 19509
~~direct supervision of a private applicator, if it is applied by~~ 19510
~~an immediate family member or a subordinate employee of that~~ 19511
~~private applicator acting under the instructions and control of~~ 19512
~~the private applicator, who is responsible for the actions of~~ 19513
~~that immediate family member or subordinate employee and who is~~ 19514
~~available when needed, even though the private applicator is not~~ 19515
~~physically present at the time and place the restricted use~~ 19516
~~pesticide application is occurring.~~ 19517

(R) "Directly supervise" means providing direct 19518
supervision under division ~~(Q) (1) or (2) or both of those~~ 19519
~~divisions (Q) of this section, as applicable.~~ 19520

(S) "Distribute" means to offer or hold for sale, sell, 19521
barter, ship, deliver for shipment, or receive and, having so 19522
received, to deliver or offer to deliver, pesticides in this 19523
state. "Distribute" does not mean to hold for use, apply, or use 19524
pesticides or dilutions of pesticides, except when a pesticide 19525
dealer holds for use, applies, or uses pesticides or dilutions 19526
of pesticides in the course of business with a commercial 19527
applicator who is employed by that pesticide dealer. 19528

(T) "Environment" includes water, air, land, and all 19529

plants and human beings and other animals living therein, and 19530
the interrelationships that exist among them. 19531

(U) "Fungus" means any nonchlorophyll-bearing thallophyte, 19532
which is any nonchlorophyll-bearing plant of a lower order than 19533
mosses and liverworts, as for example, rust, smut, mildew, mold, 19534
yeast, and bacteria, except those on or in living human beings 19535
or other animals, or processed food, beverages, or 19536
pharmaceuticals. 19537

(V) "General use pesticide" means a pesticide that is 19538
classified for general use under the federal act. 19539

(W) "Ground equipment" means any device, other than 19540
aircraft, used on land or water to apply pesticides in any form. 19541

(X) ~~"Immediate family" means a person's spouse residing in~~ 19542
~~the person's household, brothers and sisters of the whole or of~~ 19543
~~the half blood, children, including adopted children, parents,~~ 19544
~~and grandparents.~~ 19545

~~(Y)~~ "Incidental use" or "incidentally use" means the 19546
application of a general use pesticide on an occasional, 19547
isolated, site-specific basis in order to avoid immediate 19548
personal harm. "Incidental use" or "incidentally use" does not 19549
mean regular, routine, or maintenance application of a general 19550
use pesticide. 19551

~~(Z)~~ (Y) "Inert ingredient" means an ingredient that is not 19552
active. 19553

~~(AA)~~ (Z) "Ingredient statement" means a statement of the 19554
name and percentage of each active ingredient, together with the 19555
total percentage of inert ingredients. When the pesticide 19556
contains arsenic in any form, the ingredient statement shall 19557
include percentages of total and water soluble arsenic, each 19558

calculated as elemental arsenic. 19559

~~(BB)~~ (AA) "Insect" means any of the numerous small 19560
invertebrate animals generally having the body more or less 19561
obviously segmented, for the most part belonging to the class 19562
insecta, including, but not limited to, beetles, bugs, bees, and 19563
flies, and to other allied classes of arthropods, including, but 19564
not limited to, spiders, mites, ticks, centipedes, and wood 19565
lice. 19566

~~(CC)~~ (BB) "Integrated pest management" means a sustainable 19567
approach to managing pests by combining biological, cultural, 19568
physical, and chemical tools in a way that minimizes economic, 19569
health, and environmental risks. 19570

~~(DD)~~ (CC) "Label" means the written, printed, or graphic 19571
matter on, or attached to the pesticide or device, or any of its 19572
containers or wrappers. 19573

~~(EE)~~ (DD) "Labeling" means all labels and other written, 19574
printed, or graphic matter: 19575

(1) Accompanying the pesticide product or device at any 19576
time; 19577

(2) To which reference is made on the label or in 19578
literature accompanying the pesticide product or device, except 19579
when accurate, nonmisleading reference is made to current 19580
official publications of the United States environmental 19581
protection agency, the United States department of agriculture 19582
or interior, the United States department of health and human 19583
services, state experiment stations, state agricultural 19584
colleges, or other similar federal or state institutions or 19585
official agencies, authorized by law to conduct research in the 19586
field of pesticides; 19587

(3) Including all brochures, technical and sales 19588
bulletins, and all advertising material. 19589

~~(FF)~~(EE) "Licensure" includes certification as used in the 19590
federal act. 19591

~~(GG)~~(FF) "Misbranded" applies, if the conditions of either 19592
division ~~(GG)~~(1) ~~(FF)~~(1) or (2) of this section are satisfied as 19593
follows: 19594

(1) To any pesticide or device, if at least one of the 19595
following occurs: 19596

(a) Its labeling bears any statement, design, or graphic 19597
representation relative thereto or to its ingredients that is 19598
false or misleading in any particular. 19599

(b) It is an imitation of or is distributed under the name 19600
of another pesticide or device. 19601

(c) Any word, statement, or other information required to 19602
appear on the label or labeling is not prominently placed 19603
thereon with such conspicuousness, as compared with other words, 19604
statements, designs, or graphic matter in the labeling, and in 19605
such terms as to render it likely to be read and understood by 19606
the ordinary individual under customary conditions of purchase 19607
and use. 19608

(2) To any pesticide, if at least one of the following 19609
occurs: 19610

(a) The labeling of a restricted use pesticide does not 19611
contain a statement that it is a restricted use pesticide. 19612

(b) The labeling accompanying it does not contain 19613
directions for use that are necessary for effecting the purpose 19614
for which the pesticide is intended and, if complied with, 19615

together with any requirements imposed by the federal act, that 19616
are adequate to protect the environment. 19617

(c) The label does not bear all of the following: 19618

(i) The name, brand, or trademark under which the 19619
pesticide is distributed; 19620

(ii) An ingredient statement on the part of the immediate 19621
container and on the outside container and wrapper of the retail 19622
package, if any, through which the ingredient statement on the 19623
immediate container cannot be clearly read, which is presented 19624
or displayed under customary conditions of purchase, provided 19625
that the ingredient statement may appear prominently on another 19626
part of the container as permitted by the amended federal act or 19627
by the director; 19628

(iii) A warning or caution statement that may be necessary 19629
and that, if complied with together with any requirement imposed 19630
under the federal act, would be adequate to protect the 19631
environment; 19632

(iv) The net weight or measure of the contents, subject to 19633
such reasonable variations as the administrator of the United 19634
States environmental protection agency or the director of 19635
agriculture may permit; 19636

(v) The name and address of the manufacturer, registrant, 19637
or person for whom manufactured; 19638

(vi) The United States environmental protection agency 19639
registration number assigned to each establishment in which the 19640
pesticide was produced and the agency registration number 19641
assigned to it, as required by regulations under the federal 19642
act. 19643

(d) The pesticide contains any substance or substances in 19644
quantities highly toxic to human beings unless the label bears, 19645
in addition to other label requirements, all of the following: 19646

(i) The skull and crossbones; 19647

(ii) The word "poison" in red prominently displayed on a 19648
background of distinctly contrasting color; 19649

(iii) A statement of an antidote or a practical or 19650
emergency medical treatment, first aid or otherwise, in case of 19651
poisoning by the pesticide. 19652

(e) It is contained in a package or other container or 19653
wrapping that does not conform to the standard established by 19654
the administrator of the United States environmental protection 19655
agency. 19656

~~(HH)~~ (GG) "Nematodes" means invertebrate animals of the 19657
phylum nemathelminthes and class nematoda, which are 19658
unsegmented, round worms with elongated, fusiform, or sac-like 19659
bodies covered with cuticle, and that inhabit soil, water, 19660
plants, or plant parts and also may be called nema or eel-worms. 19661

~~(II)~~ (HH) "Pest" means a harmful, destructive, or nuisance 19662
insect, fungus, rodent, nematode, bacterium, bird, snail, weed, 19663
or parasitic plant or a harmful or destructive form of plant or 19664
animal life or virus, or any plant or animal species that the 19665
director declares to be a pest, except viruses, bacteria, or 19666
other microorganisms on or in living animals, including human 19667
beings. 19668

~~(JJ)~~ (II) "Pesticide" means any substance or mixture of 19669
substances intended for either of the following: 19670

(1) Preventing, destroying, repelling, or mitigating any 19671

pest; 19672

(2) Use as a plant regulator, defoliant, or desiccant. 19673

"Pesticide" includes a pest monitoring system designated 19674
by rule. 19675

~~(KK)~~ (JJ) "Pesticide dealer" means any person who 19676
distributes restricted use pesticides or pesticides whose uses 19677
or distribution are further restricted by the director to the 19678
ultimate user or to a commercial applicator who is employed by 19679
that pesticide dealer. 19680

~~(LL)~~ (KK) "Pesticide business" means a person who performs 19681
pesticide business activities. 19682

~~(MM)~~ (LL) "Pesticide business activities" means any of the 19683
following: 19684

(1) The application of pesticides to the property of 19685
another for hire; 19686

(2) The solicitation to apply pesticides; 19687

(3) The conducting of authorized diagnostic inspections. 19688

~~(NN) "Pesticide business registered location" means a~~ 19689
~~location at which pesticide business activities are conducted~~ 19690
~~and that is registered through the issuance of a license to a~~ 19691
~~pesticide business under section 921.09 of the Revised Code.~~ 19692

~~(OO)~~ (MM) "Pesticide-use category" means a specialized 19693
field of pesticide application or of diagnostic inspection as 19694
defined by rule. 19695

~~(PP)~~ (NN) "Plant regulator" means any substance or mixture 19696
of substances, intended, through physiological action, for 19697
accelerating or retarding the growth or rate of maturation, or 19698

for otherwise altering the behavior of plants or the produce 19699
thereof, but does not include substances to the extent that they 19700
are intended as plant nutrients, trace elements, nutritional 19701
chemicals, plant inoculants, or soil amendments. 19702

~~(QQ)~~ (OO) "Product name" means a coined or specific 19703
designation applied to an individual pesticide of a fixed 19704
combination and derivation. 19705

~~(RR)~~ (PP) "Registrant" means a person who has registered a 19706
pesticide under this chapter. 19707

~~(SS)~~ (QQ) "Restricted use pesticide" means any pesticide or 19708
pesticide use classified by the administrator of the United 19709
States environmental protection agency for use only by a 19710
pesticide applicator ~~or by an individual working under the~~ 19711
~~direct supervision of a pesticide applicator.~~ 19712

~~(TT)~~ (RR) "Rule" means a rule adopted under section 921.16 19713
of the Revised Code. 19714

~~(UU)~~ (SS) "Sell or sale" means exchange of ownership or 19715
transfer of custody. 19716

~~(VV)~~ (TT) "State restricted use pesticide" means any 19717
pesticide or pesticides classified by the director subsequent to 19718
a hearing held in accordance with Chapter 119. of the Revised 19719
Code for use only by pesticide applicators ~~or individuals~~ 19720
~~working under their direct supervision.~~ 19721

~~(WW)~~ (UU) "Unreasonable adverse effects on the environment" 19722
means any unreasonable risk to human beings or the environment 19723
taking into account the economic, social, and environmental 19724
benefits and costs of the use of any pesticide. 19725

~~(XX)~~ (VV) "Trained serviceperson" means an employee of a 19726

pesticide business, other business, agency of the United States 19727
government, state agency, or political subdivision who has been 19728
trained to apply general use pesticides while under the direct 19729
supervision of a commercial applicator. 19730

~~(YY)~~ (WW) "Weed" means any plant that grows where not 19731
wanted. 19732

~~(ZZ)~~ (XX) "Wildlife" means all living things that are 19733
neither human, domesticated, or pests, including, but not 19734
limited to, mammals, birds, and aquatic life. 19735

~~(AAA)~~ (YY) "Trade secret" and "confidential business 19736
information" mean any formula, plan, pattern, process, tool, 19737
mechanism, compound, procedure, production date, or compilation 19738
of information that is not patented, that is known only to 19739
certain individuals within a commercial concern, and that gives 19740
its user an opportunity to obtain a business advantage over 19741
competitors who do not know or use it. 19742

Sec. 921.02. (A) No person shall distribute a pesticide 19743
within this state unless the pesticide is registered with the 19744
director of agriculture under this chapter. Registrations shall 19745
be issued for a period of time established by rule and shall be 19746
renewed in accordance with deadlines established by rule. 19747
Registration is not required if a pesticide is shipped from one 19748
plant or warehouse to another plant or warehouse operated by the 19749
same person and used solely at that plant or warehouse as a 19750
constituent part to make a pesticide that is registered under 19751
this chapter, or if the pesticide is distributed under the 19752
provisions of an experimental use permit issued under section 19753
921.03 of the Revised Code or an experimental use permit issued 19754
by the United States environmental protection agency. 19755

(B) The applicant for registration of a pesticide shall 19756
file a statement with the director on a form provided by the 19757
director, which shall include all of the following: 19758

(1) The name and address of the applicant and the name and 19759
address of the person whose name will appear on the label, if 19760
other than the applicant's name; 19761

(2) The brand and product name of the pesticide; 19762

(3) Any necessary information required for completion of 19763
the department of agriculture's application for registration, 19764
including the agency registration number; 19765

(4) A complete copy of the labeling accompanying the 19766
pesticide and a statement of all claims to be made for it, 19767
including the directions for use and the use classification as 19768
provided for in the federal act. 19769

(C) The director, when the director considers it necessary 19770
in the administration of this chapter, may require the 19771
submission of the complete formula of any pesticide including 19772
the active and inert ingredients. 19773

(D) The director may require a full description of the 19774
tests made and the results thereof upon which the claims are 19775
based for any pesticide. The director shall not consider any 19776
data submitted in support of an application, without permission 19777
of the applicant, in support of any other application for 19778
registration unless the other applicant first has offered to pay 19779
reasonable compensation for producing the test data to be relied 19780
upon and the data are not protected from disclosure by section 19781
921.04 of the Revised Code. In the case of a renewal of 19782
registration, a statement shall be required only with respect to 19783
information that is different from that furnished when the 19784

pesticide was registered or last registered. 19785

(E) The director may require any other information to be 19786
submitted with an application. 19787

Any applicant may designate any portion of the required 19788
registration information as a trade secret or confidential 19789
business information. Upon receipt of any required registration 19790
information designated as a trade secret or confidential 19791
business information, the director shall consider the designated 19792
information as confidential and shall not reveal or cause to be 19793
revealed any such designated information without the consent of 19794
the applicants, except to persons directly involved in the 19795
registration process described in this section or as required by 19796
law. 19797

(F) ~~Beginning January 1, 2007, each~~ Each applicant shall 19798
pay a nonrefundable registration and inspection fee of ~~one-two~~ 19799
hundred fifty dollars for each product name and brand registered 19800
for the company whose name appears on the label. If an applicant 19801
files for a renewal of registration after the deadline 19802
established by rule, the applicant shall pay a penalty fee of 19803
~~seventy-five~~ one hundred twenty-five dollars for each product 19804
name and brand registered for the applicant. The penalty fee 19805
shall be added to the original fee and paid before the renewal 19806
registration is issued. In addition to any other remedy 19807
available under this chapter, if a pesticide that is not 19808
registered pursuant to this section is distributed within this 19809
state, the person required to register the pesticide shall do so 19810
and shall pay a penalty fee of ~~seventy-five~~ one hundred twenty- 19811
five dollars for each product name and brand registered for the 19812
applicant. The penalty fee shall be added to the original fee of 19813
~~one-two~~ one hundred fifty dollars and paid before the registration 19814

is issued. 19815

(G) Provided that the state is authorized by the 19816
administrator of the United States environmental protection 19817
agency to register pesticides to meet special local needs, the 19818
director shall require the information set forth under divisions 19819
(B), (C), (D), and (E) of this section and shall register any 19820
such pesticide after determining that all of the following 19821
conditions are met: 19822

(1) Its composition is such as to warrant the proposed 19823
claims for it. 19824

(2) Its labeling and other material required to be 19825
submitted comply with the requirements of the federal act and of 19826
this chapter, and rules adopted thereunder. 19827

(3) It will perform its intended function without 19828
unreasonable adverse effects on the environment. 19829

(4) When used in accordance with widespread and commonly 19830
recognized practice, it will not generally cause unreasonable 19831
adverse effects on the environment. 19832

(5) The classification for general or restricted use is in 19833
conformity with the federal act. 19834

The director shall not make any lack of essentiality a 19835
criterion for denying the registration of any pesticide. When 19836
two pesticides meet the requirements of division (G) of this 19837
section, the director shall not register one in preference to 19838
the other. 19839

(H) (1) The director may refuse to register a pesticide if 19840
the application for registration fails to comply with this 19841
section. 19842

(2) The director may suspend or revoke a pesticide 19843
registration after a hearing in accordance with Chapter 119. of 19844
the Revised Code for a pesticide that fails to meet the claims 19845
made for it on its label. 19846

(3) The director may immediately suspend a pesticide 19847
registration, prior to a hearing, when the director believes 19848
that the pesticide poses an immediate hazard to human or animal 19849
health or a hazard to the environment. Not later than fifteen 19850
days after suspending the registration, the director shall 19851
determine whether the pesticide poses such a hazard. If the 19852
director determines that no hazard exists, the director shall 19853
lift the suspension of the registration. If the director 19854
determines that a hazard exists, the director shall revoke the 19855
registration in accordance with Chapter 119. of the Revised 19856
Code. 19857

(I) All money collected under this section shall be 19858
credited to the pesticide, fertilizer, and lime program fund 19859
created in section 921.22 of the Revised Code. 19860

Sec. 921.06. (A) (1) No individual shall do any of the 19861
following without having a commercial applicator license issued 19862
by the director of agriculture: 19863

(a) Apply pesticides for a pesticide business without 19864
direct supervision; 19865

(b) Apply pesticides as part of the individual's duties 19866
while acting as an employee of the United States government, a 19867
state, county, township, or municipal corporation, or a park 19868
district, port authority, or sanitary district created under 19869
Chapter 1545., 4582., or 6115. of the Revised Code, 19870
respectively; 19871

(c) Apply restricted use pesticides. Division (A) (1) (c) of 19872
this section does not apply to a private applicator ~~or an~~ 19873
~~immediate family member or a subordinate employee of a private~~ 19874
~~applicator who is acting under the direct supervision of that~~ 19875
~~private applicator.~~ 19876

(d) If the individual is the owner of a business other 19877
than a pesticide business or an employee of such an owner, apply 19878
pesticides at any of the following publicly accessible sites 19879
that are located on the property: 19880

(i) Food service operations that are licensed under 19881
Chapter 3717. of the Revised Code; 19882

(ii) Retail food establishments that are licensed under 19883
Chapter 3717. of the Revised Code; 19884

(iii) Golf courses; 19885

(iv) Rental properties of more than four apartment units 19886
at one location; 19887

(v) Hospitals or medical facilities as defined in section 19888
3701.01 of the Revised Code; 19889

(vi) Child care centers or licensed school child programs 19890
as defined in section 5104.01 of the Revised Code; 19891

(vii) Facilities owned or operated by a school district 19892
established under Chapter 3311. of the Revised Code, including 19893
an educational service center, a community school established 19894
under Chapter 3314. of the Revised Code, or a chartered or 19895
nonchartered nonpublic school that meets minimum standards 19896
established by the director of education and workforce; 19897

(viii) State institutions of higher education as defined 19898
in section 3345.011 of the Revised Code, nonprofit institutions 19899

holding a certificate of authorization pursuant to Chapter 1713. 19900
of the Revised Code, institutions holding a certificate of 19901
registration from the state board of career colleges and schools 19902
and program authorization for an associate or bachelor's degree 19903
program issued under section 3332.05 of the Revised Code, and 19904
private institutions exempt from regulation under Chapter 3332. 19905
of the Revised Code as prescribed in section 3333.046 of the 19906
Revised Code; 19907

(ix) Food processing establishments as defined in section 19908
3715.021 of the Revised Code; 19909

(x) Any other site designated by rule. 19910

(e) Conduct authorized diagnostic inspections. 19911

(2) Divisions (A) (1) (a) to (d) of this section do not 19912
apply to an individual who is acting as a trained serviceperson 19913
under the direct supervision of a commercial applicator. 19914

(3) Licenses shall be issued for a period of time 19915
established by rule and shall be renewed in accordance with 19916
deadlines established by rule. The fee for each such license 19917
shall be established by rule. If a license is not issued or 19918
renewed, the application fee shall be retained by the state as 19919
payment for the reasonable expense of processing the 19920
application. The director shall by rule classify by pesticide- 19921
use category licenses to be issued under this section. A single 19922
license may include more than one pesticide-use category. No 19923
individual shall be required to pay an additional license fee if 19924
the individual is licensed for more than one category. 19925

The fee for each license or renewal does not apply to an 19926
applicant who is an employee of the department of agriculture 19927
whose job duties require licensure as a commercial applicator as 19928

a condition of employment. 19929

(B) Application for a commercial applicator license shall 19930
be made on a form prescribed by the director. Each application 19931
for a license shall state the pesticide-use category or 19932
categories of license for which the applicant is applying and 19933
other information that the director determines essential to the 19934
administration of this chapter. 19935

(C) (1) Except as provided in division (C) (2) of this 19936
section, if the director finds that the applicant is competent 19937
to apply pesticides and conduct diagnostic inspections and that 19938
the applicant has passed both the general examination and each 19939
applicable pesticide-use category examination as required under 19940
division (A) of section 921.12 of the Revised Code, the director 19941
shall issue a commercial applicator license limited to the 19942
pesticide-use category or categories for which the applicant is 19943
found to be competent. If the director rejects an application, 19944
the director may explain why the application was rejected, 19945
describe the additional requirements necessary for the applicant 19946
to obtain a license, and return the application. The applicant 19947
may resubmit the application without payment of any additional 19948
fee. 19949

(2) The director shall issue a commercial applicator 19950
license in accordance with Chapter 4796. of the Revised Code to 19951
an individual if either of the following applies: 19952

(a) The individual holds a commercial applicator license 19953
in another state. 19954

(b) The individual has satisfactory work experience, a 19955
government certification, or a private certification as 19956
described in that chapter as a commercial applicator in a state 19957

that does not issue that license. 19958

A license issued under this division shall be limited to 19959
the pesticide-use category or categories for which the applicant 19960
is licensed in another state or has satisfactory work 19961
experience, a government certification, or a private 19962
certification in that state. 19963

(D) (1) A person who is a commercial applicator shall be 19964
deemed to hold a private applicator's license for purposes of 19965
applying pesticides on agricultural commodities that are 19966
produced by the commercial applicator. 19967

(2) A commercial applicator shall apply pesticides only in 19968
the pesticide-use category or categories in which the applicator 19969
is licensed under this chapter. 19970

(E) All money collected under this section shall be 19971
credited to the pesticide, fertilizer, and lime program fund 19972
created in section 921.22 of the Revised Code. 19973

Sec. 921.09. (A) (1) No person shall own or operate a 19974
pesticide business without obtaining a license from the director 19975
of agriculture. Licenses shall be issued for a period of time 19976
established by rule and shall be renewed in accordance with 19977
deadlines established by rule. 19978

(2) A person applying for a pesticide business license 19979
shall ~~register~~ obtain a license for each location that is owned 19980
by the person and used for the purpose of engaging in the 19981
pesticide business. 19982

(B) Any person who owns or operates a pesticide business 19983
outside of this state, but engages in the business of applying 19984
pesticides to properties of another for hire in this state, 19985
shall obtain a license for the person's principal out-of-state 19986

location from the director. In addition, the person shall 19987
~~register~~ obtain a license for each location that is owned by the 19988
person in this state and used for the purpose of engaging in the 19989
pesticide business. 19990

(C) (1) The person applying for a pesticide business 19991
license shall file a statement with the director, on a form 19992
provided by the director, that shall include all of the 19993
following: 19994

(a) The address of the principal place of business of the 19995
pesticide business; 19996

(b) The address of each location ~~that~~ concerning which the 19997
person intends to ~~register~~ obtain a license under division (A) 19998
(2) or (B) of this section; 19999

(c) Any other information that the director determines 20000
necessary and that the director requires by rule. 20001

(2) Each applicant shall pay a license fee established by 20002
rule for the ~~pesticide~~ principal place of business plus an 20003
additional fee established by rule for each pesticide business 20004
~~registered~~ location specified in the application. The license 20005
may be renewed upon payment of a renewal fee for the principal 20006
place of business established by rule plus an additional fee 20007
established by rule for each pesticide business ~~registered~~ 20008
location. A copy of the license shall be maintained and 20009
conspicuously displayed at each ~~such~~ pesticide business 20010
location. 20011

(3) The issuance of a pesticide business license 20012
constitutes ~~registration~~ licensure of any pesticide business 20013
location identified in the application under division (C) (1) of 20014
this section. 20015

(4) The owner or operator of a pesticide business shall 20016
notify the director not later than fifteen days after any change 20017
occurs in the information required under division (C) (1) (a) or 20018
(b) of this section. 20019

(D) The owner or operator of a pesticide business shall 20020
employ at least one commercial applicator for each pesticide 20021
business ~~registered~~-location the owner or operator owns or 20022
operates. 20023

(E) The owner or operator of a pesticide business is 20024
responsible for the acts of each employee in the handling, 20025
application, and use of pesticides and in the conducting of 20026
diagnostic inspections. The pesticide business license is 20027
subject to denial, modification, suspension, or revocation after 20028
a hearing for any violation of this chapter or any rule adopted 20029
or order issued under it. The director may levy against the 20030
owner or operator any civil penalties authorized by division (B) 20031
of section 921.16 of the Revised Code for any violation of this 20032
chapter or any rule adopted or order issued under it that is 20033
committed by the owner or operator or by the owner's or 20034
operator's officer, employee, or agent. 20035

(F) The director may modify a license issued under this 20036
section by one of the following methods: 20037

(1) Revoking a licensee's authority to operate out of a 20038
particular pesticide business ~~registered~~-location listed under 20039
division (C) (1) (b) of this section; 20040

(2) Preventing a licensee from operating within a specific 20041
pesticide-use category. 20042

(G) The director may deny a pesticide business license to 20043
any person whose pesticide business license has been revoked 20044

within the previous thirty-six months. 20045

(H) Each pesticide business ~~registered~~ location that is 20046
owned by a pesticide business is subject to inspection by the 20047
director. 20048

(I) All money collected under this section shall be 20049
credited to the pesticide, fertilizer, and lime program fund 20050
created in section 921.22 of the Revised Code. 20051

Sec. 921.11. ~~(A)(1)~~ (A) As used in this section, "use" 20052
means any of the following: 20053

(1) Performing pre-application activities involving mixing 20054
and loading the pesticide; 20055

(2) Applying the pesticide by a commercial applicator or 20056
private applicator; 20057

(3) Performing other pesticide-related activities, 20058
including transporting or storing pesticide containers that have 20059
been opened, cleaning equipment, and disposing of excess 20060
pesticides, spray mix, equipment wash waters, pesticide 20061
containers, and other pesticide-containing materials. 20062

(B) No individual shall ~~apply~~ use restricted use 20063
pesticides unless the individual is one of the following: 20064

~~(a)(1)~~ (1) Licensed under section 921.06 of the Revised Code; 20065

~~(b)(2)~~ (2) Licensed under division ~~(B)~~ (C) of this section; 20066

~~(c) A trained serviceperson who is acting under the direct~~ 20067
~~supervision of a commercial applicator;~~ 20068

~~(d) An immediate family member or a subordinate employee~~ 20069
~~of a private applicator who is acting under the direct~~ 20070
~~supervision of that private applicator.~~ 20071

~~(2) No individual shall directly supervise the application~~ 20072
~~of a restricted use pesticide unless the individual is one of~~ 20073
~~the following:~~ 20074

~~(a) Licensed under section 921.06 of the Revised Code;~~ 20075

~~(b) Licensed under division (B) of this section.~~ 20076

~~(B) (1)~~ (C) (1) Subject to division ~~(B) (2)~~ (C) (2) of this 20077
section, the director of agriculture shall adopt rules to 20078
establish standards and procedures for the licensure of private 20079
applicators. An individual shall apply for a private applicator 20080
license to the director, on forms prescribed by the director. 20081
The individual shall include in the application the pesticide- 20082
use category or categories of the license for which the 20083
individual is applying and any other information that the 20084
director determines is essential to the administration of this 20085
chapter. The fee for each license shall be established by rule. 20086
Licenses shall be issued for a period of time established by 20087
rule and shall be renewed in accordance with deadlines 20088
established by rule. If a license is not issued or renewed, the 20089
state shall retain any fee submitted as payment for reasonable 20090
expenses of processing the application. 20091

(2) The director shall issue a private applicator license 20092
in accordance with Chapter 4796. of the Revised Code to an 20093
individual if either of the following applies: 20094

(a) The individual holds a private applicator license in 20095
another state. 20096

(b) The individual has satisfactory work experience, a 20097
government certification, or a private certification as 20098
described in that chapter as a private applicator in a state 20099
that does not issue that license. 20100

A license issued under this division shall be limited to the pesticide-use category or categories for which the applicant is licensed in another state or has satisfactory work experience, a government certification, or a private certification in that state.

~~(C)~~ (D) An individual who is licensed under this section shall use ~~or directly supervise the use of~~ a restricted use pesticide only for the purpose of producing agricultural commodities on property that is owned or rented by the individual or the individual's employer.

~~(D)~~ (E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.12. ~~(A)~~ (A) (1) The director of agriculture shall require each applicant for a license by examination under section 921.06 or 921.11 of the Revised Code to be examined on the applicant's knowledge and competency in each of the following:

~~(1)~~ (a) This chapter and rules adopted under it;

~~(2)~~ (b) The proper use, handling, and application of pesticides and, if the applicant is applying for a license under section 921.06 of the Revised Code, in the conducting of diagnostic inspections in the pesticide-use categories for which the applicant has applied.

(2) The director may establish an examination fee by rule to be paid by applicants.

(B) Each application for renewal of a license provided for in section 921.06 of the Revised Code shall be filed prior to the deadline established by rule. If filed after the deadline, a

penalty of fifty per cent shall be assessed and added to the 20130
original fee and shall be paid by the applicant before the 20131
renewal license is issued. However, if a license issued under 20132
section 921.06 or 921.11 of the Revised Code is not renewed 20133
within one hundred eighty days after the date of expiration, the 20134
licensee shall be required to take another examination on this 20135
chapter and rules adopted under it and on the proper use, 20136
handling, and application of pesticides and, if applicable, the 20137
proper conducting of diagnostic inspections in the pesticide-use 20138
categories for which the licensee has been licensed. 20139

(C) A person who fails to pass an examination under 20140
division (A) or (B) of this section is not entitled to an 20141
adjudication under Chapter 119. of the Revised Code for that 20142
failure. 20143

(D) The holder of a commercial applicator license may 20144
renew the license within one hundred eighty days after the date 20145
of expiration without re-examination unless the director 20146
determines that a new examination is necessary to insure that 20147
the holder continues to meet the requirements of changing 20148
technology and to assure a continuing level of competence and 20149
ability to use pesticides safely and properly. 20150

(E) The holder of a private applicator license may renew 20151
the license within one hundred eighty days after the date of 20152
expiration without re-examination unless the director determines 20153
that a new examination is necessary to insure that the holder 20154
continues to meet the requirements of changing technology and to 20155
assure a continuing level of competence and ability to use 20156
pesticides safely and properly. 20157

(F) Instead of requiring a commercial applicator or 20158
private applicator to complete re-examination successfully under 20159

division (D) or (E) of this section, the director may require, 20160
in accordance with criteria established by rule, the commercial 20161
applicator or private applicator to participate in training 20162
programs that are designed to foster knowledge of new technology 20163
and to ensure a continuing level of competence and ability to 20164
use pesticides safely and properly. The director or the 20165
director's representative may provide the training or may 20166
authorize a third party to do so. In order for such 20167
authorization to occur, the third party and its training program 20168
shall comply with standards and requirements established by 20169
rule. 20170

Sec. 921.13. (A) Any person who is acting in the capacity 20171
of a pesticide dealer or who advertises or assumes to act as a 20172
pesticide dealer at any time shall obtain a pesticide dealer 20173
license from the director of agriculture. Licenses shall be 20174
issued for a period of time established by rule and shall be 20175
renewed in accordance with deadlines established by rule. A 20176
license is required for each location or outlet within this 20177
state from which the person distributes pesticides. 20178

Any pesticide dealer who has no pesticide dealer outlets 20179
in this state and who distributes restricted use pesticides 20180
directly into this state shall obtain a pesticide dealer license 20181
from the director for the pesticide dealer's principal out-of- 20182
state location or outlet and for each sales person operating in 20183
the state. 20184

The applicant shall include a license fee established by 20185
rule with the application for a license. The application shall 20186
be made on a form prescribed by the director. 20187

Each pesticide dealer shall ~~submit~~ maintain records ~~to the~~ 20188
~~director~~ of all of the restricted use pesticides the pesticide 20189

dealer has distributed, as specified by the director, and 20190
~~duplicate the~~ records shall be retained by the pesticide dealer 20191
for a period of time established by rules. 20192

(B) This section does not apply to any federal, state, 20193
county, or municipal agency that provides pesticides for its own 20194
programs. 20195

(C) Each licensed pesticide dealer is responsible for the 20196
acts of each employee in the solicitation and sale of pesticides 20197
and all claims and recommendations for use of pesticides. The 20198
pesticide dealer's license is subject to denial, suspension, or 20199
revocation after a hearing for any violation of this chapter 20200
whether committed by the pesticide dealer or by the pesticide 20201
dealer's officer, agent, or employee. 20202

(D) All money collected under this section shall be 20203
credited to the pesticide, fertilizer, and lime program fund 20204
created in section 921.22 of the Revised Code. 20205

Sec. 921.14. (A) Each commercial applicator shall keep a 20206
record of both of the following: 20207

(1) All diagnostic inspections conducted to determine 20208
infestations of pests as required by rules adopted under 20209
division (C) of section 921.16 of the Revised Code; 20210

(2) All pesticide applications made by the applicator and 20211
by any trained serviceperson ~~acting under the applicator's~~ 20212
~~direct supervision~~ as required by rules adopted under division 20213
(C) of section 921.16 of the Revised Code. 20214

Each commercial applicator shall submit copies of the 20215
records required under division (A) of this section to the 20216
pesticide business, other business, state agency, or political 20217
subdivision that employs the commercial applicator. 20218

(B) Each pesticide business, other business, state agency, 20219
or political subdivision that receives copies of records under 20220
division (A) of this section shall retain them for a period of 20221
time established by rule. 20222

(C) Each private applicator shall keep a record of all 20223
restricted use pesticide applications made by the applicator or 20224
under the applicator's direct supervision as required by rules 20225
adopted under division (C) of section 921.16 of the Revised 20226
Code. In addition, each private applicator shall maintain the 20227
record for a period of three years from the date of the 20228
restricted use pesticide application to which that record refers 20229
or for any longer period that the director of agriculture 20230
determines necessary. 20231

Sec. 921.16. (A) The director of agriculture shall adopt 20232
rules the director determines necessary for the effective 20233
enforcement and administration of this chapter. The rules may 20234
relate to, but are not limited to, the time, place, manner, and 20235
methods of application, materials, and amounts and 20236
concentrations of application of pesticides, may restrict or 20237
prohibit the use of pesticides in designated areas during 20238
specified periods of time, and shall encompass all reasonable 20239
factors that the director determines necessary to minimize or 20240
prevent damage to the environment. In addition, the rules shall 20241
establish the deadlines and time periods for registration, 20242
registration renewal, late registration renewal, and failure to 20243
register under section 921.02 of the Revised Code; the fees for 20244
registration, registration renewal, late registration renewal, 20245
and failure to register under section 921.02 of the Revised Code 20246
that shall apply until the fees that are established under that 20247
section take effect on January 1, 2007; and the fees, deadlines, 20248
and time periods for licensure and license renewal under 20249

sections 921.06, 921.09, 921.11, and 921.13 of the Revised Code. 20250

(B) The director shall adopt rules that establish a 20251
schedule of civil penalties for violations of this chapter, or 20252
any rule or order adopted or issued under it, provided that the 20253
civil penalty for a first violation shall not exceed five 20254
thousand dollars and the civil penalty for each subsequent 20255
violation shall not exceed ten thousand dollars. In determining 20256
the amount of a civil penalty for a violation, the director 20257
shall consider factors relevant to the severity of the 20258
violation, including past violations and the amount of actual or 20259
potential damage to the environment or to human beings. All 20260
money collected under this division shall be credited to the 20261
pesticide, fertilizer, and lime program fund created in section 20262
921.22 of the Revised Code. 20263

(C) The director shall adopt rules that set forth the 20264
conditions under which the director: 20265

(1) Requires that notice or posting be given of a proposed 20266
application of a pesticide; 20267

(2) Requires inspection, condemnation, or repair of 20268
equipment used to apply a pesticide; 20269

(3) Will suspend, revoke, or refuse to issue any pesticide 20270
registration for a violation of this chapter; 20271

(4) Requires safe handling, transportation, storage, 20272
display, distribution, and disposal of pesticides and their 20273
containers; 20274

(5) Ensures the protection of the health and safety of 20275
agricultural workers storing, handling, or applying pesticides, 20276
and all residents of agricultural labor camps, as that term is 20277
defined in section 3733.41 of the Revised Code, who are living 20278

or working in the vicinity of pesticide-treated areas; 20279

(6) Requires a record to be kept of all pesticide 20280
applications made by each commercial applicator and of all 20281
general use applications made by any trained serviceperson 20282
acting under the commercial applicator's direct supervision and 20283
of all restricted use pesticide applications made by each 20284
private applicator ~~and by any immediate family member or~~ 20285
~~subordinate employee of that private applicator who is acting~~ 20286
~~under the private applicator's direct supervision as required~~ 20287
under section 921.14 of the Revised Code; 20288

(7) Determines the pesticide-use categories of diagnostic 20289
inspections that must be conducted by a commercial applicator; 20290

(8) Requires a record to be kept of all diagnostic 20291
inspections conducted by each commercial applicator and by any 20292
trained service person. 20293

(D) The director shall prescribe standards for the 20294
licensure of applicators of pesticides consistent with those 20295
prescribed by the federal act and the regulations adopted under 20296
it or prescribe standards that are more restrictive than those 20297
prescribed by the federal act and the regulations adopted under 20298
it. The standards may relate to the use of a pesticide or to an 20299
individual's pesticide-use category. 20300

The director shall take into consideration standards of 20301
the United States environmental protection agency. 20302

(E) The director may adopt rules setting forth the 20303
conditions under which the director will: 20304

(1) Collect and examine samples of pesticides or devices; 20305

(2) Specify classes of devices that shall be subject to 20306

this chapter; 20307

(3) Prescribe other necessary registration information. 20308

(F) The director may adopt rules that do either or both of 20309
the following: 20310

(1) Designate, in addition to those restricted uses so 20311
classified by the administrator of the United States 20312
environmental protection agency, restricted uses of pesticides 20313
for the state or for designated areas within the state and, if 20314
the director considers it necessary, to further restrict such 20315
use; 20316

(2) Define what constitutes "acting under the instructions 20317
and control of a commercial applicator" as used in the 20318
definition of "direct supervision" in division ~~(Q)(1)~~(Q) of 20319
section 921.01 of the Revised Code. In adopting a rule under 20320
division (F)(2) of this section, the director shall consider the 20321
factors associated with the use of pesticide in the various 20322
pesticide-use categories. Based on consideration of the factors, 20323
the director may define "acting under the instructions and 20324
control of a commercial applicator" to include communications 20325
between a commercial applicator and a trained serviceperson that 20326
are conducted via landline telephone or a means of wireless 20327
communication. Any rules adopted under division (F)(2) of this 20328
section shall be drafted in consultation with representatives of 20329
the pesticide industry. 20330

(G) Except as provided in division (D) of this section, 20331
the director shall not adopt any rule under this chapter that is 20332
inconsistent with the requirements of the federal act and 20333
regulations adopted thereunder. 20334

(H) The director, after notice and opportunity for 20335

hearing, may declare as a pest any form of plant or animal life, 20336
other than human beings and other than bacteria, viruses, and 20337
other microorganisms on or in living human beings or other 20338
living animals, that is injurious to health or the environment. 20339

(I) The director may make reports to the United States 20340
environmental protection agency, in the form and containing the 20341
information the agency may require. 20342

(J) The director shall adopt rules for the application, 20343
use, storage, and disposal of pesticides if, in the director's 20344
judgment, existing programs of the United States environmental 20345
protection agency necessitate such rules or pesticide labels do 20346
not sufficiently address issues or situations identified by the 20347
department of agriculture or interested state agencies. 20348

(K) The director shall adopt rules establishing all of the 20349
following: 20350

(1) Standards, requirements, and procedures for the 20351
examination and re-examination of commercial applicators and 20352
private applicators; 20353

(2) With respect to training programs that the director 20354
may require commercial applicators and private applicators to 20355
complete: 20356

(a) Standards and requirements that a training program 20357
must satisfy in order to be offered by the director or the 20358
director's representative or in order to be approved by the 20359
director if a third party wishes to offer it; 20360

(b) Eligibility standards and requirements that must be 20361
satisfied by third parties who wish to provide the training 20362
programs; 20363

(c) Procedures that third parties must follow in order to 20364
submit a proposed training program to the director for approval; 20365

(d) Criteria that the director must consider when 20366
determining whether to authorize a commercial applicator or 20367
private applicator to participate in a training program instead 20368
of being required to pass a re-examination. 20369

(3) Training requirements for a trained serviceperson. 20370

(L) The director shall adopt all rules under this chapter 20371
in accordance with Chapter 119. of the Revised Code. 20372

Sec. 921.23. (A) Except as provided in division (B) of 20373
this section, the director of agriculture may suspend, prior to 20374
a hearing, for not longer than ~~ten~~thirty days, and after the 20375
opportunity for a hearing may deny, suspend, revoke, refuse to 20376
renew, or modify any provision of any license, permit, or 20377
registration issued pursuant to this chapter if the director 20378
finds that the applicant or the holder of a license, permit, or 20379
registration is no longer qualified, has violated any provision 20380
of this chapter or rules adopted under it, has entered into an 20381
administrative or judicial settlement under the federal act, has 20382
been found guilty of violating the federal act, or has been 20383
convicted of a misdemeanor involving moral turpitude or of a 20384
felony. 20385

(B) The director shall not deny a license, permit, or 20386
registration issued pursuant to this chapter because an 20387
applicant was convicted of or pleaded guilty to an offense 20388
unless the refusal is in accordance with section 9.79 of the 20389
Revised Code. 20390

Sec. 921.24. No person shall do any of the following: 20391

(A) Apply, use, directly supervise such application or 20392

use, or recommend a pesticide for use inconsistent with the 20393
pesticide's labeling, treatment standards, or other restrictions 20394
imposed by the director of agriculture; 20395

(B) Act as a commercial applicator without being licensed 20396
to do so; 20397

(C) Use any restricted use pesticide, unless the person is 20398
licensed to do so, ~~is a trained serviceperson acting under the~~ 20399
~~direct supervision of a commercial applicator, or is an~~ 20400
~~immediate family member or a subordinate employee of a private~~ 20401
~~applicator under the direct supervision of that private~~ 20402
~~applicator under this chapter;~~ 20403

(D) Refuse or fail to keep or maintain records required by 20404
the director in rules adopted under this chapter, or to make 20405
reports when and as required by the director in rules adopted 20406
under this chapter; 20407

(E) Falsely or fraudulently represent the effect of 20408
pesticides or methods to be utilized; 20409

(F) Apply known ineffective or improper materials; 20410

(G) Operate in a negligent manner, which includes the 20411
operation of faulty or unsafe equipment; 20412

(H) Impersonate any federal, state, county, or municipal 20413
official; 20414

(I) Make false or fraudulent records, invoices, or 20415
reports; 20416

(J) Fail to provide training to trained servicepersons in 20417
the application of general use pesticides; 20418

(K) Fail to provide direct supervision as specified in 20419

rules adopted under division (C) of section 921.16 of the	20420
Revised Code;	20421
(L) Distribute a misbranded or adulterated pesticide;	20422
(M) Use fraud or misrepresentation in making application	20423
for a license or registration or renewal of a license or	20424
registration;	20425
(N) Refuse, fail, or neglect to comply with any limitation	20426
or restriction of a license or registration issued under this	20427
chapter or rules adopted thereunder;	20428
(O) Aid or abet a licensee or another person in violating	20429
this chapter or rules adopted thereunder;	20430
(P) Make a false or misleading statement in an inspection	20431
concerning any infestation of pests or the use of pesticides;	20432
(Q) Refuse or fail to comply with this chapter, the rules	20433
adopted thereunder, or any lawful order of the director;	20434
(R) Distribute restricted use pesticides to the ultimate	20435
user without a pesticide dealer's license;	20436
(S) Except as provided in division (F) of section 921.26	20437
of the Revised Code, distribute restricted use pesticides to an	20438
ultimate user who is not licensed under section 921.06 or 921.11	20439
of the Revised Code and rules adopted under this chapter;	20440
(T) Use any pesticide that is under an experimental use	20441
permit contrary to the provisions of the permit;	20442
(U) Engage in fraudulent business practices;	20443
(V) Dispose of any pesticide product or container in such	20444
a manner as to have unreasonable adverse effects on the	20445
environment;	20446

(W) Display any pesticide in any manner to produce 20447
unreasonable adverse effects on the environment, or to 20448
contaminate adjacent food, feed, or other products; 20449

(X) Apply any pesticide by aircraft without being licensed 20450
as a commercial applicator; 20451

(Y) Distribute a pesticide that is not registered with the 20452
director; 20453

(Z) Fail to properly supervise a trained serviceperson. 20454

Sec. 921.26. (A) The penalties provided for violations of 20455
this chapter do not apply to any of the following: 20456

(1) Any carrier while lawfully engaged in transporting a 20457
pesticide or device within this state, if that carrier, upon 20458
request, permits the director of agriculture to copy all records 20459
showing the transactions in the movement of the pesticides or 20460
devices; 20461

(2) Public officials of this state and the federal 20462
government, other than commercial applicators employed by the 20463
federal government, the state, or a political subdivision, while 20464
engaged in the performance of their official duties in 20465
administering state or federal pesticide laws or rules, or while 20466
engaged in pesticide research; 20467

(3) The manufacturer or shipper of a pesticide for 20468
experimental use only by or under supervision of an agency of 20469
this state or of the federal government authorized by law to 20470
conduct research in the field of pesticides, provided that the 20471
manufacturer or shipper is not required to obtain an 20472
experimental use permit from the United States environmental 20473
protection agency; 20474

(4) The manufacturer or shipper of a substance being 20475
tested in which its purpose only is to determine its value for 20476
pesticide purposes or to determine its toxicity or other 20477
properties, and from which the user does not expect to receive 20478
any benefit in pest control from its use; 20479

(5) Persons conducting laboratory research involving 20480
pesticides; 20481

(6) Persons who incidentally use pesticides. The 20482
incidental use shall involve only the application of general use 20483
pesticides. If a person incidentally uses a pesticide, the 20484
pesticide shall be applied in strict accordance with the 20485
manufacturer's label for general use purposes. If further 20486
applications are necessary following the incidental use 20487
application, a pesticide applicator shall apply the pesticide. 20488

(B) No pesticide or device shall be considered in 20489
violation of this chapter when intended solely for export to a 20490
foreign country, and when prepared or packed according to the 20491
specifications or directions of the purchaser. If the pesticide 20492
or device is not so exported, this chapter applies. 20493

(C) (1) No person who is licensed, regulated, or registered 20494
under section 921.02, 921.03, 921.06, 921.09, 921.11, or 921.13 20495
of the Revised Code shall be required to obtain a license or 20496
permit to operate or to be otherwise regulated in such capacity 20497
by any local ordinance, or to meet any other condition except as 20498
otherwise provided by statute or rule of the United States or of 20499
this state. 20500

(2) No political subdivision shall regulate or ban the 20501
packaging, registration, labeling, sale, storage, distribution, 20502
use, or application of a pesticide registered under section 20503

921.02 of the Revised Code on private property, including 20504
private property that is open to the public. As used in this 20505
section, "political subdivision" has the same meaning as in 20506
section 905.503 of the Revised Code. 20507

(D) Section 921.09 of the Revised Code does not apply to 20508
an individual who uses only ground equipment for the individual 20509
or for the individual's neighbors, provided that the individual 20510
meets all of the following requirements: 20511

(1) Is licensed under section 921.11 of the Revised Code; 20512

(2) Operates farm property and operates and maintains 20513
pesticide application equipment primarily for the individual's 20514
own use; 20515

(3) ~~Is not regularly engaged~~ Does not engage in the 20516
business of applying pesticides for hire or does not publicly 20517
hold oneself out as a pesticide applicator; 20518

(4) Meets any other requirement established by rule. 20519

(E) Section 921.06 of the Revised Code relating to 20520
licenses and requirements for their issuance does not apply to 20521
licensed physicians or veterinarians applying pesticides to 20522
human beings or other animals during the normal course of their 20523
practice, provided that they are not regularly engaged in the 20524
business of applying pesticides for hire amounting to a 20525
principal or regular occupation or do not publicly hold 20526
themselves out as commercial applicators. 20527

(F) Division (S) of section 921.24 of the Revised Code 20528
does not apply to a pesticide dealer who distributes restricted 20529
use pesticides to a nonresident who is licensed in another state 20530
having a state plan approved by the United States environmental 20531
protection agency. 20532

Sec. 923.42. (A) No person who manufactures commercial 20533
feed or customer-formula feed, or whose name appears on the 20534
label of any commercial feed or customer-formula feed as a 20535
distributor shall distribute in this state any type of 20536
commercial feed unless he~~the person~~ is registered ~~with the~~ 20537
~~director of agriculture on a form provided by the director that~~ 20538
~~identifies the manufacturer's or distributor's name, place of~~ 20539
~~business, and location of each manufacturing facility in this~~ 20540
~~state~~ in accordance with this section. 20541

A manufacturer and distributor shall annually register, on 20542
a form prescribed by the director of agriculture, and pay a 20543
registration fee of fifty dollars. The person shall file the 20544
registration not later than February first of each year. A 20545
registration expires January thirty-first of the following year. 20546

~~(B) The director shall assign to each manufacturer or~~ 20547
~~distributor registered under division (A) of this section a~~ 20548
~~permanent registration number.~~ 20549

~~(C)~~ The director may revoke or suspend a registration or 20550
refuse to register a person upon a finding that the 20551
manufacturer, distributor, or person violated any provision of 20552
sections 923.41 to 923.55 of the Revised Code or any rule 20553
adopted under those sections. 20554

No registration shall be revoked, suspended, or refused 20555
until the manufacturer, distributor, or person has an 20556
opportunity to appear at an adjudication hearing conducted in 20557
accordance with Chapter 119. of the Revised Code. 20558

(C) For purposes of this section, "manufacturer" includes 20559
an exempt buyer. 20560

Sec. 923.44. (A) (1) Except as otherwise provided in 20561

divisions (A) (2), (3), and (4) of this section, the first 20562
distributor of a commercial feed shall pay the director of 20563
agriculture a ~~semiannual~~ an annual inspection fee at the rate of 20564
twenty-five cents per ton, ~~with a minimum payment of twenty-five~~ 20565
~~dollars,~~ on all commercial feeds distributed by the first 20566
distributor in this state. The department of agriculture shall 20567
not collect inspection fees on the first two hundred tons of 20568
commercial feed sold in a calendar year. 20569

(2) The ~~semiannual~~ annual inspection fee required under 20570
division (A) (1) of this section shall not be paid by the first 20571
distributor of a commercial feed if the distribution is made to 20572
an exempt buyer who shall be responsible for the fee. The 20573
director shall establish an exempt list consisting of those 20574
buyers who are responsible for the fee. 20575

(3) The ~~semiannual~~ annual inspection fee shall not be paid 20576
on a commercial feed if the fee has been paid by a previous 20577
distributor. 20578

(4) The ~~semiannual~~ annual inspection fee shall not be paid 20579
on customer-formula feed if the fee has been paid on the 20580
commercial feeds that are used as components in that customer- 20581
formula feed. 20582

(B) Each distributor or exempt buyer who is required to 20583
pay a fee under division (A) (1) or (2) of this section shall 20584
file a ~~semiannual~~ an annual statement with the director that 20585
includes the number of net tons of commercial feed distributed 20586
by the distributor or exempt buyer in this state, ~~within thirty~~ 20587
~~days after the thirtieth day of June and within thirty days~~ 20588
~~after the thirty-first day of December, respectively, of each~~ 20589
for the previous calendar year. The distributor or exempt buyer 20590
shall file the statement with the distributor's or exempt 20591

buyer's registration required under section 923.42 of the 20592
Revised Code. 20593

The inspection fee at the rate stated in division (A) (1) 20594
of this section shall accompany the statement. For a tonnage 20595
report that is not filed or payment of inspection fees that is 20596
not made ~~within fifteen days after by~~ the due date established 20597
in section 923.42 of the Revised Code, a penalty of ten per cent 20598
of the amount due, ~~with a minimum penalty of or~~ fifty dollars, 20599
whichever is greater, shall be assessed against the distributor 20600
or exempt buyer. The amount of fees due, plus penalty, shall 20601
constitute a debt and become the basis of a judgment against the 20602
distributor or exempt buyer. 20603

(C) No information furnished under this section shall be 20604
disclosed by an employee of the department of agriculture in 20605
such a way as to divulge the operation of any person required to 20606
make such a report. 20607

(D) All money collected under this section shall be 20608
credited to the commercial feed and seed fund created in section 20609
923.46 of the Revised Code. 20610

Sec. 923.51. No person shall commit any of the following 20611
acts or cause to be committed any of the following acts: 20612

(A) Adulterate commercial feed or distribute adulterated 20613
commercial feed; 20614

(B) Adulterate pet food or distribute adulterated pet 20615
food; 20616

(C) Misbrand commercial feed or distribute misbranded 20617
commercial feed; 20618

(D) Adulterate any agricultural commodity such as whole 20619

seed, hay, straw, stover, silage, cobs, husks, or hulls and feed 20620
it to animals or distribute any such commodity that is 20621
adulterated; 20622

(E) Remove or dispose of a commercial feed in violation of 20623
a withdrawal from distribution order or a condemnation and 20624
confiscation order issued under section 923.52 or 923.53 of the 20625
Revised Code or any rules adopted under those sections; 20626

(F) Use for the person's own advantage, or reveal except 20627
to the director of agriculture or the director's agent or to the 20628
courts when relevant in any judicial proceeding under sections 20629
923.41 to 923.55 of the Revised Code or any rules adopted under 20630
those sections, any information acquired under the authority of 20631
those sections of the Revised Code or rules adopted under those 20632
sections that as a trade secret is entitled to protection; 20633

(G) Fail or refuse to register as required under section 20634
923.42 of the Revised Code or any rule adopted under that 20635
section; 20636

(H) Fail to pay inspection fees or file ~~semiannual~~ annual 20637
reports as required under section 923.44 of the Revised Code or 20638
any rule adopted under that section. 20639

Sec. 924.51. (A) There is hereby created the Ohio grape 20640
industries committee consisting of ~~nine~~ ten members. The members 20641
shall be the director of agriculture or the director's designee, 20642
who shall chair the committee, the superintendent of liquor 20643
control or the superintendent's designee, ~~the chief of the~~ 20644
~~division of markets of the department of agriculture,~~ the 20645
viticulture extension specialist of the Ohio agricultural 20646
research and development center, who shall be a nonvoting 20647
member, and ~~five~~ seven members who shall be residents of this 20648

state and appointed by the director of agriculture in accordance 20649
with division (B) of this section. At no time shall the director 20650
appoint more than ~~five~~seven members to the committee. 20651

(B) Of the ~~five~~seven members of the committee appointed 20652
by the director of agriculture, not less than ~~two~~three, but not 20653
more than ~~three~~four shall be persons who receive income from 20654
the production of grapes or grape products. Not less than 20655
~~two~~three, but not more than ~~three~~four members shall be persons 20656
who receive income from the production of wine from raw grape or 20657
fruit products in either raw fruit or fresh juice form. The 20658
terms for each appointed member of the committee shall be for 20659
three years, commencing on the first day of January and ending 20660
on the thirty-first day of December. No appointed member shall 20661
serve more than two consecutive terms. The director may remove 20662
any appointed member for cause. 20663

(C) Members shall be appointed to fill vacancies caused by 20664
death, resignation, or removal in the same manner prescribed for 20665
regular appointment to the committee. Any member appointed to 20666
fill a vacancy occurring prior to the expiration of the term for 20667
which the member's predecessor was appointed shall hold office 20668
for the remainder of the term. Any member shall continue in 20669
office subsequent to the expiration date of that member's term 20670
until that member's successor takes office, or until a period of 20671
one hundred eighty days has elapsed, whichever occurs first. 20672

(D) All members of the committee are entitled to their 20673
actual and necessary expenses incurred in the performance of 20674
their duties as members, payable from moneys received from the 20675
Ohio grape industries fund created under section 924.54 of the 20676
Revised Code. 20677

(E) A majority of the committee constitutes a quorum. 20678

Sec. 927.53. (A) Each collector or dealer who sells, 20679
offers, or exposes for sale, or distributes nursery stock within 20680
this state, or ships nursery stock to other states, shall pay an 20681
annual license fee of one hundred twenty-five dollars to the 20682
director of agriculture for each place of business the collector 20683
or dealer operates. 20684

(B) (1) Each dealer shall furnish the director, annually, 20685
an affidavit that the dealer will buy and sell only nursery 20686
stock which has been inspected and certified by an official 20687
state or federal inspector. 20688

(2) Each dealer's license expires on the thirty-first day 20689
of December of each year. Each licensed dealer shall apply for 20690
renewal of the dealer's license prior to the first day of 20691
January of each year and in accordance with the standard renewal 20692
procedure of sections 4745.01 to 4745.03 of the Revised Code. 20693

(C) Each licensed nurseryperson shall post conspicuously 20694
in the nurseryperson's principal place of business, the 20695
certificate which is issued to the nurseryperson in accordance 20696
with section 927.61 of the Revised Code. 20697

(D) Each licensed nurseryperson, or dealer, shall post 20698
conspicuously in each place of business, each certificate or 20699
license which is issued to the nurseryperson or dealer in 20700
compliance with this section or section 927.61 of the Revised 20701
Code. 20702

(E) (1) Each nurseryperson who produces, sells, offers for 20703
sale, or distributes woody nursery stock within the state, or 20704
ships woody nursery stock to other states, shall pay to the 20705
director an annual inspection fee of ~~one~~two hundred dollars 20706
plus ~~eleven~~fifteen dollars per acre, or fraction thereof, of 20707

growing nursery stock in intensive production areas and ~~seven-~~ 20708
ten dollars per acre, or fraction thereof, of growing nursery 20709
stock in nonintensive production areas, as applicable. 20710

(2) Each nurseryperson who limits production and sales of 20711
nursery stock to brambles, herbaceous, perennial, and other 20712
nonwoody plants, shall pay to the director an inspection fee of 20713
one hundred dollars, plus eleven dollars per acre, or fraction 20714
thereof, of growing nursery stock in intensive and nonintensive 20715
production areas. 20716

(F) The fees collected under this section shall be 20717
credited to the plant pest program fund created in section 20718
927.54 of the Revised Code. 20719

Sec. 928.02. (A) (1) The director of agriculture ~~shall~~ may 20720
establish a program to monitor and regulate hemp cultivation and 20721
shall establish a program to monitor and regulate hemp 20722
processing in this state. ~~Under the~~ 20723

(2) If the director establishes a program to monitor and 20724
regulate hemp cultivation in this state and subsequently intends 20725
to transfer authority to the United States department of 20726
agriculture to monitor and regulate hemp cultivation in this 20727
state, the director shall take whatever actions necessary to 20728
effectuate such transfer. 20729

(3) If the director implements a program to monitor and 20730
regulate hemp cultivation under division (A) (1) of this section, 20731
the director shall issue hemp cultivation licenses ~~and hemp~~ 20732
~~processing licenses~~ in accordance with rules adopted under 20733
section 928.03 of the Revised Code. 20734

~~(2) As~~ (4) If the director implements a program to monitor 20735
and regulate hemp cultivation under division (A) (1) of this 20736

section and as authorized by the director, the department of 20737
agriculture or a university may cultivate ~~or process~~ hemp 20738
without a hemp cultivation license ~~or hemp processing license~~ 20739
for research purposes. 20740

(5) As authorized by the director, the department of 20741
agriculture or a university may process hemp without a hemp 20742
processing license for research purposes. 20743

(B) ~~Except~~ If the director implements a program to monitor 20744
and regulate hemp cultivation under division (A) (1) of this 20745
section and except as authorized under division ~~(A) (2)~~ (A) (4) or 20746
(E) of this section, any person that wishes to cultivate hemp 20747
shall apply for and obtain a hemp cultivation license from the 20748
director in accordance with rules adopted under section 928.03 20749
of the Revised Code. Except as authorized under division ~~(A) (2)~~ 20750
(A) (5) or (E) of this section, any person that wishes to process 20751
hemp shall apply for and obtain a hemp processing license from 20752
the director in accordance with those rules. Such licenses are 20753
valid for three years unless earlier suspended or revoked by the 20754
director. 20755

(C) The department, a university, or any person may, 20756
without a hemp cultivation license or hemp processing license, 20757
possess, buy, or sell hemp or a hemp product. 20758

(D) Notwithstanding any other provision of the Revised 20759
Code to the contrary, the addition of hemp or a hemp product to 20760
any other product does not adulterate that other product. 20761

(E) ~~The~~ If the director implements a program to monitor 20762
and regulate hemp cultivation under division (A) (1) of this 20763
section, the director shall issue a hemp cultivation license ~~or~~ 20764
~~hemp processing license~~ in accordance with Chapter 4796. of the 20765

Revised Code to an individual if either of the following 20766
applies: 20767

(1) The individual holds the applicable license in another 20768
state. 20769

(2) The individual has satisfactory work experience, a 20770
government certification, or a private certification as 20771
described in that chapter as a hemp cultivator ~~or hemp processor~~ 20772
in a state that does not issue the applicable license. 20773

(F) The director shall issue a hemp processing license in 20774
accordance with Chapter 4796. of the Revised Code to an 20775
individual if either of the following applies: 20776

(1) The individual holds the applicable license in another 20777
state. 20778

(2) The individual has satisfactory work experience, a 20779
government certification, or a private certification as 20780
described in that chapter as a hemp processor in a state that 20781
does not issue the applicable license. 20782

Sec. 928.03. The director of agriculture, in consultation 20783
with the governor and attorney general, shall adopt rules in 20784
accordance with Chapter 119. of the Revised Code establishing 20785
standards and procedures for the regulation of hemp processing. 20786
The director also shall adopt such rules, in consultation with 20787
the governor and attorney general, regarding hemp cultivation- 20788
and processing if the director implements a program to monitor 20789
and regulate hemp cultivation under division (A) (1) of section 20790
928.02 of the Revised Code. The rules shall include all of the 20791
following: 20792

(A) The form of an application for a hemp cultivation 20793
license and hemp processing license and the information required 20794

to be included in each license application; 20795

(B) The amount of an initial application fee that an 20796
applicant shall submit along with an application for a hemp 20797
cultivation license or a hemp processing license, and the amount 20798
of an annual license fee that a licensee shall submit for a hemp 20799
cultivation license or a hemp processing license. In adopting 20800
rules under division (B) of this section, the director shall 20801
ensure both of the following: 20802

(1) That the amount of the application fee and annual 20803
license fee does not exceed an amount sufficient to cover the 20804
costs incurred by the department of agriculture to administer 20805
and enforce this chapter; 20806

(2) That there is one uniform application fee and one 20807
uniform annual license fee that applies to all applicants for a 20808
hemp cultivation license. 20809

(C) Requirements and procedures concerning background 20810
investigations of each applicant for a hemp cultivation license 20811
and each applicant for a hemp processing license. ~~The director~~ 20812
~~shall include both of the following in the rules adopted under~~ 20813
~~this division:~~ 20814

~~(1) A requirement that each applicant comply with sections~~ 20815
~~4776.01 to 4776.04 of the Revised Code;~~ 20816

~~(2) Provisions that prohibit the director from issuing a~~ 20817
~~hemp cultivation license or hemp processing license to an~~ 20818
~~applicant that has not complied with those sections.~~ 20819

(D) Requirements regarding the experience, equipment, 20820
facilities, or land necessary to obtain a hemp cultivation 20821
license; 20822

(E) Requirements and procedures regarding standards of 20823
financial responsibility for each applicant for a hemp 20824
processing license. 20825

(F) Procedures and requirements for the issuance, renewal, 20826
denial, suspension, and revocation of a hemp cultivation license 20827
and hemp processing license, including providing for a hearing 20828
under Chapter 119. of the Revised Code with regard to such a 20829
denial, suspension, or revocation; 20830

(G) Grounds for the denial, suspension, and revocation of 20831
a hemp cultivation license and of a hemp processing license, ~~including a requirement that the director revoke a hemp~~ 20832
~~cultivation license or hemp processing license, for a period of~~ 20833
~~ten years, of any person who pleads guilty to or is convicted of~~ 20834
~~a felony relating to a controlled substance;~~ 20835
20836

~~(H) A requirement that the director shall not issue a hemp~~ 20837
~~cultivation license or hemp processing license to any person who~~ 20838
~~has pleaded guilty to or been convicted of a felony relating to~~ 20839
~~a controlled substance in the ten years immediately prior to the~~ 20840
~~submission of the application for a license;~~ 20841

~~(I)~~ A requirement that any person that materially 20842
falsifies information in an application for a hemp cultivation 20843
license or hemp processing license is ineligible to receive 20844
either license; 20845

~~(J)~~ (I) A practice for maintaining relevant information 20846
regarding land on which hemp is cultivated by hemp cultivation 20847
licensees, including a legal description of the land, in 20848
accordance with applicable federal law; 20849

~~(K)~~ (J) Requirements prohibiting a hemp cultivation 20850
licensee and a hemp processing licensee from cultivating or 20851

processing marihuana; 20852

~~(L)~~ (K) A procedure for testing, using post-decarboxylation 20853
or other similarly reliable methods, delta-9 20854
tetrahydrocannabinol concentration levels of plants and products 20855
for purposes of determining compliance with this chapter and 20856
rules adopted under it; 20857

~~(M)~~ (L) Requirements and procedures for the issuance, 20858
administration, and enforcement of corrective action plans 20859
issued under this chapter; 20860

~~(N)~~ (M) A procedure for conducting annual inspections of, 20861
at a minimum, a random sample of hemp cultivation license 20862
holders to verify that plants are not being cultivated in 20863
violation of this chapter or rules adopted under it; 20864

~~(O)~~ (N) A procedure for conducting annual inspections of, 20865
at a minimum, a random sample of hemp processing license holders 20866
to verify that such license holders are not operating in 20867
violation of this chapter or rules adopted under it; 20868

~~(P)~~ (O) A procedure for complying with enforcement 20869
procedures required under federal law; 20870

~~(Q)~~ (P) A procedure for the effective disposal of all of 20871
the following: 20872

(1) Plants, whether growing or not, cultivated in 20873
violation of this chapter or rules adopted under it; 20874

(2) Products derived from plants cultivated in violation 20875
of this chapter or rules adopted under it; 20876

(3) Products produced in violation of this chapter or 20877
rules adopted under it. 20878

~~(R)~~ (Q) Requirements and procedures governing the 20879
production, storage, and disposal of hemp byproducts. 20880

For the purposes of this chapter and notwithstanding any 20881
provision of law to the contrary, "hemp product" includes a 20882
byproduct, produced as a result of processing hemp, that 20883
contains a delta-9 tetrahydrocannabinol concentration of more 20884
than three-tenths per cent, provided that the byproduct is 20885
produced, stored, and disposed of in accordance with rules 20886
adopted under division ~~(R)~~ (Q) of this section. 20887

~~(S)~~ (R) Procedures for sharing information regarding hemp 20888
cultivation license holders with the secretary of the USDA; 20889

~~(T)~~ (S) A setback distance requirement that specifies the 20890
distance that a hemp cultivation license holder shall locate 20891
hemp plants from a location where medical marijuana is being 20892
cultivated. The requirement does not apply to a hemp cultivation 20893
license holder with regard to a medical marijuana cultivator 20894
that locates medical marijuana within the established setback 20895
distance requirement after the hemp cultivation license holder 20896
begins operation. 20897

~~(U)~~ (T) Annual reporting requirements and procedures for 20898
hemp cultivation license holders and hemp processing license 20899
holders; 20900

~~(V)~~ (U) Recordkeeping and documentation maintenance 20901
requirements and procedures for hemp cultivation license holders 20902
and hemp processing license holders; 20903

~~(W)~~ (V) Fees for the laboratory testing of plants and 20904
products; 20905

~~(X)~~ (W) Standards for the testing and labeling of hemp and 20906
hemp products; 20907

~~(Y)~~ (X) Requirements prohibiting the processing of hemp in 20908
a building used as a personal residence or on land that is zoned 20909
for residential use; 20910

~~(Z)~~ (Y) Production standards and manufacturing practices 20911
for processing hemp; 20912

~~(AA)~~ (Z) Procedures and requirements for the transportation 20913
and storage of both hemp and hemp products; 20914

~~(BB)~~ (AA) Any other requirements or procedures necessary to 20915
administer and enforce this chapter. 20916

Sec. 928.04. (A) Except as authorized under division ~~(A)~~ 20917
~~(2)~~ (A) (4) or (5) of section 928.02 of the Revised Code, no 20918
person shall cultivate hemp without a hemp cultivation license 20919
issued by the director of agriculture under this chapter, if the 20920
director implements a program to monitor and regulate hemp 20921
cultivation under division (A) (1) of section 928.02 of the 20922
Revised Code, or process hemp without a hemp processing license 20923
issued by the director of agriculture under this chapter. 20924

(B) No person who holds a hemp cultivation license or hemp 20925
processing license issued by the director under this chapter 20926
shall violate this chapter or rules adopted under it. 20927

(C) No person subject to a corrective action plan issued 20928
by the director of agriculture under section 928.05 of the 20929
Revised Code shall fail to comply with the plan. 20930

(D) No person shall transport hemp or a hemp product in 20931
violation of rules adopted under section 928.03 of the Revised 20932
Code. 20933

Sec. 935.06. (A) Not later than ninety days after receipt 20934
of an application under section 935.05 of the Revised Code, the 20935

director of agriculture shall issue or deny a wildlife shelter 20936
permit. The director shall issue a permit to an applicant only 20937
if all of the following apply: 20938

(1) The applicant is eighteen years of age or older. 20939

(2) The applicant has registered the dangerous wild animal 20940
or animals that are the subject of the application under section 20941
935.04 of the Revised Code. 20942

(3) The applicant is in compliance with the standards of 20943
care established in rules adopted under division (A) (2) of 20944
section 935.17 of the Revised Code. 20945

(4) The applicant has sterilized each male dangerous wild 20946
animal that is possessed by the applicant. However, a dangerous 20947
wild animal is not required to be sterilized if a veterinarian 20948
that is qualified to provide veterinary care to the dangerous 20949
wild animal determines that the sterilization is medically 20950
contraindicated and the applicant has submitted a copy of the 20951
veterinarian's written determination with the applicant's 20952
application. 20953

(5) The applicant has signed an affidavit attesting that 20954
the applicant will not allow members of the public to be in 20955
physical contact with a dangerous wild animal possessed by the 20956
applicant. Division (A) (5) of this section does not apply to an 20957
employee of the applicant or a volunteer who has entered into a 20958
written agreement with the applicant to work for or volunteer 20959
for the applicant and assists in the care of a dangerous wild 20960
animal or animals specified in division (C) (20) of section 20961
935.01 of the Revised Code possessed by the applicant if the 20962
care is provided under the direction of the applicant. 20963

(6) The applicant has not been convicted of or pleaded 20964

guilty to a a disqualifying offense as determined in accordance 20965
with section 9.79 of the Revised Code and a criminal records 20966
check performed in accordance with division (B) of this section. 20967

(7) The facility at which a dangerous wild animal or 20968
dangerous wild animals will be maintained under the permit 20969
consists of at least one acre. Division (A) (7) of this section 20970
does not apply to either of the following: 20971

(a) Dangerous wild animals specified in division (C) (20) 20972
of section 935.01 of the Revised Code; 20973

(b) An applicant to whom the director issues a written 20974
waiver stating that the acreage requirement does not apply to 20975
the applicant. 20976

(8) The applicant has signed an affidavit attesting that 20977
the facility at which a dangerous wild animal or dangerous wild 20978
animals will be maintained under the permit and the conditions 20979
in which each dangerous wild animal will be kept in that 20980
facility are in compliance with this chapter and rules. 20981

(9) The applicant has submitted a complete application 20982
that meets the requirements established in section 935.05 of the 20983
Revised Code. 20984

(10) The applicant has submitted the applicable fee under 20985
section 935.05 of the Revised Code. 20986

If a permit is issued, the director shall assign a unique 20987
identification number to the permit. 20988

(B) Prior to issuing or denying a wildlife shelter permit, 20989
the director shall submit a request to the bureau of criminal 20990
identification and investigation in the office of the attorney 20991
general for a criminal records check of the applicant for the 20992

permit. Upon receipt of a request, the superintendent of the 20993
bureau shall conduct a criminal records check in the manner 20994
described in division (B) of section 109.572 of the Revised Code 20995
to determine whether any information exists that indicates that 20996
the applicant previously has been convicted of or pleaded guilty 20997
to any of the following: 20998

(1) A felony drug abuse offense; 20999

(2) An offense of violence that is a felony; 21000

(3) A violation of section 959.13 or 959.131 of the 21001
Revised Code or of section 2927.21 of the Revised Code as that 21002
section existed prior to its repeal by S.B. 310 of the 129th 21003
general assembly. 21004

The applicant is responsible for paying all costs 21005
associated with the criminal records check. 21006

(C) If a permit application is denied, two hundred fifty 21007
dollars of the permit application fee shall be retained by the 21008
director as payment for the reasonable expense of processing the 21009
application, and the remainder of the fee shall be returned to 21010
the applicant. 21011

(D) Not later than the first day of December of each year, 21012
a permit holder shall apply to the director, on a form 21013
prescribed and provided by the director, for a renewal of the 21014
permit if the permit holder intends to retain possession of the 21015
dangerous wild animal or animals that are identified in the 21016
permit. Not later than thirty days after receipt of an 21017
application for renewal, the director shall renew or deny the 21018
renewal of the permit. The director shall renew the permit if 21019
the permit holder complies with this chapter and rules and pays 21020
a renewal fee in the same amount as the fee established for the 21021

initial permit in section 935.05 of the Revised Code. If a 21022
renewal permit is denied, two hundred fifty dollars of the 21023
renewal fee shall be retained by the director as payment for the 21024
reasonable expense of processing the application, and the 21025
remainder of the renewal fee shall be returned to the applicant. 21026

(E) If the director denies an application for a permit or 21027
a renewal of a permit, the director shall notify the person of 21028
the denial, the grounds for the denial, and the person's right 21029
to an adjudication under Chapter 119. of the Revised Code. 21030

(F) If a person does not appeal the determination of the 21031
director to deny an application for a permit or a renewal of a 21032
permit or if the determination of the director is affirmed under 21033
Chapter 119. of the Revised Code, not later than thirty days 21034
after the decision not to appeal or after the determination is 21035
affirmed, as applicable, the person shall transfer the dangerous 21036
wild animal or animals that the person possesses to a humane 21037
society, wildlife sanctuary, rescue facility, facility that is 21038
an accredited member of either the association of zoos and 21039
aquariums or the zoological association of America, or facility 21040
that is located in another state and that complies with that 21041
state's applicable laws. After the transfer has occurred, the 21042
person shall submit proof to the director that the dangerous 21043
wild animal or animals were transferred and shall specify the 21044
society, sanctuary, or facility to which the animal or animals 21045
were transferred. 21046

The person is responsible for all costs associated with 21047
the transfer of the dangerous wild animal or animals. 21048

(G) If a person that has been issued a wildlife shelter 21049
permit under this section or a wildlife propagation permit under 21050
section 935.07 of the Revised Code dies, the person's next of 21051

kin shall do one of the following: 21052

(1) If the next of kin wishes to possess the dangerous 21053
wild animal or animals, obtain a wildlife shelter permit under 21054
this section or a wildlife propagation permit under section 21055
935.07 of the Revised Code, as applicable. That next of kin 21056
shall comply with this chapter and rules, except that, with 21057
respect to the next of kin's initial permit, the person need not 21058
pay the applicable permit application fee. 21059

(2) If the deceased person has a last will and testament 21060
that specifies that the dangerous wild animal or animals 21061
possessed by the person are to be transferred to another person 21062
that has been issued a wildlife shelter permit, wildlife 21063
propagation permit, or rescue facility permit issued under this 21064
chapter, transfer the dangerous wild animal or animals to the 21065
applicable permit holder; 21066

(3) Transfer the dangerous wild animal or animals that 21067
were possessed by the deceased person in accordance with 21068
division (F) of this section. 21069

(H) All fees collected under this section shall be 21070
credited to the ~~dangerous and restricted animal~~ and consumer 21071
protection fund created in section ~~935.25~~ 943.26 of the Revised 21072
Code. 21073

Sec. 935.07. (A) A person that possesses a registered 21074
dangerous wild animal in this state on October 1, 2013, that 21075
wishes to continue to possess the dangerous wild animal on and 21076
after January 1, 2014, and that intends to propagate the animal 21077
solely for the purposes of a species survival program that 21078
complies with rules shall apply for a wildlife propagation 21079
permit under this section. An applicant need apply for only one 21080

permit regardless of the number of dangerous wild animals that 21081
the applicant possesses. 21082

(B) Except as otherwise provided in this section, an 21083
applicant for a wildlife propagation permit shall comply with 21084
the requirements and procedures established in sections 935.05 21085
and 935.06 of the Revised Code. The application fee for a 21086
wildlife propagation permit shall be one of the following, as 21087
applicable: 21088

(1) One thousand dollars if the applicant possesses not 21089
more than fifty dangerous wild animals; 21090

(2) Three thousand dollars if the applicant possesses more 21091
than fifty dangerous wild animals. 21092

(C) The facility at which a dangerous wild animal or 21093
dangerous wild animals will be maintained under a wildlife 21094
propagation permit shall consist of at least two acres. Division 21095
(C) of this section does not apply to either of the following: 21096

(1) Dangerous wild animals specified in division (C) (20) 21097
of section 935.01 of the Revised Code; 21098

(2) An applicant to whom the director of agriculture 21099
issues a written waiver stating that the acreage requirement 21100
does not apply to the applicant. 21101

(D) All fees collected under this section shall be 21102
credited to the ~~dangerous and restricted animal~~ and consumer 21103
protection fund created in section ~~935.25~~ 943.26 of the Revised 21104
Code. 21105

(E) Division (A) (4) of section 935.06 of the Revised Code 21106
does not apply to an applicant for a wildlife propagation 21107
permit. 21108

Sec. 935.09. (A) Not later than ninety days after receipt 21109
of an application under section 935.08 of the Revised Code, the 21110
director of agriculture shall issue or deny a restricted snake 21111
possession permit. The director shall issue a permit to an 21112
applicant only if all of the following apply: 21113

(1) The applicant is eighteen years of age or older. 21114

(2) The applicant has signed an affidavit attesting that 21115
the applicant will not allow members of the public to be in 21116
physical contact with a restricted snake possessed by the 21117
applicant. Division (A)(2) of this section does not apply to 21118
either of the following: 21119

(a) An applicant that displays a restricted snake or 21120
snakes specified in division (L)(1) of section 935.01 of the 21121
Revised Code to a primary or secondary school age student; 21122

(b) An employee of the applicant or a volunteer who has 21123
entered into a written agreement with the applicant to work for 21124
or volunteer for the applicant and assists in the care of a 21125
restricted snake or snakes possessed by the applicant if the 21126
care is provided under the direction of the applicant. 21127

(3) The applicant has not been convicted of or pleaded 21128
guilty to a felony drug abuse offense, an offense of violence 21129
that is a felony, or a violation of section 959.13 or 959.131 of 21130
the Revised Code or of section 2927.21 of the Revised Code as 21131
that section existed prior to its repeal by S.B. 310 of the 21132
129th general assembly, as determined by a criminal records 21133
check performed in accordance with division (B) of this section. 21134

(4) The applicant has signed an affidavit attesting that 21135
the facility at which a restricted snake or snakes will be 21136
maintained under the permit and the conditions in which each 21137

restricted snake will be kept in that facility are in compliance 21138
with this chapter and rules. 21139

(5) The applicant has submitted a complete application 21140
that meets the requirements established in section 935.08 of the 21141
Revised Code. 21142

(6) The applicant has submitted the application fee 21143
established in section 935.08 of the Revised Code. 21144

If a permit is issued, the director shall assign a unique 21145
identification number to the permit. 21146

(B) Prior to issuing or denying a restricted snake 21147
possession permit, the director shall submit a request to the 21148
bureau of criminal identification and investigation in the 21149
office of the attorney general for a criminal records check of 21150
the applicant for the permit. Upon receipt of a request, the 21151
superintendent of the bureau shall conduct a criminal records 21152
check in the manner described in division (B) of section 109.572 21153
of the Revised Code to determine whether any information exists 21154
that indicates that the applicant previously has been convicted 21155
of or pleaded guilty to any of the following: 21156

(1) A felony drug abuse offense; 21157

(2) An offense of violence that is a felony; 21158

(3) A violation of section 959.13 or 959.131 of the 21159
Revised Code or of section 2927.21 of the Revised Code as that 21160
section existed prior to its repeal by S.B. 310 of the 129th 21161
general assembly. 21162

The applicant is responsible for paying all costs 21163
associated with the criminal records check. 21164

(C) If a permit application is denied, seventy-five 21165

dollars of the permit application fee shall be retained by the 21166
director as payment for the reasonable expense of processing the 21167
application, and the remainder of the fee shall be returned to 21168
the applicant. 21169

(D) Not later than the first day of December of each year, 21170
a permit holder shall apply to the director, on a form 21171
prescribed and provided by the director, for a renewal of the 21172
permit if the permit holder intends to retain possession of the 21173
restricted snake or snakes that are identified in the permit. 21174
Not later than thirty days after receipt of an application for 21175
renewal, the director shall renew or deny the renewal of the 21176
permit. The director shall renew the permit if the permit holder 21177
complies with this chapter and rules and pays a renewal fee in 21178
the same amount as the fee established for the initial permit in 21179
section 935.08 of the Revised Code. If a renewal permit is 21180
denied, seventy-five dollars of the renewal fee shall be 21181
retained by the director as payment for the reasonable expense 21182
of processing the application, and the remainder of the renewal 21183
fee shall be returned to the applicant. 21184

(E) If the director denies an application for a permit or 21185
a renewal of a permit, the director shall notify the person of 21186
the denial, the grounds for the denial, and the person's right 21187
to an adjudication under Chapter 119. of the Revised Code. 21188

(F) If a person does not appeal the determination of the 21189
director to deny an application for a permit or a renewal of a 21190
permit or if the determination of the director is affirmed under 21191
Chapter 119. of the Revised Code, not later than thirty days 21192
after the decision not to appeal or after the determination is 21193
affirmed, as applicable, the person shall transfer the 21194
restricted snake or snakes that the person possesses to a humane 21195

society, wildlife sanctuary, facility that is an accredited 21196
member of either the association of zoos and aquariums or the 21197
zoological association of America, or facility that is located 21198
in another state and that complies with that state's applicable 21199
laws. After the transfer has occurred, the person shall submit 21200
proof to the director that the restricted snake or snakes were 21201
transferred and shall specify the society, sanctuary, or 21202
facility to which the snake or snakes were transferred. 21203

The person is responsible for all costs associated with 21204
the transfer of the restricted snake or snakes. 21205

(G) If a person that has been issued a restricted snake 21206
possession permit under this section or a restricted snake 21207
propagation permit under section 935.10 of the Revised Code 21208
dies, the person's next of kin shall do one of the following: 21209

(1) If the next of kin wishes to possess the restricted 21210
snake or snakes, obtain a restricted snake possession permit 21211
under this section or a restricted snake propagation permit 21212
under section 935.10 of the Revised Code, as applicable. That 21213
next of kin shall comply with this chapter and rules, except 21214
that, with respect to the next of kin's initial permit, the 21215
person need not pay the applicable permit application fee. 21216

(2) If the deceased person has a last will and testament 21217
that specifies that the restricted snake or snakes possessed by 21218
the person are to be transferred to another person that has been 21219
issued a restricted snake possession permit under this section 21220
or a restricted snake propagation permit issued under section 21221
935.10 of the Revised Code, transfer the restricted snake or 21222
snakes to the applicable permit holder; 21223

(3) Transfer the restricted snake or snakes that were 21224

possessed by the deceased person in accordance with division (F) 21225
of this section. 21226

(H) All fees collected under this section shall be 21227
credited to the ~~dangerous and restricted animal~~ and consumer 21228
protection fund created in section ~~935.25~~ 943.26 of the Revised 21229
Code. 21230

Sec. 935.10. (A) (1) A person that possesses a restricted 21231
snake in this state prior to January 1, 2014, that wishes to 21232
continue to possess the restricted snake on and after that date, 21233
and that intends to propagate, sell, trade, or otherwise 21234
transfer the snake shall obtain a restricted snake propagation 21235
permit under this section not later than January 1, 2014. 21236

(2) A person that acquires a restricted snake in this 21237
state on or after January 1, 2014, and that intends to 21238
propagate, sell, trade, or otherwise transfer the snake shall 21239
obtain a restricted snake propagation permit under this section 21240
not later than one hundred twenty days after acquiring the 21241
snake. 21242

(3) An applicant need apply for only one permit regardless 21243
of the number of restricted snakes that the applicant possesses. 21244

(B) Except as otherwise provided in this section, an 21245
applicant for a restricted snake propagation permit shall comply 21246
with the requirements and procedures established in sections 21247
935.08 and 935.09 of the Revised Code. The application fee for a 21248
restricted snake propagation permit shall be three hundred 21249
dollars. 21250

(C) If a permit application is denied, one hundred fifty 21251
dollars of the permit application fee shall be retained by the 21252
director of agriculture as payment for the reasonable expense of 21253

processing the application, and the remainder of the fee shall 21254
be returned to the applicant. 21255

(D) All fees collected under this section shall be 21256
credited to the ~~dangerous and restricted animal~~ and consumer 21257
protection fund created in section ~~935.25~~ 943.26 of the Revised 21258
Code. 21259

Sec. 935.16. (A) If a dangerous wild animal or restricted 21260
snake escapes, the person that possesses the animal or snake 21261
immediately shall notify both of the following: 21262

(1) The sheriff of the county and the chief law 21263
enforcement officer of the township or municipal corporation 21264
where the escape occurred; 21265

(2) The division of animal health in the department of 21266
agriculture by means of the twenty-four-hour telephone number 21267
that is maintained by the division. 21268

(B) (1) A law enforcement officer or natural resources law 21269
enforcement officer may destroy a dangerous wild animal or 21270
restricted snake that has escaped and that poses a threat to 21271
public safety. 21272

(2) A law enforcement officer or natural resources law 21273
enforcement officer that destroys an escaped dangerous wild 21274
animal or restricted snake pursuant to division (B) (1) of this 21275
section is not liable for damages in a civil action for any 21276
injury, death, or loss to person or property that allegedly 21277
arises from the destruction of the animal or snake. 21278

(C) The person that possesses a dangerous wild animal or 21279
restricted snake that escapes is responsible for all reasonable 21280
costs associated with the capture or destruction of the animal 21281
or snake. The person shall reimburse the political subdivision 21282

that employs the law enforcement officer who captured or 21283
destroyed the dangerous wild animal or restricted snake for the 21284
costs incurred in capturing or destroying the animal or snake. 21285
However, if the law enforcement officer is a state highway 21286
patrol trooper or if a natural resources law enforcement officer 21287
captured or destroyed the dangerous wild animal or restricted 21288
snake, the person shall reimburse the state highway patrol or 21289
department of natural resources, as applicable, for those costs. 21290

(D) (1) Except as provided in division (D) (2) of this 21291
section, money collected under division (C) of this section 21292
shall be credited to a special fund, which is hereby created in 21293
the applicable political subdivision. Money in the special fund 21294
shall be used exclusively for the administration and enforcement 21295
of this chapter and rules. 21296

(2) Money collected under division (C) of this section for 21297
costs incurred by a state highway patrol trooper or a natural 21298
resources law enforcement officer under this section shall be 21299
deposited in the state treasury to the credit of the ~~dangerous-~~ 21300
~~and restricted animal~~ and consumer protection fund created in 21301
section ~~935.25~~ 943.26 of the Revised Code. 21302

(3) If law enforcement officers from more than one 21303
jurisdiction assist in the capture or destruction of a dangerous 21304
wild animal or restricted snake, the money collected shall be 21305
proportionally distributed to each political subdivision's 21306
special fund and the dangerous and restricted animal fund, if 21307
applicable. 21308

Sec. 935.17. The director of agriculture shall adopt rules 21309
in accordance with Chapter 119. of the Revised Code that 21310
establish all of the following: 21311

(A) Both of the following concerning the registration of dangerous wild animals under section 935.04 of the Revised Code:

(1) Any additional information that must be included with a registration;

(2) Standards for the care and housing of registered dangerous wild animals, including standards for the proper care of each species of dangerous wild animal and caging and fencing of the animals.

The director shall adopt rules under division (A) of this section not later than ninety days after ~~the effective date of this section~~ September 5, 2012.

(B) Standards for the care and well-being of dangerous wild animals specified in divisions (C)(1) to (19) of section 935.01 of the Revised Code that are possessed by the holders of wildlife shelter permits and wildlife propagation permits issued under this chapter. The standards shall govern at least sanitation for, provision of health care for, and feeding, caging, housing, and fencing of dangerous wild animals. In adopting rules under this division, the director shall consider the following factors:

(1) Best management practices for the care and well-being of dangerous wild animals;

(2) Public health and safety;

(3) Biosecurity;

(4) The prevention of disease;

(5) Animal morbidity and mortality data;

(6) Generally accepted veterinary medical practices;

(7) Standards adopted by the association of zoos and aquariums;	21339 21340
(8) Standards adopted by the zoological association of America;	21341 21342
(9) Standards established in the federal animal welfare act;	21343 21344
(10) Ethical standards established by the American veterinary medical association;	21345 21346
(11) Any other factors that the director considers necessary for the proper care and well-being of dangerous wild animals in this state.	21347 21348 21349
(C) Standards for the housing of dangerous wild animals specified in division (C) (20) of section 935.01 of the Revised Code that are possessed by the holders of wildlife shelter permits and wildlife propagation permits issued under this chapter;	21350 21351 21352 21353 21354
(D) All of the following concerning applications for permits issued under sections 935.06 and 935.07 of the Revised Code:	21355 21356 21357
(1) Any additional information that must be included with a permit application;	21358 21359
(2) Criteria for determining what constitutes a species survival program for the purposes of division (A) of section 935.07 of the Revised Code and requirements and procedures that are necessary to determine if a program meets those criteria;	21360 21361 21362 21363
(3) The content of the examination specified in division (B) (6) of section 935.05 of the Revised Code. The rules shall require the examination to test an applicant's knowledge on	21364 21365 21366

topics that include proper diet, health care, exercise needs, 21367
and housing of the species of dangerous wild animal or animals 21368
that are the subject of the application. 21369

(4) Procedures and requirements concerning the 21370
administration of the examination specified in division (B) (6) 21371
of section 935.05 of the Revised Code. 21372

(E) All of the following concerning applications for 21373
permits issued under sections 935.09 and 935.10 of the Revised 21374
Code: 21375

(1) Any additional information that must be included with 21376
a permit application; 21377

(2) The content of the examination specified in division 21378
(B) (5) of section 935.08 of the Revised Code. The rules shall 21379
require the examination to test an applicant's knowledge on 21380
topics that include proper diet, health care, and housing of the 21381
species of restricted snake or snakes that are the subject of 21382
the application. 21383

(3) Procedures and requirements concerning the 21384
administration of the examination specified in division (B) (5) 21385
of section 935.08 of the Revised Code. 21386

(F) Both of the following concerning applications for 21387
permits issued under section 935.101 of the Revised Code: 21388

(1) Information that must be included in a permit 21389
application; 21390

(2) Criteria and procedures for the issuance or denial of 21391
a permit. 21392

(G) Standards for the care and well-being of dangerous 21393
wild animals that are possessed by the holders of permits issued 21394

under section 935.101 of the Revised Code. The standards shall
govern at least sanitation for, provision of health care for,
and feeding, caging, housing, and fencing of dangerous wild
animals. In adopting the rules, the director may consider the
standards of care and housing established in rules adopted under
division (B) of this section and section 935.12 of the Revised
Code.

(H) Procedures and requirements governing the maintenance
of records under section 935.15 of the Revised Code;

(I) Standards for signs that are required to be posted and
displayed in accordance with section 935.18 of the Revised Code;

(J) The amount of civil penalties that may be assessed
under section 935.24 of the Revised Code;

~~(K) Procedures and requirements governing the distribution
of money under division (B) (4) of section 935.25 of the Revised
Code from the dangerous and restricted animal fund created in
that section;~~

~~(L) Any other provisions necessary to administer and
enforce this chapter.~~

Sec. 935.20. (A) On and after January 1, 2014, the
director of agriculture immediately shall cause an investigation
to be conducted if the director has reason to believe that one
of the following may be occurring:

(1) A dangerous wild animal is possessed by a person who
has not been issued a wildlife shelter permit, wildlife
propagation permit, or rescue facility permit under this
chapter.

(2) A restricted snake is possessed by a person that has

not been issued a restricted snake possession permit or 21423
restricted snake propagation permit under this chapter. 21424

(3) A dangerous wild animal or restricted snake is being 21425
treated or kept in a manner that is in violation of this chapter 21426
or rules. 21427

For purposes of the investigation, the director or the 21428
director's designee may order the animal or snake that is the 21429
subject of the notification to be quarantined or may order the 21430
transfer of the animal or snake to a facility that is on the 21431
list maintained by the director under this section. If the 21432
director's designee orders the animal or snake to be quarantined 21433
or transferred, the designee shall provide a copy of the order 21434
to the director. 21435

(B) The director shall attempt to notify the person owning 21436
or possessing an animal or snake that has been ordered to be 21437
quarantined or transferred under division (A) of this section. 21438
The notice shall be delivered in person or by certified mail. 21439
The director also may post a copy of a quarantine order at two 21440
conspicuous locations on the premises where the animal or snake 21441
is quarantined. The director shall maintain a copy of an order 21442
issued under this section and evidence that the director 21443
attempted to notify the person owning or possessing the animal 21444
or snake. 21445

(C) A quarantine or transfer order issued under this 21446
section shall contain all of the following: 21447

(1) The name and address of the person owning or 21448
possessing the animal or snake, if known; 21449

(2) A description of the quarantined or transferred animal 21450
or snake; 21451

(3) A description of the premises affected by the	21452
quarantine or transfer;	21453
(4) The reason for the quarantine or transfer;	21454
(5) Any terms and conditions of the quarantine or	21455
transfer;	21456
(6) A notice that a person adversely affected by the order	21457
may request a hearing to review the order.	21458
(D) A person that is adversely affected by a quarantine or	21459
transfer order pertaining to a dangerous wild animal or	21460
restricted snake owned or possessed by the person, within thirty	21461
days after the order is issued, may request in writing an	21462
adjudication in accordance with Chapter 119. of the Revised	21463
Code. A request for an adjudication does not stay a quarantine	21464
or transfer order.	21465
(E) The owner of or person possessing a dangerous wild	21466
animal or restricted snake that was quarantined or transferred	21467
under division (A) of this section shall be responsible for all	21468
reasonable costs associated with the quarantine or transfer,	21469
including the costs of transportation, housing, food, and	21470
veterinary care for the animal or snake. If such an owner or	21471
person is unable to pay for the reasonable costs, the director	21472
shall certify the costs to the county auditor to be assessed	21473
against any property of the owner or person and thereby made a	21474
lien upon it and collected as other taxes. All money from the	21475
collection of liens under this division shall be credited in	21476
accordance with division (J) of this section.	21477
(F) If the state veterinarian determines that a dangerous	21478
wild animal or restricted snake that was quarantined or	21479
transferred under division (A) of this section is infected with	21480

or exposed to a dangerously contagious or infectious disease or 21481
is seriously injured, the state veterinarian shall so notify the 21482
director. The director may order the animal or snake to be 21483
humanely euthanized by a veterinarian if the state veterinarian 21484
has indicated that euthanization is medically necessary. 21485

(G) A quarantine or transfer order issued under this 21486
section shall remain in effect until one of the following 21487
occurs: 21488

(1) The director, after reviewing the results of the 21489
investigation conducted under division (A) of this section, 21490
issues a written notice of release. 21491

(2) A court of competent jurisdiction orders the 21492
quarantine or transfer order to be terminated in a proceeding 21493
conducted under division (H) of this section. 21494

(3) A court of competent jurisdiction orders the seizure 21495
of the dangerous wild animal or restricted snake in a proceeding 21496
conducted under division (H) of this section. 21497

(H) If, after reviewing the results of an investigation 21498
concerning a dangerous wild animal or restricted snake conducted 21499
under division (A) of this section and after resolution of any 21500
proceeding conducted under division (D) of this section, the 21501
director determines that a circumstance described in division 21502
(A) (1), (2), or (3) of this section is or was occurring, the 21503
director shall initiate, in a court of competent jurisdiction, a 21504
proceeding for the permanent seizure of the animal or snake, as 21505
applicable. If the court affirms the director's determination 21506
that a circumstance described in division (A) (1), (2), or (3) of 21507
this section is or was occurring, the court shall order the 21508
animal or snake seized and shall order the method of disposition 21509

of the animal or snake. The court may order the person owning or 21510
possessing the animal or snake to pay all reasonable costs 21511
associated with the seizure and, if applicable, the costs 21512
associated with the quarantine or transfer of the animal or 21513
snake, including the costs of transportation, housing, food, and 21514
veterinary care of the animal or snake. If the court does not 21515
affirm the director's determination, the court shall order the 21516
quarantine or transfer order to be terminated and the animal or 21517
snake to be returned to the person owning or possessing it, if 21518
applicable. 21519

(I) The director may authorize any of the following to 21520
conduct an investigation and order the quarantine or transfer of 21521
a dangerous wild animal or restricted snake under division (A) 21522
of this section: 21523

(1) Employees of the department of agriculture; 21524

(2) Natural resources law enforcement officers with the 21525
consent of the director of natural resources; 21526

(3) Employees of the department of health with the consent 21527
of the director of health; 21528

(4) Employees of a board of health with the consent of the 21529
board; 21530

(5) Humane society agents appointed under section 1717.06 21531
of the Revised Code with the consent of the humane society; 21532

(6) Law enforcement officers with the consent of the 21533
sheriff of the county or the chief law enforcement officer of 21534
the township or municipal corporation, as applicable, by whom 21535
the law enforcement officers are employed; 21536

(7) Law enforcement officers who are state highway patrol 21537

troopers with the consent of the superintendent of the state 21538
highway patrol. 21539

(J) Money collected for reimbursement of costs associated 21540
with the quarantine or transfer of dangerous wild animals and 21541
restricted snakes under this section shall be credited to one of 21542
the following funds, as applicable: 21543

(1) If the animal or snake was quarantined or transferred 21544
by an employee of the department of agriculture or the 21545
department of health, a natural resources law enforcement 21546
officer, or a law enforcement officer who is a state highway 21547
patrol trooper, the ~~dangerous and restricted animal~~ and consumer 21548
protection fund created in section ~~935.25~~ 943.26 of the Revised 21549
Code; 21550

(2) If the animal or snake was quarantined or transferred 21551
by an employee of a board of health, a special fund, which is 21552
hereby created in each health district, that shall be used 21553
exclusively for the administration and enforcement of this 21554
chapter and rules; 21555

(3) If the animal or snake was quarantined or transferred 21556
by a humane society agent, a special fund, which is hereby 21557
created in each county that has a humane society, that shall be 21558
used exclusively for the administration and enforcement of this 21559
chapter and rules; 21560

(4) If the animal or snake was quarantined or transferred 21561
by a law enforcement officer who is not a state highway patrol 21562
trooper, the special fund that is created in the political 21563
subdivision that employs the law enforcement officer in division 21564
(D) of section 935.16 of the Revised Code. 21565

(K) The director shall maintain a list of facilities 21566

inside and outside the state that the director determines are 21567
eligible to accept dangerous wild animals and restricted snakes 21568
for the purposes of this section. 21569

Sec. 935.24. (A) The attorney general, upon request of the 21570
director of agriculture, shall bring an action for injunction 21571
against any person who has violated, is violating, or is 21572
threatening to violate this chapter or rules. The court of 21573
common pleas in which an action for injunction is filed has 21574
jurisdiction to and shall grant preliminary and permanent 21575
injunctive relief upon a showing that the person against whom 21576
the action is brought has violated, is violating, or is 21577
threatening to violate this chapter or rules. 21578

(B) (1) The director may assess a civil penalty against any 21579
person that the director determines is not in compliance with 21580
this chapter or rules. 21581

(2) The director shall afford the person an opportunity 21582
for an adjudication under Chapter 119. of the Revised Code to 21583
challenge the director's determination that the person is not in 21584
compliance with this chapter or rules. However, the person may 21585
waive the right to an adjudication. 21586

(3) If the opportunity for an adjudication is waived or 21587
if, after an adjudication, the director determines that a 21588
violation has occurred or is occurring, the director may issue 21589
an order and assess a civil penalty in an amount established in 21590
rules against the violator. The order and the assessment of the 21591
civil penalty may be appealed in accordance with section 119.12 21592
of the Revised Code. 21593

(C) Notwithstanding any other section of the Revised Code, 21594
money resulting from any action taken under this section shall 21595

be credited to the ~~dangerous and restricted animal~~ and consumer
protection fund created in section ~~935.25~~ 943.26 of the Revised
Code.

Sec. 943.01. As used in this chapter:

(A) "Animals" or "livestock" means horses, mules, and
other equidae, cattle, sheep, and goats and other bovidae, swine
and other suidae, poultry, alpacas, and llamas, ~~and monitored~~
~~captive deer, captive deer with status, or captive deer with~~
~~certified chronic wasting disease status.~~

(B) "Dealer" or "broker" means any person found by the
department of agriculture buying, receiving, selling,
slaughtering, with the exception of those persons designated by
division (B)(1) of section 918.10 of the Revised Code,
exchanging, negotiating, or soliciting the sale, resale,
exchange, or transfer of any animals in an amount of more than
two hundred fifty head of cattle, horses, or other equidae or
five hundred head of sheep, goats, or other bovidae, swine and
other suidae, poultry, alpacas, or llamas, ~~or monitored captive~~
~~deer, captive deer with status, or captive deer with certified~~
~~chronic wasting disease status~~ during any one year. "Dealer" or
"broker" does not mean any of the following:

(1) Any railroad or other carrier transporting animals
either interstate or intrastate;

(2) Any person who by dispersal sale is permanently
discontinuing the business of farming, dairying, breeding,
raising, or feeding animals;

(3) Any person who sells livestock that has been raised
from birth on the premises of the person;

(4) Any person who buys or receives animals for grazing or

feeding purposes at a premises owned or controlled by the person 21625
and sells or disposes of the animals after the minimum grazing 21626
or feeding period of thirty days; 21627

(5) Any person who places livestock in facilities other 21628
than the person's own pursuant to a written agreement for 21629
feeding or finishing, provided that the person retains legal and 21630
equitable title to the livestock during the term of the 21631
agreement. 21632

The exemptions set forth in divisions (B)(1) to (5) of 21633
this section are exclusive of those activities requiring 21634
licensure under sections 943.01 to 943.18 of the Revised Code, 21635
so that a person shall be deemed to be a dealer or broker or 21636
subject to divisions (B)(1) to (5) of this section, but shall 21637
not be, or be subject to, both. No person who is a licensed 21638
dealer or broker and whose license is suspended shall have 21639
livestock or animals exempted pursuant to divisions (B)(1) to 21640
(5) of this section. 21641

(C) "Employee" means any person employed by a dealer or 21642
broker to act in the dealer's or broker's behalf to buy, sell, 21643
exchange, negotiate, or solicit sale or resale of animals in the 21644
dealer's or broker's name. 21645

(D) "Small dealer" means any person found by the 21646
department buying, receiving, selling, slaughtering, with the 21647
exception of those persons designated by division (B)(1) of 21648
section 918.10 of the Revised Code, exchanging, negotiating, or 21649
soliciting the sale, resale, exchange, or transfer of any 21650
animals in an amount of two hundred fifty head or less of 21651
cattle, horses, or other equidae or five hundred head or less of 21652
sheep, goats, or other bovidae, swine or other suidae, poultry, 21653
alpacas, or llamas, ~~or monitored captive deer, captive deer with~~ 21654

~~status, or captive deer with certified chronic wasting disease~~ 21655
~~status~~ during any one year. 21656

~~(E) "Captive whitetail deer licensee" means a person who~~ 21657
~~has been issued a license under section 943.03 or 943.031 of the~~ 21658
~~Revised Code and a license under section 1533.71 or 1533.721 of~~ 21659
~~the Revised Code regarding monitored captive deer, captive deer~~ 21660
~~with status, or captive deer with certified chronic wasting~~ 21661
~~disease status.~~ 21662

~~(F) "Chronic wasting disease" has the same meaning as in 9~~ 21663
~~C.F.R. 55.1.~~ 21664

~~(G) "Captive deer with status" means captive white-tailed~~ 21665
~~deer that have been legally acquired or their offspring, are~~ 21666
~~part of a herd that is monitored and tested for disease in~~ 21667
~~accordance with rules, and are privately owned primarily for the~~ 21668
~~purposes of agriculture, propagation, or providing captive deer~~ 21669
~~to a wild animal hunting preserve licensed under section~~ 21670
~~1533.721 of the Revised Code.~~ 21671

~~(H) "Captive deer with certified chronic wasting disease~~ 21672
~~status" means captive white-tailed deer that have been legally~~ 21673
~~acquired or their offspring, are part of a herd that has been~~ 21674
~~monitored and tested for disease in accordance with rules,~~ 21675
~~including tested for chronic wasting disease for at least five~~ 21676
~~consecutive years in accordance with rules, are privately owned~~ 21677
~~primarily for the purposes of agriculture, propagation, or~~ 21678
~~providing deer to a wild animal hunting preserve licensed under~~ 21679
~~section 1533.721 of the Revised Code, and are certified "with~~ 21680
~~status" in accordance with rules.~~ 21681

~~(I) "Monitored captive deer" means whitetail deer that~~ 21682
~~have been legally acquired or their offspring, are tested for~~ 21683

~~chronic wasting disease in accordance with rules, and are held~~ 21684
~~in private ownership for agricultural or personal purposes or in~~ 21685
~~a wild animal hunting preserve licensed under section 1533.721~~ 21686
~~of the Revised Code.~~ 21687

~~(J) "Rule" means a rule adopted under section 943.24 of~~ 21688
~~the Revised Code.~~ 21689

Sec. 943.04. (A) Fees for the initial issuance of any 21690
license issued pursuant to sections 943.02, 943.03, and 943.031 21691
of the Revised Code, shall be paid to the department of 21692
agriculture. 21693

(B) All annual renewal fees for the licenses shall be paid 21694
by the applicant for the renewal of a license on or before the 21695
thirty-first day of March of each year to the treasurer of 21696
state. Except for license fees for small dealers, the fees ~~shall~~ 21697
~~be based on the number of head of livestock purchased, sold, or~~ 21698
~~exchanged, in this state, whichever is the greatest, during the~~ 21699
~~preceding calendar year. Those fees for dealers or brokers shall~~ 21700
~~be as follows:~~ 21701

~~Less than 1,000 head _____ \$50.00 per annum;~~ 21702

~~For 1,001 to 10,000 head _____ \$125.00 per annum;~~ 21703

~~For more than 10,000 head _____ \$250.00 per annum.~~ 21704

In the event a dealer or broker operates more than one 21705
place where livestock is purchased, sold, or exchanged, a fee 21706
shall be paid for each place, but only the original purchase, 21707
sale, or exchange shall be counted in computing the amount of 21708
the fee to be paid for each place operated by the dealer or 21709
broker. Shipment between yards owned or operated by the dealer 21710
or broker shall be exempt. 21711

A late fee of one hundred dollars shall be paid for each 21712
dealer or broker license renewal application that is received 21713
after the thirty-first day of March each year. 21714

(C) (1) A fee of ~~twenty-five~~ fifty dollars shall be paid by 21715
each small dealer. 21716

If a small dealer operates more than one place where 21717
livestock is purchased, sold, or exchanged, a fee shall be paid 21718
for each place, but only the original purchase, sale, or 21719
exchange shall be counted in computing the amount of fee to be 21720
paid for each place operated by the small dealer. Shipment 21721
between yards owned or operated by the small dealer shall be 21722
exempt. 21723

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be 21724
paid for each small dealer license renewal application that is 21725
received after the thirty-first day of March each year. 21726

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each 21727
licensed weigher and each employee that is appointed by a small 21728
dealer, dealer, or broker as provided in section 943.02 of the 21729
Revised Code. 21730

(E) ~~A fee of ten dollars shall be paid by each licensed~~ 21731
~~weigher.~~ 21732

~~(F)~~ All money collected under section 943.03 of the 21733
Revised Code and under this section shall be credited to the 21734
animal and consumer protection ~~laboratory~~ fund created in 21735
section ~~901.43~~ 943.26 of the Revised Code. 21736

Sec. 943.16. All fines imposed and collected under section 21737
943.99 of the Revised Code shall be credited to the animal and 21738
consumer protection ~~laboratory~~ fund created in section ~~901.43~~ 21739
943.26 of the Revised Code. 21740

Sec. 943.26. The animal and consumer protection fund is 21741
created in the state treasury. ~~Notwithstanding section 943.04 of~~ 21742
~~the Revised Code,~~ The fund shall consist of livestock dealer or 21743
broker fees and civil penalties collected under this chapter, 21744
all money collected through the issuance of licenses to captive 21745
~~whitetail deer licensees under this chapter and all money~~ 21746
~~collected under section 942.04 of the Revised Code shall be~~ 21747
~~credited to the animal and consumer protection fund, which is~~ 21748
~~hereby created in the state treasury~~ under Chapter 944. of the 21749
Revised Code, and any other money credited to it under the 21750
Revised Code. The director of agriculture shall use money in the 21751
fund to administer Chapter 942. and sections 943.20 to 943.26 of 21752
~~the Revised Code and rules~~ this chapter and Chapters 935., 942., 21753
and 944. of the Revised Code and rules adopted under those 21754
chapters.- 21755

Sec. 943.27. (A) The director of agriculture, after 21756
providing an opportunity for an adjudication hearing under 21757
Chapter 119. of the Revised Code, may assess a civil penalty 21758
against a person who has violated or is in violation of sections 21759
943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If 21760
the director assesses a civil penalty, the director shall do so 21761
as follows: 21762

(1) In an amount not exceeding five hundred dollars if, 21763
within five years of the violation, the director has not 21764
previously assessed a civil penalty against the person under 21765
this section; 21766

(2) In an amount not exceeding two thousand five hundred 21767
dollars if, within five years of the violation, the director has 21768
previously assessed one civil penalty against the person under 21769
this section; 21770

(3) In an amount not exceeding ten thousand dollars if, 21771
within five years of the violation, the director has previously 21772
assessed two or more civil penalties against the person under 21773
this section. 21774

(B) Money collected under division (A) of this section 21775
shall be deposited in the state treasury to the credit of the 21776
animal and consumer protection fund created in section 943.26 of 21777
the Revised Code. 21778

Sec. 943.99. ~~(A)~~ Whoever violates section 943.11 of the 21779
Revised Code is guilty of a felony of the fifth degree. 21780

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12~~ 21781
~~to 943.17 of the Revised Code is guilty of a misdemeanor of the~~ 21782
~~first degree.~~ 21783

Sec. 944.01. As used in this chapter: 21784

"Captive cervid with certified chronic wasting disease 21785
status" means captive cervid that have been legally acquired or 21786
their offspring, are part of a herd that has been monitored and 21787
tested for disease in accordance with rules, including tested 21788
for chronic wasting disease for at least five consecutive years 21789
in accordance with rules, are privately owned primarily for the 21790
purposes of agriculture, propagation, or providing cervid to a 21791
wild animal hunting preserve licensed under section 1533.721 of 21792
the Revised Code, and are certified "with status" in accordance 21793
with rules. 21794

"Captive cervid with status" means captive cervid that 21795
have been legally acquired or their offspring, are part of a 21796
herd that is monitored and tested for disease in accordance with 21797
rules, and are privately owned primarily for the purposes of 21798
agriculture, propagation, or providing captive cervid to a wild 21799

animal hunting preserve licensed under section 1533.721 of the 21800
Revised Code. 21801

"Captive cervid facility" means a fenced premise where one 21802
or more cervid are housed or kept. 21803

"Captive whitetail cervid licensee" means a person who has 21804
been issued a license under section 944.02 of the Revised Code 21805
and a license under section 1533.71 or 1533.721 of the Revised 21806
Code regarding monitored captive cervid, captive cervid with 21807
status, or captive cervid with certified chronic wasting disease 21808
status. 21809

"Cervid" means all members of the family Cervidae and 21810
their hybrids, including deer, elk, or moose in the genera 21811
Odocoileus, Cervus, and Alces, and their hybrids. 21812

"Chronic wasting disease" means a transmissible spongiform 21813
encephalopathy of cervids with clinical signs in affected 21814
animals that include, but are not limited to, loss of body 21815
condition, behavioral changes, excessive salivation, increased 21816
drinking and urination, depression, and eventual death. 21817

"Monitored captive cervid" means cervid that have been 21818
legally acquired or their offspring, are tested for chronic 21819
wasting disease in accordance with rules, and are held in 21820
private ownership for agricultural or personal purposes or in a 21821
wild animal hunting preserve licensed under section 1533.721 of 21822
the Revised Code. 21823

"Rule" means a rule adopted under section 944.07 of the 21824
Revised Code. 21825

Sec. 944.02. (A) A person that owns or operates a facility 21826
that contains one or more cervid shall apply for an annual 21827
captive cervid facility license on a form and in a manner 21828

provided by the director of agriculture. 21829

(B) (1) Prior to issuing a license, the director shall 21830
inspect the applicant's facility. If, after an initial 21831
inspection, the director finds that the facility's premise is in 21832
compliance with this chapter and rules adopted under it, the 21833
director shall notify the applicant and, upon receipt of the 21834
complete application and required license fee, the director 21835
shall so issue the license. 21836

(2) However, if after inspection the director finds that a 21837
facility is not in compliance with this chapter and rules 21838
adopted under it, the director shall deny the license 21839
application. An applicant may appeal the denial of the license 21840
application in accordance with Chapter 119. of the Revised Code. 21841

(C) A license issued under this section expires annually 21842
on the thirty-first day of March each year and, if the director 21843
finds that the facility is in compliance with this chapter and 21844
rules adopted under it, shall be renewed according to procedures 21845
established by the director or prescribed in rules. 21846

(D) The annual license fee for each facility licensed 21847
under this section, or a renewal thereof, is fifty dollars. All 21848
fees collected under this section shall be deposited into the 21849
animal and consumer protection fund created in section 943.26 of 21850
the Revised Code. 21851

Sec. 943.20 944.03. (A) No person shall operate a captive 21852
cervid facility without first obtaining a license in accordance 21853
with section 944.02 of the Revised Code. 21854

(B) A person who wishes to own or propagate captive deer 21855
cervid with status or captive deer-cervid with certified chronic 21856
wasting disease status shall obtain a license under section 21857

~~943.03~~ or ~~943.031~~ 944.02 of the Revised Code in addition to a 21858
captive white-tailed deer propagation license issued under 21859
section 1533.71 of the Revised Code. 21860

~~(B)~~ (C) A person who wishes to operate a wild animal 21861
hunting preserve as defined in section 1531.01 of the Revised 21862
Code on which monitored captive ~~deer~~cervid, captive ~~deer~~cervid 21863
with status, or captive ~~deer~~cervid with certified chronic 21864
wasting disease status are released and hunted shall obtain a 21865
license under section ~~943.03~~ or ~~943.031~~ 944.02 of the Revised 21866
Code in addition to a wild animal hunting preserve license 21867
issued under section 1533.721 of the Revised Code. 21868

Sec. ~~943.21~~ 944.04. (A) A captive whitetail ~~deer~~cervid 21869
licensee shall have monitored captive ~~deer~~cervid, captive ~~deer~~cervid 21870
cervid with status, and captive ~~deer~~cervid with certified 21871
chronic wasting disease status in the licensee's herd tested for 21872
disease in accordance with rules. 21873

(B) A captive whitetail ~~deer~~cervid licensee shall provide 21874
the results of all testing required under this section to the 21875
director of agriculture. 21876

Sec. ~~943.22~~ 944.05. The director of agriculture shall take 21877
actions that the director determines are necessary to mitigate 21878
or eliminate the presence of chronic wasting disease or other 21879
disease at a facility owned by a captive whitetail ~~deer~~cervid 21880
licensee regarding monitored captive ~~deer~~cervid, captive ~~deer~~cervid 21881
cervid with status, or captive ~~deer~~cervid with certified 21882
chronic wasting disease status if the director is notified of a 21883
positive result from a test for chronic wasting disease or other 21884
disease for a monitored captive ~~deer~~cervid, captive ~~deer~~cervid 21885
with status, or captive ~~deer~~cervid with certified chronic 21886
wasting disease status at the facility. 21887

Sec. ~~943.23~~ 944.06. (A) A captive whitetail ~~deer cervid~~ 21888
licensee shall comply with the requirements established in 21889
~~sections 943.20 to 943.26 of the Revised Code~~ this chapter and 21890
in rules. The director of agriculture may suspend or revoke a 21891
license issued under ~~section 943.03 or 943.031 of the Revised~~ 21892
~~Code~~ this chapter regarding monitored captive ~~deercervid~~, 21893
captive ~~deer cervid~~ with status, or captive ~~deer cervid~~ with 21894
certified chronic wasting disease status if the licensee fails 21895
to comply with those requirements. 21896

(B) (1) The director, after providing an opportunity for an 21897
adjudication hearing under Chapter 119. of the Revised Code, may 21898
assess a civil penalty against a person who has violated or is 21899
in violation of ~~section 943.20~~ 944.03 of the Revised Code. If 21900
the director assesses a civil penalty, the director shall do so 21901
as follows: 21902

(a) If, within five years of the violation, the director 21903
has not previously assessed a civil penalty against the person 21904
under this section, in an amount not exceeding five hundred 21905
dollars; 21906

(b) If, within five years of the violation, the director 21907
has previously assessed one civil penalty against the person 21908
under this section, in an amount not exceeding two thousand five 21909
hundred dollars; 21910

(c) If, within five years of the violation, the director 21911
has previously assessed two or more civil penalties against the 21912
person under this section, in an amount not exceeding ten 21913
thousand dollars. 21914

(2) Money collected under division (B) (1) of this section 21915
shall be deposited in the state treasury to the credit of the 21916

animal and consumer protection fund created in section 943.26 of 21917
the Revised Code. 21918

Sec. ~~943.24~~ 944.07. The director of agriculture shall 21919
adopt rules in accordance with Chapter 119. of the Revised Code 21920
that establish all of the following: 21921

(A) Requirements governing health monitoring and disease 21922
testing of monitored captive ~~deer~~cervid, captive ~~deer~~cervid 21923
with status, and captive ~~deer~~cervid with certified chronic 21924
wasting disease status, which testing may include, but is not 21925
limited to, testing for chronic wasting disease, brucellosis, 21926
and tuberculosis of such ~~deer~~cervid that are held at a facility 21927
licensed under section 1533.71 or 1533.721 of the Revised Code; 21928

(B) Requirements governing captive whitetail ~~deer~~cervid 21929
licensees, including record-keeping requirements related to 21930
health monitoring and disease testing of monitored captive 21931
~~deer~~cervid, captive ~~deer~~cervid with status, and captive ~~deer~~ 21932
cervid with certified chronic wasting disease status; 21933

(C) Requirements and procedures that are necessary to 21934
preserve the health, safety, and welfare of monitored captive 21935
~~deer~~cervid, captive ~~deer~~cervid with status, or captive ~~deer~~ 21936
cervid with certified chronic wasting disease status; 21937

(D) Requirements and procedures governing the transfer of 21938
living game and nonnative wildlife, as defined in section 21939
1531.01 of the Revised Code, from one wild animal hunting 21940
preserve licensed under section 1533.721 of the Revised Code to 21941
another such wild animal hunting preserve; 21942

(E) Tagging requirements for captive ~~deer~~cervid with 21943
status and captive ~~deer~~cervid with certified chronic wasting 21944
disease status for such ~~deer~~cervid that are propagated pursuant 21945

to a captive white-tailed deer propagation license issued under 21946
section 1533.71 of the Revised Code; 21947

(F) Requirements governing the certification of captive 21948
~~deer-cervid~~ with certified chronic wasting disease status; 21949

(G) Any other requirements or procedures that are 21950
necessary to administer and enforce ~~sections 943.20 to 943.26 of~~ 21951
~~the Revised Code~~this chapter. 21952

Sec. ~~943.25~~ 944.08. The director of agriculture or the 21953
director's authorized representative may enter at reasonable 21954
times on the premises of a captive whitetail ~~deer-cervid~~ 21955
licensee to conduct investigations and inspections or to 21956
otherwise execute duties that are necessary for the 21957
administration and enforcement of ~~sections 943.20 to 943.26 of~~ 21958
~~the Revised Code~~this chapter and rules. 21959

Sec. 956.07. (A) A person who is applying for an annual 21960
license to operate a high volume breeder or to act as or perform 21961
the functions of a dog broker under section 956.04 or 956.05 of 21962
the Revised Code, as applicable, shall include with the 21963
application for a license a nonrefundable license application 21964
fee. The application fees are as follows: 21965

(1) For a high volume breeder: 21966

(a) One hundred fifty dollars if the high volume breeder 21967
annually sells at least forty, but not more than sixty puppies 21968
to the public; 21969

(b) Two hundred fifty dollars if the high volume breeder 21970
annually sells at least sixty-one, but not more than one hundred 21971
fifty puppies to the public; 21972

(c) Three hundred fifty dollars if the high volume breeder 21973

annually sells at least one hundred fifty-one, but not more than	21974
two hundred fifty puppies to the public;	21975
(d) Five hundred dollars if the high volume breeder	21976
annually sells at least two hundred fifty-one, but not more than	21977
three hundred fifty puppies to the public;	21978
(e) Seven hundred fifty dollars if the high volume breeder	21979
annually sells three hundred fifty-one or more puppies to the	21980
public;	21981
(f) If divisions (A) (1) (a) to (e) of this section do not	21982
apply, one hundred and fifty dollars if either of the following	21983
applies:	21984
(i) The high volume breeder sells five or more adult dogs	21985
or puppies to a dog broker or pet store.	21986
(ii) The high volume breeder keeps, houses, and maintains,	21987
at any given time in a calendar year, more than forty puppies	21988
that are under four months of age, that have been bred on the	21989
premises of the establishment, and that have been primarily	21990
kept, housed, and maintained from birth on the premises of the	21991
establishment.	21992
(2) For a dog broker, five hundred dollars.	21993
(B) Money collected by the director of agriculture from	21994
each application fee submitted under this section shall be	21995
deposited in the state treasury to the credit of the high volume	21996
breeder kennel control license commercial dog breeding fund	21997
created in section 956.18 of the Revised Code. The director	21998
shall use fifty dollars of the application fee submitted by a	21999
high volume breeder under this section or an amount equal to the	22000
fee charged for the registration of a kennel under section	22001
955.14 of the Revised Code in the county in which the high	22002

volume breeder is located or will be located, whichever is 22003
greater, to reimburse that county. The county auditor shall 22004
deposit the transferred money into that county's dog and kennel 22005
fund created under section 955.20 of the Revised Code. 22006

Sec. 956.10. (A) (1) At least once annually, the director 22007
of agriculture or the director's authorized representative shall 22008
inspect a high volume breeder that is subject to licensure under 22009
this chapter and rules adopted under section 956.03 of the 22010
Revised Code to ensure compliance with this chapter and rules 22011
adopted under it, including the standards of care established in 22012
rules adopted under that section. 22013

(2) The director or the director's authorized 22014
representative shall inspect a boarding kennel when the director 22015
or the director's authorized representative has received 22016
information that the boarding kennel is breeding dogs and may be 22017
subject to licensure under this chapter and rules adopted under 22018
section 956.03 of the Revised Code. 22019

(B) The director or the director's authorized 22020
representative may do any of the following: 22021

(1) Upon receiving a complaint, inspect a high volume 22022
breeder that is subject to licensure under this chapter and 22023
rules adopted under section 956.03 of the Revised Code to ensure 22024
compliance with this chapter and rules adopted under it; 22025

(2) Upon the request of a member of the public, a public 22026
official, or an animal shelter for dogs, inspect any facility at 22027
which a person is acting as or performing the functions of a dog 22028
broker to ensure such compliance; 22029

(3) Upon receiving a complaint, inspect an animal rescue 22030
for dogs to ensure compliance with section 956.06 of the Revised 22031

Code and applicable rules adopted under section 956.03 of the 22032
Revised Code; 22033

(4) Conduct an inspection under this section during 22034
regular business hours without providing notice in advance. 22035

(C) Inspections shall be conducted in accordance with 22036
rules adopted under section 956.03 of the Revised Code. A record 22037
of each inspection shall be made by the director or the 22038
director's authorized representative who is responsible for the 22039
inspection in accordance with those rules. 22040

(D) The director or the director's authorized 22041
representative, upon proper identification and upon stating the 22042
purpose and necessity of an inspection, may enter at reasonable 22043
times on any public or private property, real or personal, to 22044
inspect or investigate and to examine or copy records in order 22045
to determine compliance with this chapter and rules adopted 22046
under it. The director, the director's authorized 22047
representative, or the attorney general upon the request of the 22048
director may apply to the appropriate court in the county in 22049
which inspection will occur for an appropriate court order or 22050
search warrant as necessary to achieve the purposes of this 22051
chapter and rules adopted under it. 22052

(E) No owner or operator of a high volume breeder, person 22053
acting as or performing the functions of a dog broker, owner or 22054
operator of a boarding kennel, or owner or operator of an animal 22055
rescue for dogs shall interfere with an inspection or refuse to 22056
allow the director or the director's authorized representative 22057
full access to all areas where dogs are kept or cared for. If 22058
entry is refused or inspection or investigation is refused, 22059
hindered, or thwarted by a high volume breeder or dog broker, 22060
the director may suspend or revoke the breeder's or broker's 22061

license in accordance with this chapter. 22062

(F) (1) The director may enter into a contract or agreement 22063
with a veterinarian to conduct inspections under this section. 22064
The veterinarian shall be considered the director's authorized 22065
representative for the purposes of this section. 22066

(2) A veterinarian with whom the director has entered into 22067
a contract or agreement under division (F) (1) of this section 22068
may inspect a high volume breeder with whom the veterinarian has 22069
established a veterinary-client-patient relationship as 22070
described in section 4741.04 of the Revised Code only every 22071
other year. 22072

(3) If the director determines that a veterinarian with 22073
whom the director has entered into a contract or agreement under 22074
division (F) (1) of this section has falsified any information 22075
submitted to the director pursuant to an inspection, the 22076
director shall inform the veterinary medical licensing board 22077
created by Chapter 4741. of the Revised Code of the 22078
falsification. 22079

(G) (1) If entry that is authorized by division (D) of this 22080
section is refused or if an inspection or investigation is 22081
refused, hindered, or thwarted by intimidation or otherwise and 22082
if the director, an authorized representative of the director, 22083
or the attorney general applies for and obtains a court order or 22084
a search warrant under division (D) of this section to conduct 22085
the inspection or investigation, the owner or operator of the 22086
premises where entry was refused or inspection or investigation 22087
was refused, hindered, or thwarted, if found guilty of violating 22088
this chapter or rules adopted under it, is liable to the 22089
director for all of the following: 22090

(a) The reasonable costs incurred by the director for the regular salaries and fringe benefit costs of personnel assigned to conduct the inspection or investigation from the time the court order or search warrant was issued until the court order or search warrant is executed;

(b) The salary, fringe benefits, and travel expenses of the director, an authorized representative of the director, or the attorney general incurred in obtaining the court order or search warrant; and

(c) Expenses necessarily incurred for the assistance of local law enforcement officers in executing the court order or search warrant.

(2) In the application for a court order or a search warrant, the director, the director's authorized representative, or the attorney general may request and the court, in its order granting the court order or search warrant, may order the owner or operator of the premises, if found guilty of violating this chapter or rules adopted under it, to reimburse the director for any of the costs described in division (G)(1) of this section that the court finds reasonable. From money recovered under this division, the director shall do all of the following:

(a) Reimburse the attorney general for the costs incurred by the attorney general in connection with proceedings for obtaining the court order or search warrant;

(b) Reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the court order or search warrant;

(c) Deposit the remainder in the state treasury to the credit of the ~~high volume breeder kennel control license~~

commercial dog breeding fund created in section 956.18 of the Revised Code.

(H) A dog warden appointed under Chapter 955. of the Revised Code or an agent of a humane society entering on public or private property to make investigations and inspections in accordance with Chapter 955. or 1717. of the Revised Code, as applicable, shall report any violations of this chapter and rules adopted under it to the director or the director's authorized representative.

Sec. 956.13. (A) The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating sections 956.01 to 956.18 of the Revised Code or rules adopted under section 956.03 of the Revised Code.

(B) A person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

Each day that a violation continues constitutes a separate violation.

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the ~~high volume breeder kennel control license~~ commercial dog breeding fund created under section 956.18 of the Revised Code.

Sec. 956.16. The director of agriculture, the director's

authorized representative, or the attorney general may require 22149
the attendance of witnesses and the production of books, 22150
records, papers, and dogs that are needed either by the director 22151
or the attorney general or by any party to a hearing before the 22152
director and for that purpose may issue a subpoena for any 22153
witness or a subpoena duces tecum to compel the production of 22154
any books, records, papers, or dogs. The subpoena shall be 22155
served by personal service or by certified mail. If the subpoena 22156
is returned because of inability to deliver, or if no return is 22157
received within thirty days after the date of mailing, the 22158
subpoena may be served by ordinary mail. If no return of 22159
ordinary mail is received within thirty days after the date of 22160
mailing, service shall be deemed to have been made. If the 22161
subpoena is returned because of inability to deliver, the 22162
director or the attorney general may designate a person or 22163
persons to effect either personal or residence service on the 22164
witness. The person designated to effect personal or residence 22165
service under this section may be the sheriff of the county in 22166
which the witness resides or may be found or any other duly 22167
designated person. The fees and mileage of the person serving 22168
the subpoena shall be the same as those allowed by the courts of 22169
common pleas in criminal cases and shall be paid from the funds 22170
of the department of agriculture. Fees and mileage for the 22171
witness shall be the same as those allowed for witnesses by the 22172
courts of common pleas in criminal cases and, upon request of 22173
the witness following the hearing, shall be paid from the money 22174
in the ~~high volume breeder kennel control license commercial dog~~ 22175
breeding fund created in section 956.18 of the Revised Code. 22176

Sec. 956.18. (A) All money collected by the director of 22177
agriculture from ~~late renewal fees under section 956.06, license~~ 22178
~~fees under section 956.07, and civil penalties assessed under~~ 22179

~~section 956.13 of the Revised Code~~ fees and civil penalties 22180
under this chapter shall be deposited in the state treasury to 22181
the credit of the ~~high volume breeder kennel control license~~ 22182
commercial dog breeding fund, which is hereby created. The fund 22183
shall also consist of money appropriated to it. 22184

(B) The director shall use the money in the fund for the 22185
purpose of administering ~~sections 956.01 to 956.18 of the~~ 22186
~~Revised Code~~ this chapter and rules adopted under ~~section 956.03~~ 22187
~~of the Revised Code that apply to those sections~~ it. 22188

Sec. 956.21. (A) The director of agriculture may issue a 22189
pet store license to an owner or operator of a pet store when 22190
the owner or operator does all of the following: 22191

(1) Applies for a license in accordance with this section 22192
and rules adopted under section 956.03 of the Revised Code; 22193

(2) Affirms in writing that the owner or operator will 22194
maintain compliance with the applicable requirements established 22195
under section 959.20 of the Revised Code; 22196

(3) Submits with the application for a pet store license a 22197
fee of five hundred dollars. 22198

(B) The director of agriculture may deny, suspend, or 22199
revoke a license issued under this section for a violation of 22200
division (A), (B), or (C) of section 956.20 of the Revised Code 22201
or rules adopted under section 956.03 of the Revised Code. The 22202
denial, suspension, or revocation of a license is not effective 22203
until the licensee is given written notice of the violation, a 22204
reasonable amount of time to correct the violation, if possible, 22205
and an opportunity for a hearing. 22206

The director also may refuse to issue a license under 22207
division (B) of this section if the applicant has violated 22208

division (A), (B), or (C) of section 956.20 of the Revised Code 22209
or the rules adopted under section 956.03 of the Revised Code 22210
during the thirty-six-month period prior to submitting an 22211
application for the license. 22212

(C) Any license issued under this section is valid for a 22213
period of one year from the date of issuance. A pet store 22214
license must be renewed annually in the manner provided in rules 22215
adopted under section 956.03 of the Revised Code. 22216

(D) Money collected by the director of agriculture from 22217
each application fee submitted under this section shall be 22218
deposited in the state treasury to the credit of the ~~pet store-~~ 22219
~~license-commercial dog breeding fund~~ created in section ~~956.181-~~ 22220
956.18 of the Revised Code. 22221

(E) No owner, operator, or manager of a pet store shall 22222
negligently display, offer for sale, deliver, barter, auction, 22223
broker, give away, transfer, or sell any live dog from a pet 22224
store in this state unless a license has been issued for the pet 22225
store by the director of agriculture in accordance with this 22226
section and rules adopted under section 956.03 of the Revised 22227
Code. 22228

Sec. 956.22. (A) The director of agriculture, after 22229
providing an opportunity for an adjudication hearing under 22230
Chapter 119. of the Revised Code, may assess a civil penalty 22231
against a person who has violated or is violating division (A), 22232
(B), or (C) of section 956.20 of the Revised Code or division 22233
(E) of section 956.21 of the Revised Code. 22234

(B) The person who is assessed a civil penalty under this 22235
section is liable for a civil penalty of not more than two 22236
thousand five hundred dollars for a first violation, not more 22237

than five thousand dollars for a second violation, and not more 22238
than ten thousand dollars for a third or subsequent violation. 22239

(C) Any person assessed a civil penalty under this section 22240
shall pay the amount prescribed to the department of 22241
agriculture. The department shall remit all money collected 22242
under this section to the treasurer of state for deposit in the 22243
~~pet store license~~commercial dog breeding fund created under 22244
section ~~956.181~~956.18 of the Revised Code. 22245

Sec. 956.23. The regulation of pet stores is a matter of 22246
general statewide interest that requires statewide regulation. 22247
Sections ~~956.181~~956.19 to 956.23 of the Revised Code and 22248
section 956.99 of the Revised Code constitute a comprehensive 22249
plan with respect to all aspects of the regulation of pet 22250
stores. Accordingly, it is the intent of the general assembly to 22251
preempt any local ordinance, resolution, or other law adopted to 22252
regulate the sale, delivery, barter, auction, broker, or 22253
transfer of a dog to a person from a pet store. 22254

Sec. 993.01. As used in this chapter: 22255

(A) "Amusement ride" means any mechanical, aquatic, or 22256
inflatable device, or combination of those devices that carries 22257
or conveys passengers on, along, around, over, or through a 22258
fixed or restricted course or within a defined area for the 22259
purpose of providing amusement, pleasure, or excitement. 22260
"Amusement ride" includes carnival rides, bungee jumping 22261
facilities, and fair rides, but does not include passenger 22262
tramways as defined in section 4169.01 of the Revised Code, 22263
manufactured rock climbing walls in climbing facilities 22264
regulated under Chapter 4175. of the Revised Code, or amusement 22265
rides operated solely at trade shows for a limited period of 22266
time. For purposes of this division, "trade show" means a place 22267

of exhibition not open to the general public where amusement 22268
ride manufacturers display, promote, operate, and sell amusement 22269
rides to prospective purchasers. 22270

(B) "Temporary amusement ride" means an amusement ride 22271
that is relocated at least once per year with or without 22272
disassembly. 22273

(C) "Permanent amusement ride" means an amusement ride 22274
that is erected to remain a lasting part of the premises. 22275

(D) "Owner" means any person who owns or leases and 22276
controls or manages the operation of an amusement ride, and 22277
includes individuals, partnerships, corporations, both profit 22278
and nonprofit, and the state and any of its political 22279
subdivisions and their departments or agencies. 22280

(E) "Operation" means the use or operation, or both, of an 22281
amusement ride with riders. 22282

(F) "Rider" means any person who sits, stands, or is 22283
otherwise conveyed or carried as a passenger on an amusement 22284
ride, but does not include employees or agents of the owner of 22285
the amusement ride. 22286

(G) "Amusement ride operator" means any person causing the 22287
amusement ride to go, stop, or perform its function. 22288

(H) "Reassembly" means the installation, erection, or 22289
reconstruction of the main mechanical, safety, electrical, or 22290
electronic components of an amusement ride following 22291
transportation or storage and prior to operation. Replacement of 22292
mechanical, safety, electrical, or electronic components of an 22293
amusement ride for the purpose of repair or maintenance is not 22294
reassembly. 22295

(I) "Repair" means to restore an amusement ride to a 22296
condition equal to or better than original design 22297
specifications. 22298

(J) "Maintenance" means the preservation and upkeep of an 22299
amusement ride for the purpose of maintaining its designed 22300
operational capability. 22301

(K) "Inspection" means a physical examination of an 22302
amusement ride by an inspector for the purpose of approving the 22303
application for a permit. "Inspection" includes a reinspection. 22304

(L) "Accident" means an occurrence during the operation of 22305
an amusement ride that results in death or injury requiring 22306
immediate hospital admission. 22307

(M) "Serious injury" means an injury that does not require 22308
immediate hospital admission but does require medical treatment, 22309
other than first aid, by a physician. 22310

(N) "First aid" means the one-time treatment or subsequent 22311
observation of scratches, cuts not requiring stitches, burns, 22312
splinters, and contusions or a diagnostic procedure, including 22313
examinations and x-rays, that does not ordinarily require 22314
medical treatment even though provided by a physician or other 22315
licensed professional personnel. 22316

(O) "Advisory council" means the advisory council on 22317
amusement ride safety created by section 993.02 of the Revised 22318
Code. 22319

(P) "Safe operation" means, except as provided in section 22320
993.10 of the Revised Code, the practical application of 22321
maintenance, inspection, and operational processes, as indicated 22322
by the manufacturer, owner, or advisory council, that secures a 22323
rider from threat of physical danger, harm, or loss. 22324

(Q) "Private facility" means any facility that is 22325
accessible only to members of the facility and not accessible to 22326
the general public, even upon payment of a fee or charge, and 22327
that requires approval for membership by a membership committee 22328
representing the current members who have a policy requiring 22329
monetary payment to belong to the facility. 22330

(R) "Bungee jumping" means a fall or jump from a height by 22331
an individual who is attached to an elastic cord that prevents 22332
the individual from hitting the ground, water, or other solid, 22333
semi-solid, liquid, or elastic surface. 22334

(S) "Bungee jumping facility" means a device or structure 22335
utilized for bungee jumping. 22336

(T) ~~"Kiddie ride" means an amusement ride designed for use 22337
by children under thirteen years of age who are unaccompanied by 22338
another person. "Kiddie ride" includes a roller coaster that is 22339
not more than forty feet in elevation at any point on the ride. 22340~~

~~(U) "Climbing facility" has the same meaning as in section 22341
4175.01 of the Revised Code. 22342~~

Sec. 993.04. (A) (1) No person shall operate an amusement 22343
ride within the state without a permit issued by the director of 22344
agriculture under division (A) (2) of this section. The owner of 22345
an amusement ride, whether the ride is a temporary amusement 22346
ride or a permanent amusement ride, who desires to operate the 22347
amusement ride within the state shall, prior to the operation of 22348
the amusement ride and annually thereafter, submit to the 22349
department of agriculture an application for a permit, together 22350
with the appropriate permit and inspection fee, on a form to be 22351
furnished by the department. Prior to issuing any permit the 22352
department shall, within thirty days after the date on which it 22353

receives the application, inspect each amusement ride described 22354
in the application. The owner of an amusement ride shall have 22355
the amusement ride ready for inspection not later than two hours 22356
after the time that is requested by the person for the 22357
inspection. 22358

(2) For each amusement ride found to comply with the rules 22359
adopted by the director under division (B) of this section and 22360
division (B) of section 993.08 of the Revised Code, the director 22361
shall issue an annual permit, provided that evidence of 22362
liability insurance coverage for the amusement ride as required 22363
by section 993.06 of the Revised Code is on file with the 22364
department. 22365

(3) The director shall issue with each permit a decal 22366
indicating that the amusement ride has been issued the permit. 22367
The owner of the amusement ride shall affix the decal on the 22368
ride at a location where the decal is easily visible to the 22369
patrons of the ride. A copy of the permit shall be kept on file 22370
at the same address as the location of the amusement ride 22371
identified on the permit, and shall be made available for 22372
inspection, upon reasonable demand, by any person. An owner may 22373
operate an amusement ride prior to obtaining a permit, provided 22374
that the operation is for the purpose of testing the amusement 22375
ride or training amusement ride operators and other employees of 22376
the owner and the amusement ride is not open to the public. 22377

(B) (1) The director, in accordance with Chapter 119. of 22378
the Revised Code, shall adopt rules providing for both of the 22379
following: 22380

(a) A schedule of fines, with no fine exceeding five 22381
thousand dollars, for violations of this chapter or any rules 22382
adopted under this division; 22383

(b) The classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. The classification of amusement rides must identify those rides that need more comprehensive inspection and testing in addition to regular state inspections, taking into account hidden components integral to the safety of the ride.

(2) (a) Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and shall be based upon generally accepted engineering standards and practices. The rules shall establish a minimum number of inspections to be conducted on each ride depending on the size, complexity, nature of the ride, and the number of days the ride is in operation during the year for which the applicable permit is valid. The rules also shall require the minimum number of inspectors assigned to inspect a ride or rides to be reasonable and adequate given the number, size, complexity, and nature of the ride or rides.

(b) In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or scientific authorities.

(c) In adopting rules under this section, the director shall adopt, by reference, the following chapters of the American society for testing and materials (ASTM) international regarding amusement ride safety standards and any other equivalent national standard:

(i) ASTM F1193-18;

(ii) ASTM F770-18; 22414

(iii) ASTM F2291-18. 22415

(d) Insofar as is practicable and consistent with this 22416
chapter, rules adopted under this division shall be consistent 22417
with the rules of other states. 22418

(3) The department shall cause this chapter and the rules 22419
adopted in accordance with this division and division (B) of 22420
section 993.08 of the Revised Code to be published in pamphlet 22421
form and a copy to be furnished without charge to each owner of 22422
an amusement ride who holds a current permit or is an applicant 22423
therefor. 22424

(C) With respect to an application for a permit for an 22425
amusement ride, an owner may apply to the director for a waiver 22426
or modification of any rule adopted under division (B) of this 22427
section if there are practical difficulties or unnecessary 22428
hardships for the amusement ride to comply with the rules. Any 22429
application shall set forth the reasons for the request. The 22430
director, with the approval of the advisory council on amusement 22431
ride safety, may waive or modify the application of a rule to 22432
any amusement ride if the public safety is secure. Any 22433
authorization by the director under this division shall be in 22434
writing and shall set forth the conditions under which the 22435
waiver or modification is authorized, and the department shall 22436
retain separate records of all proceedings under this division. 22437

(D) (1) The director shall employ and provide for training 22438
of a chief inspector and additional inspectors and employees as 22439
may be necessary to administer and enforce this chapter. The 22440
director may appoint or contract with other persons to perform 22441
inspections of amusement rides, provided that the persons meet 22442

the qualifications for inspectors established by rules adopted 22443
under division (B) of this section and are not owners, or 22444
employees of owners, of any amusement ride subject to inspection 22445
under this chapter. When employing a new chief inspector or an 22446
additional inspector after November 6, 2019, the director shall 22447
give preference to the following: 22448

(a) An individual holding a level one or higher inspector 22449
certification from either the national association of amusement 22450
ride safety officials (NAARSO), the amusement industry 22451
manufacturers and suppliers (AIMS) international, or another 22452
substantially equivalent organization as determined by the 22453
director; and 22454

(b) An individual who intends, within one year of being 22455
hired as an inspector, to complete the requirements for issuance 22456
of a level one or higher inspector certification from NAARSO, 22457
AIMS International, or another substantially equivalent 22458
organization as determined by the director. 22459

(2) No person shall inspect an amusement ride who, within 22460
six months prior to the date of inspection, was an employee of 22461
the owner of the ride. 22462

(3) Before the director contracts with other persons to 22463
inspect amusement rides, the director shall seek the advice of 22464
the advisory council on amusement ride safety on whether to 22465
contract with those persons. The advice shall not be binding 22466
upon the director. After having received the advice of the 22467
council, the director may proceed to contract with inspectors in 22468
accordance with the procedures specified in division (E) (2) of 22469
section 1711.11 of the Revised Code. 22470

(4) With the advice and consent of the advisory council on 22471

amusement ride safety, the director may employ a special 22472
consultant to conduct an independent investigation of an 22473
amusement ride accident. This consultant need not be in the 22474
civil service of the state, but shall have qualifications to 22475
conduct the investigation acceptable to the council. 22476

(E) (1) Except as otherwise provided in division (E) (1) of 22477
this section, the department shall charge the following 22478
amusement ride fees: 22479
22480

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A	Permit, <u>non-inflatable ride</u>	\$225
B	<u>Permit, inflatable ride</u>	<u>\$100</u>
C	Annual inspection and reinspection per ride:	
D	Kiddie rides	\$100
E	<u>Family rides</u>	<u>\$200</u>
F	<u>Major rides</u>	<u>\$300</u>
G	<u>Spectacular rides</u>	<u>\$400</u>
H	<u>Family/portable roller coasters</u>	<u>\$1,200</u>
I	<u>Tower rides</u>	<u>\$1,800</u>
J	Roller coaster <u>Large roller coasters</u>	\$1,200 <u>\$4,000</u>

K	Aerial lifts or bungee jumping facilities	\$450
L	Go karts, per kart	\$5
M	<u>Inflatable rides, three or fewer that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$100 per inflatable ride</u>
N	<u>Inflatable rides, four to ten that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$75 per inflatable ride</u>
O	<u>Inflatable rides, eleven or more that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$50 per inflatable ride</u>
P	Other rides	\$160
Q	Midseason operational inspection per ride	\$25
R	Expedited inspection per ride	\$100
S	Failure to cancel scheduled inspection per ride	\$100
T	Failure to have amusement ride ready for inspection per ride	\$100

The go kart inspection fee is in addition to the 22481
inspection fee for the go kart track. 22482

~~The director shall adopt rules in accordance with Chapter~~ 22483

~~119. of the Revised Code establishing an annual fee that is less 22484
than one hundred five dollars for an inspection and reinspection 22485
of an inflatable ride. In adopting the rules, the director shall 22486
ensure that the fee reasonably reflects the costs of inspection 22487
and reinspection of an inflatable ride. If the director issues a 22488
permit for an inflatable ride for a time period of less than one 22489
year, the director shall charge a prorated fee for the permit 22490
equal to one twelfth of the annual permit fee multiplied by the 22491
number of full months for which the permit is issued. 22492~~

The fees for an expedited inspection, failure to cancel a 22493
scheduled inspection, and failure to have an amusement ride 22494
ready for inspection do not apply to go karts. 22495

As used in division (E)(1) of this section, "expedited 22496
inspection" means an inspection of an amusement ride by the 22497
department not later than ten days after the owner of the 22498
amusement ride files an application for a permit under this 22499
section. 22500

(2) All fees and fines collected by the department under 22501
this chapter shall be deposited in the state treasury to the 22502
credit of the amusement ride inspection fund, which is hereby 22503
created, and shall be used only for the purpose of administering 22504
and enforcing section 1711.11 of the Revised Code and this 22505
chapter. 22506

(3) The owner of an amusement ride shall be required to 22507
pay a reinspection fee only if the reinspection is required by 22508
division (B)(2) of this section or rules adopted under that 22509
division, if the reinspection was conducted at the owner's 22510
request under division (F) of this section, if the reinspection 22511
is required by division (F) of this section because of an 22512
accident, or if the reinspection is required by division (F) of 22513

section 993.07 of the Revised Code. If a reinspection is 22514
conducted at the request of the chief officer of a fair, 22515
festival, or event where the ride is operating, the reinspection 22516
fee shall be charged to the fair, festival, or event. 22517

(4) The rules adopted under division (B) of this section 22518
shall define ~~"roller coaster," "aerial lifts," "inflatable ride,"~~ 22519
~~"go karts," and "other rides"~~ "kiddie ride," "family ride," 22520
"major ride," "spectacular ride," "family/portable roller 22521
coaster," "tower ride," and "large roller coaster" for purposes 22522
of determining the fees under division (E) of this section. ~~The~~ 22523
~~rules shall define "other rides" to include go kart tracks.~~ 22524

(F) A reinspection of an amusement ride shall take place 22525
if an accident occurs, if the owner of the ride or the chief 22526
officer of the fair, festival, or event where the ride is 22527
operating requests a reinspection, if the chief inspector 22528
determines reinspection is necessary in accordance with section 22529
993.042 of the Revised Code, or if the reinspection is required 22530
by division (F) of section 993.07 of the Revised Code. 22531

(G) As a supplement to its annual inspection of a 22532
temporary amusement ride, the department may inspect the ride 22533
during each scheduled event, as listed in the schedule of events 22534
provided to the department by the owner pursuant to division (C) 22535
of section 993.07 of the Revised Code, at which the ride is 22536
operated in this state. These supplemental inspections are in 22537
addition to any other inspection or reinspection of the ride as 22538
may be required under this chapter or rules adopted under it, 22539
and the owner of the temporary amusement ride is not required to 22540
pay an inspection or reinspection fee for this supplemental 22541
inspection unless the supplemental inspection is being conducted 22542
pursuant to division (B) (2) of this section or rules adopted 22543

under that division. Nothing in this division shall be construed 22544
to prohibit the owner of a temporary amusement ride having a 22545
valid permit to operate in this state from operating the ride at 22546
a scheduled event before the department conducts a supplemental 22547
inspection. 22548

(H) The department may annually conduct a midseason 22549
operational inspection of every amusement ride upon which it 22550
conducts an annual inspection pursuant to division (A) of this 22551
section. The midseason operational inspection is in addition to 22552
any other inspection or reinspection of the amusement ride as 22553
may be required pursuant to this chapter. The owner of an 22554
amusement ride shall submit to the department, at the time 22555
determined by the department, the midseason operational 22556
inspection fee specified in division (E) of this section. The 22557
director, in accordance with Chapter 119. of the Revised Code, 22558
shall adopt rules specifying the time period during which the 22559
department will conduct midseason operational inspections. 22560

Sec. 1311.252. (A) Prior to the performance of any labor 22561
or work or the furnishing of any materials in furtherance of a 22562
public improvement, the public authority shall prepare a notice 22563
of commencement in substantially the form specified in division 22564
(B) of this section which shall be made readily available to the 22565
public upon request. 22566

(B) The notice of commencement required under division (A) 22567
of this section shall contain ~~in affidavit form~~ all of the 22568
following information: 22569

(1) The name, location, and a number, if any, used by the 22570
public authority to identify the public improvement sufficient 22571
to permit the public improvement to be identified; 22572

(2) The name and address of the public authority; 22573

(3) The name, address, and trade of all principal 22574
contractors; 22575

(4) The date the public authority first executed a 22576
contract with a principal contractor for the public improvement; 22577

(5) The name and address of the sureties for all principal 22578
contractors; 22579

(6) The name and address of the representative of the 22580
public authority upon whom service shall be made for the 22581
purposes of serving an affidavit pursuant to section 1311.26 of 22582
the Revised Code. 22583

(C) If the notice of commencement is not made available to 22584
the public prior to the commencement of work on the public 22585
improvement or if the notice of commencement furnished by the 22586
public authority contains incorrect information which the 22587
claimant relies upon to ~~his~~ the claimant's detriment, the 22588
unavailability of the notice or the incorrect notice shall not 22589
adversely affect the rights of any claimant under sections 22590
1311.25 to 1311.32 of the Revised Code. 22591

Sec. 1321.21. All fees, charges, penalties, and 22592
forfeitures collected under Chapters 1321., 1322., 4712., 4727., 22593
and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 22594
1349.37 of the Revised Code shall be paid to the superintendent 22595
of financial institutions and shall be deposited by the 22596
superintendent into the state treasury to the credit of the 22597
consumer finance fund, which is hereby created. The fund may be 22598
expended or obligated by the superintendent for the defrayment 22599
of the costs of administration of Chapters 1321., 1322., 4712., 22600
4727., and 4728., sections 1315.21 to 1315.30, and sections 22601

1349.25 to 1349.37 of the Revised Code by the division of 22602
financial institutions. All actual and necessary expenses 22603
incurred by the superintendent, including any services rendered 22604
by the department of commerce for the division's administration 22605
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 22606
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the 22607
Revised Code, shall be paid from the fund. The fund shall be 22608
assessed a proportionate share of the administrative costs of 22609
the department and the division. The proportionate share of the 22610
administrative costs of the division of financial institutions 22611
shall be determined in accordance with procedures prescribed by 22612
the superintendent. Such assessment shall be paid from the 22613
consumer finance fund to the division of administration fund or 22614
the financial institutions fund. 22615

~~Periodically, in accordance with a schedule the director~~ 22616
~~establishes by rule, but at least once every three months, the~~ 22617
~~director of budget and management shall transfer five per cent~~ 22618
~~of all charges, penalties, and forfeitures received into the~~ 22619
~~consumer finance fund to the financial literacy education fund~~ 22620
~~created under section 121.085 of the Revised Code.~~ 22621

Sec. 1347.08. (A) Every state or local agency that 22622
maintains a personal information system, upon the request and 22623
the proper identification of any person who is the subject of 22624
personal information in the system, shall: 22625

(1) Inform the person of the existence of any personal 22626
information in the system of which the person is the subject; 22627

(2) Except as provided in divisions (C) and (E) (2) of this 22628
section, permit the person, the person's legal guardian, or an 22629
attorney who presents a signed written authorization made by the 22630
person, to inspect all personal information in the system of 22631

which the person is the subject; 22632

(3) Inform the person about the types of uses made of the 22633
personal information, including the identity of any users 22634
usually granted access to the system. 22635

(B) Any person who wishes to exercise a right provided by 22636
this section may be accompanied by another individual of the 22637
person's choice. 22638

(C) (1) A state or local agency, upon request, shall 22639
disclose medical, psychiatric, or psychological information to a 22640
person who is the subject of the information or to the person's 22641
legal guardian, unless one of the following determines for the 22642
agency that the disclosure of the information is likely to have 22643
an adverse effect on the person: a physician, including such a 22644
person who specializes as a psychiatrist; an advanced practice 22645
registered nurse, including such a person who specializes as a 22646
psychiatric-mental health nurse practitioner or psychiatric 22647
clinical nurse specialist; or a psychologist. If such a 22648
determination is made, the information shall be released to one 22649
of the following who is designated by the person or by the 22650
person's legal guardian: a physician, including such a person 22651
who specializes as a psychiatrist; an advanced practice 22652
registered nurse, including such a person who specializes as a 22653
psychiatric-mental health nurse practitioner or psychiatric 22654
clinical nurse specialist; or a psychologist. 22655

(2) Upon the signed written request of a licensed attorney 22656
at law, a licensed physician, or an advanced practice registered 22657
nurse designated by the inmate, together with the signed written 22658
request of an inmate of a correctional institution under the 22659
administration of the department of rehabilitation and 22660
correction, the department shall disclose medical information to 22661

the designated attorney, physician, or advanced practice 22662
registered nurse as provided in division (C) of section 5120.21 22663
of the Revised Code. 22664

(D) If an individual who is authorized to inspect personal 22665
information that is maintained in a personal information system 22666
requests the state or local agency that maintains the system to 22667
provide a copy of any personal information that the individual 22668
is authorized to inspect, the agency shall provide a copy of the 22669
personal information to the individual. Each state and local 22670
agency may establish reasonable fees for the service of copying, 22671
upon request, personal information that is maintained by the 22672
agency. 22673

(E) (1) This section regulates access to personal 22674
information that is maintained in a personal information system 22675
by persons who are the subject of the information, but does not 22676
limit the authority of any person, including a person who is the 22677
subject of personal information maintained in a personal 22678
information system, to inspect or have copied, pursuant to 22679
section 149.43 of the Revised Code, a public record as defined 22680
in that section. 22681

(2) This section does not provide a person who is the 22682
subject of personal information maintained in a personal 22683
information system, the person's legal guardian, or an attorney 22684
authorized by the person, with a right to inspect or have 22685
copied, or require an agency that maintains a personal 22686
information system to permit the inspection of or to copy, a 22687
confidential law enforcement investigatory record or trial 22688
preparation record, as defined in divisions (A) (2) and (4) of 22689
section 149.43 of the Revised Code. 22690

(F) This section does not apply to any of the following: 22691

- (1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code; 22692
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- (2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of ~~job and family services~~ children and youth or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department of job and family services or a child support enforcement agency; 22695
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- (3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code; 22702
22703
22704
- (4) Records specified in division (A) of section 3107.52 of the Revised Code; 22705
22706
- (5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual; 22707
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- (6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code; 22710
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- (7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual; 22712
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22714
- (8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual; 22715
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- (9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator 22718
22719

that the board of executives of long-term services and supports 22720
administers under section 4751.15 of the Revised Code or 22721
contracts under that section with a private or government entity 22722
to administer; 22723

(10) Information contained in a database established and 22724
maintained pursuant to section ~~5101.13~~5180.40 of the Revised 22725
Code; 22726

(11) Information contained in a database established and 22727
maintained pursuant to section 5101.631 of the Revised Code. 22728

Sec. 1501.47. The program support fund is created in the 22729
state treasury. The fund shall consist of payments from 22730
divisions within the department of natural resources and any 22731
other payments received by the department related to the 22732
purposes of the fund. The director of natural resources shall 22733
use the money in the fund to support centralized service support 22734
offices of the department. 22735

Sec. 1509.03. (A) The chief of the division of oil and gas 22736
resources management shall adopt, rescind, and amend, in 22737
accordance with Chapter 119. of the Revised Code, rules for the 22738
administration, implementation, and enforcement of this chapter. 22739
The rules shall include an identification of the subjects that 22740
the chief shall address when attaching terms and conditions to a 22741
permit with respect to a well and production facilities of a 22742
well that are located within an urbanized area or with respect 22743
to a horizontal well and production facilities associated with a 22744
horizontal well. The subjects shall include all of the 22745
following: 22746

(1) Safety concerning the drilling or operation of a well; 22747

(2) Protection of the public and private water supply, 22748

including the amount of water used and the source or sources of the water; 22749
22750

(3) Fencing and screening of surface facilities of a well; 22751

(4) Containment and disposal of drilling and production wastes; 22752
22753

(5) Construction of access roads for purposes of the drilling and operation of a well; 22754
22755

(6) Noise mitigation for purposes of the drilling of a well and the operation of a well, excluding safety and maintenance operations. 22756
22757
22758

No person shall violate any rule of the chief adopted under this chapter. 22759
22760

~~(B) (1) Any order issuing, denying, or modifying a permit or notices required to be made by the chief pursuant to this chapter shall be made in compliance with Chapter 119. of the Revised Code, except that personal service may be used in lieu of service by mail. Every order issuing, denying, or modifying a permit under this chapter and described as such shall be considered an adjudication order for purposes of Chapter 119. of the Revised Code. Division (B) (1) of this section does not apply to a permit issued under section 1509.06 of the Revised Code (B) Chapter 119. of the Revised Code does not apply to orders made by the chief or notices required to be made by the chief pursuant to this chapter or rules adopted under it. Pursuant to division (A) of this section, the chief shall adopt rules that do both of the following:~~ 22761
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(1) Establish procedures for notice required to be provided to any person under this chapter and rules adopted under it; 22775
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22777

(2) ~~Where notice to any person is required by this~~ 22778
~~chapter, the notice shall be given in order to meet the~~ 22779
~~requirements of law~~ Establish procedures for serving the chief's 22780
orders and compliance notices. 22781

(C) The chief or the chief's authorized representative may 22782
at any time enter upon lands, public or private, for the purpose 22783
of administration or enforcement of this chapter, the rules 22784
adopted or orders made thereunder, or terms or conditions of 22785
permits or registration certificates issued thereunder and may 22786
examine and copy records pertaining to the drilling, conversion, 22787
or operation of a well for injection of fluids and logs required 22788
by division (C) of section 1509.223 of the Revised Code. No 22789
person shall prevent or hinder the chief or the chief's 22790
authorized representative in the performance of official duties. 22791
If entry is prevented or hindered, the chief or the chief's 22792
authorized representative may apply for, and the court of common 22793
pleas may issue, an appropriate inspection warrant necessary to 22794
achieve the purposes of this chapter within the court's 22795
territorial jurisdiction. 22796

(D) The chief may issue orders to enforce this chapter, 22797
rules adopted thereunder, and terms or conditions of permits 22798
issued thereunder. ~~Any such order shall be considered an~~ 22799
~~adjudication order for the purposes of Chapter 119. of the~~ 22800
~~Revised Code.~~ No person shall violate any order of the chief 22801
issued under this chapter. No person shall violate a term or 22802
condition of a permit or registration certificate issued under 22803
this chapter. 22804

(E) Orders of the chief denying, suspending, or revoking a 22805
registration certificate; approving or denying approval of an 22806
application for revision of a registered transporter's plan for 22807

disposal; or to implement, administer, or enforce division (A) 22808
of section 1509.224 and sections 1509.22, 1509.222, 1509.223, 22809
1509.225, and 1509.226 of the Revised Code pertaining to the 22810
transportation of brine by vehicle and the disposal of brine so 22811
transported are not adjudication orders for purposes of Chapter 22812
119. of the Revised Code. The chief shall issue such orders 22813
under division (A) or (B) of section 1509.224 of the Revised 22814
Code, as appropriate. 22815

Sec. 1509.221. (A) No person, without first having 22816
obtained a permit from the chief of the division of oil and gas 22817
resources management, shall drill a well or inject a substance 22818
into a well for the exploration for or extraction of minerals or 22819
energy, other than oil or natural gas, including, but not 22820
limited to, the mining of sulfur by the Frasch process, the 22821
solution mining of minerals, the in situ combustion of fossil 22822
fuel, or the recovery of geothermal energy to produce electric 22823
power, unless a rule of the chief expressly authorizes the 22824
activity without a permit. The permit shall be in addition to 22825
any permit required by section 1509.05 of the Revised Code. The 22826
chief shall adopt rules in accordance with Chapter 119. of the 22827
Revised Code governing the issuance of permits under this 22828
section. The rules shall include provisions regarding the 22829
matters the applicant for a permit shall demonstrate to 22830
establish eligibility for a permit; the form and content of 22831
applications for permits; the terms and conditions of permits; 22832
entry to conduct inspections and to examine and copy records to 22833
ascertain compliance with this section and rules, orders, and 22834
terms and conditions of permits adopted or issued thereunder; 22835
provision and maintenance of information through monitoring, 22836
recordkeeping, and reporting; and other provisions in 22837
furtherance of the goals of this section and the Safe Drinking 22838

Water Act. To implement the goals of the Safe Drinking Water 22839
Act, the chief shall not issue a permit under this section, 22840
unless the chief concludes that the applicant has demonstrated 22841
that the drilling, injection of a substance, and extraction of 22842
minerals or energy will not result in the presence of any 22843
contaminant in underground water that supplies or can reasonably 22844
be expected to supply any public water system, such that the 22845
presence of the contaminant may result in the system's not 22846
complying with any national primary drinking water regulation or 22847
may otherwise adversely affect the health of persons. The chief 22848
may issue, without a prior ~~adjudication~~-hearing, orders 22849
requiring compliance with this section and rules, orders, and 22850
terms and conditions of permits adopted or issued thereunder. 22851
This section and rules, orders, and terms and conditions of 22852
permits adopted or issued thereunder shall be construed to be no 22853
more stringent than required for compliance with the Safe 22854
Drinking Water Act, unless essential to ensure that underground 22855
sources of drinking water will not be endangered. 22856

(B) In an action under section 1509.04 or 1509.33 of the 22857
Revised Code to enforce this section, the court shall grant 22858
preliminary and permanent injunctive relief and impose a civil 22859
penalty upon the showing that the person against whom the action 22860
is brought has violated, is violating, or will violate this 22861
section or rules, orders, or terms or conditions of permits 22862
adopted or issued thereunder. The court shall not require, prior 22863
to granting such preliminary and permanent injunctive relief or 22864
imposing a civil penalty, proof that the violation was, is, or 22865
will be the result of intentional conduct or negligence. In any 22866
such action, any person may intervene as a plaintiff upon the 22867
demonstration that the person has an interest that is or may be 22868
adversely affected by the activity for which injunctive relief 22869

or a civil penalty is sought. 22870

Sec. 1509.36. Any person adversely affected by an order by 22871
the chief of the division of oil and gas resources management 22872
may appeal to the oil and gas commission for an order vacating 22873
or modifying the order. 22874

The person so appealing to the commission shall be known 22875
as appellant and the chief shall be known as appellee. Appellant 22876
and appellee shall be deemed to be parties to the appeal. 22877

The appeal shall be in writing and shall set forth the 22878
order complained of and the grounds upon which the appeal is 22879
based. The appeal shall be filed with the commission within 22880
thirty days after the date upon which the person to whom the 22881
order was issued received the order and, for all other persons 22882
adversely affected by the order, within thirty days after the 22883
date of the order complained of. Notice of the filing of the 22884
appeal shall be filed with the chief within three days after the 22885
appeal is filed with the commission. 22886

Upon the filing of the appeal the commission promptly 22887
shall fix the time and place at which the hearing on the appeal 22888
will be held, and shall give the appellant and the chief at 22889
least ten days' written notice thereof by mail. The commission 22890
may postpone or continue any hearing upon its own motion or upon 22891
application of the appellant or of the chief. 22892

The filing of an appeal provided for in this section does 22893
not automatically suspend or stay execution of the order 22894
appealed from, but upon application by the appellant the 22895
commission may suspend or stay the execution pending 22896
determination of the appeal upon such terms as the commission 22897
considers proper. 22898

Either party to the appeal or any interested person who, 22899
pursuant to commission rules has been granted permission to 22900
appear, may submit such evidence as the commission considers 22901
admissible. 22902

For the purpose of conducting a hearing on an appeal, the 22903
commission may require the attendance of witnesses and the 22904
production of books, records, and papers, and it may, and at the 22905
request of any party it shall, issue subpoenas for witnesses or 22906
subpoenas duces tecum to compel the production of any books, 22907
records, or papers, directed to the sheriffs of the counties 22908
where the witnesses are found. The subpoenas shall be served and 22909
returned in the same manner as subpoenas in criminal cases are 22910
served and returned. The fees of sheriffs shall be the same as 22911
those allowed by the court of common pleas in criminal cases. 22912
Witnesses shall be paid the fees and mileage provided for under 22913
section 119.094 of the Revised Code. Such fees and mileage 22914
expenses incurred at the request of appellant shall be paid in 22915
advance by the appellant, and the remainder of those expenses 22916
shall be paid out of funds appropriated for the expenses of the 22917
division of oil and gas resources management. 22918

In case of disobedience or neglect of any subpoena served 22919
on any person, or the refusal of any witness to testify to any 22920
matter regarding which the witness may be lawfully interrogated, 22921
the court of common pleas of the county in which the 22922
disobedience, neglect, or refusal occurs, or any judge thereof, 22923
on application of the commission or any member thereof, shall 22924
compel obedience by attachment proceedings for contempt as in 22925
the case of disobedience of the requirements of a subpoena 22926
issued from that court or a refusal to testify therein. 22927
Witnesses at such hearings shall testify under oath, and any 22928
member of the commission may administer oaths or affirmations to 22929

persons who so testify. 22930

At the request of any party to the appeal, a record of the 22931
testimony and other evidence submitted shall be taken by an 22932
official court reporter at the expense of the party making the 22933
request for the record. The record shall include all of the 22934
testimony and other evidence and the rulings on the 22935
admissibility thereof presented at the hearing. The commission 22936
shall pass upon the admissibility of evidence, but any party may 22937
at the time object to the admission of any evidence and except 22938
to the rulings of the commission thereon, and if the commission 22939
refuses to admit evidence the party offering same may make a 22940
proffer thereof, and such proffer shall be made a part of the 22941
record of the hearing. 22942

If upon completion of the hearing the commission finds 22943
that the order appealed from was lawful and reasonable, it shall 22944
make a written order affirming the order appealed from; if the 22945
commission finds that the order was unreasonable or unlawful, it 22946
shall make a written order vacating the order appealed from and 22947
making the order that it finds the chief should have made. Every 22948
order made by the commission shall contain a written finding by 22949
the commission of the facts upon which the order is based. 22950

Notice of the making of the order shall be given forthwith 22951
to each party to the appeal by mailing a certified copy thereof 22952
to each such party by certified mail. 22953

The order of the commission is final unless vacated by the 22954
court of common pleas of Franklin county in an appeal as 22955
provided for in section 1509.37 of the Revised Code. ~~Sections~~ 22956
~~1509.01 to 1509.37 of the Revised Code, providing for appeals~~ 22957
~~relating to orders by the chief or by the commission, or~~ 22958
~~relating to rules adopted by the chief, do not constitute the~~ 22959

~~exclusive procedure that any person who believes the person's~~ 22960
~~rights to be unlawfully affected by those sections or any~~ 22961
~~official action taken thereunder must pursue in order to protect~~ 22962
~~and preserve those rights, nor do those sections constitute a~~ 22963
~~procedure that that person must pursue before that person may~~ 22964
~~lawfully appeal to the courts to protect and preserve those~~ 22965
~~rights.~~ 22966

Sec. 1513.371. The long-term abandoned mine reclamation 22967
fund is created in the state treasury. The fund shall be 22968
administered by the chief of the division of mineral resources 22969
management and consist of grants awarded by the United States 22970
secretary of the interior from the federal abandoned mine 22971
reclamation fund pursuant to the federal "Infrastructure 22972
Investment and Jobs Act," Pub. L. No. 177-58. All investment 22973
earnings of the fund shall be credited to the fund. 22974

The fund shall be used for abatement of the causes and 22975
treatment of the effects of acid mine drainage resulting from 22976
coal mine practices, including the following: 22977

(A) The costs of building, operating, maintaining, and 22978
rehabilitating acid mine drainage treatment systems; 22979

(B) The prevention, abatement, and control of subsidence; 22980

(C) The prevention, abatement, and control of coal mine 22981
fires. 22982

Sec. 1517.11. (A) There is hereby created in the state 22983
treasury the natural areas and preserves fund, which shall 22984
consist of moneys transferred into it under section 5747.113 of 22985
the Revised Code and of contributions made directly to it. Any 22986
person may contribute directly to the fund in addition to or 22987
independently of the income tax refund contribution system 22988

established in that section. 22989

(B) Moneys in the fund shall be disbursed pursuant to 22990
vouchers approved by the director of natural resources for use 22991
by the division of natural areas and preserves solely for the 22992
following purposes: 22993

~~(A)~~ (1) The acquisition of new or expanded natural areas 22994
and nature preserves and scenic river lands; 22995

~~(B)~~ (2) Facility development in natural areas and nature 22996
preserves and scenic river lands; 22997

~~(C)~~ (3) Special projects, including, but not limited to, 22998
biological inventories, research grants, and the production of 22999
interpretive material related to natural areas and nature 23000
preserves and scenic river lands; 23001

~~(D)~~ (4) Routine maintenance for health and safety purposes. 23002

(C) Money in the fund also may be used for the purposes of 23003
administering a system of wild, scenic, and recreational rivers, 23004
scenic river lands, and facilities or improvements associated 23005
with such rivers and lands. 23006

(D) Moneys appropriated from the fund shall not be used to 23007
fund salaries of permanent employees or administrative costs. 23008

(E) All investment earnings of the fund shall be credited 23009
to the fund. 23010

(F) The chief of the division of natural areas and 23011
preserves may sell any of the following: 23012

(1) Items related to or that promote Ohio's native plants 23013
and animals, unique ecology and geology, and general ecological 23014
preservation and conservation such as pins, apparel, stickers, 23015

books, bulletins, maps, publications, calendars, and other 23016
educational articles and division branded merchandise; 23017

(2) Items pertaining to Ohio's ecology including native 23018
plants and seeds of native plants. 23019

(G) All moneys received under division (F) of this section 23020
shall be paid into the state treasury to the credit of the 23021
natural areas and preserves fund created under this section. 23022

Sec. 1521.16. (A) Any person who owns a facility that has 23023
the capacity to withdraw waters of the state in an amount 23024
greater than one hundred thousand gallons per day from all 23025
sources and whose construction is completed before January 1, 23026
1990, shall register the facility by January 1, 1991, with the 23027
chief of the division of water resources, and any person who 23028
owns a facility that has the capacity to withdraw waters of the 23029
state in such an amount and whose construction is completed on 23030
or after January 1, 1990, shall register the facility with the 23031
chief within three months after the facility is completed. The 23032
person shall register the facility using a form prescribed by 23033
the chief that shall include, without limitation, the name and 23034
address of the registrant and date of registration; the 23035
locations and sources of the facility's water supply; the 23036
facility's withdrawal capacity per day and the amount withdrawn 23037
from each source; the uses made of the water, places of use, and 23038
places of discharge; and such other information as the chief may 23039
require by rule. 23040

The registration date of any facility whose construction 23041
was completed prior to January 1, 1990, and that is registered 23042
under this division prior to January 1, 1991, shall be January 23043
1, 1990. The registration date of any facility whose 23044
construction was completed prior to January 1, 1990, and that is 23045

required to register under this division prior to January 1, 23046
1991, but that is not registered prior to that date, and the 23047
registration date of any facility whose construction was 23048
completed after January 1, 1990, and that is required to 23049
register under this division shall be the date on which the 23050
registration is received by the chief. 23051

(B) In accordance with division (D) of this section, the 23052
chief shall adopt rules establishing standards and criteria for 23053
determining when an area of ground water is a ground water 23054
stress area, the geographic limits of such an area, and a 23055
threshold withdrawal capacity for the area below which 23056
registration under this division shall not be required. At any 23057
time following the adoption of those rules, the chief may by 23058
order designate an area of ground water as a ground water stress 23059
area and shall establish in any such order a threshold 23060
withdrawal capacity for the area below which registration under 23061
this division shall not be required. 23062

Following the designation of a ground water stress area, 23063
the chief immediately shall give notice by publication in a 23064
newspaper of general circulation in the designated area that 23065
shall include a map delineating the designated ground water 23066
stress area and a statement of the threshold withdrawal capacity 23067
established for the area below which registration under this 23068
division shall not be required. The notice shall not appear in 23069
the legal notices section of the newspaper. Any person who owns 23070
a facility in the designated ground water stress area that is 23071
not registered under division (A) of this section and that has 23072
the capacity to withdraw waters of the state in an amount 23073
greater than the threshold withdrawal capacity for the area from 23074
all sources shall register the facility with the chief not later 23075
than thirty days after publication of the notice. A person 23076

registering a facility under this division shall do so using a 23077
form prescribed by the chief. The form shall include the 23078
information specified in division (A) of this section. 23079

~~(C)~~ (1) Any person who owns a facility registered under 23080
division (A) or (B) of this section shall file a report annually 23081
with the chief listing the amount of water withdrawn per day by 23082
the facility, the return flow per day, and any other information 23083
the chief may require by rule. 23084

(2) Any person who owns a facility registered under 23085
division (A) of this section shall pay an annual fee when filing 23086
the report under division (C) (1) of this section that is based 23087
on the registered withdrawal capacity of the facility in 23088
accordance with the following amounts: 23089

(a) For a facility with a registered capacity of one 23090
hundred thousand to two hundred forty-nine thousand, nine 23091
hundred ninety-nine gallons per day, seventy-five dollars; 23092

(b) For a facility with a registered capacity of two 23093
hundred fifty thousand to four hundred ninety-nine thousand, 23094
nine hundred ninety-nine gallons per day, one hundred dollars; 23095

(c) For a facility with a registered capacity of five 23096
hundred thousand to nine hundred ninety-nine thousand, nine 23097
hundred ninety-nine gallons per day, one hundred fifty dollars; 23098

(d) For a facility with a registered capacity of one 23099
million to nine million, nine hundred ninety-nine thousand, nine 23100
hundred ninety-nine gallons per day, two hundred fifty dollars; 23101

(e) For a facility with a registered capacity of ten 23102
million to forty nine million, nine hundred ninety-nine 23103
thousand, nine hundred ninety-nine gallons per day, five hundred 23104
fifty dollars; 23105

<u>(f) For a facility with a registered capacity of fifty</u>	23106
<u>million gallons per day or greater, one thousand fifty dollars.</u>	23107
<u>(3) All fees collected under division (C) (2) of this</u>	23108
<u>section shall be credited to the water management fund created</u>	23109
<u>in section 1521.22 of the Revised Code.</u>	23110
(D) The chief shall adopt, and may amend or rescind, rules	23111
in accordance with Chapter 119. of the Revised Code to carry out	23112
this section.	23113
(E) (1) No person knowingly shall fail to register a	23114
facility or file a report as required under this section.	23115
(2) No person shall file a false registration or report	23116
under this section. Violation of division (E) (2) of this section	23117
is falsification under section 2921.13 of the Revised Code.	23118
Sec. 1521.23. (A) Except as provided in divisions (D) and	23119
(E) of this section, no person shall allow a facility that the	23120
person owns or operates to withdraw waters of the state in an	23121
amount that would result in a new or increased consumptive use	23122
of more than an average of two million gallons of water per day	23123
in any thirty-day period without first obtaining a permit from	23124
the chief of the division of water resources under section	23125
1521.29 of the Revised Code.	23126
(B) Prior to developing a new or increased withdrawal or	23127
consumptive use capacity that would facilitate a withdrawal	23128
requiring a permit under section 1521.29 of the Revised Code, an	23129
owner or operator of a facility shall submit an application for	23130
a permit to the chief on a form the chief prescribes. The	23131
applicant shall declare and document all of the following in the	23132
application:	23133
(1) The facility's current withdrawal capacity per day if	23134

the withdrawal is to occur at a facility already in operation; 23135

(2) The total new or increased daily withdrawal capacity 23136
proposed for the facility; 23137

(3) The locations and sources of water proposed to be 23138
withdrawn; 23139

(4) The locations of proposed discharges or return flows; 23140

(5) The locations and nature of proposed consumptive uses; 23141

(6) The estimated average annual and monthly volumes and 23142
rates of withdrawal; 23143

(7) The estimated average annual and monthly volumes and 23144
rates of consumptive use; 23145

(8) The effects the withdrawal is anticipated to have with 23146
respect to existing uses of water resources; 23147

(9) A description of other ways the applicant's need for 23148
water may be satisfied if the application is denied or modified; 23149

(10) A description of the conservation practices the 23150
applicant intends to follow; 23151

(11) All information required under sections 1521.24 to 23152
1521.27 of the Revised Code if the sources of water for the 23153
proposed withdrawal are ground water; 23154

(12) Any other information the chief may require by rule. 23155

(C) Each application shall be accompanied by a 23156
nonrefundable fee of ~~one~~five thousand dollars, which shall be 23157
credited to the water management fund created under section 23158
1521.22 of the Revised Code. 23159

(D) A major utility facility that is subject to regulation 23160

under Chapter 4906. of the Revised Code, a facility that is 23161
subject to regulation under Chapter 1514. of the Revised Code, 23162
or a facility that is required to obtain a permit under sections 23163
1522.10 to 1522.30 of the Revised Code need not obtain a permit 23164
under section 1521.29 of the Revised Code. 23165

(E) A public water system, as defined in section 6109.01 23166
of the Revised Code, that withdraws waters of the state in an 23167
amount that would result in a new or increased consumptive use 23168
of more than two million gallons per day need not obtain a 23169
permit under section 1521.29 of the Revised Code if one of the 23170
following applies: 23171

(1) The public water system was in operation on June 29, 23172
1988, and no substantial changes in the design capacity are 23173
proposed for that system. 23174

(2) A public water system that is proposed to be 23175
constructed or installed, or an existing system for which 23176
changes are proposed, encompasses only water distribution 23177
facilities. 23178

Sec. 1522.12. (A) For purposes of the compact, the owner 23179
or operator of a facility within the Lake Erie watershed that is 23180
not otherwise exempt under section 1522.14 of the Revised Code 23181
shall obtain a withdrawal and consumptive use permit from the 23182
chief of the division of water resources if the facility meets 23183
any of the following threshold criteria: 23184

(1) The facility has a new or increased capacity for 23185
withdrawals or consumptive uses from Lake Erie or a recognized 23186
navigation channel of at least two and one-half million gallons 23187
per day. 23188

(2) Except as provided in division (A) (3) of this section, 23189

the facility has a new or increased capacity for withdrawals or 23190
consumptive uses from any river or stream or from ground water 23191
in the Lake Erie watershed of at least one million gallons per 23192
day. 23193

(3) (a) Except as provided in division (A) (3) (b) of this 23194
section, the facility has a new or increased capacity for 23195
withdrawals or consumptive uses from any river or stream in the 23196
Lake Erie watershed that is a high quality water of at least one 23197
hundred thousand gallons per day. Division (A) (3) of this 23198
section does not apply to withdrawals and consumptive uses from 23199
outstanding state waters that are designated as such by the 23200
environmental protection agency due to their exceptional 23201
recreational values. 23202

(b) If a river or stream or segment thereof is designated 23203
as a high quality water as of September 4, 2012, the threshold 23204
established in division (A) (3) (a) of this section applies to the 23205
river or stream or segment thereof and the entire watershed 23206
upstream of that river, stream, or segment. If a river or stream 23207
or segment thereof is designated as a high quality water after 23208
September 4, 2012, the threshold established in division (A) (3) 23209
(a) of this section applies to the river or stream or segment 23210
thereof and the entire watershed upstream of that river, stream, 23211
or segment, provided that the director of environmental 23212
protection and the director of natural resources, or their 23213
designees, jointly determine that the proposed withdrawal or 23214
consumptive use would cause the high quality water to lose its 23215
designation as a high quality water. If the directors determine 23216
that the proposed withdrawal or consumptive use would not cause 23217
the high quality water to lose that designation, the threshold 23218
established in division (A) (2) of this section applies to the 23219
withdrawal or consumptive use at a point beginning one thousand 23220

feet upstream of the upstream end of the designated high quality 23221
water segment or at a point beginning two times the length of 23222
the river, stream, or segment that has been designated as a high 23223
quality water, whichever is greater. 23224

(B) An owner or operator of a facility that is not 23225
otherwise exempt under section 1522.14 of the Revised Code and 23226
that is subject to a threshold specified in division (A) of this 23227
section shall not install or operate the facility or equipment 23228
that will result in a new or increased withdrawal or consumptive 23229
use of water in the Lake Erie watershed without first obtaining 23230
a withdrawal and consumptive use permit. 23231

(C) Permits issued under this section shall be issued only 23232
for the amount of withdrawal or consumptive use capacity of a 23233
facility that meets or exceeds threshold amounts established in 23234
division (A) of this section. A permit shall not be required for 23235
the portion of the withdrawal and consumptive use capacity of 23236
the facility below that threshold amount. 23237

(D) An applicant for a permit shall submit an application 23238
to the chief on a form that the chief prescribes. The applicant 23239
shall include with the application all of the following: 23240

(1) The name, address, and telephone number of the 23241
applicant and of a contact person for the applicant; 23242

(2) The names, addresses, and other necessary contact 23243
information of any other owners and operators of the facility; 23244

(3) A description of all of the following: 23245

(a) The facility's current withdrawal capacity per day if 23246
the withdrawal is to occur at a facility already in operation; 23247

(b) The total new or increased daily withdrawal capacity 23248

proposed for the facility; 23249

(c) The locations and sources of water proposed to be 23250
withdrawn; 23251

(d) The locations of proposed discharges or return flows; 23252

(e) The locations and nature of proposed consumptive uses 23253
and the applicable consumptive use coefficient for the facility; 23254

(f) The estimated average annual and monthly volumes and 23255
rates of withdrawal; 23256

(g) The estimated average annual and monthly volumes and 23257
rates of consumptive use; 23258

(h) The environmentally sound and economically feasible 23259
water conservation measures to be undertaken by the applicant; 23260

(i) Other ways the applicant's need for water may be 23261
satisfied if the application is denied or modified; 23262

(4) All information required in sections 1522.121 to 23263
1522.124 of the Revised Code if the source of water for the 23264
proposed withdrawal is ground water; 23265

(5) Any other information the chief may require to 23266
adequately consider the application; 23267

(6) A nonrefundable application fee of ~~one~~five thousand 23268
dollars, the proceeds of which shall be credited to the water 23269
management fund created in section 1521.22 of the Revised Code. 23270

(E) Provided that a facility meets all applicable permit 23271
conditions, a permit for the facility is valid until the 23272
facility is the subject of facility abandonment. Once every five 23273
years, the owner or operator of a facility shall certify to the 23274
chief that the facility is in compliance with the permit that 23275

has been issued for the facility. 23276

(F) No person that is required to do so shall fail to 23277
apply for and receive a withdrawal and consumptive use permit. 23278

(G) A permit issued under this section shall include terms 23279
and conditions restricting the withdrawal and consumptive use by 23280
a facility to amounts not exceeding the capacity of the 23281
facility. 23282

(H) The chief shall issue or deny a permit not later than 23283
ninety days after receipt of a complete application. If 23284
applicable, the chief shall comply with the requirements 23285
regarding prior notice established in Section 4.6 of the 23286
compact. The chief shall issue or deny a permit through issuance 23287
of an order. The chief shall issue a permit if all applicable 23288
criteria for receiving the permit are met as provided in 23289
sections 1522.10 to 1522.30 of the Revised Code and neither of 23290
the following applies: 23291

(1) A withdrawal or consumptive use will result in a 23292
significant lowering of the water level within an aquifer, the 23293
overdrafting of an aquifer, a significant diminution in the 23294
amount of water available in existing wells, or the interruption 23295
of existing ground water supplies within the geographic area 23296
established by the chief pursuant to section 1522.125 of the 23297
Revised Code without a suitable replacement water supply source. 23298

(2) A withdrawal or consumptive use would cause 23299
irreparable material damage to an aquifer such that the aquifer 23300
could no longer yield the amount of water it did before the 23301
withdrawal or consumptive use proposed in the application. 23302

(I) If the facility for which a permit has been issued 23303
under this section withdraws ground water, the chief may require 23304

the continued monitoring and reporting of water levels in each 23305
aquifer via existing wells or new monitoring wells drilled by 23306
the permittee. 23307

Sec. 1533.11. (A) (1) Except as provided in this section or 23308
section 1533.731 of the Revised Code, no person shall hunt deer 23309
on lands of another without first obtaining an annual deer 23310
permit. Except as provided in this section, no person shall hunt 23311
wild turkeys on lands of another without first obtaining an 23312
annual wild turkey permit. A deer or wild turkey permit is valid 23313
during the hunting license year in which the permit is 23314
purchased. Except as provided in rules adopted under division 23315
(B) of section 1533.12 of the Revised Code, each applicant for a 23316
deer or wild turkey permit shall pay an annual fee for each 23317
permit in accordance with the following schedule: 23318
23319

	1	2
A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	\$74.00
		<u>\$210.00</u>
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00

- (2) As used in division (A) (1) of this section: 23320
- (a) "Youth" means an applicant who is under the age of 23321
eighteen years at the time of application for a permit. 23322
- (b) "Senior" means an applicant who is sixty-six years of 23323
age or older at the time of application for a permit. 23324
- (3) The money received shall be paid into the state 23325
treasury to the credit of the wildlife fund, created in section 23326
1531.17 of the Revised Code, exclusively for the use of the 23327
division of wildlife in the acquisition and development of land 23328
for deer or wild turkey management, for investigating deer or 23329
wild turkey problems, and for the stocking, management, and 23330
protection of deer or wild turkey. 23331
- (4) Every person, while hunting deer or wild turkey on 23332
lands of another, shall carry the person's deer or wild turkey 23333
permit and exhibit it to any enforcement officer so requesting. 23334
Failure to so carry and exhibit such a permit constitutes an 23335
offense under this section. 23336
- (5) The chief of the division of wildlife shall adopt any 23337
additional rules the chief considers necessary to carry out this 23338
section and section 1533.10 of the Revised Code. 23339
- (6) An owner who is a resident of this state or an owner 23340
who is exempt from obtaining a hunting license under section 23341
1533.10 of the Revised Code and the children of the owner of 23342
lands in this state may hunt deer or wild turkey thereon without 23343
a deer or wild turkey permit. If the owner of land in this state 23344
is a limited liability company or a limited liability 23345
partnership that consists of three or fewer individual members 23346
or partners, as applicable, an individual member or partner who 23347
is a resident of this state and the member's or partner's 23348

children of any age may hunt deer or wild turkey on the land 23349
owned by the limited liability company or limited liability 23350
partnership without a deer or wild turkey permit. In addition, 23351
if the owner of land in this state is a trust that has a total 23352
of three or fewer trustees and beneficiaries, an individual who 23353
is a trustee or beneficiary and who is a resident of this state 23354
and the individual's children of any age may hunt deer or wild 23355
turkey on the land owned by the trust without a deer or wild 23356
turkey permit. The tenant and children of the tenant may hunt 23357
deer or wild turkey on lands where they reside without a deer or 23358
wild turkey permit. 23359

(B) A deer or wild turkey permit is not transferable. No 23360
person shall carry a deer or wild turkey permit issued in the 23361
name of another person. 23362

(C) The wildlife refunds fund is hereby created in the 23363
state treasury. The fund shall consist of money received from 23364
application fees for deer permits that are not issued. Money in 23365
the fund shall be used to make refunds of such application fees. 23366

(D) If the division establishes a system for the 23367
electronic submission of information regarding deer or wild 23368
turkey that are taken, the division shall allow the owner and 23369
the children of the owner of lands in this state to use the 23370
owner's name or address for purposes of submitting that 23371
information electronically via that system. 23372

Sec. 1533.131. The chief of the division of wildlife may 23373
sell gift certificates that may be used to obtain ~~hunting and~~ 23374
~~fishing~~, pay for, or purchase licenses, fur taker, deer, and 23375
wild turkey permits, and wetlands habitat stamps, user fees, and 23376
conservation-related items provided for under this chapter or 23377
Chapter 1531. of the Revised Code. ~~For the purposes of this~~ 23378

~~section, the~~ The chief ~~shall~~ may adopt rules in accordance with 23379
section 1531.10 of the Revised Code ~~doing necessary to~~ 23380
administer this section, including all of the following: 23381

(A) ~~Providing that a gift certificate may be used to~~ 23382
~~obtain a resident or nonresident hunting license under section~~ 23383
~~1533.10 of the Revised Code, a resident or nonresident fishing~~ 23384
~~license under section 1533.32 of the Revised Code, a fur taker~~ 23385
~~permit under section 1533.111 of the Revised Code, a deer or~~ 23386
~~wild turkey permit under section 1533.11 of the Revised Code, a~~ 23387
~~wetlands habitat stamp under section 1533.112 of the Revised~~ 23388
~~Code, or a combination of those licenses, permits, and~~ 23389
~~stamps~~ Designating which licenses, permits, stamps, user fees, 23390
and conservation-related items may be obtained, paid for, or 23391
purchased with a gift certificate; 23392

(B) Prescribing the form for the gift certificates; 23393

(C) Authorizing persons who are designated and authorized 23394
under section 1533.13 of the Revised Code to sell licenses and 23395
permits under this chapter also to sell gift certificates under 23396
this section; 23397

~~(D) Establishing fees for the gift certificates, which~~ 23398
~~shall equal the total of the fee for a resident or nonresident~~ 23399
~~hunting license, a resident or nonresident fishing license, a~~ 23400
~~fur taker permit, a deer or wild turkey permit, a wetlands~~ 23401
~~habitat stamp, or a combination of those licenses, permits, and~~ 23402
~~stamp, as applicable, and the fee established under section~~ 23403
~~1533.13 of the Revised Code;~~ 23404

~~(E) Requiring gift certificates to expire one year after~~ 23405
~~the date of purchase.~~ 23406

Nothing in this section or rules adopted under it relieves 23407

an individual who receives a gift certificate for a hunting 23408
license from complying with the requirement established under 23409
section 1533.10 of the Revised Code to present, when applying 23410
for the license, a previously held hunting license or evidence 23411
of having held such a license in content and manner approved by 23412
the chief, a certificate of completion issued upon completion of 23413
a hunter education and conservation course approved by the 23414
chief, or evidence of equivalent training in content and manner 23415
approved by the chief. 23416

Nothing in this section or rules adopted under it relieves 23417
an individual who receives a gift certificate for a fur taker 23418
permit from complying with the requirements established under 23419
section 1533.111 of the Revised Code to present, when applying 23420
for the permit, a previously held hunting license or trapping or 23421
fur taker permit or evidence of having held such a license or 23422
permit in content and manner approved by the chief, a 23423
certificate of completion issued upon completion of a trapper 23424
education course approved by the chief, or evidence of 23425
equivalent training in content and manner approved by the chief. 23426

Sec. 1533.32. (A) Except as provided in this section or 23427
division (A) (2) or (C) of section 1533.12 of the Revised Code or 23428
as exempted at the discretion of the chief of the division of 23429
wildlife, no person, including nonresidents, shall take or catch 23430
any fish by angling in any of the waters in the state or engage 23431
in fishing in those waters without a license. No person shall 23432
take or catch frogs or turtles without a valid fishing license, 23433
except as provided in this section. Persons fishing in privately 23434
owned ponds, lakes, or reservoirs to or from which fish are not 23435
accustomed to migrate are exempt from the license requirements 23436
set forth in this section. Persons fishing in privately owned 23437
ponds, lakes, or reservoirs that are open to public fishing 23438

through an agreement or lease with the division of wildlife 23439
shall comply with the license requirements set forth in this 23440
section. 23441

(B) (1) Except as otherwise provided in rules adopted under 23442
division (B) of section 1533.12 of the Revised Code, each 23443
applicant for a fishing license shall pay a fee for each license 23444
in accordance with the following schedule: 23445
23446

	1	2
A	Annual fishing license - resident	\$24.00
B	Annual fishing license - nonresident that is not a resident of a reciprocal state	\$49.00 <u>\$74.00</u>
C	Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00
D	Annual senior fishing license - resident	\$9.00
E	Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	\$24.00 <u>\$50.00</u>
F	One-day fishing license <u>- resident</u>	\$13.00
G	<u>One-day fishing license - nonresident that is not a resident of a reciprocal state</u>	<u>\$26.00</u>
H	<u>One-day fishing license - nonresident that is a resident of a reciprocal state</u>	<u>\$13.00</u>

(2) As used in division (B) (1) of this section: 23447

(a) "Reciprocal state" means a state that is a party to an 23448
agreement under section 1533.91 of the Revised Code. 23449

(b) "Senior" means an applicant who is sixty-six years of 23450
age or older at the time of application for a license. 23451

(3) Any person under the age of sixteen years may take or 23452
catch frogs and turtles and take or catch fish by angling 23453
without a license. 23454

(C) (1) The chief of the division of wildlife may issue a 23455
tourist's license expiring three days from the effective date of 23456
the license to a resident of a state that is not a party to an 23457
agreement under section 1533.91 of the Revised Code. 23458

(2) The chief shall adopt rules under section 1531.10 of 23459
the Revised Code providing for the issuance of a one-day fishing 23460
license to a resident of this state or of any other state. A 23461
one-day fishing license shall allow the holder to take or catch 23462
fish by angling in the waters in the state, engage in fishing in 23463
those waters, or take or catch frogs or turtles in those waters 23464
for one day without obtaining an annual license or a tourist's 23465
license under this section. At the request of a holder of a one- 23466
day fishing license who wishes to obtain an annual license, a 23467
clerk or agent authorized to issue licenses under section 23468
1533.13 of the Revised Code, not later than the last day on 23469
which the one-day license would be valid if it were an annual 23470
license, shall credit the amount of the fee paid for the one-day 23471
license toward the fee charged for the annual license if so 23472
authorized by the chief. The clerk or agent shall issue the 23473
annual license upon presentation of the one-day license and 23474
payment of a fee in an amount equal to the difference between 23475
the fee for the annual license and the fee for the one-day 23476
license. 23477

(3) Unless otherwise provided by division rule, each 23478
annual license shall begin on the date of issuance and expire a 23479
year from the date of issuance. 23480

(4) Unless otherwise provided by division rule, each 23481
multi-year license issued in accordance with section 1533.321 of 23482
the Revised Code shall begin on the date of issuance and expire 23483
three years, five years, or ten years from the date of issuance, 23484
as applicable. 23485

(5) No person shall alter a fishing license or possess a 23486
fishing license that has been altered. 23487

(6) No person shall procure or attempt to procure a 23488
fishing license by fraud, deceit, misrepresentation, or any 23489
false statement. 23490

(7) A resident of this state who owns land over, through, 23491
upon, or along which any water flows or stands, except where the 23492
land is in or borders on state parks or state-owned lakes, 23493
together with the members of the immediate families of such 23494
owners, may take frogs and turtles and may take or catch fish of 23495
the kind permitted to be taken or caught therefrom without 23496
procuring a license provided for in this section. This exemption 23497
extends to tenants actually residing upon such lands and to the 23498
members of the immediate families of the tenants. A resident of 23499
any other state who owns land in this state over, through, upon, 23500
or along which any water flows or stands, except where the land 23501
is in or borders on state parks or state-owned lakes, and the 23502
spouse and children living with the owner, may take frogs and 23503
turtles and may take or catch fish of the kind permitted to be 23504
taken or caught from that water without obtaining a license 23505
under this section, provided that the state of residence of the 23506
owner allows residents of this state owning real property in 23507

that state, and the spouse and children living with such a 23508
property owner, to take frogs and turtles and take or catch fish 23509
without a license. If the owner of such land in this state is a 23510
limited liability company or a limited liability partnership 23511
that consists of three or fewer individual members or partners, 23512
as applicable, an individual member or partner who is a resident 23513
of this state and the member's or partner's children of any age 23514
may take frogs and turtles and may take or catch fish of the 23515
kind permitted to be taken or caught therefrom without procuring 23516
a license provided for in this section. In addition, if the 23517
owner of such land in this state is a trust that has a total of 23518
three or fewer trustees and beneficiaries, an individual who is 23519
a trustee or beneficiary and who is a resident of this state and 23520
the individual's children of any age may take frogs and turtles 23521
and may take or catch fish of the kind permitted to be taken or 23522
caught therefrom without procuring a license provided for in 23523
this section. Residents of state or county institutions, 23524
charitable institutions, and military homes in this state may 23525
take frogs and turtles without procuring the required license, 23526
provided that a member of the institution or home has an 23527
identification card, which shall be carried on that person when 23528
fishing. 23529

(8) Every fisher required to be licensed, while fishing or 23530
taking or attempting to take frogs or turtles, shall carry the 23531
license and exhibit it to any person. Failure to so carry and 23532
exhibit the license constitutes an offense under this section. 23533

Sec. 1533.71. (A) Unless otherwise provided in this 23534
section or by division rule, any person desiring to engage in 23535
the business of raising and selling game birds, game quadrupeds, 23536
reptiles, amphibians, or fur-bearing animals in a wholly 23537
enclosed preserve of which the person is the owner or lessee, or 23538

to have game birds, game quadrupeds, reptiles, amphibians, or 23539
fur-bearing animals in captivity, shall submit an application to 23540
the division of wildlife for a license to do so. This section 23541
does not apply to a person who possesses wild animals under the 23542
authority of a license for a wild animal hunting preserve or a 23543
commercial bird shooting preserve. 23544

The division, when it appears that the application is made 23545
in good faith and the applicant is in compliance with division 23546
(B) of this section, if applicable, and upon the payment of the 23547
fee for each license, may issue to the applicant any of the 23548
following licenses that may be applied for: 23549

(1) "Commercial propagating license" permitting the 23550
licensee to propagate game birds, game quadrupeds except captive 23551
white-tailed deer, reptiles, amphibians, or fur-bearing animals 23552
in the wholly enclosed preserve the location of which is stated 23553
in the license and the application therefor, and to sell the 23554
propagated game birds, game quadrupeds except captive white- 23555
tailed deer, reptiles, amphibians, or fur-bearing animals and 23556
ship them from the state alive at any time, and permitting the 23557
licensee and the licensee's employees to kill the propagated 23558
game birds, game quadrupeds except captive white-tailed deer, or 23559
fur-bearing animals and sell the carcasses for food subject to 23560
sections 1533.71 to 1533.79 of the Revised Code. The fee for 23561
such a license is forty dollars per annum. 23562

(2) "Noncommercial propagating license" permitting the 23563
licensee to propagate game birds, game quadrupeds except captive 23564
white-tailed deer, reptiles, amphibians, or fur-bearing animals 23565
and to hold the animals in captivity. Game birds, game 23566
quadrupeds except captive white-tailed deer, reptiles, 23567
amphibians, and fur-bearing animals propagated or held in 23568

captivity by authority of a noncommercial propagating license 23569
are for the licensee's own use and shall not be sold. The fee 23570
for such a license is twenty-five dollars per annum. 23571

(3) "Captive white-tailed deer propagation license" 23572
permitting the licensee to propagate captive white-tailed deer, 23573
hold the animals in captivity, and sell the animals and 23574
carcasses. The fee for such a license is forty dollars. The 23575
license is valid until a licensee ceases to hold captive white- 23576
tailed deer or the license is revoked, whichever occurs earlier. 23577

(B) (1) A person who wishes to obtain a captive white- 23578
tailed deer propagation license, prior to applying for the 23579
license, shall construct an authorized enclosure that is 23580
surrounded by a fence that is eight feet in height with a 23581
minimal deviation not to exceed four per cent, is constructed in 23582
a manner that prevents ingress and egress of deer, and is 23583
constructed of materials that are approved by the chief of the 23584
division of wildlife in consultation with the animal and plant 23585
health inspection service in the United States department of 23586
agriculture, the department of agriculture, and representatives 23587
of the cervid industry in this state. 23588

(2) After constructing an authorized enclosure in 23589
accordance with division (B) (1) of this section and division 23590
rules, the person may submit an application for a captive white- 23591
tailed deer propagation license. 23592

(3) Not later than thirty days after the submission of the 23593
application, a representative from the division shall inspect 23594
the authorized enclosure to ensure compliance with division (B) 23595
(1) of this section and division rules. If the applicant's 23596
authorized enclosure is not in compliance with all of the 23597
applicable requirements, the representative shall inform the 23598

applicant in writing of the deficiencies not later than ten 23599
business days after the inspection. If the applicant corrects 23600
the deficiencies, the applicant shall request a reinspection. 23601
The reinspection shall be conducted in accordance with this 23602
division not later than thirty days after the request for 23603
reinspection. 23604

If the applicant's authorized enclosure complies with all 23605
of the applicable requirements, the chief shall review the 23606
application and shall issue or deny the license. If the chief 23607
denies the license, the chief shall return the application to 23608
the applicant with an explanation of the reasons for denial. The 23609
applicant may correct the deficiencies in the application and 23610
submit a revised application. If the applicant corrects the 23611
deficiencies, the chief shall issue the license as provided in 23612
this section. 23613

(4) Upon receipt of a captive white-tailed deer 23614
propagation license, receipt of a license under section ~~943.03~~ 23615
~~or 943.031~~ 944.02 of the Revised Code, and a demonstration to 23616
the chief or the chief's designee that each captive white-tailed 23617
deer held by the licensee was legally acquired, the licensee may 23618
place all of the licensee's deer in the authorized enclosure. 23619
The licensee thereafter shall comply with this chapter and 23620
Chapter 1531. of the Revised Code, division rules, ~~sections~~ 23621
~~943.20 to 943.26~~ and Chapter 944. of the Revised Code, and rules 23622
adopted under ~~section 943.24 of the Revised Code~~ it. 23623

(C) The division may inspect a facility to which a captive 23624
white-tailed deer propagation license has been issued only at 23625
reasonable times and when the inspection is in connection with a 23626
criminal investigation. 23627

(D) The chief, with the approval of the director of 23628

agriculture, may suspend or revoke a captive white-tailed deer 23629
propagation license issued to a person who also has been issued 23630
a valid license under section ~~943.03 or 943.031~~ 944.02 of the 23631
Revised Code for the same facility if the person fails to comply 23632
with this chapter and Chapter 1531. of the Revised Code, 23633
division rules, ~~sections 943.20 to 943.26~~ and Chapter 944. of 23634
the Revised Code, and rules adopted under ~~section 943.24 of the~~ 23635
~~Revised Code~~ it. 23636

(E) Except as provided by law, no person shall possess 23637
game birds, game quadrupeds, or fur-bearing animals in closed 23638
season, provided that municipal or governmental zoological parks 23639
are not required to obtain the licenses provided for in this 23640
section. 23641

(F) Except for a captive white-tailed deer propagation 23642
license, all licenses issued under this section shall expire on 23643
the fifteenth day of March of each year. 23644

(G) The chief shall pay all moneys received as fees for 23645
the issuance of licenses under this section into the state 23646
treasury to the credit of the fund created by section 1533.15 of 23647
the Revised Code for the use of the division in the purchase, 23648
preservation, and protection of wild animals and for the 23649
necessary clerical help and forms required by sections 1533.71 23650
to 1533.79 of the Revised Code. 23651

(H) This section does not authorize the taking or the 23652
release for taking of the following: 23653

(1) Game birds, without first obtaining a commercial bird 23654
shooting preserve license issued under section 1533.72 of the 23655
Revised Code; 23656

(2) Game or nonnative wildlife, without first obtaining a 23657

wild animal hunting preserve license issued under section 23658
1533.721 of the Revised Code. 23659

(I) A license shall not be issued under this section to 23660
raise or sell a dangerous wild animal or restricted snake as 23661
defined in section 935.01 of the Revised Code. 23662

Sec. 1533.721. (A) Except as otherwise provided by 23663
division rule, no person shall offer for hunting or hunt any 23664
nonnative wildlife except in a licensed wild animal hunting 23665
preserve. No person shall operate a wild animal hunting preserve 23666
without first obtaining a wild animal hunting preserve license 23667
issued by the chief of the division of wildlife under this 23668
section. 23669

(B) Application for a wild animal hunting preserve license 23670
shall be made on a form prescribed by the chief and shall be 23671
accompanied by a license application fee of one thousand 23672
dollars. The application shall contain a list of which species 23673
of game and nonnative wildlife are to be released for hunting in 23674
the preserve and any other information required by the chief. 23675

(C) The chief, upon payment of the application fee, shall 23676
issue to the applicant a wild animal hunting preserve license if 23677
all of the following conditions are met: 23678

(1) The operation of the wild animal hunting preserve does 23679
not conflict with a prior reasonable public interest. 23680

(2) The proposed wild animal hunting preserve meets the 23681
requirements established in division (A) of section 1533.731 of 23682
the Revised Code. 23683

(3) The applicant is the owner or lessee of the land 23684
described in the application and maintains that status as the 23685
owner or lessee of the land until the license expires. 23686

(4) The proposed wild animal hunting preserve has been 23687
inspected by a representative of the division of wildlife to 23688
ensure that all wild deer have been removed from the proposed 23689
wild animal hunting preserve before any game or nonnative 23690
wildlife are released into the preserve. 23691

(D) Prior to an inspection of a proposed wild animal 23692
hunting preserve for purposes of division (C) (4) of this 23693
section, an applicant for a wild animal hunting preserve license 23694
shall remove all wild deer from the proposed preserve using a 23695
method that is approved by the chief. All wild deer that cannot 23696
be removed from the proposed wild animal hunting preserve shall 23697
be killed, and the applicant shall submit a restitution fee in 23698
accordance with section 1531.201 of the Revised Code. 23699

(E) Inspection of a proposed wild animal hunting preserve 23700
shall be conducted and approval or disapproval of an initial 23701
license for such a preserve shall be made between the first day 23702
of January through the last day of March of the year in which 23703
the applicant first intends to operate the preserve. 23704

(F) Upon receipt of the initial license for a wild animal 23705
hunting preserve, receipt of a license under section ~~943.03 or~~ 23706
~~943.031~~ 944.02 of the Revised Code, and a demonstration to the 23707
chief or the chief's designee that each captive white-tailed 23708
deer held by the licensee was legally acquired, the licensee may 23709
place all of the licensee's deer in the wild animal hunting 23710
preserve. A wild animal hunting preserve licensee holding 23711
captive white-tailed deer in the preserve shall comply with this 23712
chapter and Chapter 1531. of the Revised Code, division rules, 23713
~~sections 943.20 to 943.26 and Chapter 944. of the Revised Code,~~ 23714
and rules adopted under section ~~943.24~~ 944.07 of the Revised 23715
Code. 23716

(G) (1) Except as otherwise provided in division (G) (2) of 23717
this section, all licenses issued under this section shall 23718
expire on the thirtieth day of April of each year. Any license 23719
holder wishing to own or operate a wild animal hunting preserve 23720
in the year following the expiration of the license shall submit 23721
a license renewal form prescribed by the chief and include an 23722
annual renewal fee of two hundred dollars. 23723

(2) A license issued under this section for a wild animal 23724
hunting preserve in which only captive white-tailed deer are 23725
kept does not expire unless the license is revoked by the chief 23726
under division (H) (2) of this section. 23727

(H) (1) Except as otherwise provided in division (H) (2) of 23728
this section, and in accordance with Chapter 119. of the Revised 23729
Code, the chief may suspend or revoke a wild animal hunting 23730
preserve license if the chief finds that the license holder has 23731
violated or is violating this chapter or Chapter 1531. of the 23732
Revised Code or any division rule. 23733

(2) The chief, with the approval of the director of 23734
agriculture, may suspend or revoke a wild animal hunting 23735
preserve license issued to a person who also has been issued a 23736
valid license for that preserve under section ~~943.03 or 943.031~~ 23737
944.02 of the Revised Code if the person fails to comply with 23738
this chapter and Chapter 1531. of the Revised Code, division 23739
rules, ~~sections 943.20 to 943.26~~ Chapter 944. of the Revised 23740
Code, and rules adopted under ~~section 943.24 of the Revised~~ 23741
~~Code~~ it. 23742

(I) This section does not authorize the hunting of game 23743
birds in a licensed wild animal hunting preserve unless the 23744
licensee also possesses a valid commercial bird shooting 23745
preserve license issued under section 1533.72 of the Revised 23746

Code for the same land for which the wild animal hunting 23747
preserve license was issued. 23748

Sec. 1533.731. (A) No wild animal hunting preserve shall 23749
be less than eighty acres in area. Each such preserve shall be 23750
in one continuous block of land, except that the block of land 23751
may be intersected by highways or roads. No wild animal hunting 23752
preserve shall be located within one thousand five hundred feet 23753
of another such preserve. 23754

The boundaries of each wild animal hunting preserve shall 23755
be clearly defined by posting, at intervals of not more than 23756
four hundred feet, with signs prescribed by the division of 23757
wildlife. Each wild animal hunting preserve shall be surrounded 23758
by a fence at least eight feet in height, with a minimal 23759
deviation not to exceed four per cent, that is constructed of a 23760
woven wire mesh, or such other enclosure approved by the chief 23761
of the division of wildlife. 23762

(B) (1) Except as provided in divisions (B) (2) and (3) of 23763
this section, game and nonnative wildlife that have been 23764
approved by the chief for such use and that have been legally 23765
acquired or propagated under the authority of a propagating 23766
license issued under section 1533.71 of the Revised Code or 23767
propagated within the confines of a licensed wild animal hunting 23768
preserve may be released and hunted within the confines of the 23769
licensed wild animal hunting preserve between one-half hour 23770
before sunrise and one-half hour after sunset, without regard to 23771
sex, bag limit, or open season, by hunters authorized by the 23772
holder of the wild animal hunting preserve license to hunt on 23773
those lands. The chief shall establish, by rule, the allowable 23774
methods of taking game and nonnative wildlife in a wild animal 23775
hunting preserve. 23776

(2) No game or nonnative wildlife on the federal 23777
endangered species list established in accordance with the 23778
"Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 23779
1531, as amended, or the state endangered species list 23780
established in rules adopted under section 1531.25 of the 23781
Revised Code, no bears native to North America, and no large 23782
carnivores of the family Felidae shall be released for hunting 23783
or hunted in any wild animal hunting preserve in this state. 23784

(3) No person shall release for hunting or hunt within a 23785
wild animal hunting preserve any game or nonnative wildlife not 23786
listed in the application for a license for that preserve. 23787

(C) Unless otherwise specified by division rule, all game 23788
and nonnative wildlife released on a wild animal hunting 23789
preserve shall be identified with a tag that shall bear upon it 23790
a symbol identifying the preserve. 23791

(D) No person shall remove living game or nonnative 23792
wildlife from a wild animal hunting preserve unless the game or 23793
nonnative wildlife are being transferred to another wild animal 23794
hunting preserve in accordance with rules adopted by the 23795
director of agriculture under section ~~943.24~~ 944.07 of the 23796
Revised Code. 23797

(E) The holder of a wild animal hunting preserve license 23798
shall keep a record of all animals that have been released into 23799
the preserve. The record shall include all of the following: 23800

(1) The date on which each animal was released into the 23801
preserve; 23802

(2) The number of each species of animals; 23803

(3) The number of males and females of each species of 23804
animals; 23805

(4) The name and address of each person from whom each animal was obtained.

The licensee shall record in a manner specified by the division the name and address of each person that takes any game or nonnative wildlife from the preserve. The licensee shall maintain those records for a period of two years and make them available for inspection by the division at all reasonable times in conjunction with an active criminal investigation.

(F) In addition to complying with the requirements established by division (E) of this section, the holder of a wild animal hunting preserve license who has captive white-tailed deer in the preserve shall keep a record of all known escapes of those deer, deaths of those deer that were not a result of hunting, and laboratory results for testing for chronic wasting disease of those deer that is required by section ~~943.21~~944.04 of the Revised Code and rules adopted under section ~~943.24~~944.07 of the Revised Code.

(G) For the purposes of division (B) of section 1533.02 of the Revised Code, the owner or operator of a wild animal hunting preserve shall furnish each person who takes any game or nonnative wildlife from the preserve a certificate bearing a description of the animal, the date the animal was taken, and the name of the preserve.

(H) The holder of a wild animal hunting preserve license prominently shall display the license at the place of business that is specified in the license.

(I) The chief shall adopt rules under section 1531.10 of the Revised Code that provide for the safety of the public and for the protection of the game and nonnative wildlife to be

hunted in a wild animal hunting preserve prior to their release 23835
in the preserve. 23836

(J) No holder of a wild animal hunting preserve license 23837
shall violate this chapter or Chapter 1531. of the Revised Code 23838
or any division rule. 23839

(K) This section does not authorize the hunting of game 23840
birds in a licensed wild animal hunting preserve unless the 23841
licensee also possesses a valid commercial bird shooting 23842
preserve license issued under section 1533.72 of the Revised 23843
Code for the same land for which the wild animal hunting 23844
preserve license was issued. 23845

(L) A person may hunt game and nonnative wildlife in a 23846
licensed wild animal hunting preserve without obtaining a 23847
hunting license otherwise required by section 1533.10 of the 23848
Revised Code or a deer permit otherwise required by section 23849
1533.11 of the Revised Code. 23850

Sec. 1533.77. (A) Each holder of a noncommercial or 23851
commercial propagating license issued under section 1533.71 of 23852
the Revised Code shall keep the license prominently displayed at 23853
the place of business specified in the license, and shall keep 23854
accurate written records that shall include the total number of 23855
game birds, game quadrupeds, or fur-bearing animals possessed on 23856
the date of application for the license, the number subsequently 23857
propagated or acquired by purchase or gift, the number that 23858
escaped, the number that were released, the number that died, 23859
and the name and address of each person or corporation from whom 23860
or to whom game birds, game quadrupeds, or fur-bearing animals 23861
were received as a gift or given as a gift or purchased or sold 23862
alive or sold for food, and the date of each transaction. These 23863
records shall be kept permanently on the premises stated in the 23864

license, and shall be open for inspection by any authorized 23865
representative of the division of wildlife at all reasonable 23866
times. 23867

(B) Each holder of a captive white-tailed deer propagation 23868
license issued under section 1533.71 of the Revised Code shall 23869
maintain all records that are required in rules adopted under 23870
section ~~943.24~~ 944.07 of the Revised Code. The records shall be 23871
kept permanently on the premises stated in the license and shall 23872
be open for inspection by any authorized representative of the 23873
department of agriculture at all reasonable times and of the 23874
division of wildlife at all reasonable times in conjunction with 23875
an active criminal investigation. 23876

(C) The holder of a captive white-tailed deer propagation 23877
license shall not knowingly falsify any record or tag that is 23878
required in rules adopted under section ~~943.24~~ 944.07 of the 23879
Revised Code or in rules adopted under section 1531.10 of the 23880
Revised Code. 23881

Sec. 1546.01. As used in this chapter and Chapter 1547. of 23882
the Revised Code: 23883

"Canoe" means a paddlecraft that is normally an open, 23884
narrow vessel of shallow draft, typically pointed at both ends 23885
and propelled by its occupants through the use of paddles while 23886
kneeling or sitting on a raised seat, including a flat-backed 23887
canoe and a racing canoe. 23888

"Coast guard approved" means bearing an approval number 23889
assigned by the United States coast guard. 23890

"Conditional approval" means a personal flotation device 23891
approval that has one or more conditions with which the user 23892
must comply in order for the device to be considered appropriate 23893

for meeting the requirements for personal flotation devices for 23894
the vessel on which it is being used. 23895

"Diver's flag" means a red flag not less than one foot 23896
square having a diagonal white stripe extending from the 23897
masthead to the opposite lower corner that when displayed 23898
indicates that divers are in the water. 23899

"Drug of abuse" has the same meaning as in section 4506.01 23900
of the Revised Code. 23901

"E-foil" means a long, narrow, somewhat rounded, 23902
mechanically propelled vessel that is inherently buoyant, has no 23903
cockpit, is constructed of a flat, or nearly flat, rigid 23904
material, utilizing a hydrofoil that is designed to lift the 23905
hull above the surface of the water while being operated by a 23906
single person in a standing or kneeling position. 23907

"Electronic" includes electrical, digital, magnetic, 23908
optical, electromagnetic, or any other form of technology that 23909
entails capabilities similar to these technologies. 23910

"Electronic record" means a record generated, 23911
communicated, received, or stored by electronic means for use in 23912
an information system or for transmission from one information 23913
system to another. 23914

"Electronic signature" means a signature in electronic 23915
form attached to or logically associated with an electronic 23916
record. 23917

"Idle speed" means the slowest possible speed needed to 23918
maintain steerage or maneuverability. 23919

"Impoundment" means the reservoir created by a dam or 23920
other artificial barrier across a watercourse that causes water 23921

to be stored deeper than and generally beyond the banks of the 23922
natural channel of the watercourse during periods of normal 23923
flow, but does not include water stored behind rock piles, rock 23924
riffle dams, and low channel dams where the depth of water is 23925
less than ten feet above the channel bottom and is essentially 23926
confined within the banks of the natural channel during periods 23927
of normal stream flow. 23928

"Inflatable watercraft" means any vessel constructed of 23929
rubber, canvas, or other material that is designed to be 23930
inflated with any gaseous substance, constructed with two or 23931
more air cells, and operated as a vessel. An inflatable 23932
watercraft propelled by a motor is a powercraft. An inflatable 23933
watercraft propelled by a sail is a sailboat. An inflatable 23934
watercraft propelled by human muscular effort utilizing a paddle 23935
or pole is a paddlecraft. An inflatable watercraft propelled by 23936
human muscular effort utilizing an oar with the aid of a fulcrum 23937
provided by oarlocks, tholepins, crutches, or similar 23938
arrangements is a rowboat. 23939

"In operation" in reference to a vessel means that the 23940
vessel is being navigated or otherwise used on the waters in 23941
this state. 23942

"Jetboard" means a long, narrow, somewhat rounded, 23943
mechanically propelled vessel that is inherently buoyant, has no 23944
cockpit, is constructed of a flat, or nearly flat rigid 23945
material, and is operated by an individual who is kneeling, 23946
standing, or lying on the vessel. 23947

"Kayak" means a paddlecraft that is typically pointed at 23948
both ends and is propelled by human muscular effort by one or 23949
more seated individuals who use a double-bladed paddle, 23950
including an open kayak with an open deck for operator seating, 23951

an enclosed kayak designed to enclose an occupant within a 23952
cockpit, a tandem kayak designed for multiple occupants, and a 23953
racing kayak. 23954

"Law enforcement vessel" means any vessel used in law 23955
enforcement or under the command of a law enforcement officer. 23956

"Muffler" means an acoustical suppression device or system 23957
that is designed and installed to abate the sound of exhaust 23958
gases emitted from an internal combustion engine and that 23959
prevents excessive or unusual noise. 23960

"Navigable waters" means waters that come under the 23961
jurisdiction of the department of the army of the United States 23962
and any waterways within or adjacent to this state, except 23963
inland lakes having neither a navigable inlet nor outlet. 23964

"No wake" has the same meaning as "idle speed." 23965

"Operator" includes any person who uses, navigates, 23966
employs, or has under the person's control a vessel, or vessel 23967
and detachable motor, on the waters in this state. 23968

"Owner" includes any person, other than a secured party, 23969
who claims lawful possession of a vessel by virtue of legal 23970
title or equitable interest therein that entitled the person to 23971
use or possess the vessel, including a person entitled to use or 23972
possess a vessel subject to a security interest in another 23973
person, but does not include a lessee under a lease not intended 23974
as a security. 23975

"Paddlecraft" means any type of canoe, kayak, paddleboard, 23976
or other vessel powered only by its occupants using a single or 23977
double-bladed paddle as a lever without the aid of a fulcrum 23978
provided by oarlocks, tholepins, crutches, or similar 23979
mechanisms. 23980

"Performance type" means the in-water performance
classification of a personal flotation device as determined by
the United States coast guard.

"Person" includes any legal entity defined as a person in
section 1.59 of the Revised Code and any body politic, except
the United States and this state, and includes any agent,
trustee, executor, receiver, assignee, or other representative
thereof.

"Personal flotation device" means a United States coast
guard approved personal safety device designed to provide
buoyancy to support a person in the water.

"Personal watercraft" means a vessel, less than sixteen
feet in length, that is propelled by a water-jet pump or other
machinery and designed to be operated by an individual sitting,
standing, or kneeling on the vessel rather than by an individual
sitting or standing inside the vessel.

"Powercraft" means any vessel propelled by machinery,
fuel, rockets, or similar device.

"Racing shell" means a narrow rowboat designed
specifically for racing that is propelled across the water by
its occupants utilizing two or more oars, including vessels
commonly referred to as rowing shells and sculling shells.

"Rowboat" means an open vessel, other than a paddlecraft,
that is designed to be rowed and that is propelled by human
muscular effort by oars and upon which no mechanical propulsion
device, electric motor, internal combustion engine, or sail has
been affixed or is used for the operation of the vessel.

"Rowboat" includes any vessel conforming to the description of
a racing shell ~~and a rowing shell~~ regardless of length or

construction. 24010

"Rules" means rules adopted by the chief of the division 24011
of parks and watercraft under this chapter or Chapter 1547. of 24012
the Revised Code, unless the context indicates otherwise. 24013

"Sailboat" means any vessel, equipped with mast and sails, 24014
dependent upon the wind to propel it in the normal course of 24015
operation. 24016

A vessel with sail as its primary method of propulsion and 24017
mechanical propulsion as its secondary method of propulsion is 24018
an auxiliary sail. 24019

Any sailboat being propelled by mechanical power, whether 24020
under sail or not, is deemed a powercraft and subject to all 24021
laws and rules governing powercraft operation. 24022

"Sewage" means human body wastes and the wastes from 24023
toilets and other receptacles intended to receive or retain body 24024
waste. 24025

"Throwable personal flotation device" means a device that 24026
is intended to be thrown to a person in the water. "Throwable 24027
personal flotation device" includes a personal flotation device 24028
marked as "Type IV" or "Type V with Type IV performance." 24029
"Throwable personal flotation device" does not include a 24030
wearable personal flotation device unless it is specifically 24031
marked otherwise. 24032

"Towed watersport" means any activity that involves being 24033
towed by or riding in the wake of a recreational vessel, 24034
including both of the following: 24035

(1) Riding or attempting to ride on one or more water 24036
skis, a wakeboard, a surfboard, an inflatable device, or any 24037

other device manufactured or used for the purpose of being towed 24038
by a recreational vessel; 24039

(2) Engaging or attempting to engage in barefoot skiing or 24040
parasailing. 24041

"Type one personal flotation device" means a device that 24042
is designed to turn an unconscious person floating in water from 24043
a face downward position to a vertical or slightly face upward 24044
position and that has at least nine kilograms, approximately 24045
twenty pounds, of buoyancy. 24046

"Type two personal flotation device" means a device that 24047
is designed to turn an unconscious person in the water from a 24048
face downward position to a vertical or slightly face upward 24049
position and that has at least seven kilograms, approximately 24050
fifteen and four-tenths pounds, of buoyancy. 24051

"Type three personal flotation device" means a device that 24052
is designed to keep a conscious person in a vertical or slightly 24053
face upward position and that has at least seven kilograms, 24054
approximately fifteen and four-tenths pounds, of buoyancy. 24055

"Type four personal flotation device" means a device that 24056
is designed to be thrown to a person in the water and not worn 24057
and that has at least seven and five-tenths kilograms, 24058
approximately sixteen and five-tenths pounds, of buoyancy. 24059

"Type five personal flotation device" means a device that, 24060
unlike other personal flotation devices, has limitations on its 24061
approval by the United States coast guard, including, without 24062
limitation, any of the following: 24063

(1) A designation that states the device is approved only 24064
for use while participating in specific activities; 24065

(2) A designation that states the device is approved only 24066
for use by an operator or passenger of specific types of 24067
vessels; 24068

(3) A designation that states the device is specifically 24069
approved as a substitute for the type of personal flotation 24070
device required for use while engaged in certain activities or 24071
as an operator or passenger of a vessel. 24072

"Vessel" includes every description of craft, including 24073
nondisplacement craft, multimodal craft, and submersibles, being 24074
used or capable of being used as a means of transportation on 24075
water. 24076

"Visible" means visible on a dark night with clear 24077
atmosphere. 24078

"Watercourse" means a substantially natural channel with 24079
recognized banks and bottom in which a flow of water occurs, 24080
with an average of at least ten feet mean surface water width 24081
and at least five miles of length. 24082

"Watercraft" means any of the following when used or 24083
capable of being used for transportation on the water: 24084

(1) A vessel operated by machinery either permanently or 24085
temporarily affixed; 24086

(2) A sailboat other than a sailboard; 24087

(3) An inflatable, manually propelled vessel that is 24088
required by federal law to have a hull identification number 24089
meeting the requirements of the United States coast guard; 24090

(4) A canoe, kayak, pedalboat, or rowboat; 24091

(5) Any of the following multimodal craft being operated 24092

on waters in this state: 24093

(a) An amphibious vehicle; 24094

(b) A submersible; 24095

(c) An airboat or hovercraft. 24096

(6) A vessel that has been issued a certificate of 24097
documentation with a recreational endorsement under 46 C.F.R. 24098
67. 24099

"Watercraft" does not include ferries as referred to in 24100
Chapter 4583. of the Revised Code. 24101

Watercraft subject to section 1547.54 of the Revised Code 24102
are divided into five classes as follows: 24103

Class A: Less than sixteen feet in length; 24104

Class 1: At least sixteen feet, but less than twenty-six 24105
feet in length; 24106

Class 2: At least twenty-six feet, but less than forty 24107
feet in length; 24108

Class 3: At least forty feet, but less than sixty-five 24109
feet in length; 24110

Class 4: At least sixty-five feet in length. 24111

"Watercraft dealer" means any person who is regularly 24112
engaged in the business of manufacturing, selling, displaying, 24113
offering for sale, or dealing in vessels at an established place 24114
of business that is used primarily for the selling, displaying, 24115
offering for sale, or dealing of vessels. "Watercraft dealer" 24116
does not include a person who is a marine salvage dealer or any 24117
other person who dismantles, salvages, or rebuilds vessels using 24118
used parts. 24119

"Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating.

"Wearable personal flotation device" means a device that is intended to be worn or otherwise attached to a person's body. "Wearable personal flotation device" includes a personal flotation device marked as "Type I," "Type II," "Type III," "Type V with Type II performance," or "Type V with Type III performance."

Sec. 1546.25. The park lodges, maintenance, and repair fund is created in the state treasury. The fund shall consist of money received from contractual agreements with service providers and concessionaires for state park lodges, restaurants, and marinas. The chief of the division of parks and watercraft shall use money in the fund to pay maintenance and repair costs for facilities operated by concessionaires and service providers at state park lodges, restaurants, and marinas.

Sec. 1546.26. The parks and watercraft holding fund is created in the state treasury. The fund shall consist of money received by the division of parks and watercraft from gift card sales, credit card sales, and sales conducted at field locations.

With regard to gift card sales, the chief of the division of parks and watercraft shall transfer money in the parks and watercraft holding fund to the appropriate fund after gift certificates and gift cards are redeemed.

Sec. 1547.531. (A) (1) Except as provided in division (A) 24149
(2) or (B) of this section, no person shall operate or give 24150
permission for the operation of any watercraft on the waters in 24151
this state unless the watercraft is registered in the name of 24152
the current owner in accordance with section 1547.54 of the 24153
Revised Code, and the registration is valid and in effect. 24154

(2) On and after January 1, 1999, if a watercraft that is 24155
required to be issued a certificate of title under Chapter 1548. 24156
of the Revised Code is transferred to a new owner, it need not 24157
be registered under section 1547.54 of the Revised Code for 24158
sixty days following the date of the transfer, provided that the 24159
new owner purchases a temporary watercraft registration under 24160
division (A) of this section or holds a bill of sale from a 24161
watercraft dealer. 24162

For the purposes of division (A) (2) of this section, a 24163
temporary watercraft registration or a bill of sale from a 24164
watercraft dealer shall contain at least all of the following 24165
information: 24166

(a) The hull identification number or serial number of the 24167
watercraft; 24168

(b) The make of the watercraft; 24169

(c) The length of the watercraft; 24170

(d) The type of propulsion, if any; 24171

(e) The state in which the watercraft principally is 24172
operated; 24173

(f) The name of the owner; 24174

(g) The address of the owner, including the zip code; 24175

(h) The signature of the owner; 24176

(i) The date of purchase; 24177

(j) A notice to the owner that the temporary watercraft 24178
registration expires sixty days after the date of purchase of 24179
the watercraft or that the watercraft cannot be operated on the 24180
waters in this state solely under the bill of sale beginning 24181
sixty days after the date of purchase of the watercraft, as 24182
applicable. 24183

(3) A person may purchase a temporary watercraft 24184
registration from the chief of the division of parks and 24185
watercraft or from an authorized agent designated under section 24186
1547.54 of the Revised Code. The chief shall furnish forms for 24187
temporary watercraft registrations to authorized agents. In 24188
addition to completing the registration form with the 24189
information specified in divisions (A) (2) (a) to (i) of this 24190
section, the person shall pay one of the applicable fees 24191
required under divisions (A) (2) (a) to (g) of section 1547.54 of 24192
the Revised Code as provided in that section. 24193

Moneys received for the payment of temporary watercraft 24194
registrations shall be deposited to the credit of the waterways 24195
safety fund created in section 1547.75 of the Revised Code. 24196

(4) In addition to the applicable fee required under 24197
division (A) (3) of this section, the chief or an authorized 24198
agent shall charge an additional writing fee of ~~three~~ five 24199
dollars for a temporary watercraft registration that the chief 24200
or the authorized agent issues. When the temporary watercraft 24201
registration is issued by an authorized agent, the agent may 24202
retain the additional writing fee. When the temporary watercraft 24203
registration is issued by the chief, the additional writing fee 24204

shall be deposited to the credit of the waterways safety fund. 24205

(5) A person who purchases a temporary watercraft 24206
registration for a watercraft and who subsequently applies for a 24207
registration certificate under section 1547.54 of the Revised 24208
Code need not pay the fee required under division (A) (2) of that 24209
section for the initial registration certificate issued for that 24210
watercraft, provided that at the time of application for the 24211
registration certificate, the person furnishes proof of payment 24212
for the temporary watercraft registration. 24213

(6) A person who purchases a temporary watercraft 24214
registration, who subsequently applies for a registration 24215
certificate under section 1547.54 of the Revised Code, and who 24216
is exempt from payment for the registration certificate under 24217
division (P) of that section may apply to the chief for a refund 24218
of the amount paid for the temporary watercraft registration at 24219
the time that the person applies for a registration certificate. 24220
The chief shall refund that amount upon issuance to the person 24221
of a registration certificate. 24222

(7) All records of the division of parks and watercraft 24223
made or maintained for the purposes of divisions (A) (2) to (8) 24224
of this section are public records. The records shall be 24225
available for inspection at reasonable hours and in a manner 24226
that is compatible with normal operations of the division. 24227

(8) Pursuant to division (C) (2) of section 1546.04 of the 24228
Revised Code, the chief may adopt rules establishing all of the 24229
following: 24230

(a) Record-keeping requirements governing the issuance of 24231
temporary watercraft registrations and the use of bills of sale 24232
from watercraft dealers for the purposes of division (A) (2) of 24233

this section; 24234

(b) Procedures and requirements for the refund of fees 24235
under division (A) (6) of this section; 24236

(c) Any other procedures and requirements necessary for 24237
the administration and enforcement of divisions (A) (2) to (8) of 24238
this section. 24239

(B) All of the following watercraft are exempt from 24240
registration: 24241

(1) Those that are exempt from numbering by the state 24242
under divisions (B) to (G) of section 1547.53 of the Revised 24243
Code; 24244

(2) Those that have been issued a commercial documentation 24245
by the United States coast guard or its successor and are used 24246
exclusively for commercial purposes; 24247

(3) Those that have been documented by the United States 24248
coast guard or its successor as temporarily transitting, whose 24249
principal use is not on the waters in this state, and that have 24250
not been used within this state for more than sixty days. 24251

(C) No person shall operate a watercraft documented by the 24252
United States coast guard or its successor unless the 24253
certificate of documentation is valid, is on the watercraft for 24254
which it has been issued, and is available for inspection 24255
whenever the watercraft is in operation. In accordance with 46 24256
C.F.R. part 67, as amended, the watercraft shall display the 24257
official number, the vessel name, and the home port listed on 24258
the certificate of documentation. 24259

(D) (1) For the purposes of this section and section 24260
1547.53 of the Revised Code, a watercraft is principally using 24261

the waters in this state if any of the following applies: 24262

(a) The owner resides in this state and declares that the 24263
watercraft principally is using the waters in this state. 24264

(b) The owner resides in another state, but declares that 24265
the watercraft principally is using the waters in this state. 24266

(c) The watercraft is registered in another state or 24267
documented by the United States coast guard and is used within 24268
this state for more than sixty days regardless of whether it has 24269
been assigned a seasonal or permanent mooring at any public or 24270
private docking facility in this state. 24271

(2) Notwithstanding division (D) (1) (c) of this section, a 24272
person on active duty in the armed forces of the United States 24273
may register a watercraft in the person's state of permanent 24274
residence in lieu of registering it in this state regardless of 24275
the number of days that the watercraft is used in this state. 24276

Sec. 1547.54. (A) (1) Except as otherwise provided in 24277
section 1547.542 of the Revised Code, the owner of every 24278
watercraft requiring registration under this chapter shall file 24279
an application for a triennial registration certificate with the 24280
chief of the division of parks and watercraft on forms that 24281
shall be provided by the chief or by an electronic means 24282
approved by the chief. The application shall be signed by the 24283
following: 24284

(a) If the watercraft is owned by two persons under joint 24285
ownership with right of survivorship established under section 24286
2131.12 of the Revised Code, by both of those persons as owners 24287
of the watercraft. The signatures may be done by electronic 24288
signature if the owners themselves are renewing the registration 24289
and there are no changes in the registration information since 24290

the issuance of the immediately preceding registration 24291
certificate. In all other instances, the signatures shall be 24292
done manually. 24293

(b) If the watercraft is owned by a minor, by the minor 24294
and a parent or legal guardian. The signatures may be done by 24295
electronic signature if the parent or legal guardian and the 24296
minor themselves are renewing the registration and there are no 24297
changes in the registration information since the issuance of 24298
the immediately preceding registration certificate. In all other 24299
instances, the signatures shall be done manually. 24300

(c) In all other cases, by the owner of the watercraft. 24301
The signature may be done by electronic signature if the owner 24302
is renewing the registration personally and there are no changes 24303
in the registration information since the issuance of the 24304
immediately preceding registration certificate. In all other 24305
instances, the signatures shall be done manually. 24306

(2) An application for a triennial registration of a 24307
watercraft filed under division (A)(1) of this section shall be 24308
accompanied by the following fee: 24309

(a) For canoes, kayaks, rowboats, and inflatable 24310
watercraft meeting the definition of paddlecraft, or any other 24311
watercraft propelled solely by human muscular effort that are 24312
numbered under section 1547.53 of the Revised Code, twelve 24313
dollars; 24314

(b) For canoes, kayaks, row boats, and inflatable 24315
watercraft meeting the definition of paddlecraft, or any other 24316
watercraft propelled solely by human muscular effort that are 24317
not numbered under section 1547.53 of the Revised Code, 24318
seventeen dollars; 24319

(c) For class A watercraft, including motorized canoes, e- 24320
foils, and jetboards, thirty dollars; 24321

(d) For class 1 watercraft, forty-five dollars; 24322

(e) For class 2 watercraft, sixty dollars; 24323

(f) For class 3 watercraft, seventy-five dollars; 24324

(g) For class 4 watercraft, ninety dollars. 24325

(3) For the purpose of registration, any watercraft 24326
operated by means of power, sail, or any other mechanical or 24327
electrical means of propulsion, except motorized canoes, e- 24328
foils, and jetboards, shall be registered by length as 24329
prescribed in this section. 24330

(4) If an application for registration is filed by two 24331
persons as owners under division (A) (1) (a) of this section, the 24332
person who is listed first on the title shall serve as and 24333
perform the duties of the "owner" and shall be considered the 24334
person "in whose name the watercraft is registered" for purposes 24335
of divisions (B) to (R) of this section and for purposes of all 24336
other sections in this chapter. 24337

(B) All registration certificates issued under this 24338
section are valid for three years and are renewable on a 24339
triennial basis unless sooner terminated or discontinued in 24340
accordance with this chapter. The renewal date shall be printed 24341
on the registration certificate. A registration certificate may 24342
be renewed by the owner in the manner prescribed by the chief. 24343
All fees shall be charged according to a proration of the time 24344
remaining in the registration cycle to the nearest year. 24345

(C) In addition to the fees set forth in this section, the 24346
chief, or any authorized agent, shall charge an additional 24347

writing fee of ~~three~~five dollars for any registration 24348
certificate the chief or authorized agent issues. When the 24349
registration certificate is issued by an authorized agent, the 24350
additional writing fee of ~~three~~five dollars shall be retained 24351
by the issuing agent. When the registration certificate is 24352
issued by the chief, the additional writing fee of ~~three~~five 24353
dollars shall be deposited to the credit of the waterways safety 24354
fund established in section 1547.75 of the Revised Code. 24355

(D) In addition to the fees established in this section, 24356
watercraft that are not powercraft shall be charged a waterways 24357
conservation assessment fee of five dollars. The fee shall be 24358
collected at the time of the issuance of a triennial watercraft 24359
registration under division (A) (2) of this section and deposited 24360
in the state treasury and credited to a distinct account in the 24361
waterways safety fund created in section 1547.75 of the Revised 24362
Code. 24363

(E) (1) Upon receipt of the application in approved form, 24364
the chief shall enter the same upon the records of the office of 24365
the division of parks and watercraft, assign a number to the 24366
watercraft if a number is required under section 1547.53 of the 24367
Revised Code, and issue to the applicant a registration 24368
certificate. If a number is assigned by the chief, it shall be 24369
set forth on the certificate. The registration certificate, in 24370
physical or digital form, shall be on the watercraft for which 24371
it is issued and available at all times for inspection whenever 24372
the watercraft is in operation, except that livery operators may 24373
retain the registration certificate at the livery where it shall 24374
remain available for inspection at all times and except as 24375
otherwise provided in division (E) (2) of this section. 24376

(2) A person who is operating on the waters of this state 24377

a canoe, kayak, rowboat, or inflatable watercraft meeting the 24378
definition of a paddlecraft that has not been numbered under 24379
section 1547.53 of the Revised Code and who is stopped by a law 24380
enforcement officer in the enforcement of this chapter or rules 24381
shall present to the officer, not later than seventy-two hours 24382
after being stopped, a registration certificate, in physical or 24383
digital form. The registration certificate shall have been 24384
obtained under this section for the canoe, kayak, rowboat, or 24385
inflatable watercraft meeting the definition of a paddlecraft 24386
prior to the time that it was stopped. Failure of the person to 24387
present the registration certificate within seventy-two hours 24388
constitutes prima-facie evidence of a violation of this section. 24389

(F) No person shall issue or be issued a registration 24390
certificate for a watercraft that is required to be issued a 24391
certificate of title under Chapter 1548. of the Revised Code 24392
except upon presentation of a certificate of title for the 24393
watercraft as provided in that chapter, proof of current 24394
documentation by the United States coast guard, a renewal 24395
registration form provided by the division of parks and 24396
watercraft, or a certificate of registration issued under this 24397
section that has expired if there is no change in the ownership 24398
or description of the watercraft. 24399

(G) Whenever the ownership of a watercraft changes, a new 24400
application form together with the prescribed fee shall be filed 24401
with the chief or the chief's agent and a new registration 24402
certificate shall be issued. The application shall be signed 24403
manually by the person or persons specified in divisions (A) (1) 24404
(a) to (c) of this section and shall be accompanied by a two- 24405
dollar transfer fee. Any remaining time on the registration 24406
shall be transferred. An authorized agent of the chief shall 24407
charge an additional writing fee of three dollars, which shall 24408

be retained by the issuing agent. If the certificate is issued 24409
by the chief, an additional writing fee of three dollars for 24410
each certificate issued shall be collected and deposited to the 24411
credit of the waterways safety fund. 24412

(H) If an agency of the United States has in force an 24413
overall system of identification numbering for watercraft or 24414
certain types of watercraft within the United States, the 24415
numbering system employed by the division shall be in conformity 24416
with that system. 24417

(I) (1) The chief may assign any registration certificates 24418
to any authorized agent for the assignment of the registration 24419
certificates. If a person accepts that authorization, the person 24420
may be assigned a block of numbers and certificates that upon 24421
assignment, in conformity with this chapter and Chapter 1548. of 24422
the Revised Code and with rules, shall be valid as if assigned 24423
directly by the division. Any person so designated as an agent 24424
by the chief shall post with the division security as may be 24425
required by the director of natural resources. The chief may 24426
issue an order temporarily or permanently restricting or 24427
suspending an agent's authorization without a hearing if the 24428
chief finds that the agent has violated this chapter or Chapter 24429
1548. of the Revised Code, rules, or any agreements prescribed 24430
by the chief. 24431

(2) A clerk of the court of common pleas may apply for 24432
designation as an authorized agent of the chief. The division 24433
shall accept the clerk's bond that is required under section 24434
2303.02 of the Revised Code for any security that is required 24435
for agents under this division, provided that the bond includes 24436
a rider or other provision specifically covering the clerk's 24437
duties as an authorized agent of the chief. 24438

(J) All records of the division made or kept pursuant to 24439
this section shall be public records. Those records shall be 24440
available for inspection at reasonable hours and in a manner 24441
compatible with normal operations of the division. 24442

(K) The owner shall furnish the division notice within 24443
fifteen days of the following: 24444

(1) The transfer, other than through the creation of a 24445
security interest in any watercraft, of all or any part of the 24446
owner's interest or, if the watercraft is owned by two persons 24447
under joint ownership with right of survivorship established 24448
under section 2131.12 of the Revised Code, of all or any part of 24449
the joint interest of either of the two persons. The transfer 24450
shall not terminate the registration certificate. 24451

(2) Any change in the address appearing on the 24452
certificate. As a part of the notification, the owner shall 24453
furnish the chief with the owner's new address. 24454

(3) The destruction or abandonment of the watercraft. 24455

(L) The chief may issue duplicate registration 24456
certificates or duplicate tags to owners of currently registered 24457
watercraft, the fee for which shall be four dollars. 24458

(M) If the chief finds that a registration certificate 24459
previously issued to an owner is in error to a degree that would 24460
impair its basic purpose and use, the chief may issue a 24461
corrected certificate to the owner without charge. 24462

(N) No authorized agent shall issue and no person shall 24463
receive or accept from an authorized agent a registration 24464
certificate assigned to the authorized agent under division (I) 24465
of this section unless the exact month, day, and year of issue 24466
are plainly written on the certificate by the agent. 24467

Certificates issued with incorrect dates of issue are void from 24468
the time they are issued. 24469

(O) The chief, in accordance with Chapter 119. of the 24470
Revised Code, shall adopt rules governing the renewal of 24471
watercraft registrations by electronic means. 24472

(P) As used in this section: 24473

(1) "Disabled veteran" means a person who is included in 24474
either of the following categories: 24475

(a) Because of a service-connected disability, has been or 24476
is awarded funds for the purchase of a motor vehicle under the 24477
"Disabled Veterans' and Servicemen's Automobile Assistance Act 24478
of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 24479

(b) Has a service-connected disability rated at one 24480
hundred per cent by the veterans administration. 24481

(2) "Prisoner of war" means any regularly appointed, 24482
enrolled, enlisted, or inducted member of the military forces of 24483
the United States who was captured, separated, and incarcerated 24484
by an enemy of the United States at any time, and any regularly 24485
appointed, enrolled, or enlisted member of the military forces 24486
of Great Britain, France, Australia, Belgium, Brazil, Canada, 24487
China, Denmark, Greece, the Netherlands, New Zealand, Norway, 24488
Poland, South Africa, or the republics formerly associated with 24489
the Union of Soviet Socialist Republics or Yugoslavia who was a 24490
citizen of the United States at the time of the appointment, 24491
enrollment, or enlistment, and was captured, separated, and 24492
incarcerated by an enemy of this country during World War II. 24493

(Q) Any disabled veteran, congressional medal of honor 24494
awardee, or prisoner of war may apply to the chief for a 24495
certificate of registration, or for a renewal of the certificate 24496

of registration, without the payment of any fee required by this 24497
section. The application for a certificate of registration shall 24498
be accompanied by evidence of disability or by documentary 24499
evidence in support of a congressional medal of honor that the 24500
chief requires by rule. The application for a certificate of 24501
registration by any person who has been a prisoner of war shall 24502
be accompanied by written evidence in the form of a record of 24503
separation, a letter from one of the armed forces of a country 24504
listed in division (P) (2) of this section, or other evidence 24505
that the chief may require by rule, that the person was 24506
honorably discharged or is currently residing in this state on 24507
active duty with one of the branches of the armed forces of the 24508
United States, or was a prisoner of war and was honorably 24509
discharged or received an equivalent discharge or release from 24510
one of the armed forces of a country listed in division (P) (2) 24511
of this section. 24512

(R) Annually by the fifteenth day of January, the director 24513
of natural resources shall determine the amount of fees that 24514
would have been collected in the prior calendar year for each 24515
certificate of registration issued or renewed pursuant to 24516
division (Q) of this section and shall certify the total amount 24517
of foregone revenue to the director of budget and management for 24518
reimbursement. The director of budget and management shall 24519
transfer the amount certified from the general revenue fund to 24520
the waterways safety fund. 24521

(S) The fees prescribed in division (A) (2) of this section 24522
that accompany an application for a triennial registration of a 24523
watercraft on or after January 1, 2027, shall be increased by an 24524
amount not to exceed the percentage by which the consumer price 24525
index for all urban consumers published by the United States 24526
department of labor has changed since January 1, 1994, rounded 24527

to the nearest whole dollar.

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Sec. 1548.06. (A) (1) Application for a certificate of title for a watercraft or outboard motor shall be made upon a form prescribed by the chief of the division of parks and watercraft and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the chief in any county with the clerk of the court of common pleas of that county. The application shall be accompanied by the fee prescribed in section 1548.10 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

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(2) If a certificate of title previously has been issued for the watercraft or outboard motor, the application for a certificate of title also shall be accompanied by the certificate of title duly assigned unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the watercraft or outboard motor in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate; by a sworn statement of ownership if the watercraft or outboard motor was purchased by the applicant on or before October 9, 1963, or if the watercraft is less than fourteen feet long with a permanently affixed mechanical means of propulsion and was

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purchased by the applicant on or before January 1, 2000; or by a
certificate of title, bill of sale, or other evidence of
ownership required by the law of another state from which the
watercraft or outboard motor was brought into this state.
Evidence of ownership of a watercraft or outboard motor for
which an Ohio certificate of title previously has not been
issued and which watercraft or outboard motor does not have
permanently affixed to it a manufacturer's serial number shall
be accompanied by the certificate of assignment of a hull
identification number assigned by the chief as provided in
section 1548.07 of the Revised Code.

(3) The clerk shall retain the evidence of title presented
by the applicant and on which the certificate of title is
issued, except that, if an application for a certificate of
title is filed electronically, by a vendor on behalf of a
purchaser of a watercraft or outboard motor, the clerk shall
retain the completed electronic record to which the vendor
converted the certificate of title application and other
required documents. The chief, after consultation with the
attorney general, shall adopt rules that govern the location at
which, and the manner in which, are stored the actual
application and all other documents relating to the sale of a
watercraft or outboard motor when a vendor files the application
for a certificate of title electronically on behalf of a
purchaser.

(B) The clerk shall use reasonable diligence in
ascertaining whether the facts in the application are true by
checking the application and documents accompanying it or the
electronic record to which a vendor converted the application
and accompanying documents with the records of watercraft and
outboard motors in the clerk's office. If the clerk is satisfied

that the applicant is the owner of the watercraft or outboard 24590
motor and that the application is in the proper form, the clerk 24591
shall issue a physical certificate of title over the clerk's 24592
signature and sealed with the clerk's seal unless the applicant 24593
specifically requests the clerk not to issue a physical 24594
certificate of title and instead to issue an electronic 24595
certificate of title. However, if the evidence indicates and an 24596
investigation shows that one or more Ohio titles already exist 24597
for the watercraft or outboard motor, the chief may cause the 24598
redundant title or titles to be canceled. 24599

(C) In the case of the sale of a watercraft or outboard 24600
motor by a vendor to a general purchaser or user, the 24601
certificate of title shall be obtained in the name of the 24602
purchaser by the vendor upon application signed by the 24603
purchaser. In all other cases, the certificate shall be obtained 24604
by the purchaser. In all cases of transfer of watercraft or 24605
outboard motors, the application for certificate of title shall 24606
be filed within thirty days after the later of the date of 24607
purchase or assignment of ownership of the watercraft or 24608
outboard motor. If the application for certificate of title is 24609
not filed within thirty days after the later of the date of 24610
purchase or assignment of ownership of the watercraft or 24611
outboard motor, the clerk shall charge a late penalty fee of 24612
five dollars in addition to the fee prescribed by section 24613
1548.10 of the Revised Code. The clerk shall retain the entire 24614
amount of each late penalty fee. 24615

(D) The clerk shall refuse to accept an application for 24616
certificate of title unless the applicant either tenders with 24617
the application payment of all taxes levied by or pursuant to 24618
Chapter 5739. or 5741. of the Revised Code based on the 24619
applicant's county of residence less, in the case of a sale by a 24620

vendor, any discount to which the vendor is entitled under 24621
section 5739.12 of the Revised Code, or submits any of the 24622
following: 24623

(1) A receipt issued by the tax commissioner or a clerk of 24624
courts showing payment of the tax; 24625

(2) A copy of the unit certificate of exemption completed 24626
by the purchaser at the time of sale as provided in section 24627
5739.03 of the Revised Code; 24628

(3) An exemption certificate, in a form prescribed by the 24629
tax commissioner, that specifies why the purchase is not subject 24630
to the tax imposed by Chapter 5739. or 5741. of the Revised 24631
Code. 24632

Payment of the tax shall be in accordance with rules 24633
issued by the tax commissioner, and the clerk shall issue a 24634
receipt in the form prescribed by the tax commissioner to any 24635
applicant who tenders payment of the tax with the application 24636
for the certificate of title. 24637

(E) (1) For receiving and disbursing the taxes paid to the 24638
clerk by a resident of the clerk's county, the clerk may retain 24639
a poundage fee of one and one one-hundredth per cent of the 24640
taxes collected, which shall be paid into the certificate of 24641
title administration fund created by section 325.33 of the 24642
Revised Code. The clerk shall not retain a poundage fee from 24643
payments of taxes by persons who do not reside in the clerk's 24644
county. 24645

(2) A clerk, however, may retain from the taxes paid to 24646
the clerk an amount equal to the poundage fees associated with 24647
certificates of title issued by other clerks of courts of common 24648
pleas to applicants who reside in the first clerk's county. The 24649

chief of the division of parks and watercraft, in consultation 24650
with the tax commissioner and the clerks of the courts of common 24651
pleas, shall develop a report from the automated title 24652
processing system that informs each clerk of the amount of the 24653
poundage fees that the clerk is permitted to retain from those 24654
taxes because of certificates of title issued by the clerks of 24655
other counties to applicants who reside in the first clerk's 24656
county. 24657

(F) In the case of casual sales of watercraft or outboard 24658
motors that are subject to the tax imposed by Chapter 5739. or 24659
5741. of the Revised Code, the purchase price for the purpose of 24660
determining the tax shall be the purchase price on an affidavit 24661
executed and filed with the clerk by the vendor on a form to be 24662
prescribed by the chief, which shall be prima-facie evidence of 24663
the price for the determination of the tax. In addition to the 24664
information required by section 1548.08 of the Revised Code, 24665
each certificate of title shall contain in bold lettering the 24666
following notification and statements: "WARNING TO TRANSFEROR 24667
AND TRANSFEREE (SELLER AND BUYER). You are required by law to 24668
state the true selling price. A false statement is a violation 24669
of section 2921.13 of the Revised Code and is punishable by six 24670
months imprisonment or a fine of up to one thousand dollars, or 24671
both. All transfers are audited by the department of taxation. 24672
The seller and buyer must provide any information requested by 24673
the department of taxation. The buyer may be assessed any 24674
additional tax found to be due." 24675

(G) Each county clerk of courts shall forward to the ~~tax-~~ 24676
~~commissioner-registrar~~ of motor vehicles, in a manner prescribed 24677
by the tax commissioner, all sales and use tax collections 24678
resulting from sales of titled watercraft and outboard motors 24679
during a calendar week on or before the Friday following the 24680

close of that week. If, on any Friday, the offices of the clerk 24681
of courts or the state are not open for business, the tax shall 24682
be forwarded to the ~~commissioner~~ registrar on or before the next 24683
day on which the offices are open. Every remittance of tax under 24684
this division shall be accompanied by a remittance report in 24685
such form as the commissioner, in consultation with the director 24686
of public safety, prescribes. If the tax due for any week is not 24687
remitted by a clerk of courts as required under this division, 24688
the clerk shall forfeit the poundage fees for the sales made 24689
during that week. The commissioner may require the clerks of 24690
courts to transmit tax collections and remittance reports 24691
electronically. 24692

(H) For purposes of a transfer of a certificate of title, 24693
if the clerk is satisfied that a secured party has discharged a 24694
lien but has not canceled the lien notation with a clerk, the 24695
clerk may cancel the lien notation on the automated title 24696
processing system and notify the clerk of the county of origin. 24697

(I) Every clerk shall have the capability to transact by 24698
electronic means all procedures and transactions relating to the 24699
issuance of watercraft or outboard motor certificates of title 24700
that are described in the Revised Code as being accomplished by 24701
electronic means. 24702

Sec. 1561.13. The chief of the division of mineral 24703
resources management shall conduct examinations for offices and 24704
positions in the division of mineral resources management, and 24705
for mine forepersons, mine electricians, ~~shot firers, and~~ 24706
surface mine blasters, ~~and fire bosses~~, as follows: 24707

(A) Division of mineral resources management: 24708

(1) Deputy mine inspectors of underground mines; 24709

(2) Deputy mine inspectors of surface mines;	24710
(3) Electrical inspectors;	24711
(4) Superintendent of rescue stations;	24712
(5) Assistant superintendents of rescue stations;	24713
(6) Mine chemists at a division laboratory if the chief chooses to operate a laboratory.	24714 24715
(B) Mine forepersons:	24716
(1) Mine foreperson of gaseous mines;	24717
(2) Mine foreperson of nongaseous mines;	24718
(3) Mine foreperson of surface mines.	24719
(C) Forepersons:	24720
(1) Foreperson of gaseous mines;	24721
(2) Foreperson of nongaseous mines;	24722
(3) Foreperson of surface maintenance facilities at	24723
underground or surface mines;	24724
(4) Foreperson of surface mines.	24725
(D) Fire bosses.	24726
(E) Mine electricians.	24727
(F) (E) Surface mine blasters.	24728
(G) Shot firers.	24729
The chief annually shall provide for the examination of	24730
candidates for appointment or promotion as deputy mine	24731
inspectors and such other positions and offices set forth in	24732
division (A) of this section as are necessary. Special	24733

examinations may be held whenever it becomes necessary to make 24734
appointments to any of those positions. 24735

The chief shall provide for the examination of persons 24736
seeking certificates of competency as mine forepersons, 24737
forepersons, mine electricians, ~~shot firers, and~~ surface mine 24738
blasters, ~~and fire bosses quarterly or more often as required,~~ 24739
needed and at such times and places within the state as shall, 24740
in the judgment of the chief, afford the best facilities to the 24741
greatest number of applicants. ~~Public notice shall be given~~ 24742
~~through the press or otherwise, not less than ten days in~~ 24743
~~advance, announcing the time and place at which examinations~~ 24744
~~under this section are to be held.~~ 24745

The examinations provided for in this section shall be 24746
conducted under rules adopted under section 1561.05 of the 24747
Revised Code and conditions prescribed by the chief. Any rules 24748
that relate to particular candidates shall, upon application of 24749
any candidate, be furnished to the candidate by the chief; they 24750
shall also be of uniform application to all candidates in the 24751
several groups. 24752

Sec. 1561.16. (A) As used in this section and sections 24753
1561.17 to ~~1561.21~~ 1561.20 of the Revised Code, "actual 24754
practical experience" means previous employment that involved a 24755
person's regular presence in the type of mining operation in 24756
which the experience is required to exist; participation in 24757
functions relating to the hazards involved in and the 24758
utilization of equipment, tools, and work crews and individuals 24759
for that type of mining; and regular exposure to the methods, 24760
procedures, and safety laws applicable to that type of mining. 24761
Credit of up to one year for a portion of the required 24762
experience time may be given upon documentation to the chief of 24763

the division of mineral resources management of an educational 24764
degree in a field related to mining. Credit of up to two years 24765
of the required experience time may be given upon presentation 24766
to the chief of proof of graduation from an accredited school of 24767
mines or mining after a four-year course of study with 24768
employment in the mining industry during interim breaks during 24769
the school years. 24770

(B) Except as provided in division (G) of this section, a 24771
person who applies for a certificate as a mine foreperson of 24772
gaseous mines shall be able to read and write the English 24773
language; shall have had at least five years' actual practical 24774
experience in the underground workings of a gaseous mine or the 24775
equivalent thereof in the judgment of the chief; and shall have 24776
had practical experience obtained by actual contact with gas in 24777
mines and have knowledge of the dangers and nature of noxious 24778
and explosive gases and ventilation of gaseous mines. An 24779
applicant for a certificate as a foreperson of gaseous mines 24780
shall meet the same requirements, except that the applicant 24781
shall have had at least three years' actual practical experience 24782
in the underground workings of a gaseous mine or the equivalent 24783
thereof in the judgment of the chief. Each applicant for 24784
examination shall pay a fee established in rules adopted under 24785
this section to the chief on the first day of such examination. 24786

(C) A person who has been issued a certificate as a mine 24787
foreperson or a foreperson of a gaseous mine and who has not 24788
worked in an underground coal mine for a period of more than two 24789
calendar years shall apply for and obtain recertification from 24790
the chief in accordance with rules adopted under this section 24791
before performing the duties of a mine foreperson or a 24792
foreperson of a gaseous mine. An applicant for recertification 24793
shall pay a fee established in rules adopted under this section 24794

at the time of application for recertification. 24795

(D) A person who has been issued a certificate as a mine 24796
foreperson or a foreperson of a gaseous mine and who has not 24797
worked in an underground coal mine for a period of one or more 24798
calendar years shall successfully complete a retraining course 24799
in accordance with rules adopted under this section before 24800
performing the duties of a mine foreperson or a foreperson of a 24801
gaseous mine. 24802

(E) The chief, in consultation with a statewide 24803
association representing the coal mining industry and a 24804
statewide association representing employees of coal mines, 24805
shall adopt rules in accordance with Chapter 119. of the Revised 24806
Code that do all of the following: 24807

(1) Prescribe requirements, criteria, and procedures for 24808
the recertification of a mine foreperson or a foreperson of a 24809
gaseous mine who has not worked in an underground coal mine for 24810
a period of more than two calendar years; 24811

(2) Prescribe requirements, criteria, and procedures for 24812
the retraining of a mine foreperson or a foreperson of a gaseous 24813
mine who has not worked in an underground coal mine for a period 24814
of one or more calendar years; 24815

(3) Establish fees for the examination and recertification 24816
of mine forepersons or forepersons of gaseous mines under this 24817
section; 24818

(4) Prescribe any other requirements, criteria, and 24819
procedures that the chief determines are necessary to administer 24820
this section. 24821

(F) Any money collected under this section shall be paid 24822
into the state treasury to the credit of the mining regulation 24823

and safety fund created in section 1513.30 of the Revised Code. 24824

(G) The chief shall issue a certificate as a foreperson of 24825
gaseous mines in accordance with Chapter 4796. of the Revised 24826
Code to an applicant if either of the following applies: 24827

(1) The applicant holds a license or certificate in 24828
another state. 24829

(2) The applicant has satisfactory work experience, a 24830
government certification, or a private certification as 24831
described in that chapter as a foreperson of gaseous mines in a 24832
state that does not issue that license or certificate. 24833

Sec. 1561.46. Fees received by the chief of the division 24834
of mineral resources management under sections 1561.16 to 24835
~~1561.22~~1561.20 of the Revised Code shall be paid by the chief 24836
into the state treasury to the credit of the mining regulation 24837
and safety fund created in section 1513.30 of the Revised Code. 24838

Sec. 1561.48. All money collected under sections 1561.14, 24839
1561.16, 1561.17, ~~1561.18~~, 1561.19, 1561.20, ~~1561.21~~, ~~1561.22~~, 24840
1561.45, and 1561.46 of the Revised Code shall be paid into the 24841
state treasury to the credit of the mining regulation and safety 24842
fund created by section 1513.30 of the Revised Code. The 24843
department of natural resources shall use the money in the fund 24844
to pay the operating expenses of the division of mineral 24845
resources management. 24846

Sec. 1701.04. (A) Any person, singly or jointly with 24847
others, and without regard to residence, domicile, or state of 24848
incorporation, may form a corporation by signing and filing with 24849
the secretary of state articles of incorporation that shall set 24850
forth all of the following: 24851

(1) The name of the corporation, which shall be in 24852

compliance with division (A) of section 1701.05 of the Revised Code; 24853
24854

(2) The place in this state where the principal office of the corporation is to be located; 24855
24856

(3) The authorized number and the par value per share of shares with par value, and the authorized number of shares without par value, except that the articles of a banking, safe deposit, trust, or insurance corporation shall not authorize shares without par value; the express terms, if any, of the shares; and, if the shares are classified, the designation of each class, the authorized number and par value per share, if any, of the shares of each class, and the express terms of the shares of each class; 24857
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(4) If the corporation is to have an initial stated capital, the amount of that stated capital. 24866
24867

(B) The articles also may set forth any of the following: 24868

(1) The names of the individuals who are to serve as initial directors; 24869
24870

(2) The purpose or purposes for which the corporation is formed, but in the absence of a statement of the purpose or purposes or except as expressly set forth in such statement, the purpose for which any corporation is formed is to engage in any lawful act or activity for which a corporation may be formed under this chapter, and all lawful acts and activities of the corporation are within the purposes of the corporation; 24871
24872
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24874
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(3) Any priority or other method for balancing the purposes for which the corporation is formed; 24878
24879

(4) Any lawful provision for the purpose of defining, 24880

limiting, or regulating the exercise of the authority of the 24881
corporation, the incorporators, the directors, the officers, the 24882
shareholders, or the holders of any class of shares; 24883

(5) Any provision that may be set forth in the 24884
regulations; 24885

(6) A provision specifying the period of existence of the 24886
corporation if it is to be otherwise than perpetual; 24887

(7) A provision eliminating the right of every shareholder 24888
to vote cumulatively in the election of directors; 24889

(8) Any additional provision permitted by this chapter. 24890

(C) A written appointment of a statutory agent for the 24891
purposes set forth in section 1701.07 of the Revised Code shall 24892
be filed with the articles, unless the corporation belongs to 24893
one of the classes mentioned in division ~~(O)~~ (N) of that section. 24894

(D) The legal existence of the corporation begins upon the 24895
filing of the articles or on a later date specified in the 24896
articles that is not more than ninety days after filing, and, 24897
unless the articles otherwise provide, its period of existence 24898
shall be perpetual. 24899

Sec. 1701.07. (A) Every corporation shall have and 24900
maintain an agent, sometimes referred to as the "statutory 24901
agent," upon whom any process, notice, or demand required or 24902
permitted by statute to be served upon a corporation may be 24903
served. The agent shall be one of the following: 24904

(1) A natural person who is a resident of this state; 24905

(2) A domestic or foreign corporation, nonprofit 24906
corporation, limited liability company, partnership, limited 24907
partnership, limited liability partnership, limited partnership 24908

association, professional association, business trust, or 24909
unincorporated nonprofit association that has a business address 24910
in this state. If the agent is an entity other than a domestic 24911
corporation, the agent shall meet the requirements of Title XVII 24912
of the Revised Code for an entity of the agent's type to 24913
transact business or exercise privileges in this state. 24914

(B) The secretary of state shall not accept original 24915
articles for filing unless there is filed with the articles a 24916
written appointment of an agent that is signed by the 24917
incorporators of the corporation or a majority of them and a 24918
written acceptance of the appointment that is signed by the 24919
agent. In all other cases, the corporation shall appoint the 24920
agent and shall file in the office of the secretary of state a 24921
written appointment of the agent that is signed by any 24922
authorized officer of the corporation and a written acceptance 24923
of the appointment that is either the original acceptance signed 24924
by the agent or a photocopy, facsimile, or similar reproduction 24925
of the original acceptance signed by the agent. 24926

(C) (1) The written appointment of an agent shall set forth 24927
the name and address in this state of the agent, including the 24928
street and number of the agent's primary residence in this state 24929
or, if the agent is not a natural person, the agent's usual 24930
place of business in this state, and shall otherwise be in such 24931
form as the secretary of state prescribes. The secretary of 24932
state shall keep a record of the names of corporations, and the 24933
names and addresses of their respective agents. 24934

(2) As used in division (C) (1) of this section, "usual 24935
place of business" means a place in this state that is 24936
customarily open during normal business hours and where an 24937
individual is generally present who is authorized to perform the 24938

services of a registered agent, including accepting service of 24939
process and other notifications for the person serving as a 24940
statutory agent. "Usual place of business" does not include a 24941
post office box, regardless of whether that post office box has 24942
an associated street address. 24943

(D) If any agent dies, removes from the state, or resigns, 24944
the corporation shall forthwith appoint another agent and file 24945
with the secretary of state, on a form prescribed by the 24946
secretary of state, a written appointment of the agent. 24947

(E) If the agent changes the agent's address from that 24948
appearing upon the record in the office of the secretary of 24949
state, the corporation or the agent shall forthwith file with 24950
the secretary of state, on a form prescribed by the secretary of 24951
state, a written statement setting forth the new address. 24952

(F) An agent may resign by filing with the secretary of 24953
state, on a form prescribed by the secretary of state, a written 24954
notice to that effect that is signed by the agent and by sending 24955
a copy of the notice to the corporation at the current or last 24956
known address of its principal office on or prior to the date 24957
the notice is filed with the secretary of state. The notice 24958
shall set forth the name of the corporation, the name and 24959
current address of the agent, the current or last known address, 24960
including the street and number or other particular description, 24961
of the corporation's principal office, the resignation of the 24962
agent, and a statement that a copy of the notice has been sent 24963
to the corporation within the time and in the manner prescribed 24964
by this division. Upon the expiration of thirty days after the 24965
filing, the authority of the agent shall terminate. 24966

(G) A corporation may revoke the appointment of an agent 24967
by filing with the secretary of state, on a form prescribed by 24968

the secretary of state, a written appointment of another agent 24969
and a statement that the appointment of the former agent is 24970
revoked. 24971

(H) Any process, notice, or demand required or permitted 24972
by statute to be served upon a corporation may be served upon 24973
the corporation by delivering a copy of it to its agent, if a 24974
natural person, or by delivering a copy of it at the address of 24975
its agent in this state, as the address appears upon the record 24976
in the office of the secretary of state. If (1) the agent cannot 24977
be found, or (2) the agent no longer has that address, or (3) 24978
the corporation has failed to maintain an agent as required by 24979
this section, and if in any such case the party desiring that 24980
the process, notice, or demand be served, or the agent or 24981
representative of the party, shall have filed with the secretary 24982
of state an affidavit stating that one of the foregoing 24983
conditions exists and stating the most recent address of the 24984
corporation that the party after diligent search has been able 24985
to ascertain, then service of process, notice, or demand upon 24986
the secretary of state, as the agent of the corporation, may be 24987
initiated by delivering to the secretary of state or at the 24988
secretary of state's office quadruplicate copies of such 24989
process, notice, or demand and by paying to the secretary of 24990
state a fee of five dollars. The secretary of state shall 24991
forthwith give notice of the delivery to the corporation at its 24992
principal office as shown upon the record in the secretary of 24993
state's office and at any different address shown on its last 24994
franchise tax report filed in this state, or to the corporation 24995
at any different address set forth in the above mentioned 24996
affidavit, and shall forward to the corporation at said 24997
addresses, by certified mail, with request for return receipt, a 24998
copy of the process, notice, or demand; and thereupon service 24999

upon the corporation shall be deemed to have been made. 25000

(I) The secretary of state shall keep a record of each 25001
process, notice, and demand delivered to the secretary of state 25002
or at the secretary of state's office under this section or any 25003
other law of this state that authorizes service upon the 25004
secretary of state, and shall record the time of the delivery 25005
and the action thereafter with respect thereto. 25006

(J) This section does not limit or affect the right to 25007
serve any process, notice, or demand upon a corporation in any 25008
other manner permitted by law. 25009

~~(K) Every corporation shall state in each annual report~~ 25010
~~filed by it with the department of taxation the name and address~~ 25011
~~of its statutory agent.~~ 25012

~~(I)~~ Except when an original appointment of an agent is 25013
filed with the original articles, a written appointment of an 25014
agent or a written statement filed by a corporation with the 25015
secretary of state shall be signed by any authorized officer of 25016
the corporation or by the incorporators of the corporation or a 25017
majority of them if no directors have been elected. 25018

~~(M)~~ (L) For filing a written appointment of an agent other 25019
than one filed with original articles, and for filing a 25020
statement of change of address of an agent, the secretary of 25021
state shall charge and collect the fee specified in division (R) 25022
of section 111.16 of the Revised Code. 25023

~~(N)~~ (M) Upon the failure of a corporation to appoint 25024
another agent or to file a statement of change of address of an 25025
agent, the secretary of state shall give notice thereof by 25026
ordinary or electronic mail to the corporation at the electronic 25027
mail address provided to the secretary of state, or at the 25028

address set forth in the notice of resignation or on the last 25029
franchise tax return filed in this state by the corporation. 25030
Unless the default is cured within thirty days after the mailing 25031
by the secretary of state of the notice or within any further 25032
period of time that the secretary of state grants, upon the 25033
expiration of that period of time from the date of the mailing, 25034
the articles of the corporation shall be canceled without 25035
further notice or action by the secretary of state. The 25036
secretary of state shall make a notation of the cancellation on 25037
the secretary of state's records. 25038

A corporation whose articles have been canceled may be 25039
reinstated by filing, within two years of the cancellation, on a 25040
form prescribed by the secretary of state, an application for 25041
reinstatement and the required appointment of agent or required 25042
statement, and by paying the filing fee specified in division 25043
(Q) of section 111.16 of the Revised Code. The rights, 25044
privileges, and franchises of a corporation whose articles have 25045
been reinstated are subject to section 1701.922 of the Revised 25046
Code. The secretary of state shall furnish the tax commissioner 25047
a monthly list of all corporations canceled and reinstated under 25048
this division. 25049

~~(O)~~ (N) This section does not apply to banks, trust 25050
companies, insurance companies, or any corporation defined under 25051
the laws of this state as a public utility for taxation 25052
purposes. 25053

Sec. 1703.041. (A) Every foreign corporation for profit 25054
that is licensed to transact business in this state, and every 25055
foreign nonprofit corporation that is licensed to exercise its 25056
privileges in this state, shall have and maintain an agent, 25057
sometimes referred to as the "designated agent," upon whom 25058

process against the corporation may be served within this state. 25059

The agent shall be one of the following: 25060

(1) A natural person who is a resident of this state; 25061

(2) A domestic or foreign corporation, nonprofit 25062

corporation, limited liability company, partnership, limited 25063

partnership, limited liability partnership, limited partnership 25064

association, professional association, business trust, or 25065

unincorporated nonprofit association that has a business address 25066

in this state. If the agent is an entity other than a domestic 25067

corporation, the agent shall meet the requirements of Title XVII 25068

of the Revised Code for an entity of the agent's type to 25069

transact business or exercise privileges in this state. 25070

(B) (1) The written appointment of a designated agent shall 25071

set forth the name and address of the agent, including the 25072

street and number of the agent's primary residence in this state 25073

or, if the agent is not a natural person, the agent's usual 25074

place of business in this state, and shall otherwise be in such 25075

form as the secretary of state prescribes. The secretary of 25076

state shall keep a record of the names of such foreign 25077

corporations and the names and addresses of their respective 25078

agents. 25079

(2) As used in division (B) (1) of this section, "usual 25080

place of business" means a place in this state that is 25081

customarily open during normal business hours and where an 25082

individual is generally present who is authorized to perform the 25083

services of a registered agent, including accepting service of 25084

process and other notifications for the person serving as a 25085

statutory agent. "Usual place of business" does not include a 25086

post office box, regardless of whether that post office box has 25087

an associated street address. 25088

(C) If the designated agent dies, removes from the state, 25089
or resigns, the foreign corporation shall forthwith appoint 25090
another agent and file in the office of the secretary of state, 25091
on a form prescribed by the secretary of state, a written 25092
appointment of the new agent. 25093

(D) If the designated agent changes the agent's address 25094
from that appearing upon the record in the office of the 25095
secretary of state, the foreign corporation or the designated 25096
agent in its behalf shall forthwith file with the secretary of 25097
state, on a form prescribed by the secretary of state, a written 25098
statement setting forth the agent's new address. 25099

(E) A designated agent may resign by filing with the 25100
secretary of state, on a form prescribed by the secretary of 25101
state, a signed statement to that effect. The secretary of state 25102
shall forthwith mail a copy of the statement to the foreign 25103
corporation at its principal office as shown by the record in 25104
the secretary of state's office. Upon the expiration of sixty 25105
days after the filing, the authority of the agent shall 25106
terminate. 25107

(F) A foreign corporation may revoke the appointment of a 25108
designated agent by filing with the secretary of state, on a 25109
form prescribed by the secretary of state, a written appointment 25110
of another agent and a statement that the appointment of the 25111
former agent is revoked. 25112

(G) Process may be served upon a foreign corporation by 25113
delivering a copy of it to its designated agent, if a natural 25114
person, or by delivering a copy of it at the address of its 25115
agent in this state, as the address appears upon the record in 25116
the office of the secretary of state. 25117

(H) This section does not limit or affect the right to 25118
serve process upon a foreign corporation in any other manner 25119
permitted by law. 25120

~~(I) Every foreign corporation for profit shall state in 25121~~
~~each annual report filed by it with the department of taxation 25122~~
~~the name and address of its designated agent in this state. 25123~~

Sec. 1707.36. (A) There is hereby created in the division 25124
of securities a position to be known as attorney-inspector, 25125
which shall be held only by an attorney at law. The duties of 25126
this position are to investigate and report upon all complaints 25127
and alleged violations of this chapter or rules adopted under 25128
this chapter by the division and to represent the division in 25129
prosecutions and other matters arising from such complaints and 25130
alleged violations. 25131

The office of the attorney-inspector is hereby designated 25132
a criminal justice agency in investigating reported violations 25133
of law relating to securities and investment advice, and as such 25134
is authorized by this state to apply for access to the 25135
computerized databases administered by the national crime 25136
information center or the law enforcement automated data system 25137
in Ohio, and to other computerized databases administered for 25138
the purpose of making criminal justice information accessible to 25139
state criminal justice agencies. 25140

(B) There is hereby created in the division of securities 25141
two positions to be known as control-bid attorneys, which shall 25142
be held only by attorneys at law. The duties of these positions 25143
are to investigate and report upon all matters relating to 25144
control-bids and related matters and to represent the division 25145
in the regulatory matters arising under the Ohio control-bid 25146
law. 25147

(C) The attorney-inspector and each control-bid attorney 25148
shall be paid at a rate not less than pay range 47 set out in 25149
schedule E-2 created by the director of administrative services 25150
under section 124.152 of the Revised Code, to be paid as other 25151
operating expenses of the division. 25152

Sec. 1707.37. (A) All fees and charges collected under 25153
this chapter shall be paid into the state treasury to the credit 25154
of the division of securities fund, which is hereby created. All 25155
expenses of the division of securities, other than those 25156
specified in division (B) of this section, shall be paid from 25157
the fund. 25158

The fund shall be assessed a proportionate share of the 25159
administrative costs of the department of commerce in accordance 25160
with procedures prescribed by the director of commerce. The 25161
assessments shall be paid from the division of securities fund 25162
to the division of administration fund. 25163

If moneys in the division of securities fund are 25164
determined by the director of budget and management and the 25165
director of commerce to be in excess of those necessary to 25166
defray all the expenses in any fiscal year, the director of 25167
budget and management shall transfer the excess to the general 25168
revenue fund. 25169

(B) There is hereby created in the state treasury the 25170
division of securities investor education and enforcement 25171
expense fund, which shall consist of all money received in 25172
settlement of any violation of this chapter and any cash 25173
transfers. Money in the fund shall be used to fund grants and 25174
pay expenses of the division of securities relating to education 25175
or enforcement for the protection of securities investors and 25176
the public. The division may adopt rules pursuant to section 25177

1707.20 of the Revised Code that establish what qualifies as 25178
such an expense and qualifications for grant funded programs. 25179

Sec. 1707.46. The principal executive officer of the 25180
division of securities shall be the commissioner of securities, 25181
who shall be appointed by the director of commerce. The 25182
commissioner of securities shall enforce all the laws and 25183
administrative rules enacted or adopted to regulate the sale of 25184
bonds, stocks, and other securities and to prevent fraud in such 25185
sales. The commissioner also shall enforce all the laws and 25186
administrative rules enacted or adopted to regulate investment 25187
advisers, investment adviser representatives, state retirement 25188
system investment officers, and the bureau of workers' 25189
compensation chief investment officer and to prevent fraud in 25190
their acts, practices, and transactions. 25191

The commissioner shall be paid at a rate not less than pay 25192
range 47 set out in schedule E-2 created by the director of 25193
administrative services under section 124.152 of the Revised 25194
Code, to be paid as other operating expenses of the division. 25195

Sec. 1707.47. (A) As used in this section and section 25196
1707.471 of the Revised Code: 25197

(1) "Claimant" means a person that files an application 25198
for restitution assistance on behalf of a victim. 25199

(2) "Final order" means a final administrative order 25200
issued by the division of securities or a final court order in a 25201
civil or criminal proceeding initiated by the division. 25202

(3) "Victim" means a purchaser identified in a final order 25203
that has suffered a pecuniary loss as the result of a violation 25204
of this chapter or any rules adopted thereunder, or, in the case 25205
of a deceased purchaser so identified, the purchaser's surviving 25206

spouse or dependent children. 25207

(B) There is hereby created in the state treasury the Ohio 25208
investor recovery fund, which shall consist of all cash 25209
transfers from the division of securities fund, created in 25210
section 1707.37 of the Revised Code, ~~not to exceed an aggregate~~ 25211
~~total of two million five hundred thousand dollars in any fiscal~~ 25212
~~year.~~ Money in the Ohio investor recovery fund shall be used for 25213
the purposes identified in division (C) of this section. 25214

(C) The division shall use the Ohio investor recovery fund 25215
only to pay awards of restitution assistance and any expenses 25216
incurred in administering this section. 25217

(D) (1) If the Ohio investor recovery fund is reduced below 25218
two hundred fifty thousand dollars due to payment in full of 25219
restitution assistance awards that become final during a month, 25220
the division shall suspend payment of further claims that become 25221
final during that month and the following two months. 25222

(2) At the end of the suspension period described in 25223
division (D) (1) of this section, the division shall pay the 25224
suspended claims. If the Ohio investor recovery fund would be 25225
exhausted by payment in full of the suspended claims, the amount 25226
paid to each claimant shall be prorated according to the amount 25227
remaining in the Ohio investor recovery fund at the end of the 25228
suspension period. 25229

(E) The state shall not be liable for a determination made 25230
by the division under this section except to the extent that 25231
money is available in the Ohio investor recovery fund on the 25232
date the award is calculated. 25233

(F) The following victims are eligible for restitution 25234
assistance: 25235

(1) A natural person who is a resident of this state;	25236
(2) A person, other than a natural person, that is domiciled in Ohio.	25237 25238
(G) The division shall not award restitution assistance as follows:	25239 25240
(1) To more than one claimant per victim;	25241
(2) To a claimant on behalf of a victim that has received the full amount of restitution owed from the person ordered to pay restitution to the victim in the final order before the application for restitution assistance from the fund is filed;	25242 25243 25244 25245
(3) To a claimant if the final order identifies no pecuniary loss to the victim on whose behalf the application is made;	25246 25247 25248
(4) To a claimant on behalf of a victim that assisted in the commission of the violation of this chapter;	25249 25250
(5) If the portion of the final order giving rise to a restitution order or otherwise establishing a pecuniary loss to the victim is overturned on appeal.	25251 25252 25253
(H) If, after the division has made a restitution assistance award from the Ohio investor recovery fund under this section, the restitution award in the final order is overturned on appeal and all legal remedies have been exhausted, then the claimant shall forfeit the restitution assistance award.	25254 25255 25256 25257 25258
Sec. 1713.03. The chancellor of higher education shall establish standards for certificates of authorization to be issued to institutions as defined in section 1713.01 of the Revised Code, to private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section	25259 25260 25261 25262 25263

3333.046 of the Revised Code, and to schools holding 25264
certificates of registration issued by the state board of career 25265
colleges and schools pursuant to division (C) of section 3332.05 25266
of the Revised Code. A certificate of authorization may permit 25267
an institution or school to award one or more types of degrees. 25268

The standards for a certificate of authorization may 25269
include, for various types of institutions, schools, or degrees, 25270
minimum qualifications for faculty, library, laboratories, and 25271
other facilities as adopted and published by the chancellor. The 25272
standards shall be adopted by the chancellor pursuant to Chapter 25273
119. of the Revised Code. 25274

An institution or school shall apply to the chancellor for 25275
a certificate of authorization on forms containing such 25276
information as is prescribed by the chancellor. Each institution 25277
or school with a certificate of authorization shall file an 25278
annual report with the chancellor in such form and containing 25279
such information as the chancellor prescribes. The annual report 25280
shall include disclosure of any unaccredited online program 25281
manager the institution or school has contracted with to provide 25282
instruction to its students. 25283

The chancellor shall adopt a rule under Chapter 119. of 25284
the Revised Code establishing fees to pay the cost of reviewing 25285
an application for a certificate of authorization, which the 25286
institution or school shall pay when it applies for a 25287
certificate of authorization, and establishing fees, which an 25288
institution or school shall pay, for any further reviews the 25289
chancellor determines necessary upon examining an institution's 25290
or school's annual report. 25291

Sec. 1713.032. (A) As used in this section, "contractual 25292
agreement" means a contract in which an institution or school 25293

<u>with a certificate of authorization, or seeking a certificate of</u>	25294
<u>authorization, grants an unaccredited online program manager</u>	25295
<u>input on or authority over any of the following for an academic</u>	25296
<u>program:</u>	25297
<u>(1) Curriculum development, design, or maintenance;</u>	25298
<u>(2) Student assessment and grading;</u>	25299
<u>(3) Course assessment;</u>	25300
<u>(4) Admissions requirements;</u>	25301
<u>(5) Appointment of faculty;</u>	25302
<u>(6) Faculty assessment;</u>	25303
<u>(7) Decision to award course credit or credential;</u>	25304
<u>(8) Institutional governance.</u>	25305
<u>(B) The chancellor of higher education may request that an</u>	25306
<u>institution or school with a certificate of authorization, or</u>	25307
<u>seeking a certificate of authorization, provide the chancellor</u>	25308
<u>with all information concerning a contractual agreement,</u>	25309
<u>including a copy of the agreement.</u>	25310
<u>(C) An institution or school intending to enter into a</u>	25311
<u>contractual agreement for an academic program shall submit</u>	25312
<u>appropriate documentation as requested by the chancellor and</u>	25313
<u>obtain prior approval from the chancellor before entering into</u>	25314
<u>such an agreement.</u>	25315
<u>(D) Each institution or school shall include in each</u>	25316
<u>contractual agreement a provision that requires the institution</u>	25317
<u>or school to maintain responsibility for and oversight of the</u>	25318
<u>academic program as specified in the standards and procedures</u>	25319
<u>for academic program approval pursuant to section 3333.04 of the</u>	25320

Revised Code. The institution or school shall ensure each 25321
academic program is offered in the manner approved by the 25322
chancellor or formally shall request approval of a significant 25323
change to the previously approved program or approval of a new 25324
academic program. 25325

(E) An institution or school that enters a contractual 25326
agreement shall notify students which parties are providing 25327
instruction, recruitment, and other services under the 25328
agreement. 25329

(F) An institution or school shall not enter into a 25330
contractual agreement unless the agreement includes a provision 25331
that grants the chancellor the authority to invalidate the 25332
contract if the chancellor determines the agreement is not in 25333
compliance with the standards and procedures for academic 25334
program approval or a certificate of authorization. If the 25335
chancellor invalidates a contract, the institution or school 25336
shall not enroll new students and shall offer each current 25337
student either remediated instruction at no cost to the student 25338
or a full refund on tuition. 25339

Sec. 1713.033. Each institution or school with a 25340
certificate of authorization issued under this chapter annually 25341
shall certify to the chancellor of higher education, on a date 25342
and in the form and manner determined by the chancellor, a plan 25343
to preserve student records indefinitely if the institution or 25344
school was to cease operations. The plan shall include the 25345
designation and signed confirmation of an official custodian of 25346
student records. If the chancellor determines it necessary, the 25347
chancellor may require an institution or school to produce an 25348
executed agreement with the designated custodian of student 25349
records, paid in full, to ensure the institution's or school's 25350

plan can be implemented. 25351

The chancellor may consult with the higher learning 25352
commission, the state board of career colleges and schools, and 25353
other appropriate entities to establish plans, processes, and 25354
procedures for institutions and schools to provide indefinite 25355
access to student records. 25356

Sec. 1713.041. (A) Each institution or school authorized 25357
to offer courses or degrees under a certificate of authorization 25358
annually shall provide to the chancellor of higher education all 25359
of the following: 25360

(1) Verification of current accreditation status and a 25361
copy of the most recent institutional report from the 25362
institution's accrediting organization; 25363

(2) A plan to preserve student records indefinitely in the 25364
event of closure of the institution or discontinuation of 25365
service. The plan shall include a method by which students and 25366
alumni of the institution may retrieve student records by 25367
request. The plan also shall include a designation and signed 25368
confirmation of an official custodian of student records. 25369
Student records preserved under the plan shall include, but not 25370
be limited to: 25371

(a) Academic transcripts; 25372

(b) Financial aid documents; 25373

(c) International student forms; 25374

(d) Tax information. 25375

(3) The following program information: 25376

(a) A list of current degree programs offered by the 25377

<u>institution in this state;</u>	25378
<u>(b) The results of any external degree program evaluations</u>	25379
<u>conducted in the last year;</u>	25380
<u>(c) A list of any degree programs that have been</u>	25381
<u>eliminated in the last year;</u>	25382
<u>(4) The latest financial statement for the most recent</u>	25383
<u>fiscal year compiled and audited by an independent certified</u>	25384
<u>public accountant, including any management letters provided by</u>	25385
<u>the independent auditor;</u>	25386
<u>(5) Any other information requested by the chancellor.</u>	25387
<u>(B) If an institution or school fails to submit the</u>	25388
<u>information required under division (A) of this section or if</u>	25389
<u>the chancellor finds that the information submitted under that</u>	25390
<u>division is insufficient, the chancellor may suspend, withdraw,</u>	25391
<u>or revoke an institution or school's institutional authorization</u>	25392
<u>or a program's authorization.</u>	25393
<u>(C) Each institution or school shall immediately notify</u>	25394
<u>the chancellor if the institution or school does any of the</u>	25395
<u>following:</u>	25396
<u>(1) Receives notice from the federal government or an</u>	25397
<u>institutional accrediting organization that the institution or</u>	25398
<u>school is subject to heightened reporting standards or special</u>	25399
<u>monitoring status, such as the United States department of</u>	25400
<u>education's heightened cash monitoring process;</u>	25401
<u>(2) Receives preliminary or final accreditation findings;</u>	25402
<u>(3) Becomes the subject of an investigation by a</u>	25403
<u>government agency related to the institution's academic quality,</u>	25404
<u>financial stability, or student consumer protection;</u>	25405

<u>(4) Fails to make any payments to applicable retirement</u>	25406
<u>systems;</u>	25407
<u>(5) Fails to make any scheduled payroll payments;</u>	25408
<u>(6) Fails to make any payments to vendors when due as a</u>	25409
<u>result of a cash deficiency or a substantial deficiency in the</u>	25410
<u>payment processing system of the institution;</u>	25411
<u>(7) Fails to make any scheduled payment of principal or</u>	25412
<u>interest for short- or long-term debt;</u>	25413
<u>(8) Makes budget revisions resulting in a substantially</u>	25414
<u>reduced ending fund balance or larger deficit;</u>	25415
<u>(9) Becomes aware of significant negative variance between</u>	25416
<u>the most recently adopted annual budget and actual revenues or</u>	25417
<u>expenses as projected at the end of the fiscal year.</u>	25418
<u>(D) A document received by the chancellor under division</u>	25419
<u>(C) (1), (2), or (3) of this section that is confidential under</u>	25420
<u>federal law is not subject to release under a public record</u>	25421
<u>request until such time as the document is released publicly by</u>	25422
<u>the appropriate entity. Further, financial documentation of the</u>	25423
<u>institution or school received by the chancellor under this</u>	25424
<u>section is not a public record under section 149.43 of the</u>	25425
<u>Revised Code.</u>	25426
Sec. 2101.16. (A) Except as provided in section 2101.164	25427
of the Revised Code, the fees enumerated in this division shall	25428
be charged and collected, if possible, by the probate judge and	25429
shall be in full for all services rendered in the respective	25430
proceedings:	25431
	25432

A	(1)	Account, in addition to advertising charges	
B		_____	\$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	\$1.00
E	(2)	Account of distribution, in addition to advertising charges	
F		_____	\$7.00
G	(3)	Adoption of child, petition for	
H		_____	\$20.00
I	(4)	Alter or cancel contract for sale or purchase of real property, complaint to	
J		_____	\$20.00
K	(5)	Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L		_____	\$5.00
M	(6)	Appropriation suit, per day, hearing in	
N		_____	\$20.00
O	(7)	Birth, application for registration of	

P	_____	\$7.00
Q	(8) Birth record, application to correct	
R	_____	\$5.00
S	(9) Bond, application for new or additional	
T	_____	\$5.00
U	(10) Bond, application for release of surety or reduction of	
V	_____	\$5.00
W	(11) Bond, receipt for securities deposited in lieu of	
X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00

AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	
AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	
AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00

AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	
BD	_____	\$5.00
BE	(27) Designation of heir	
BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	

BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00
BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	

CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisement	
CH	_____	\$10.00
CI	(41) Inventory without appraisement	
CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	
CL	_____	\$10.00
CM	(43) Invest in real property, application to	
CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	
CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	

CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00
DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00
DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	
DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	

DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00
DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00
DQ	(56) Receipts in addition to advertising charges, application and order to record	
DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	

DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	
EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	
EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	

ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00
EW	(71) Writ of possession	
EX	_____	\$5.00
EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00
FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00
FE	(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for	
FF	_____	\$25.00

(B) (1) In relation to an application for the appointment	25433
of a guardian or the review of a report of a guardian under	25434
section 2111.49 of the Revised Code, the probate court, pursuant	25435

to court order or in accordance with a court rule, may direct 25436
that the applicant or the estate pay any or all of the expenses 25437
of an investigation conducted pursuant to section 2111.041 or 25438
division (A) (2) of section 2111.49 of the Revised Code. If the 25439
investigation is conducted by a public employee or investigator 25440
who is paid by the county, the fees for the investigation shall 25441
be paid into the county treasury. If the court finds that an 25442
alleged incompetent or a ward is indigent, the court may waive 25443
the costs, fees, and expenses of an investigation. 25444

(2) In relation to the appointment or functioning of a 25445
guardian for a minor or the guardianship of a minor, the probate 25446
court may direct that the applicant or the estate pay any or all 25447
of the expenses of an investigation conducted pursuant to 25448
section 2111.042 of the Revised Code. If the investigation is 25449
conducted by a public employee or investigator who is paid by 25450
the county, the fees for the investigation shall be paid into 25451
the county treasury. If the court finds that the guardian or 25452
applicant is indigent, the court may waive the costs, fees, and 25453
expenses of an investigation. 25454

(3) In relation to the filing of an affidavit of mental 25455
illness for a person with a mental illness subject to court 25456
order, the court may waive the fee under division (A) (75) of 25457
this section if the court finds that the affiant is indigent or 25458
for good cause shown. 25459

(C) Thirty dollars of the thirty-five-dollar fee collected 25460
pursuant to division (A) (34) of this section and twenty dollars 25461
of the sixty-dollar fee collected pursuant to division (A) (59) 25462
of this section shall be deposited by the county treasurer in 25463
the indigent guardianship fund created pursuant to section 25464
2111.51 of the Revised Code. 25465

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order of the probate judge shall be the same as provided for similar services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F) (1) The "putative father registry fund" is hereby created in the state treasury. The department of ~~job and family services~~ children and youth shall use the money in the fund to fund the department's costs of performing its duties related to the putative father registry established under section 3107.062 of the Revised Code.

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division (D) of section 2151.3527 or section 5103.155 of the Revised Code.

Sec. 2151.27. (A) (1) Subject to division (A) (2) of this section, any person having knowledge of a child who appears to have violated section 2151.87 of the Revised Code or to be a juvenile traffic offender or to be an unruly, abused, neglected, or dependent child may file a sworn complaint with respect to that child in the juvenile court of the county in which the child has a residence or legal settlement or in which the violation, unruliness, abuse, neglect, or dependency allegedly occurred. If an alleged abused, neglected, or dependent child is

taken into custody pursuant to division (D) of section 2151.31 25496
of the Revised Code or is taken into custody pursuant to 25497
division (A) of section 2151.31 of the Revised Code without the 25498
filing of a complaint and placed into shelter care pursuant to 25499
division (C) of that section, a sworn complaint shall be filed 25500
with respect to the child before the end of the next day after 25501
the day on which the child was taken into custody. The sworn 25502
complaint may be upon information and belief, and, in addition 25503
to the allegation that the child committed the violation or is 25504
an unruly, abused, neglected, or dependent child, the complaint 25505
shall allege the particular facts upon which the allegation that 25506
the child committed the violation or is an unruly, abused, 25507
neglected, or dependent child is based. 25508

(2) Any person having knowledge of a child who appears to 25509
be an unruly child for being an habitual truant may file a sworn 25510
complaint with respect to that child and the parent, guardian, 25511
or other person having care of the child in the juvenile court 25512
of the county in which the child has a residence or legal 25513
settlement or in which the child is supposed to attend public 25514
school. The sworn complaint may be upon information and belief 25515
and shall contain the following allegations: 25516

(a) That the child is an unruly child for being an 25517
habitual truant and, in addition, the particular facts upon 25518
which that allegation is based; 25519

(b) That the parent, guardian, or other person having care 25520
of the child has failed to cause the child's attendance at 25521
school in violation of section 3321.38 of the Revised Code and, 25522
in addition, the particular facts upon which that allegation is 25523
based. 25524

(B) If a child, before arriving at the age of eighteen 25525

years, allegedly commits an act for which the child may be 25526
adjudicated an unruly child and if the specific complaint 25527
alleging the act is not filed or a hearing on that specific 25528
complaint is not held until after the child arrives at the age 25529
of eighteen years, the court has jurisdiction to hear and 25530
dispose of the complaint as if the complaint were filed and the 25531
hearing held before the child arrived at the age of eighteen 25532
years. 25533

(C) If the complainant in a case in which a child is 25534
alleged to be an abused, neglected, or dependent child desires 25535
permanent custody of the child or children, temporary custody of 25536
the child or children, whether as the preferred or an 25537
alternative disposition, or the placement of the child in a 25538
planned permanent living arrangement, the complaint shall 25539
contain a prayer specifically requesting permanent custody, 25540
temporary custody, or the placement of the child in a planned 25541
permanent living arrangement. 25542

(D) Any person with standing under applicable law may file 25543
a complaint for the determination of any other matter over which 25544
the juvenile court is given jurisdiction by section 2151.23 of 25545
the Revised Code. The complaint shall be filed in the county in 25546
which the child who is the subject of the complaint is found or 25547
was last known to be found. 25548

(E) A public children services agency, acting pursuant to 25549
a complaint or an action on a complaint filed under this 25550
section, is not subject to the requirements of section 3127.23 25551
of the Revised Code. 25552

(F) Upon the filing of a complaint alleging that a child 25553
is an unruly child, the court may hold the complaint in abeyance 25554
pending the child's successful completion of actions that 25555

constitute a method to divert the child from the juvenile court 25556
system. The method may be adopted by a county pursuant to 25557
divisions (D) and (E) of section 121.37 of the Revised Code or 25558
it may be another method that the court considers satisfactory. 25559
If the child completes the actions to the court's satisfaction, 25560
the court may dismiss the complaint. If the child fails to 25561
complete the actions to the court's satisfaction, the court may 25562
consider the complaint. 25563

(G) Upon the filing of a complaint that a child is an 25564
unruly child that is based solely on a child being an habitual 25565
truant, the court shall consider an alternative to adjudication, 25566
including actions that constitute a method to divert the child 25567
from the juvenile court system, using the Rules of Juvenile 25568
Procedure, or by any other means if such an alternative is 25569
available to the court and the child has not already 25570
participated or failed to complete one of the available 25571
alternatives. The court shall consider the complaint only as a 25572
matter of last resort. 25573

(H) If a complaint that a child is an unruly child based 25574
on the child being an habitual truant proceeds to consideration 25575
by the court, the prosecution shall bear the burden of proving 25576
beyond a reasonable doubt the following: 25577

(1) That the child is of compulsory school age, as defined 25578
in section 3321.01 of the Revised Code; 25579

(2) That the child was absent without legitimate excuse 25580
for absence from the public school the child was supposed to 25581
attend for thirty or more consecutive hours, forty-two or more 25582
hours in one school month, or seventy-two or more hours in a 25583
school year. 25584

The child may assert as an affirmative defense the fact 25585
that the child did participate in, or made satisfactory progress 25586
on, ~~the absence intervention plan~~ any interventions or other 25587
alternatives to adjudication as described in ~~division (C) of~~ 25588
section 3321.191 of the Revised Code. 25589

Sec. 2151.311. (A) A person taking a child into custody 25590
shall, with all reasonable speed and in accordance with division 25591
(C) of this section, either: 25592

(1) Release the child to the child's parents, guardian, or 25593
other custodian, unless the child's detention or shelter care 25594
appears to be warranted or required as provided in section 25595
2151.31 of the Revised Code; 25596

(2) Bring the child to the court or deliver the child to a 25597
place of detention or shelter care designated by the court and 25598
promptly give notice thereof, together with a statement of the 25599
reason for taking the child into custody, to a parent, guardian, 25600
or other custodian and to the court. 25601

(B) If a parent, guardian, or other custodian fails, when 25602
requested by the court, to bring the child before the court as 25603
provided by this section, the court may issue its warrant 25604
directing that the child be taken into custody and brought 25605
before the court. 25606

(C) (1) Before taking any action required by division (A) 25607
of this section, a person taking a child into custody may hold 25608
the child for processing purposes in a county, multicounty, or 25609
municipal jail or workhouse, or other place where an adult 25610
convicted of crime, under arrest, or charged with crime is held 25611
for either of the following periods of time: 25612

(a) For a period not to exceed six hours, if all of the 25613

following apply: 25614

(i) The child is alleged to be a delinquent child for the 25615
commission of an act that would be a felony if committed by an 25616
adult; 25617

(ii) The child remains beyond the range of touch of all 25618
adult detainees; 25619

(iii) The child is visually supervised by jail or 25620
workhouse personnel at all times during the detention; 25621

(iv) The child is not handcuffed or otherwise physically 25622
secured to a stationary object during the detention. 25623

(b) For a period not to exceed three hours, if all of the 25624
following apply: 25625

(i) The child is alleged to be a delinquent child for the 25626
commission of an act that would be a misdemeanor if committed by 25627
an adult, is alleged to be a delinquent child for violating a 25628
court order regarding the child's adjudication as an unruly 25629
child for being an habitual truant, or is alleged to be an 25630
unruly child or a juvenile traffic offender; 25631

(ii) The child remains beyond the range of touch of all 25632
adult detainees; 25633

(iii) The child is visually supervised by jail or 25634
workhouse personnel at all times during the detention; 25635

(iv) The child is not handcuffed or otherwise physically 25636
secured to a stationary object during the detention. 25637

(2) If a child has been transferred to an adult court for 25638
prosecution for the alleged commission of a criminal offense, 25639
subsequent to the transfer, the child may be held as described 25640

in division (F) of section 2152.26 or division ~~(B)~~ (C) of section 25641
5120.16 of the Revised Code. 25642

(D) If a person who is alleged to be or has been 25643
adjudicated a delinquent child or who is in any other category 25644
of persons identified in this section is confined under 25645
authority of this section in a place specified in division (C) 25646
of this section, the fact of the person's admission to and 25647
confinement in that place is restricted as described in division 25648
(G) of section 2152.26 of the Revised Code. 25649

(E) As used in division (C) (1) of this section, 25650
"processing purposes" means all of the following: 25651

(1) Fingerprinting, photographing, or fingerprinting and 25652
photographing the child in a secure area of the facility; 25653

(2) Interrogating the child, contacting the child's parent 25654
or guardian, arranging for placement of the child, or arranging 25655
for transfer or transferring the child, while holding the child 25656
in a nonsecure area of the facility. 25657

Sec. 2151.316. (A) The department of children and youth 25658
shall adopt rules in accordance with Chapter 119. of the Revised 25659
Code to establish and enforce a foster youth bill of rights for 25660
individuals who are in the temporary or permanent custody of a 25661
public children services agency or a planned permanent living 25662
arrangement or in the Title IV-E eligible care and placement 25663
responsibility of a juvenile court or other governmental agency 25664
that provides Title IV-E reimbursable placement services and who 25665
are subject to out-of-home care or placed with a kinship 25666
caregiver as defined in section ~~5101.85~~ 5180.50 of the Revised 25667
Code. 25668

(B) If the rights of an individual, as established under 25669

division (A) of this section, conflict with the rights of a 25670
resource family or resource caregiver, as established in section 25671
5103.163 of the Revised Code, the rights of the individual shall 25672
preempt the rights of the resource family or resource caregiver. 25673

(C) The rights established by rules under this section 25674
shall not create grounds for a civil action against the 25675
department, the recommending agency, or the custodial agency. 25676

Sec. 2151.356. (A) The records of a case in which a person 25677
was adjudicated a delinquent child for committing a violation of 25678
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 25679
not be sealed under this section. 25680

(B) (1) The juvenile court shall ~~promptly~~ order the 25681
~~immediate~~ sealing of records pertaining to a juvenile in any of 25682
the following circumstances if the court, after weighing the 25683
interests of the person in having the records sealed against the 25684
legitimate needs, if any, of the public to access those records, 25685
finds that the interests of the person in having the records 25686
sealed are not outweighed by any legitimate needs of the public 25687
to access those records: 25688

(a) If the court receives a record from a public office or 25689
agency under division (B) (2) of this section; 25690

(b) If a person was brought before or referred to the 25691
court for allegedly committing a delinquent or unruly act and 25692
the case was resolved without the filing of a complaint against 25693
the person with respect to that act pursuant to section 2151.27 25694
of the Revised Code; 25695

(c) If a person was charged with violating division (E) (1) 25696
of section 4301.69 of the Revised Code and the person has 25697
successfully completed a diversion program under division (E) (2) 25698

(a) of section 4301.69 of the Revised Code with respect to that charge; 25699
25700

(d) If a complaint was filed against a person alleging 25701
that the person was a delinquent child, an unruly child, or a 25702
juvenile traffic offender and the court dismisses the complaint 25703
after a trial on the merits of the case or finds the person not 25704
to be a delinquent child, an unruly child, or a juvenile traffic 25705
offender; 25706

(e) Notwithstanding division (C) of this section and 25707
subject to section 2151.358 of the Revised Code, if a person has 25708
been adjudicated an unruly child, that person has attained 25709
eighteen years of age, and the person is not under the 25710
jurisdiction of the court in relation to a complaint alleging 25711
the person to be a delinquent child. 25712

(2) The appropriate public office or agency shall 25713
immediately deliver all original records at that public office 25714
or agency pertaining to a juvenile to the court, if the person 25715
was arrested or taken into custody for allegedly committing a 25716
delinquent or unruly act, no complaint was filed against the 25717
person with respect to the commission of the act pursuant to 25718
section 2151.27 of the Revised Code, and the person was not 25719
brought before or referred to the court for the commission of 25720
the act. The records delivered to the court as required under 25721
this division shall not include fingerprints, DNA specimens, and 25722
DNA records described under division (A) (3) of section 2151.357 25723
of the Revised Code. 25724

(C) (1) The juvenile court shall consider the sealing of 25725
records pertaining to a juvenile upon the court's own motion or 25726
upon the application of a person if the person has been 25727
adjudicated a delinquent child for committing an act other than 25728

a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, an unruly child, or a juvenile traffic offender and if, at the time of the motion or application, the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child. The court shall not require a fee for the filing of the application. The motion or application may be made on or after the time specified in whichever of the following is applicable:

(a) If the person is under eighteen years of age, at any time after six months after any of the following events occur:

(i) The termination of any order made by the court in relation to the adjudication;

(ii) The unconditional discharge of the person from the department of youth services with respect to a dispositional order made in relation to the adjudication or from an institution or facility to which the person was committed pursuant to a dispositional order made in relation to the adjudication;

(iii) The court enters an order under section 2152.84 or 2152.85 of the Revised Code that contains a determination that the child is no longer a juvenile offender registrant.

(b) If the person is eighteen years of age or older, at any time after the later of the following:

(i) The person's attainment of eighteen years of age;

(ii) The occurrence of any event identified in divisions (C) (1) (a) (i) to (iii) of this section.

(2) In making the determination whether to seal records pursuant to division (C) (1) of this section, all of the

following apply: 25757

(a) The court may require a person filing an application 25758
under division (C) (1) of this section to submit any relevant 25759
documentation to support the application. 25760

(b) The court may cause an investigation to be made to 25761
determine if the person who is the subject of the proceedings 25762
has been rehabilitated to a satisfactory degree. 25763

(c) The court shall promptly, but not less than thirty 25764
days prior to the hearing, notify the prosecuting attorney of 25765
any proceedings to seal records initiated pursuant to division 25766
(C) (1) of this section. The prosecutor shall provide timely 25767
notice to a victim and a victim's representative, if applicable, 25768
if the victim or victim's representative requested notice of the 25769
proceedings in the underlying case. 25770

(d) (i) The prosecuting attorney may file a response with 25771
the court within thirty days of receiving notice of the sealing 25772
proceedings. 25773

(ii) If the prosecuting attorney does not file a response 25774
with the court or if the prosecuting attorney files a response 25775
but indicates that the prosecuting attorney does not object to 25776
the sealing of the records, the court may order the records of 25777
the person that are under consideration to be sealed without 25778
conducting a hearing on the motion or application. If the court 25779
decides in its discretion to conduct a hearing on the motion or 25780
application, the court shall conduct the hearing within thirty 25781
days after making that decision and shall give notice, by 25782
regular mail, of the date, time, and location of the hearing to 25783
the prosecuting attorney and to the person who is the subject of 25784
the records under consideration. The victim, the victim's 25785

representative, and the victim's attorney, if applicable, may be 25786
present and heard orally, in writing, or both at any hearing 25787
under this division. The court shall consider the oral and 25788
written statement of any victim, victim's representative, and 25789
victim's attorney, if applicable. 25790

(iii) If the prosecuting attorney files a response with 25791
the court that indicates that the prosecuting attorney objects 25792
to the sealing of the records, the court shall conduct a hearing 25793
on the motion or application within thirty days after the court 25794
receives the response. The court shall give notice, by regular 25795
mail, of the date, time, and location of the hearing to the 25796
prosecuting attorney and to the person who is the subject of the 25797
records under consideration. The victim, the victim's 25798
representative, and the victim's attorney, if applicable, may be 25799
present and heard orally, in writing, or both at any hearing 25800
under this division. The court shall consider the oral and 25801
written statement of any victim, victim's representative, and 25802
victim's attorney, if applicable. 25803

(e) After conducting a hearing in accordance with division 25804
(C) (2) (d) of this section or after due consideration when a 25805
hearing is not conducted, except as provided in division (B) (1) 25806
(c) of this section, the court may order the records of the 25807
person that are the subject of the motion or application to be 25808
sealed if it finds ~~that~~ both of the following: 25809

(i) After weighing the interests of the person in having 25810
the records sealed against the legitimate needs, if any, of the 25811
public to access those records, that the interests of the person 25812
in having the records sealed are not outweighed by any 25813
legitimate needs of the public to access those records; 25814

(ii) That the person has been rehabilitated to a 25815

satisfactory degree. In determining whether the person has been 25816
rehabilitated to a satisfactory degree, the court may consider 25817
all of the following: 25818

~~(i)~~ (I) The age of the person; 25819

~~(ii)~~ (II) The nature of the case; 25820

~~(iii)~~ (III) The cessation or continuation of delinquent, 25821
unruly, or criminal behavior; 25822

~~(iv)~~ (IV) The education and employment history of the 25823
person; 25824

~~(v)~~ (V) The granting of a new tier classification or 25825
declassification from the juvenile offender registry pursuant to 25826
section 2152.85 of the Revised Code, except for public registry- 25827
qualified juvenile offender registrants; 25828

~~(vi)~~ (VI) Any other circumstances that may relate to the 25829
rehabilitation of the person who is the subject of the records 25830
under consideration. 25831

(D) (1) (a) The juvenile court shall provide verbal notice 25832
to a person whose records are sealed under division (B) of this 25833
section, if that person is present in the court at the time the 25834
court issues a sealing order, that explains what sealing a 25835
record means, states that the person may apply to have those 25836
records expunged under section 2151.358 of the Revised Code, and 25837
explains what expunging a record means. 25838

(b) The juvenile court shall provide written notice to a 25839
person whose records are sealed under division (B) of this 25840
section by regular mail to the person's last known address, if 25841
that person is not present in the court at the time the court 25842
issues a sealing order and if the court does not seal the 25843

person's record upon the court's own motion, that explains what 25844
sealing a record means, states that the person may apply to have 25845
those records expunged under section 2151.358 of the Revised 25846
Code, and explains what expunging a record means. 25847

(2) Upon final disposition of a case in which a person has 25848
been adjudicated a delinquent child for committing an act other 25849
than a violation of section 2903.01, 2903.02, or 2907.02 of the 25850
Revised Code, an unruly child, or a juvenile traffic offender, 25851
the juvenile court shall provide written notice to the person 25852
that does all of the following: 25853

(a) States that the person may apply to the court for an 25854
order to seal the record; 25855

(b) Explains what sealing a record means; 25856

(c) States that the person may apply to the court for an 25857
order to expunge the record under section 2151.358 of the 25858
Revised Code; 25859

(d) Explains what expunging a record means. 25860

(3) The department of youth services and any other 25861
institution or facility that unconditionally discharges a person 25862
who has been adjudicated a delinquent child, an unruly child, or 25863
a juvenile traffic offender shall immediately give notice of the 25864
discharge to the court that committed the person. The court 25865
shall note the date of discharge on a separate record of 25866
discharges of those natures. 25867

Sec. 2151.3527. (A) The director of children and youth 25868
shall promulgate forms designed to gather pertinent medical 25869
information concerning a deserted child and the child's parents. 25870
The forms shall clearly and unambiguously state on each page 25871
that the information requested is to facilitate medical care for 25872

the child, that the forms may be fully or partially completed or 25873
left blank, that completing the forms or parts of the forms is 25874
completely voluntary, and that no adverse legal consequence will 25875
result from failure to complete any part of the forms. 25876

(B) The director shall promulgate written materials to be 25877
made available to the parents of a child delivered pursuant to 25878
section 2151.3516 of the Revised Code. The materials shall 25879
describe services available to assist parents and newborns and 25880
shall include information directly relevant to situations that 25881
might cause parents to desert a child and information on the 25882
procedures for a person to follow in order to reunite with a 25883
child the person delivered under section 2151.3516 of the 25884
Revised Code, including notice that the person will be required 25885
to submit to a DNA test, at that person's expense, to prove that 25886
the person is the parent of the child. 25887

(C) The director of ~~job and family services~~ children and 25888
youth shall distribute the medical information forms and written 25889
materials promulgated pursuant to this section to all of the 25890
following: 25891

(1) Entities permitted to receive a deserted child as 25892
specified in section 2151.3517 of the Revised Code; 25893

(2) Public children services agencies; 25894

(3) Other public or private agencies that, in the 25895
discretion of the director, are best able to disseminate the 25896
forms and materials to the persons who are most in need of the 25897
forms and materials. 25898

(D) If the department of ~~job and family services~~ 25899
determines that money in the putative father registry fund 25900
created under section 2101.16 of the Revised Code is more than 25901

is needed for its duties related to the putative father 25902
registry, the department may use surplus moneys in the fund for 25903
costs related to the development, distribution, and publication 25904
of forms and materials promulgated pursuant to divisions (A) and 25905
(B) of this section. 25906

(E) The department ~~of job and family services~~ shall 25907
develop an educational plan, in collaboration with the Ohio 25908
family and children first cabinet council, for informing at-risk 25909
populations who are most likely to voluntarily deliver a child 25910
under section 2151.3516 of the Revised Code concerning the 25911
provisions of sections 2151.3515 to 2151.3533 of the Revised 25912
Code. 25913

Sec. 2151.416. (A) Each agency that is required by section 25914
2151.412 of the Revised Code to prepare a case plan for a child 25915
shall complete a semiannual administrative review of the case 25916
plan no later than six months after the earlier of the date on 25917
which the complaint in the case was filed or the child was first 25918
placed in shelter care. After the first administrative review, 25919
the agency shall complete semiannual administrative reviews no 25920
later than every six months. If the court issues an order 25921
pursuant to section 2151.414 or 2151.415 of the Revised Code, 25922
the agency shall complete an administrative review no later than 25923
six months after the court's order and continue to complete 25924
administrative reviews no later than every six months after the 25925
first review, except that the court hearing held pursuant to 25926
section 2151.417 of the Revised Code may take the place of any 25927
administrative review that would otherwise be held at the time 25928
of the court hearing. When conducting a review, the child's 25929
health and safety shall be the paramount concern. 25930

(B) Each administrative review required by division (A) of 25931

this section shall be conducted by a review panel of at least 25932
three persons, including, but not limited to, both of the 25933
following: 25934

(1) A caseworker with day-to-day responsibility for, or 25935
familiarity with, the management of the child's case plan; 25936

(2) A person who is not responsible for the management of 25937
the child's case plan or for the delivery of services to the 25938
child or the parents, guardian, or custodian of the child. 25939

(C) Each semiannual administrative review shall include, 25940
but not be limited to, a joint meeting by the review panel with 25941
the parents, guardian, or custodian of the child, the guardian 25942
ad litem of the child, and the child's foster care provider and 25943
shall include an opportunity for those persons to submit any 25944
written materials to be included in the case record of the 25945
child. If a parent, guardian, custodian, guardian ad litem, or 25946
foster care provider of the child cannot be located after 25947
reasonable efforts to do so or declines to participate in the 25948
administrative review after being contacted, the agency does not 25949
have to include them in the joint meeting. 25950

(D) The agency shall prepare a written summary of the 25951
semiannual administrative review that shall include, but not be 25952
limited to, all of the following: 25953

(1) A conclusion regarding the safety and appropriateness 25954
of the child's foster care placement; 25955

(2) The extent of the compliance with the case plan of all 25956
parties; 25957

(3) The extent of progress that has been made toward 25958
alleviating the circumstances that required the agency to assume 25959
temporary custody of the child; 25960

(4) An estimated date by which the child may be returned 25961
to and safely maintained in the child's home or placed for 25962
adoption or legal custody; 25963

(5) An updated case plan that includes any changes that 25964
the agency is proposing in the case plan; 25965

(6) The recommendation of the agency as to which agency or 25966
person should be given custodial rights over the child for the 25967
six-month period after the administrative review; 25968

(7) The names of all persons who participated in the 25969
administrative review; 25970

(8) A summary of the agency's intensive efforts to secure 25971
a placement with an appropriate and willing kinship caregiver as 25972
defined in section ~~5101.85~~ 5180.50 of the Revised Code, 25973
including any use of search technology to find biological family 25974
members of the child and all other efforts undertaken since the 25975
last review, unless a court has determined that intensive 25976
efforts are unnecessary pursuant to section 2151.4118 of the 25977
Revised Code. 25978

(E) The agency shall file the summary with the court no 25979
later than seven days after the completion of the administrative 25980
review. If the agency proposes a change to the case plan as a 25981
result of the administrative review, the agency shall file the 25982
proposed change with the court at the time it files the summary. 25983
The agency shall give notice of the summary and proposed change 25984
in writing before the end of the next day after filing them to 25985
all parties and the child's guardian ad litem. All parties and 25986
the guardian ad litem shall have seven days after the date the 25987
notice is sent to object to and request a hearing on the 25988
proposed change. 25989

(1) If the court receives a timely request for a hearing, 25990
the court shall schedule a hearing pursuant to section 2151.417 25991
of the Revised Code to be held not later than thirty days after 25992
the court receives the request. The court shall give notice of 25993
the date, time, and location of the hearing to all parties and 25994
the guardian ad litem. The agency may implement the proposed 25995
change after the hearing, if the court approves it. The agency 25996
shall not implement the proposed change unless it is approved by 25997
the court. 25998

(2) If the court does not receive a timely request for a 25999
hearing, the court may approve the proposed change without a 26000
hearing. If the court approves the proposed change without a 26001
hearing, it shall journalize the case plan with the change not 26002
later than fourteen days after the change is filed with the 26003
court. If the court does not approve the proposed change to the 26004
case plan, it shall schedule a review hearing to be held 26005
pursuant to section 2151.417 of the Revised Code no later than 26006
thirty days after the expiration of the fourteen-day time period 26007
and give notice of the date, time, and location of the hearing 26008
to all parties and the guardian ad litem of the child. If, 26009
despite the requirements of this division and division (D) of 26010
section 2151.417 of the Revised Code, the court neither approves 26011
and journalizes the proposed change nor conducts a hearing, the 26012
agency may implement the proposed change not earlier than 26013
fifteen days after it is submitted to the court. 26014

(F) The director of children and youth may adopt rules 26015
pursuant to Chapter 119. of the Revised Code for procedures and 26016
standard forms for conducting administrative reviews pursuant to 26017
this section. 26018

(G) The juvenile court that receives the written summary 26019

of the administrative review, upon determining, either from the
written summary, case plan, or otherwise, that the custody or
care arrangement is not in the best interest of the child, may
terminate the custody of an agency and place the child in the
custody of another institution or association certified by the
department of children and youth under section 5103.03 of the
Revised Code.

Sec. 2151.4115. ~~(A)~~As used in sections 2151.4116 to
2151.4122 of the Revised Code:

~~(1)~~(A) "Kinship caregiver" has the same meaning as used
in section ~~5101.85~~5180.50 of the Revised Code.

~~(2)~~(B) "Search technology" means any locate-and-research
tool, search engine, electronic database, or social media search
tool available to a public children services agency or a private
child placing agency.

Sec. 2151.421. (A) (1) (a) No person described in division
(A) (1) (b) of this section who is acting in an official or
professional capacity and knows, or has reasonable cause to
suspect based on facts that would cause a reasonable person in a
similar position to suspect, that a child under eighteen years
of age, or a person under twenty-one years of age with a
developmental disability or physical impairment, has suffered or
faces a threat of suffering any physical or mental wound,
injury, disability, or condition of a nature that reasonably
indicates abuse or neglect of the child shall fail to
immediately report that knowledge or reasonable cause to suspect
to the entity or persons specified in this division. Except as
otherwise provided in this division or section 5120.173 of the
Revised Code, the person making the report shall make it to the
public children services agency or a peace officer in the county

in which the child resides or in which the abuse or neglect is 26050
occurring or has occurred. If the person making the report is a 26051
peace officer, the officer shall make it to the public children 26052
services agency in the county in which the child resides or in 26053
which the abuse or neglect is occurring or has occurred. In the 26054
circumstances described in section 5120.173 of the Revised Code, 26055
the person making the report shall make it to the entity 26056
specified in that section. 26057

(b) Division (A)(1)(a) of this section applies to any 26058
person who is an attorney; health care professional; 26059
practitioner of a limited branch of medicine as specified in 26060
section 4731.15 of the Revised Code; licensed school 26061
psychologist; independent marriage and family therapist or 26062
marriage and family therapist; coroner; administrator or 26063
employee of a child care center; administrator or employee of a 26064
residential camp, child day camp, or private, nonprofit 26065
therapeutic wilderness camp; administrator or employee of a 26066
certified child care agency or other public or private children 26067
services agency; school teacher; school employee; school 26068
authority; peace officer; humane society agent; dog warden, 26069
deputy dog warden, or other person appointed to act as an animal 26070
control officer for a municipal corporation or township in 26071
accordance with state law, an ordinance, or a resolution; 26072
person, other than a cleric, rendering spiritual treatment 26073
through prayer in accordance with the tenets of a well- 26074
recognized religion; employee of a county department of job and 26075
family services who is a professional and who works with 26076
children and families; employee of an entity that provides home 26077
visiting services under the help me grow program established by 26078
the department of children and youth pursuant to section 5180.21 26079
of the Revised Code; superintendent or regional administrator 26080

employed by the department of youth services; superintendent, 26081
board member, or employee of a county board of developmental 26082
disabilities; investigative agent contracted with by a county 26083
board of developmental disabilities; employee of the department 26084
of developmental disabilities; employee of a facility or home 26085
that provides respite care in accordance with section 5123.171 26086
of the Revised Code; employee of an entity that provides 26087
homemaker services; employee of a qualified organization as 26088
defined in section 2151.90 of the Revised Code; a host family as 26089
defined in section 2151.90 of the Revised Code; foster 26090
caregiver; a person performing the duties of an assessor 26091
pursuant to Chapter 3107. or 5103. of the Revised Code; third 26092
party employed by a public children services agency to assist in 26093
providing child or family related services; court appointed 26094
special advocate; or guardian ad litem. 26095

(c) If two or more health care professionals, after 26096
providing health care services to a child, determine or suspect 26097
that the child has been or is being abused or neglected, the 26098
health care professionals may designate one of the health care 26099
professionals to report the abuse or neglect. A single report 26100
made under this division shall meet the reporting requirements 26101
of division (A)(1) of this section. 26102

(2) Except as provided in division (A)(3) of this section, 26103
an attorney or a physician is not required to make a report 26104
pursuant to division (A)(1) of this section concerning any 26105
communication the attorney or physician receives from a client 26106
or patient in an attorney-client or physician-patient 26107
relationship, if, in accordance with division (A) or (B) of 26108
section 2317.02 of the Revised Code, the attorney or physician 26109
could not testify with respect to that communication in a civil 26110
or criminal proceeding. 26111

(3) The client or patient in an attorney-client or 26112
physician-patient relationship described in division (A)(2) of 26113
this section is deemed to have waived any testimonial privilege 26114
under division (A) or (B) of section 2317.02 of the Revised Code 26115
with respect to any communication the attorney or physician 26116
receives from the client or patient in that attorney-client or 26117
physician-patient relationship, and the attorney or physician 26118
shall make a report pursuant to division (A)(1) of this section 26119
with respect to that communication, if all of the following 26120
apply: 26121

(a) The client or patient, at the time of the 26122
communication, is a child under eighteen years of age or is a 26123
person under twenty-one years of age with a developmental 26124
disability or physical impairment. 26125

(b) The attorney or physician knows, or has reasonable 26126
cause to suspect based on facts that would cause a reasonable 26127
person in similar position to suspect that the client or patient 26128
has suffered or faces a threat of suffering any physical or 26129
mental wound, injury, disability, or condition of a nature that 26130
reasonably indicates abuse or neglect of the client or patient. 26131

(c) The abuse or neglect does not arise out of the 26132
client's or patient's attempt to have an abortion without the 26133
notification of her parents, guardian, or custodian in 26134
accordance with section 2151.85 of the Revised Code. 26135

(4) (a) No cleric and no person, other than a volunteer, 26136
designated by any church, religious society, or faith acting as 26137
a leader, official, or delegate on behalf of the church, 26138
religious society, or faith who is acting in an official or 26139
professional capacity, who knows, or has reasonable cause to 26140
believe based on facts that would cause a reasonable person in a 26141

similar position to believe, that a child under eighteen years 26142
of age, or a person under twenty-one years of age with a 26143
developmental disability or physical impairment, has suffered or 26144
faces a threat of suffering any physical or mental wound, 26145
injury, disability, or condition of a nature that reasonably 26146
indicates abuse or neglect of the child, and who knows, or has 26147
reasonable cause to believe based on facts that would cause a 26148
reasonable person in a similar position to believe, that another 26149
cleric or another person, other than a volunteer, designated by 26150
a church, religious society, or faith acting as a leader, 26151
official, or delegate on behalf of the church, religious 26152
society, or faith caused, or poses the threat of causing, the 26153
wound, injury, disability, or condition that reasonably 26154
indicates abuse or neglect shall fail to immediately report that 26155
knowledge or reasonable cause to believe to the entity or 26156
persons specified in this division. Except as provided in 26157
section 5120.173 of the Revised Code, the person making the 26158
report shall make it to the public children services agency or a 26159
peace officer in the county in which the child resides or in 26160
which the abuse or neglect is occurring or has occurred. In the 26161
circumstances described in section 5120.173 of the Revised Code, 26162
the person making the report shall make it to the entity 26163
specified in that section. 26164

(b) Except as provided in division (A) (4) (c) of this 26165
section, a cleric is not required to make a report pursuant to 26166
division (A) (4) (a) of this section concerning any communication 26167
the cleric receives from a penitent in a cleric-penitent 26168
relationship, if, in accordance with division (C) of section 26169
2317.02 of the Revised Code, the cleric could not testify with 26170
respect to that communication in a civil or criminal proceeding. 26171

(c) The penitent in a cleric-penitent relationship 26172

described in division (A) (4) (b) of this section is deemed to 26173
have waived any testimonial privilege under division (C) of 26174
section 2317.02 of the Revised Code with respect to any 26175
communication the cleric receives from the penitent in that 26176
cleric-penitent relationship, and the cleric shall make a report 26177
pursuant to division (A) (4) (a) of this section with respect to 26178
that communication, if all of the following apply: 26179

(i) The penitent, at the time of the communication, is a 26180
child under eighteen years of age or is a person under twenty- 26181
one years of age with a developmental disability or physical 26182
impairment. 26183

(ii) The cleric knows, or has reasonable cause to believe 26184
based on facts that would cause a reasonable person in a similar 26185
position to believe, as a result of the communication or any 26186
observations made during that communication, the penitent has 26187
suffered or faces a threat of suffering any physical or mental 26188
wound, injury, disability, or condition of a nature that 26189
reasonably indicates abuse or neglect of the penitent. 26190

(iii) The abuse or neglect does not arise out of the 26191
penitent's attempt to have an abortion performed upon a child 26192
under eighteen years of age or upon a person under twenty-one 26193
years of age with a developmental disability or physical 26194
impairment without the notification of her parents, guardian, or 26195
custodian in accordance with section 2151.85 of the Revised 26196
Code. 26197

(d) Divisions (A) (4) (a) and (c) of this section do not 26198
apply in a cleric-penitent relationship when the disclosure of 26199
any communication the cleric receives from the penitent is in 26200
violation of the sacred trust. 26201

(e) As used in divisions (A) (1) and (4) of this section, 26202
"cleric" and "sacred trust" have the same meanings as in section 26203
2317.02 of the Revised Code. 26204

(B) Anyone who knows, or has reasonable cause to suspect 26205
based on facts that would cause a reasonable person in similar 26206
circumstances to suspect, that a child under eighteen years of 26207
age, or a person under twenty-one years of age with a 26208
developmental disability or physical impairment, has suffered or 26209
faces a threat of suffering any physical or mental wound, 26210
injury, disability, or other condition of a nature that 26211
reasonably indicates abuse or neglect of the child may report or 26212
cause reports to be made of that knowledge or reasonable cause 26213
to suspect to the entity or persons specified in this division. 26214
Except as provided in section 5120.173 of the Revised Code, a 26215
person making a report or causing a report to be made under this 26216
division shall make it or cause it to be made to the public 26217
children services agency or to a peace officer. In the 26218
circumstances described in section 5120.173 of the Revised Code, 26219
a person making a report or causing a report to be made under 26220
this division shall make it or cause it to be made to the entity 26221
specified in that section. 26222

(C) Any report made pursuant to division (A) or (B) of 26223
this section shall be made forthwith either by telephone, in 26224
person, or electronically and shall be followed by a written 26225
report, if requested by the receiving agency or officer. The 26226
written report shall contain: 26227

(1) The names and addresses of the child and the child's 26228
parents or the person or persons having custody of the child, if 26229
known; 26230

(2) The child's age and the nature and extent of the 26231

child's injuries, abuse, or neglect that is known or reasonably 26232
suspected or believed, as applicable, to have occurred or of the 26233
threat of injury, abuse, or neglect that is known or reasonably 26234
suspected or believed, as applicable, to exist, including any 26235
evidence of previous injuries, abuse, or neglect; 26236

(3) Any other information, including, but not limited to, 26237
results and reports of any medical examinations, tests, or 26238
procedures performed under division (D) of this section, that 26239
might be helpful in establishing the cause of the injury, abuse, 26240
or neglect that is known or reasonably suspected or believed, as 26241
applicable, to have occurred or of the threat of injury, abuse, 26242
or neglect that is known or reasonably suspected or believed, as 26243
applicable, to exist. 26244

(D) (1) Any person, who is required by division (A) of this 26245
section to report child abuse or child neglect that is known or 26246
reasonably suspected or believed to have occurred, may take or 26247
cause to be taken color photographs of areas of trauma visible 26248
on a child and, if medically necessary for the purpose of 26249
diagnosing or treating injuries that are suspected to have 26250
occurred as a result of child abuse or child neglect, perform or 26251
cause to be performed radiological examinations and any other 26252
medical examinations of, and tests or procedures on, the child. 26253

(2) The results and any available reports of examinations, 26254
tests, or procedures made under division (D) (1) of this section 26255
shall be included in a report made pursuant to division (A) of 26256
this section. Any additional reports of examinations, tests, or 26257
procedures that become available shall be provided to the public 26258
children services agency, upon request. 26259

(3) If a health care professional provides health care 26260
services in a hospital, children's advocacy center, or emergency 26261

medical facility to a child about whom a report has been made 26262
under division (A) of this section, the health care professional 26263
may take any steps that are reasonably necessary for the release 26264
or discharge of the child to an appropriate environment. Before 26265
the child's release or discharge, the health care professional 26266
may obtain information, or consider information obtained, from 26267
other entities or individuals that have knowledge about the 26268
child. Nothing in division (D) (3) of this section shall be 26269
construed to alter the responsibilities of any person under 26270
sections 2151.27 and 2151.31 of the Revised Code. 26271

(4) A health care professional may conduct medical 26272
examinations, tests, or procedures on the siblings of a child 26273
about whom a report has been made under division (A) of this 26274
section and on other children who reside in the same home as the 26275
child, if the professional determines that the examinations, 26276
tests, or procedures are medically necessary to diagnose or 26277
treat the siblings or other children in order to determine 26278
whether reports under division (A) of this section are warranted 26279
with respect to such siblings or other children. The results of 26280
the examinations, tests, or procedures on the siblings and other 26281
children may be included in a report made pursuant to division 26282
(A) of this section. 26283

(5) Medical examinations, tests, or procedures conducted 26284
under divisions (D) (1) and (4) of this section and decisions 26285
regarding the release or discharge of a child under division (D) 26286
(3) of this section do not constitute a law enforcement 26287
investigation or activity. 26288

(E) (1) When a peace officer receives a report made 26289
pursuant to division (A) or (B) of this section, upon receipt of 26290
the report, the peace officer who receives the report shall 26291

refer the report to the appropriate public children services 26292
agency, in accordance with requirements specified under division 26293
(B) (6) of section 2151.4221 of the Revised Code, unless an 26294
arrest is made at the time of the report that results in the 26295
appropriate public children services agency being contacted 26296
concerning the possible abuse or neglect of a child or the 26297
possible threat of abuse or neglect of a child. 26298

(2) When a public children services agency receives a 26299
report pursuant to this division or division (A) or (B) of this 26300
section, upon receipt of the report, the public children 26301
services agency shall do all of the following: 26302

(a) Comply with section 2151.422 of the Revised Code; 26303

(b) If the county served by the agency is also served by a 26304
children's advocacy center and the report alleges sexual abuse 26305
of a child or another type of abuse of a child that is specified 26306
in the memorandum of understanding that creates the center as 26307
being within the center's jurisdiction, comply regarding the 26308
report with the protocol and procedures for referrals and 26309
investigations, with the coordinating activities, and with the 26310
authority or responsibility for performing or providing 26311
functions, activities, and services stipulated in the 26312
interagency agreement entered into under section 2151.428 of the 26313
Revised Code relative to that center; 26314

(c) Unless an arrest is made at the time of the report 26315
that results in the appropriate law enforcement agency being 26316
contacted concerning the possible abuse or neglect of a child or 26317
the possible threat of abuse or neglect of a child, and in 26318
accordance with requirements specified under division (B) (6) of 26319
section 2151.4221 of the Revised Code, notify the appropriate 26320
law enforcement agency of the report, if the public children 26321

services agency received either of the following: 26322

(i) A report of abuse of a child; 26323

(ii) A report of neglect of a child that alleges a type of 26324
neglect identified by the department of children and youth in 26325
rules adopted under division (L) (2) of this section. 26326

(F) No peace officer shall remove a child about whom a 26327
report is made pursuant to this section from the child's 26328
parents, stepparents, or guardian or any other persons having 26329
custody of the child without consultation with the public 26330
children services agency, unless, in the judgment of the 26331
officer, and, if the report was made by physician, the 26332
physician, immediate removal is considered essential to protect 26333
the child from further abuse or neglect. The agency that must be 26334
consulted shall be the agency conducting the investigation of 26335
the report as determined pursuant to section 2151.422 of the 26336
Revised Code. 26337

(G) (1) Except as provided in section 2151.422 of the 26338
Revised Code or in an interagency agreement entered into under 26339
section 2151.428 of the Revised Code that applies to the 26340
particular report, the public children services agency shall 26341
investigate, within twenty-four hours, each report of child 26342
abuse or child neglect that is known or reasonably suspected or 26343
believed to have occurred and of a threat of child abuse or 26344
child neglect that is known or reasonably suspected or believed 26345
to exist that is referred to it under this section to determine 26346
the circumstances surrounding the injuries, abuse, or neglect or 26347
the threat of injury, abuse, or neglect, the cause of the 26348
injuries, abuse, neglect, or threat, and the person or persons 26349
responsible. The investigation shall be made in cooperation with 26350
the law enforcement agency and in accordance with the memorandum 26351

of understanding prepared under sections 2151.4220 to 2151.4234 26352
of the Revised Code. A representative of the public children 26353
services agency shall, at the time of initial contact with the 26354
person subject to the investigation, inform the person of the 26355
specific complaints or allegations made against the person. The 26356
information shall be given in a manner that is consistent with 26357
division (I)(1) ~~and rules adopted under division (L)(3)~~ of this 26358
section and protects the rights of the person making the report 26359
under this section. 26360

A failure to make the investigation in accordance with the 26361
memorandum is not grounds for, and shall not result in, the 26362
dismissal of any charges or complaint arising from the report or 26363
the suppression of any evidence obtained as a result of the 26364
report and does not give, and shall not be construed as giving, 26365
any rights or any grounds for appeal or post-conviction relief 26366
to any person. The public children services agency shall report 26367
each case to the uniform statewide automated child welfare 26368
information system that the department of children and youth 26369
shall maintain in accordance with section ~~5101.13~~ 5180.40 of the 26370
Revised Code. The public children services agency shall submit a 26371
report of its investigation, in writing, to the law enforcement 26372
agency. 26373

(2) The public children services agency shall make any 26374
recommendations to the county prosecuting attorney or city 26375
director of law that it considers necessary to protect any 26376
children that are brought to its attention. 26377

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 26378
(I)(3) of this section, any person, health care professional, 26379
hospital, institution, school, health department, or agency 26380
shall be immune from any civil or criminal liability for injury, 26381

death, or loss to person or property that otherwise might be 26382
incurred or imposed as a result of any of the following: 26383

(i) Participating in the making of reports pursuant to 26384
division (A) of this section or in the making of reports in good 26385
faith, pursuant to division (B) of this section; 26386

(ii) Participating in medical examinations, tests, or 26387
procedures under division (D) of this section; 26388

(iii) Providing information used in a report made pursuant 26389
to division (A) of this section or providing information in good 26390
faith used in a report made pursuant to division (B) of this 26391
section; 26392

(iv) Participating in a judicial proceeding resulting from 26393
a report made pursuant to division (A) of this section or 26394
participating in good faith in a proceeding resulting from a 26395
report made pursuant to division (B) of this section. 26396

(b) Immunity under division (H) (1) (a) (ii) of this section 26397
shall not apply when a health care provider has deviated from 26398
the standard of care applicable to the provider's profession. 26399

(c) Notwithstanding section 4731.22 of the Revised Code, 26400
the physician-patient privilege shall not be a ground for 26401
excluding evidence regarding a child's injuries, abuse, or 26402
neglect, or the cause of the injuries, abuse, or neglect in any 26403
judicial proceeding resulting from a report submitted pursuant 26404
to this section. 26405

(2) In any civil or criminal action or proceeding in which 26406
it is alleged and proved that participation in the making of a 26407
report under this section was not in good faith or participation 26408
in a judicial proceeding resulting from a report made under this 26409
section was not in good faith, the court shall award the 26410

prevailing party reasonable attorney's fees and costs and, if a 26411
civil action or proceeding is voluntarily dismissed, may award 26412
reasonable attorney's fees and costs to the party against whom 26413
the civil action or proceeding is brought. 26414

(I) (1) Except as provided in divisions (I) (4) and (N) of 26415
this section and sections 2151.423 and 2151.4210 of the Revised 26416
Code, a report made under this section is confidential. The 26417
information provided in a report made pursuant to this section 26418
and the name of the person who made the report shall not be 26419
released for use, and shall not be used, as evidence in any 26420
civil action or proceeding brought against the person who made 26421
the report. Nothing in this division shall preclude the use of 26422
reports of other incidents of known or suspected abuse or 26423
neglect in a civil action or proceeding brought pursuant to 26424
division (M) of this section against a person who is alleged to 26425
have violated division (A) (1) of this section, provided that any 26426
information in a report that would identify the child who is the 26427
subject of the report or the maker of the report, if the maker 26428
of the report is not the defendant or an agent or employee of 26429
the defendant, has been redacted. In a criminal proceeding, the 26430
report is admissible in evidence in accordance with the Rules of 26431
Evidence and is subject to discovery in accordance with the 26432
Rules of Criminal Procedure. 26433

(2) (a) Except as provided in division (I) (2) (b) of this 26434
section, no person shall permit or encourage the unauthorized 26435
dissemination of the contents of any report made under this 26436
section. 26437

(b) A health care professional that obtains the same 26438
information contained in a report made under this section from a 26439
source other than the report may disseminate the information, if 26440

its dissemination is otherwise permitted by law. 26441

(3) A person who knowingly makes or causes another person 26442
to make a false report under division (B) of this section that 26443
alleges that any person has committed an act or omission that 26444
resulted in a child being an abused child or a neglected child 26445
is guilty of a violation of section 2921.14 of the Revised Code. 26446

(4) If a report is made pursuant to division (A) or (B) of 26447
this section and the child who is the subject of the report dies 26448
for any reason at any time after the report is made, but before 26449
the child attains eighteen years of age, the public children 26450
services agency or peace officer to which the report was made or 26451
referred, on the request of the child fatality review board, the 26452
suicide fatality review committee, or the director of health 26453
pursuant to guidelines established under section 3701.70 of the 26454
Revised Code, shall submit a summary sheet of information 26455
providing a summary of the report to the review board or review 26456
committee of the county in which the deceased child resided at 26457
the time of death or to the director. On the request of the 26458
review board, review committee, or director, the agency or peace 26459
officer may, at its discretion, make the report available to the 26460
review board, review committee, or director. If the county 26461
served by the public children services agency is also served by 26462
a children's advocacy center and the report of alleged sexual 26463
abuse of a child or another type of abuse of a child is 26464
specified in the memorandum of understanding that creates the 26465
center as being within the center's jurisdiction, the agency or 26466
center shall perform the duties and functions specified in this 26467
division in accordance with the interagency agreement entered 26468
into under section 2151.428 of the Revised Code relative to that 26469
advocacy center. 26470

(5) Not later than five business days after the
determination of a disposition, a public children services
agency shall advise a person alleged to have inflicted abuse or
neglect on a child who is the subject of a report made pursuant
to this section, including a report alleging sexual abuse of a
child or another type of abuse of a child referred to a
children's advocacy center pursuant to an interagency agreement
entered into under section 2151.428 of the Revised Code, in
writing of the disposition of the investigation. The agency
shall not provide to the person any information that identifies
the person who made the report, statements of witnesses, or
police or other investigative reports. The written notice of
disposition shall be made in a form designated by the department
of ~~job and family services~~ children and youth and shall inform
the person of the right to appeal the disposition.

(J) Any report that is required by this section, other
than a report that is made to the state highway patrol as
described in section 5120.173 of the Revised Code, shall result
in protective services and emergency supportive services being
made available by the public children services agency on behalf
of the children about whom the report is made. The agency
required to provide the services shall be the agency conducting
the investigation of the report pursuant to section 2151.422 of
the Revised Code. If a ~~child-family~~ is determined to be a
~~candidate for benefit from~~ prevention services, the agency also
~~shall may~~ make efforts to prevent neglect or abuse, to enhance a
child's welfare, and to preserve the family unit intact by
referring a report for assessment and provision of services to
an agency providing prevention services, if appropriate
prevention services are available from a local provider or other
reasonable source.

(K) (1) Except as provided in division (K) (4) or (5) of 26502
this section, a person who is required to make a report under 26503
division (A) of this section may make a reasonable number of 26504
requests of the public children services agency that receives or 26505
is referred the report, or of the children's advocacy center 26506
that is referred the report if the report is referred to a 26507
children's advocacy center pursuant to an interagency agreement 26508
entered into under section 2151.428 of the Revised Code, to be 26509
provided with the following information: 26510

(a) Whether the agency or center has initiated an 26511
investigation of the report; 26512

(b) Whether the agency or center is continuing to 26513
investigate the report; 26514

(c) Whether the agency or center is otherwise involved 26515
with the child who is the subject of the report; 26516

(d) The general status of the health and safety of the 26517
child who is the subject of the report; 26518

(e) Whether the report has resulted in the filing of a 26519
complaint in juvenile court or of criminal charges in another 26520
court. 26521

(2) (a) A person may request the information specified in 26522
division (K) (1) of this section only if, at the time the report 26523
is made, the person's name, address, and telephone number are 26524
provided to the person who receives the report. 26525

(b) When a peace officer or employee of a public children 26526
services agency receives a report pursuant to division (A) or 26527
(B) of this section the recipient of the report shall inform the 26528
person of the right to request the information described in 26529
division (K) (1) of this section. The recipient of the report 26530

shall include in the initial child abuse or child neglect report 26531
that the person making the report was so informed and, if 26532
provided at the time of the making of the report, shall include 26533
the person's name, address, and telephone number in the report. 26534

(c) If the person making the report provides the person's 26535
name and contact information on making the report, the public 26536
children services agency that received or was referred the 26537
report shall send a written notice via United States mail or 26538
electronic mail, in accordance with the person's preference, to 26539
the person not later than seven calendar days after receipt of 26540
the report. The notice shall provide the status of the agency's 26541
investigation into the report made, who the person may contact 26542
at the agency for further information, and a description of the 26543
person's rights under division (K)(1) of this section. 26544

(d) Each request is subject to verification of the 26545
identity of the person making the report. If that person's 26546
identity is verified, the agency shall provide the person with 26547
the information described in division (K)(1) of this section a 26548
reasonable number of times, except that the agency shall not 26549
disclose any confidential information regarding the child who is 26550
the subject of the report other than the information described 26551
in those divisions. 26552

(3) A request made pursuant to division (K)(1) of this 26553
section is not a substitute for any report required to be made 26554
pursuant to division (A) of this section. 26555

(4) If an agency other than the agency that received or 26556
was referred the report is conducting the investigation of the 26557
report pursuant to section 2151.422 of the Revised Code, the 26558
agency conducting the investigation shall comply with the 26559
requirements of division (K) of this section. 26560

(5) A health care professional who made a report under 26561
division (A) of this section, or on whose behalf such a report 26562
was made as provided in division (A)(1)(c) of this section, may 26563
authorize a person to obtain the information described in 26564
division (K)(1) of this section if the person requesting the 26565
information is associated with or acting on behalf of the health 26566
care professional who provided health care services to the child 26567
about whom the report was made. 26568

(6) If the person making the report provides the person's 26569
name and contact information on making the report, the public 26570
children services agency that received or was referred the 26571
report shall send a written notice via United States mail or 26572
electronic mail, in accordance with the person's preference, to 26573
the person not later than seven calendar days after the agency 26574
closes the investigation into the case reported by the person. 26575
The notice shall notify the person that the agency has closed 26576
the investigation. 26577

(L)(1) The director of children and youth shall adopt 26578
rules in accordance with Chapter 119. of the Revised Code to 26579
implement this section. The department of children and youth may 26580
enter into a plan of cooperation with any other governmental 26581
entity to aid in ensuring that children are protected from abuse 26582
and neglect. The department shall make recommendations to the 26583
attorney general that the department determines are necessary to 26584
protect children from child abuse and child neglect. 26585

(2) The director of children and youth shall adopt rules 26586
in accordance with Chapter 119. of the Revised Code to identify 26587
the types of neglect of a child that a public children services 26588
agency shall be required to notify law enforcement of pursuant 26589
to division (E)(2)(c)(ii) of this section. 26590

(M) Whoever violates division (A) of this section is 26591
liable for compensatory and exemplary damages to the child who 26592
would have been the subject of the report that was not made. A 26593
person who brings a civil action or proceeding pursuant to this 26594
division against a person who is alleged to have violated 26595
division (A)(1) of this section may use in the action or 26596
proceeding reports of other incidents of known or suspected 26597
abuse or neglect, provided that any information in a report that 26598
would identify the child who is the subject of the report or the 26599
maker of the report, if the maker is not the defendant or an 26600
agent or employee of the defendant, has been redacted. 26601

(N) (1) As used in this division: 26602

(a) "Out-of-home care" includes a nonchartered nonpublic 26603
school if the alleged child abuse or child neglect, or alleged 26604
threat of child abuse or child neglect, described in a report 26605
received by a public children services agency allegedly occurred 26606
in or involved the nonchartered nonpublic school and the alleged 26607
perpetrator named in the report holds a certificate, permit, or 26608
license issued by the state board of education under section 26609
3301.071 or Chapter 3319. of the Revised Code. 26610

(b) "Administrator, director, or other chief 26611
administrative officer" means the superintendent of the school 26612
district if the out-of-home care entity subject to a report made 26613
pursuant to this section is a school operated by the district. 26614

(2) No later than the end of the day following the day on 26615
which a public children services agency receives a report of 26616
alleged child abuse or child neglect, or a report of an alleged 26617
threat of child abuse or child neglect, that allegedly occurred 26618
in or involved an out-of-home care entity, the agency shall 26619
provide written notice of the allegations contained in and the 26620

person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(O) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the

Revised Code. 26651

(2) "Health care professional" means an individual who 26652
provides health-related services including a physician, hospital 26653
intern or resident, dentist, podiatrist, registered nurse, 26654
licensed practical nurse, visiting nurse, licensed psychologist, 26655
speech pathologist, audiologist, person engaged in social work 26656
or the practice of professional counseling, and employee of a 26657
home health agency. "Health care professional" does not include 26658
a practitioner of a limited branch of medicine as specified in 26659
section 4731.15 of the Revised Code, licensed school 26660
psychologist, independent marriage and family therapist or 26661
marriage and family therapist, or coroner. 26662

(3) "Investigation" means the public children services 26663
agency's response to an accepted report of child abuse or 26664
neglect through either an alternative response or a traditional 26665
response. 26666

(4) "Peace officer" means a sheriff, deputy sheriff, 26667
constable, police officer of a township or joint police 26668
district, marshal, deputy marshal, municipal police officer, or 26669
a state highway patrol trooper. 26670

Sec. 2151.423. A public children services agency shall 26671
disclose confidential information discovered during an 26672
investigation conducted pursuant to section 2151.421 or 2151.422 26673
of the Revised Code to any federal, state, or local government 26674
entity, including any appropriate military authority or any 26675
~~agency providing prevention services~~ provider to the 26676
~~child~~ family, that needs the information to carry out its 26677
responsibilities to protect children from abuse or neglect. 26678

Information disclosed pursuant to this section is 26679

confidential and is not subject to disclosure pursuant to 26680
section 149.43 or 1347.08 of the Revised Code by the agency to 26681
whom the information was disclosed. The agency receiving the 26682
information shall maintain the confidentiality of information 26683
disclosed pursuant to this section. 26684

Sec. 2151.424. (A) If a child has been placed in a 26685
certified foster home or is in the custody of, or has been 26686
placed with, a kinship caregiver as defined in section ~~5101.85~~ 26687
5180.50 of the Revised Code, a court, prior to conducting any 26688
hearing pursuant to division (F) (2) or (3) of section 2151.412 26689
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 26690
2151.416, or 2151.417 of the Revised Code with respect to the 26691
child, shall notify the foster caregiver or kinship caregiver of 26692
the date, time, and place of the hearing. At the hearing, the 26693
foster caregiver or kinship caregiver shall have the right to be 26694
heard. 26695

(B) If a public children services agency or private child 26696
placing agency has permanent custody of a child and a petition 26697
to adopt the child has been filed under Chapter 3107. of the 26698
Revised Code, the agency, prior to conducting a review under 26699
section 2151.416 of the Revised Code, or a court, prior to 26700
conducting a hearing under division (F) (2) or (3) of section 26701
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 26702
shall notify the prospective adoptive parent of the date, time, 26703
and place of the review or hearing. At the review or hearing, 26704
the prospective adoptive parent shall have the right to be 26705
heard. 26706

(C) The notice and the opportunity to be heard do not make 26707
the foster caregiver, kinship caregiver, or prospective adoptive 26708
parent a party in the action or proceeding pursuant to which the 26709

review or hearing is conducted. 26710

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of 26711
the Revised Code, "emancipated young adult" and "representative" 26712
have the same meanings as in section ~~5101.141~~ 5180.42 of the 26713
Revised Code. 26714

Sec. 2151.451. (A) The juvenile court of the county, to 26715
which either of the following applies regarding an emancipated 26716
young adult described under division (A) (1) of section ~~5101.141~~ 26717
5180.428 of the Revised Code, may exercise jurisdiction over the 26718
emancipated young adult for purposes of sections 2151.45 to 26719
2151.455 of the Revised Code: 26720

(1) The county in which the emancipated young adult 26721
resides; 26722

(2) The county in which the emancipated young adult 26723
resided when the custody, arrangement, or care and placement 26724
described in division (A) (3) (a) of section ~~5101.141~~ 5180.42 of 26725
the Revised Code terminated. 26726

(B) A juvenile court, on its own motion or the motion of 26727
any party, may transfer a proceeding under sections 2151.45 to 26728
2151.455 of the Revised Code to a juvenile court with 26729
jurisdiction as provided in this section. 26730

Sec. 2151.452. A juvenile court shall do both of the 26731
following regarding an emancipated young adult described under 26732
division (A) (1) of section ~~5101.141~~ 5180.428 of the Revised 26733
Code: 26734

(A) Not later than one hundred eighty days after the 26735
voluntary participation agreement becomes effective, make a 26736
determination as to whether the emancipated young adult's best 26737
interest is served by continuing the care and placement with the 26738

department of children and youth or its representative. 26739

(B) Not later than twelve months after the effective date 26740
of the voluntary participation agreement, and at least once 26741
every twelve months thereafter, make a determination that the 26742
department or its representative has made reasonable efforts to 26743
finalize a permanency plan to prepare the emancipated young 26744
adult for independence. 26745

Sec. 2151.453. If any determination required under section 26746
2151.452 of the Revised Code is not timely made, the federal 26747
payments for foster care under division (A)(1) of section 26748
~~5101.1411~~ 5180.428 of the Revised Code for the emancipated young 26749
adult shall be suspended. The payments shall resume upon a 26750
subsequent determination that reasonable efforts have been made 26751
to prepare the emancipated young adult for independence, but 26752
only if both of the following apply: 26753

(A) The emancipated young adult complies with division (A) 26754
(1) of section ~~5101.1411~~ 5180.428 of the Revised Code. 26755

(B) There has been a timely determination of best interest 26756
under division (A) of section 2151.452 of the Revised Code. 26757

Sec. 2152.21. (A) Unless division (C) of this section 26758
applies, if a child is adjudicated a juvenile traffic offender, 26759
the court may make any of the following orders of disposition: 26760

(1) Impose costs and one or more financial sanctions in 26761
accordance with section 2152.20 of the Revised Code; 26762

(2) Suspend the child's driver's license, probationary 26763
driver's license, or temporary instruction permit for a definite 26764
period not exceeding two years or suspend the registration of 26765
all motor vehicles registered in the name of the child for a 26766
definite period not exceeding two years. A child whose license 26767

or permit is so suspended is ineligible for issuance of a 26768
license or permit during the period of suspension. At the end of 26769
the period of suspension, the child shall not be reissued a 26770
license or permit until the child has paid any applicable 26771
reinstatement fee and complied with all requirements governing 26772
license reinstatement. 26773

(3) Place the child on community control; 26774

(4) If the child is adjudicated a juvenile traffic 26775
offender for an act other than an act that would be a minor 26776
misdemeanor if committed by an adult and other than an act that 26777
could be disposed of by the juvenile traffic violations bureau 26778
serving the court under Traffic Rule 13.1 if the court has 26779
established a juvenile traffic violations bureau, require the 26780
child to make restitution pursuant to division (A) (3) of section 26781
2152.20 of the Revised Code; 26782

(5) (a) If the child is adjudicated a juvenile traffic 26783
offender for committing a violation of division (A) of section 26784
4511.19 of the Revised Code or of a municipal ordinance that is 26785
substantially equivalent to that division, commit the child, for 26786
not longer than five days, to either of the following: 26787

(i) The temporary custody of a detention facility or 26788
district detention facility established under section 2152.41 of 26789
the Revised Code; 26790

(ii) The temporary custody of any school, camp, 26791
institution, or other facility for children operated in whole or 26792
in part for the care of juvenile traffic offenders of that 26793
nature by the county, by a district organized under section 26794
2151.65 or 2152.41 of the Revised Code, or by a private agency 26795
or organization within the state that is authorized and 26796

qualified to provide the care, treatment, or placement required. 26797

(b) If an order of disposition committing a child to the 26798
temporary custody of a home, school, camp, institution, or other 26799
facility of that nature is made under division (A)(5)(a) of this 26800
section, the length of the commitment shall not be reduced or 26801
diminished as a credit for any time that the child was held in a 26802
place of detention or shelter care, or otherwise was detained, 26803
prior to entry of the order of disposition. 26804

(6) If, after making a disposition under divisions (A)(1) 26805
to (5) of this section, the court finds upon further hearing 26806
that the child has failed to comply with the orders of the court 26807
and the child's operation of a motor vehicle constitutes the 26808
child a danger to the child and to others, the court may make 26809
any disposition authorized by divisions (A)(1), (4), (5), and 26810
(8) of section 2152.19 of the Revised Code, except that the 26811
child may not be committed to or placed in a secure correctional 26812
facility unless authorized by division (A)(5) of this section, 26813
and commitment to or placement in a detention facility may not 26814
exceed twenty-four hours. 26815

(B) If a child is adjudicated a juvenile traffic offender 26816
for violating division (A) or (B) of section 4511.19 of the 26817
Revised Code, in addition to any order of disposition made under 26818
division (A) of this section, the court shall impose a class six 26819
suspension of the temporary instruction permit, probationary 26820
driver's license, or driver's license issued to the child from 26821
the range specified in division (A)(6) of section 4510.02 of the 26822
Revised Code. The court, in its discretion, may terminate the 26823
suspension if the child attends and satisfactorily completes a 26824
drug abuse or alcohol abuse education, intervention, or 26825
treatment program specified by the court. During the time the 26826

child is attending a program as described in this division, the 26827
court shall retain the child's temporary instruction permit, 26828
probationary driver's license, or driver's license issued, and 26829
the court shall return the permit or license if it terminates 26830
the suspension as described in this division. 26831

(C) If a child is adjudicated a juvenile traffic offender 26832
for violating division (B) (1) of section 4513.263 of the Revised 26833
Code, the court shall impose the appropriate fine set forth in 26834
division ~~(G)~~ (F) (1) of that section. If a child is adjudicated a 26835
juvenile traffic offender for violating division (B) (3) of 26836
section 4513.263 of the Revised Code and if the child is sixteen 26837
years of age or older, the court shall impose the fine set forth 26838
in division ~~(G) (2)~~ (F) (2) of that section. If a child is 26839
adjudicated a juvenile traffic offender for violating division 26840
(B) (3) of section 4513.263 of the Revised Code and if the child 26841
is under sixteen years of age, the court shall not impose a fine 26842
but may place the child on probation or community control. 26843

(D) A juvenile traffic offender is subject to sections 26844
4509.01 to 4509.78 of the Revised Code. 26845

Sec. 2152.26. (A) Except as provided in divisions (B) and 26846
(F) of this section, a child alleged to be or adjudicated a 26847
delinquent child or a juvenile traffic offender may be held only 26848
in the following places: 26849

(1) A certified foster home or a home approved by the 26850
court; 26851

(2) A facility operated by a certified child welfare 26852
agency; 26853

(3) Any other suitable place designated by the court. 26854

(B) In addition to the places listed in division (A) of 26855

this section, a child alleged to be or adjudicated a delinquent 26856
child or a person described in division (C) (7) of section 26857
2152.02 of the Revised Code may be held in a detention facility 26858
for delinquent children that is under the direction or 26859
supervision of the court or other public authority or of a 26860
private agency and approved by the court, and a child 26861
adjudicated a delinquent child may be held in accordance with 26862
division (F) (2) of this section in a facility of a type 26863
specified in that division. 26864

(C) (1) Except as provided under division (C) (1) of section 26865
2151.311 of the Revised Code or division (A) (5) of section 26866
2152.21 of the Revised Code, a child alleged to be or 26867
adjudicated a juvenile traffic offender may not be held in any 26868
of the following facilities: 26869

(a) A state correctional institution, county, multicounty, 26870
or municipal jail or workhouse, or other place in which an adult 26871
convicted of crime, under arrest, or charged with a crime is 26872
held. 26873

(b) A secure correctional facility. 26874

(2) Except as provided under this section, sections 26875
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 26876
2152.21 of the Revised Code, a child alleged to be or 26877
adjudicated a juvenile traffic offender may not be held for more 26878
than twenty-four hours in a detention facility. 26879

(D) Except as provided in division (F) of this section or 26880
in division (C) of section 2151.311, in division (C) (2) of 26881
section 5139.06 and section 5120.162, or in division ~~(B)~~ (C) of 26882
section 5120.16 of the Revised Code, a child who is alleged to 26883
be or is adjudicated a delinquent child or a person described in 26884

division (C) (7) of section 2152.02 of the Revised Code may not 26885
be held in a state correctional institution, county, 26886
multicounty, or municipal jail or workhouse, or other place 26887
where an adult convicted of crime, under arrest, or charged with 26888
crime is held. 26889

(E) Unless the detention is pursuant to division (F) of 26890
this section or division (C) of section 2151.311, division (C) 26891
(2) of section 5139.06 and section 5120.162, or division ~~(B)~~ (C) 26892
of section 5120.16 of the Revised Code, the official in charge 26893
of the institution, jail, workhouse, or other facility shall 26894
inform the court immediately when a person who is or appears to 26895
be under the age of eighteen years, or a person who is charged 26896
with a violation of an order of a juvenile court or a violation 26897
of probation or parole conditions imposed by a juvenile court 26898
and who is or appears to be between the ages of eighteen and 26899
twenty-one years, is received at the facility and shall deliver 26900
the person to the court upon request or transfer the person to a 26901
detention facility designated by the court. 26902

(F) (1) If a case is transferred to another court for 26903
criminal prosecution pursuant to section 2152.12 of the Revised 26904
Code and the alleged offender is a person described in division 26905
(C) (7) of section 2152.02 of the Revised Code, the person may 26906
not be transferred for detention pending the criminal 26907
prosecution in a jail or other facility except under the 26908
circumstances described in division (F) (4) of this section. Any 26909
child held in accordance with division (F) (3) of this section 26910
shall be confined in a manner that keeps the child beyond the 26911
sight and sound of all adult detainees. The child shall be 26912
supervised at all times during the detention. 26913

(2) If a person is adjudicated a delinquent child or 26914

juvenile traffic offender or is a person described in division 26915
(C) (7) of section 2152.02 of the Revised Code and the court 26916
makes a disposition of the person under this chapter, at any 26917
time after the person attains twenty-one years of age, the 26918
person may be held under that disposition or under the 26919
circumstances described in division (F) (4) of this section in 26920
places other than those specified in division (A) of this 26921
section, including, but not limited to, a county, multicounty, 26922
or municipal jail or workhouse, or other place where an adult 26923
convicted of crime, under arrest, or charged with crime is held. 26924

(3) (a) A person alleged to be a delinquent child may be 26925
held in places other than those specified in division (A) of 26926
this section, including, but not limited to, a county, 26927
multicounty, or municipal jail, if the delinquent act that the 26928
child allegedly committed would be a felony if committed by an 26929
adult, and if either of the following applies: 26930

(i) The person attains twenty-one years of age before the 26931
person is arrested or apprehended for that act. 26932

(ii) The person is arrested or apprehended for that act 26933
before the person attains twenty-one years of age, but the 26934
person attains twenty-one years of age before the court orders a 26935
disposition in the case. 26936

(b) If, pursuant to division (F) (3) (a) of this section, a 26937
person is held in a place other than a place specified in 26938
division (A) of this section, the person has the same rights to 26939
bail as an adult charged with the same offense who is confined 26940
in a jail pending trial. 26941

(4) (a) Any person whose case is transferred for criminal 26942
prosecution pursuant to section 2152.10 or 2152.12 of the 26943

Revised Code or any person who has attained the age of eighteen 26944
years but has not attained the age of twenty-one years and who 26945
is being held in a place specified in division (B) of this 26946
section may be held under that disposition or charge in places 26947
other than those specified in division (B) of this section, 26948
including a county, multicounty, or municipal jail or workhouse, 26949
or other place where an adult under arrest or charged with crime 26950
is held if the juvenile court, upon its own motion or upon 26951
motion by the prosecutor and after notice and hearing, 26952
establishes by a preponderance of the evidence and makes written 26953
findings of either of the following: 26954

(i) With respect to a person whose case is transferred for 26955
criminal prosecution pursuant to either specified section or who 26956
has attained the age of eighteen years but who has not attained 26957
the age of twenty-one years and is being so held, that the youth 26958
is a threat to the safety and security of the facility; 26959

(ii) With respect to a person who has attained the age of 26960
eighteen years but who has not attained the age of twenty-one 26961
years and is being so held, that the best interests of the youth 26962
require that the youth be held in a place other than a place 26963
specified in division (B) of this section, including a county, 26964
multicounty, or municipal jail or workhouse, or other place 26965
where an adult under arrest or charged with crime is held. 26966

(b) In determining for purposes of division (F) (4) (a) (i) 26967
of this section whether a youth is a threat to the safety and 26968
security of the facility, evidence that the youth is a threat to 26969
the safety and security of the facility may include, but is not 26970
limited to, whether the youth has done any of the following: 26971

(i) Injured or created an imminent danger to the life or 26972
health of another youth or staff member in the facility or 26973

program by violent behavior; 26974

(ii) Escaped from the facility or program in which the 26975
youth is being held on more than one occasion; 26976

(iii) Established a pattern of disruptive behavior as 26977
verified by a written record that the youth's behavior is not 26978
conducive to the established policies and procedures of the 26979
facility or program in which the youth is being held. 26980

(c) If a prosecutor submits a motion requesting that a 26981
person be held in a place other than those specified in division 26982
(B) of this section or if the court submits its own motion, the 26983
juvenile court shall hold a hearing within five days of the 26984
filing of the motion, and, in determining whether a place other 26985
than those specified in division (B) of this section is the 26986
appropriate place of confinement for the person, the court shall 26987
consider the following factors: 26988

(i) The age of the person; 26989

(ii) Whether the person would be deprived of contact with 26990
other people for a significant portion of the day or would not 26991
have access to recreational facilities or age-appropriate 26992
educational opportunities in order to provide physical 26993
separation from adults; 26994

(iii) The person's current emotional state, intelligence, 26995
and developmental maturity, including any emotional and 26996
psychological trauma, and the risk to the person in an adult 26997
facility, which may be evidenced by mental health or 26998
psychological assessments or screenings made available to the 26999
prosecuting attorney and the defense counsel; 27000

(iv) Whether detention in a juvenile facility would 27001
adequately serve the need for community protection pending the 27002

outcome of the criminal proceeding; 27003

(v) The relative ability of the available adult and 27004
juvenile detention facilities to meet the needs of the person, 27005
including the person's need for age-appropriate mental health 27006
and educational services delivered by individuals specifically 27007
trained to deal with youth; 27008

(vi) Whether the person presents an imminent risk of self- 27009
inflicted harm or an imminent risk of harm to others within a 27010
juvenile facility; 27011

(vii) Any other factors the juvenile court considers to be 27012
relevant. 27013

(d) If the juvenile court determines that a place other 27014
than those specified in division (B) of this section is the 27015
appropriate place for confinement of a person pursuant to 27016
division (F) (4) (a) of this section, the person may petition the 27017
juvenile court for a review hearing thirty days after the 27018
initial confinement decision, thirty days after any subsequent 27019
review hearing, or at any time after the initial confinement 27020
decision upon an emergency petition by the youth due to the 27021
youth facing an imminent danger from others or the youth's self. 27022
Upon receipt of the petition, the juvenile court has discretion 27023
over whether to conduct the review hearing and may set the 27024
matter for a review hearing if the youth has alleged facts or 27025
circumstances that, if true, would warrant reconsideration of 27026
the youth's placement in a place other than those specified in 27027
division (B) of this section based on the factors listed in 27028
division (F) (4) (c) of this section. 27029

(e) Upon the admission of a person described in division 27030
(F) (4) (a) of this section to a place other than those specified 27031

in division (B) of this section, the facility shall advise the 27032
person of the person's right to request a review hearing as 27033
described in division (F) (4) (d) of this section. 27034

(f) Any person transferred under division (F) (4) (a) of 27035
this section to a place other than those specified in division 27036
(B) of this section shall be confined in a manner that keeps 27037
those under eighteen years of age beyond sight and sound of all 27038
adult detainees. Those under eighteen years of age shall be 27039
supervised at all times during the detention. 27040

(G) (1) If a person who is alleged to be or has been 27041
adjudicated a delinquent child or who is in any other category 27042
of persons identified in this section or section 2151.311 of the 27043
Revised Code is confined under authority of any Revised Code 27044
section in a place other than a place specified in division (B) 27045
of this section, including a county, multicounty, or municipal 27046
jail or workhouse, or other place where an adult under arrest or 27047
charged with crime is held, subject to division (G) (2) of this 27048
section, all identifying information, other than the person's 27049
county of residence, age, gender, and race and the charges 27050
against the person, that relates to the person's admission to 27051
and confinement in that place is not a public record open for 27052
inspection or copying under section 149.43 of the Revised Code 27053
and is confidential and shall not be released to any person 27054
other than to a court, to a law enforcement agency for law 27055
enforcement purposes, or to a person specified by court order. 27056

(2) Division (G) (1) of this section does not apply with 27057
respect to a person whose case is transferred for criminal 27058
prosecution pursuant to section 2152.10 or 2152.12 of the 27059
Revised Code, who is convicted of or pleads guilty to an offense 27060
in that case, who is confined after that conviction or guilty 27061

plea in a place other than a place specified in division (B) of 27062
this section, and to whom one of the following applies: 27063

(a) The case was transferred other than pursuant to 27064
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 27065
Revised Code. 27066

(b) The case was transferred pursuant to division (A) (1) 27067
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 27068
and the person is sentenced for the offense pursuant to division 27069
(B) (4) of section 2152.121 of the Revised Code. 27070

(c) The case was transferred pursuant to division (A) (1) 27071
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 27072
the person is sentenced for the offense pursuant to division (B) 27073
(3) of section 2152.121 of the Revised Code by the court in 27074
which the person was convicted of or pleaded guilty to the 27075
offense, and the sentence imposed by that court is invoked 27076
pursuant to division (B) (3) (b) of section 2152.121 of the 27077
Revised Code. 27078

Sec. 2909.05. (A) No person shall knowingly cause serious 27079
physical harm to an occupied structure or any of its contents. 27080

(B) (1) No person shall knowingly cause physical harm to 27081
property that is owned or possessed by another, when either of 27082
the following applies: 27083

(a) The property is used by its owner or possessor in the 27084
owner's or possessor's profession, business, trade, or 27085
occupation, and the value of the property or the amount of 27086
physical harm involved is one thousand dollars or more; 27087

(b) Regardless of the value of the property or the amount 27088
of damage done, the property or its equivalent is necessary in 27089
order for its owner or possessor to engage in the owner's or 27090

possessor's profession, business, trade, or occupation. 27091

(2) No person shall knowingly cause serious physical harm 27092
to property that is owned, leased, or controlled by a 27093
governmental entity. A governmental entity includes, but is not 27094
limited to, the state or a political subdivision of the state, a 27095
school district, the board of trustees of a public library or 27096
public university, or any other body corporate and politic 27097
responsible for governmental activities only in geographical 27098
areas smaller than that of the state. 27099

(C) No person, without privilege to do so, shall knowingly 27100
cause serious physical harm to any tomb, monument, gravestone, 27101
or other similar structure that is used as a memorial for the 27102
dead; to any fence, railing, curb, or other property that is 27103
used to protect, enclose, or ornament any cemetery; or to a 27104
cemetery. 27105

(D) No person, without privilege to do so, shall knowingly 27106
cause physical harm to a place of burial by breaking and 27107
entering into a tomb, crypt, casket, or other structure that is 27108
used as a memorial for the dead or as an enclosure for the dead. 27109

(E) Whoever violates this section is guilty of vandalism. 27110
Except as otherwise provided in this division, vandalism is a 27111
felony of the fifth degree that is punishable by a fine of up to 27112
two thousand five hundred dollars in addition to the penalties 27113
specified for a felony of the fifth degree in sections 2929.11 27114
to 2929.18 of the Revised Code. If the value of the property or 27115
the amount of physical harm involved is seven thousand five 27116
hundred dollars or more but less than one hundred fifty thousand 27117
dollars, vandalism is a felony of the fourth degree. If the 27118
value of the property or the amount of physical harm involved is 27119
one hundred fifty thousand dollars or more, vandalism is a 27120

felony of the third degree. 27121

(F) For purposes of this section: 27122

(1) "Cemetery" means any place of burial and includes 27123
burial sites under section 149.3010 of the Revised Code and 27124
burial sites that contain American Indian burial objects placed 27125
with or containing American Indian human remains. 27126

(2) "Serious physical harm" means physical harm to 27127
property that results in loss to the value of the property of 27128
one thousand dollars or more. 27129

Sec. 2915.01. As used in this chapter: 27130

(A) "Bookmaking" means the business of receiving or paying 27131
off bets. 27132

(B) "Bet" means the hazarding of anything of value upon 27133
the result of an event, undertaking, or contingency, but does 27134
not include a bona fide business risk. 27135

(C) "Scheme of chance" means a slot machine unless 27136
authorized under Chapter 3772. of the Revised Code, lottery 27137
unless authorized under Chapter 3770. of the Revised Code, 27138
numbers game, pool conducted for profit, or other scheme in 27139
which a participant gives a valuable consideration for a chance 27140
to win a prize, but does not include bingo, a skill-based 27141
amusement machine, or a pool not conducted for profit. "Scheme 27142
of chance" includes the use of an electronic device to reveal 27143
the results of a game entry if valuable consideration is paid, 27144
directly or indirectly, for a chance to win a prize. Valuable 27145
consideration is deemed to be paid for a chance to win a prize 27146
in the following instances: 27147

(1) Less than fifty per cent of the goods or services sold 27148

by a scheme of chance operator in exchange for game entries are 27149
used or redeemed by participants at any one location; 27150

(2) Less than fifty per cent of participants who purchase 27151
goods or services at any one location do not accept, use, or 27152
redeem the goods or services sold or purportedly sold; 27153

(3) More than fifty per cent of prizes at any one location 27154
are revealed to participants through an electronic device 27155
simulating a game of chance or a "casino game" as defined in 27156
section 3772.01 of the Revised Code; 27157

(4) The good or service sold by a scheme of chance 27158
operator in exchange for a game entry cannot be used or redeemed 27159
in the manner advertised; 27160

(5) A participant pays more than fair market value for 27161
goods or services offered by a scheme of chance operator in 27162
order to receive one or more game entries; 27163

(6) A participant may use the electronic device to 27164
purchase additional game entries; 27165

(7) A participant may purchase additional game entries by 27166
using points or credits won as prizes while using the electronic 27167
device; 27168

(8) A scheme of chance operator pays out in prize money 27169
more than twenty per cent of the gross revenue received at one 27170
location; or 27171

(9) A participant makes a purchase or exchange in order to 27172
obtain any good or service that may be used to facilitate play 27173
on the electronic device. 27174

As used in this division, "electronic device" means a 27175
mechanical, video, digital, or electronic machine or device that 27176

is capable of displaying information on a screen or other 27177
mechanism and that is owned, leased, or otherwise possessed by 27178
any person conducting a scheme of chance, or by that person's 27179
partners, affiliates, subsidiaries, or contractors. "Electronic 27180
device" does not include an electronic instant bingo system. 27181

(D) "Game of chance" means poker, craps, roulette, or 27182
other game in which a player gives anything of value in the hope 27183
of gain, the outcome of which is determined largely by chance, 27184
but does not include bingo. 27185

(E) "Game of chance conducted for profit" means any game 27186
of chance designed to produce income for the person who conducts 27187
or operates the game of chance, but does not include bingo. 27188

(F) "Gambling device" means any of the following: 27189

(1) A book, totalizer, or other equipment for recording 27190
bets; 27191

(2) A ticket, token, or other device representing a 27192
chance, share, or interest in a scheme of chance or evidencing a 27193
bet; 27194

(3) A deck of cards, dice, gaming table, roulette wheel, 27195
slot machine, or other apparatus designed for use in connection 27196
with a game of chance; 27197

(4) Any equipment, device, apparatus, or paraphernalia 27198
specially designed for gambling purposes; 27199

(5) Bingo supplies sold or otherwise provided, or used, in 27200
violation of this chapter. 27201

(G) "Gambling offense" means any of the following: 27202

(1) A violation of this chapter; 27203

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any provision of this chapter or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

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

(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) (3) of the Internal Revenue Code;

(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c) (4), (c) (7), (c) (8), (c) (10), or (c) (19) of the Internal Revenue Code.

To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.

(I) "Religious organization" means any church, body of

communicants, or group that is not organized or operated for 27233
profit and that gathers in common membership for regular worship 27234
and religious observances. 27235

(J) "Veteran's organization" means any individual post or 27236
state headquarters of a national veteran's association or an 27237
auxiliary unit of any individual post of a national veteran's 27238
association, which post, state headquarters, or auxiliary unit 27239
is incorporated as a nonprofit corporation and either has 27240
received a letter from the state headquarters of the national 27241
veteran's association indicating that the individual post or 27242
auxiliary unit is in good standing with the national veteran's 27243
association or has received a letter from the national veteran's 27244
association indicating that the state headquarters is in good 27245
standing with the national veteran's association. As used in 27246
this division, "national veteran's association" means any 27247
veteran's association that has been in continuous existence as 27248
such for a period of at least five years and either is 27249
incorporated by an act of the United States congress or has a 27250
national dues-paying membership of at least five thousand 27251
persons. 27252

(K) "Volunteer firefighter's organization" means any 27253
organization of volunteer firefighters, as defined in section 27254
146.01 of the Revised Code, that is organized and operated 27255
exclusively to provide financial support for a volunteer fire 27256
department or a volunteer fire company and that is recognized or 27257
ratified by a county, municipal corporation, or township. 27258

(L) "Fraternal organization" means any society, order, 27259
state headquarters, or association within this state, except a 27260
college or high school fraternity, that is not organized for 27261
profit, that is a branch, lodge, or chapter of a national or 27262

state organization, that exists exclusively for the common 27263
business or sodality of its members. 27264

(M) "Volunteer rescue service organization" means any 27265
organization of volunteers organized to function as an emergency 27266
medical service organization, as defined in section 4765.01 of 27267
the Revised Code. 27268

(N) "Charitable bingo game" means any bingo game described 27269
in division (O) (1) or (2) of this section that is conducted by a 27270
charitable organization that has obtained a license pursuant to 27271
section 2915.08 of the Revised Code and the proceeds of which 27272
are used for a charitable purpose. 27273

(O) "Bingo" means either of the following: 27274

(1) A game with all of the following characteristics: 27275

(a) The participants use bingo cards or sheets, including 27276
paper formats and electronic representation or image formats, 27277
that are divided into twenty-five spaces arranged in five 27278
horizontal and five vertical rows of spaces, with each space, 27279
except the central space, being designated by a combination of a 27280
letter and a number and with the central space being designated 27281
as a free space. 27282

(b) The participants cover the spaces on the bingo cards 27283
or sheets that correspond to combinations of letters and numbers 27284
that are announced by a bingo game operator. 27285

(c) A bingo game operator announces combinations of 27286
letters and numbers that appear on objects that a bingo game 27287
operator selects by chance, either manually or mechanically, 27288
from a receptacle that contains seventy-five objects at the 27289
beginning of each game, each object marked by a different 27290
combination of a letter and a number that corresponds to one of 27291

the seventy-five possible combinations of a letter and a number 27292
that can appear on the bingo cards or sheets. 27293

(d) The winner of the bingo game includes any participant 27294
who properly announces during the interval between the 27295
announcements of letters and numbers as described in division 27296
(O) (1) (c) of this section, that a predetermined and preannounced 27297
pattern of spaces has been covered on a bingo card or sheet 27298
being used by the participant. 27299

(2) Instant bingo, electronic instant bingo, and raffles. 27300

(P) "Conduct" means to back, promote, organize, manage, 27301
carry on, sponsor, or prepare for the operation of bingo or a 27302
game of chance, a scheme of chance, or a sweepstakes. 27303

(Q) "Bingo game operator" means any person, except 27304
security personnel, who performs work or labor at the site of 27305
bingo, including, but not limited to, collecting money from 27306
participants, handing out bingo cards or sheets or objects to 27307
cover spaces on bingo cards or sheets, selecting from a 27308
receptacle the objects that contain the combination of letters 27309
and numbers that appear on bingo cards or sheets, calling out 27310
the combinations of letters and numbers, distributing prizes, 27311
selling or redeeming instant bingo tickets or cards, selling or 27312
redeeming electronic instant bingo tickets, credits, or 27313
vouchers, accessing an electronic instant bingo system other 27314
than as a participant, supervising the operation of a punch 27315
board, selling raffle tickets, selecting raffle tickets from a 27316
receptacle and announcing the winning numbers in a raffle, and 27317
preparing, selling, and serving food or beverages. "Bingo game 27318
operator" does not include a person who is installing, 27319
maintaining, updating, or repairing an electronic instant bingo 27320
system. 27321

- (R) "Participant" means any person who plays bingo. 27322
- (S) "Bingo session" means a period that includes both of 27323
the following: 27324
- (1) Not to exceed five continuous hours for the conduct of 27325
one or more games described in division (O) (1) of this section, 27326
instant bingo, and electronic instant bingo; 27327
- (2) A period for the conduct of instant bingo and 27328
electronic instant bingo for not more than two hours before and 27329
not more than two hours after the period described in division 27330
(S) (1) of this section. 27331
- (T) "Gross receipts" means all money or assets, including 27332
admission fees, that a person receives from bingo without the 27333
deduction of any amounts for prizes paid out or for the expenses 27334
of conducting bingo. "Gross receipts" does not include any money 27335
directly taken in from the sale of food or beverages by a 27336
charitable organization conducting bingo, or by a bona fide 27337
auxiliary unit or society of a charitable organization 27338
conducting bingo, provided all of the following apply: 27339
- (1) The auxiliary unit or society has been in existence as 27340
a bona fide auxiliary unit or society of the charitable 27341
organization for at least two years prior to conducting bingo. 27342
- (2) The person who purchases the food or beverage receives 27343
nothing of value except the food or beverage and items 27344
customarily received with the purchase of that food or beverage. 27345
- (3) The food and beverages are sold at customary and 27346
reasonable prices. 27347
- (U) "Security personnel" includes any person who either is 27348
a sheriff, deputy sheriff, marshal, deputy marshal, township 27349

constable, or member of an organized police department of a 27350
municipal corporation or has successfully completed a peace 27351
officer's training course pursuant to sections 109.71 to 109.79 27352
of the Revised Code and who is hired to provide security for the 27353
premises on which bingo is conducted. 27354

(V) "Charitable purpose" means that the net profit of 27355
bingo, other than instant bingo or electronic instant bingo, is 27356
used by, or is given, donated, or otherwise transferred to, any 27357
of the following: 27358

(1) Any organization that is described in subsection 27359
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 27360
and is either a governmental unit or an organization that is tax 27361
exempt under subsection 501(a) and described in subsection 27362
501(c)(3) of the Internal Revenue Code; 27363

(2) A veteran's organization that is a post, chapter, or 27364
organization of veterans, or an auxiliary unit or society of, or 27365
a trust or foundation for, any such post, chapter, or 27366
organization organized in the United States or any of its 27367
possessions, at least seventy-five per cent of the members of 27368
which are veterans and substantially all of the other members of 27369
which are individuals who are spouses, widows, or widowers of 27370
veterans, or such individuals, provided that no part of the net 27371
earnings of such post, chapter, or organization inures to the 27372
benefit of any private shareholder or individual, and further 27373
provided that the net profit is used by the post, chapter, or 27374
organization for the charitable purposes set forth in division 27375
(B)(12) of section 5739.02 of the Revised Code, is used for 27376
awarding scholarships to or for attendance at an institution 27377
mentioned in division (B)(12) of section 5739.02 of the Revised 27378
Code, is donated to a governmental agency, or is used for 27379

nonprofit youth activities, the purchase of United States or 27380
Ohio flags that are donated to schools, youth groups, or other 27381
bona fide nonprofit organizations, promotion of patriotism, or 27382
disaster relief; 27383

(3) A fraternal organization that has been in continuous 27384
existence in this state for fifteen years and that uses the net 27385
profit exclusively for religious, charitable, scientific, 27386
literary, or educational purposes, or for the prevention of 27387
cruelty to children or animals, if contributions for such use 27388
would qualify as a deductible charitable contribution under 27389
subsection 170 of the Internal Revenue Code; 27390

(4) A volunteer firefighter's organization that uses the 27391
net profit for the purposes set forth in division (K) of this 27392
section. 27393

(W) "Internal Revenue Code" means the "Internal Revenue 27394
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 27395
amended. 27396

(X) "Youth athletic organization" means any organization, 27397
not organized for profit, that is organized and operated 27398
exclusively to provide financial support to, or to operate, 27399
athletic activities for persons who are twenty-one years of age 27400
or younger by means of sponsoring, organizing, operating, or 27401
contributing to the support of an athletic team, club, league, 27402
or association. 27403

(Y) "Youth athletic park organization" means any 27404
organization, not organized for profit, that satisfies both of 27405
the following: 27406

(1) It owns, operates, and maintains playing fields that 27407
satisfy both of the following: 27408

(a) The playing fields are used for athletic activities by 27409
one or more organizations, not organized for profit, each of 27410
which is organized and operated exclusively to provide financial 27411
support to, or to operate, athletic activities for persons who 27412
are eighteen years of age or younger by means of sponsoring, 27413
organizing, operating, or contributing to the support of an 27414
athletic team, club, league, or association. 27415

(b) The playing fields are not used for any profit-making 27416
activity at any time during the year. 27417

(2) It uses the proceeds of bingo it conducts exclusively 27418
for the operation, maintenance, and improvement of its playing 27419
fields of the type described in division (Y)(1) of this section. 27420

(Z) "Bingo supplies" means bingo cards or sheets; instant 27421
bingo tickets or cards; electronic bingo aids; raffle tickets; 27422
punch boards; seal cards; instant bingo ticket dispensers; 27423
electronic instant bingo systems; and devices for selecting or 27424
displaying the combination of bingo letters and numbers or 27425
raffle tickets. Items that are "bingo supplies" are not gambling 27426
devices if sold or otherwise provided, and used, in accordance 27427
with this chapter. For purposes of this chapter, "bingo 27428
supplies" are not to be considered equipment used to conduct a 27429
bingo game. 27430

(AA) "Instant bingo" means a form of bingo that shall use 27431
folded or banded tickets or paper cards with perforated break- 27432
open tabs, a face of which is covered or otherwise hidden from 27433
view to conceal a number, letter, or symbol, or set of numbers, 27434
letters, or symbols, some of which have been designated in 27435
advance as prize winners, and may also include games in which 27436
some winners are determined by the random selection of one or 27437
more bingo numbers by the use of a seal card or bingo blower. 27438

"Instant bingo" also includes a punch board game. In all 27439
"instant bingo" the prize amount and structure shall be 27440
predetermined. "Instant bingo" does not include electronic 27441
instant bingo or any device that is activated by the insertion 27442
of a coin, currency, token, or an equivalent, and that contains 27443
as one of its components a video display monitor that is capable 27444
of displaying numbers, letters, symbols, or characters in 27445
winning or losing combinations. 27446

(BB) "Seal card" means a form of instant bingo that uses 27447
instant bingo tickets in conjunction with a board or placard 27448
that contains one or more seals that, when removed or opened, 27449
reveal predesignated winning numbers, letters, or symbols. 27450

(CC) "Raffle" means a form of bingo in which the one or 27451
more prizes are won by one or more persons who have purchased a 27452
raffle ticket. The one or more winners of the raffle are 27453
determined by drawing a ticket stub or other detachable section 27454
from a receptacle containing ticket stubs or detachable sections 27455
corresponding to all tickets sold for the raffle. "Raffle" does 27456
not include the drawing of a ticket stub or other detachable 27457
section of a ticket purchased to attend a professional sporting 27458
event if both of the following apply: 27459

(1) The ticket stub or other detachable section is used to 27460
select the winner of a free prize given away at the professional 27461
sporting event; and 27462

(2) The cost of the ticket is the same as the cost of a 27463
ticket to the professional sporting event on days when no free 27464
prize is given away. 27465

(DD) "Punch board" means a form of instant bingo that uses 27466
a board containing a number of holes or receptacles of uniform 27467

size in which are placed, mechanically and randomly, serially 27468
numbered slips of paper that may be punched or drawn from the 27469
hole or receptacle. A player may punch or draw the numbered 27470
slips of paper from the holes or receptacles and obtain the 27471
prize established for the game if the number drawn corresponds 27472
to a winning number or, if the punch board includes the use of a 27473
seal card, a potential winning number. 27474

(EE) "Gross profit" means gross receipts minus the amount 27475
actually expended for the payment of prize awards. 27476

(FF) "Net profit" means gross profit minus expenses. 27477

(GG) "Expenses" means the reasonable amount of gross 27478
profit actually expended for all of the following: 27479

(1) The purchase or lease of bingo supplies; 27480

(2) The annual license fee required under section 2915.08 27481
of the Revised Code; 27482

(3) Bank fees and service charges for a bingo session or 27483
game account described in section 2915.10 of the Revised Code; 27484

(4) Audits and accounting services; 27485

(5) Safes; 27486

(6) Cash registers; 27487

(7) Hiring security personnel; 27488

(8) Advertising bingo; 27489

(9) Renting premises in which to conduct a bingo session; 27490

(10) Tables and chairs; 27491

(11) Expenses for maintaining and operating a charitable 27492
organization's facilities, including, but not limited to, a post 27493

home, club house, lounge, tavern, or canteen and any grounds 27494
attached to the post home, club house, lounge, tavern, or 27495
canteen; 27496

(12) Payment of real property taxes and assessments that 27497
are levied on a premises on which bingo is conducted; 27498

(13) Any other product or service directly related to the 27499
conduct of bingo that is authorized in rules adopted by the 27500
attorney general under division (F)(1) of section 2915.08 of the 27501
Revised Code. 27502

(HH) "Person" has the same meaning as in section 1.59 of 27503
the Revised Code and includes any firm or any other legal 27504
entity, however organized. 27505

(II) "Revoke" means to void permanently all rights and 27506
privileges of the holder of a license issued under section 27507
2915.08, 2915.081, or 2915.082 of the Revised Code or a 27508
charitable gaming license issued by another jurisdiction. 27509

(JJ) "Suspend" means to interrupt temporarily all rights 27510
and privileges of the holder of a license issued under section 27511
2915.08, 2915.081, or 2915.082 of the Revised Code or a 27512
charitable gaming license issued by another jurisdiction. 27513

(KK) "Distributor" means any person who purchases or 27514
obtains bingo supplies and who does either of the following: 27515

(1) Sells, offers for sale, or otherwise provides or 27516
offers to provide the bingo supplies to another person for use 27517
in this state; 27518

(2) Modifies, converts, adds to, or removes parts from the 27519
bingo supplies to further their promotion or sale for use in 27520
this state. 27521

(LL) "Manufacturer" means any person who assembles 27522
completed bingo supplies from raw materials, other items, or 27523
subparts or who modifies, converts, adds to, or removes parts 27524
from bingo supplies to further their promotion or sale. 27525

(MM) "Gross annual revenues" means the annual gross 27526
receipts derived from the conduct of bingo described in division 27527
(O) (1) of this section plus the annual net profit derived from 27528
the conduct of bingo described in division (O) (2) of this 27529
section. 27530

(NN) "Instant bingo ticket dispenser" means a mechanical 27531
device that dispenses an instant bingo ticket or card as the 27532
sole item of value dispensed and that has the following 27533
characteristics: 27534

(1) It is activated upon the insertion of United States 27535
currency. 27536

(2) It performs no gaming functions. 27537

(3) It does not contain a video display monitor or 27538
generate noise. 27539

(4) It is not capable of displaying any numbers, letters, 27540
symbols, or characters in winning or losing combinations. 27541

(5) It does not simulate or display rolling or spinning 27542
reels. 27543

(6) It is incapable of determining whether a dispensed 27544
bingo ticket or card is a winning or nonwinning ticket or card 27545
and requires a winning ticket or card to be paid by a bingo game 27546
operator. 27547

(7) It may provide accounting and security features to aid 27548
in accounting for the instant bingo tickets or cards it 27549

dispenses. 27550

(8) It is not part of an electronic network and is not 27551
interactive. 27552

(OO) (1) "Electronic bingo aid" means an electronic device 27553
used by a participant to monitor bingo cards or sheets purchased 27554
at the time and place of a bingo session and that does all of 27555
the following: 27556

(a) It provides a means for a participant to input numbers 27557
and letters announced by a bingo caller. 27558

(b) It compares the numbers and letters entered by the 27559
participant to the bingo faces previously stored in the memory 27560
of the device. 27561

(c) It identifies a winning bingo pattern. 27562

(2) "Electronic bingo aid" does not include any device 27563
into which a coin, currency, token, or an equivalent is inserted 27564
to activate play. 27565

(PP) "Deal" means a single game of instant bingo tickets, 27566
or a single game of electronic instant bingo tickets, all with 27567
the same serial number. 27568

(QQ) (1) "Slot machine" means either of the following: 27569

(a) Any mechanical, electronic, video, or digital device 27570
that is capable of accepting anything of value, directly or 27571
indirectly, from or on behalf of a player who gives the thing of 27572
value in the hope of gain; 27573

(b) Any mechanical, electronic, video, or digital device 27574
that is capable of accepting anything of value, directly or 27575
indirectly, from or on behalf of a player to conduct bingo or a 27576

scheme or game of chance. 27577

(2) "Slot machine" does not include a skill-based 27578
amusement machine, an instant bingo ticket dispenser, or an 27579
electronic instant bingo system. 27580

(RR) "Net profit from the proceeds of the sale of instant 27581
bingo or electronic instant bingo" means gross profit minus the 27582
ordinary, necessary, and reasonable expense expended for the 27583
purchase of bingo supplies for the purpose of conducting instant 27584
bingo or electronic instant bingo, and, in the case of instant 27585
bingo or electronic instant bingo conducted by a veteran's, 27586
fraternal, or sporting organization, minus the payment by that 27587
organization of real property taxes and assessments levied on a 27588
premises on which instant bingo or electronic instant bingo is 27589
conducted. 27590

(SS) "Charitable instant bingo organization" means an 27591
organization that is exempt from federal income taxation under 27592
subsection 501(a) and described in subsection 501(c)(3) of the 27593
Internal Revenue Code and is a charitable organization as 27594
defined in this section. A "charitable instant bingo 27595
organization" does not include a charitable organization that is 27596
exempt from federal income taxation under subsection 501(a) and 27597
described in subsection 501(c)(3) of the Internal Revenue Code 27598
and that is created by a veteran's organization, a fraternal 27599
organization, or a sporting organization in regards to bingo 27600
conducted or assisted by a veteran's organization, a fraternal 27601
organization, or a sporting organization pursuant to section 27602
2915.13 of the Revised Code. 27603

(TT) "Game flare" means the board or placard, or 27604
electronic representation of a board or placard, that 27605
accompanies each deal of instant bingo or electronic instant 27606

bingo tickets and that includes the following information for 27607
the game: 27608

- (1) The name of the game; 27609
- (2) The manufacturer's name or distinctive logo; 27610
- (3) The form number; 27611
- (4) The ticket count; 27612
- (5) The prize structure, including the number of winning 27613
tickets by denomination and the respective winning symbol or 27614
number combinations for the winning tickets; 27615
- (6) The cost per play; 27616
- (7) The serial number of the game. 27617

(UU) (1) "Skill-based amusement machine" means a 27618
mechanical, video, digital, or electronic device that rewards 27619
the player or players, if at all, only with merchandise prizes 27620
or with redeemable vouchers redeemable only for merchandise 27621
prizes, provided that with respect to rewards for playing the 27622
game all of the following apply: 27623

- (a) The wholesale value of a merchandise prize awarded as 27624
a result of the single play of a machine does not exceed ten 27625
dollars; 27626
- (b) Redeemable vouchers awarded for any single play of a 27627
machine are not redeemable for a merchandise prize with a 27628
wholesale value of more than ten dollars; 27629
- (c) Redeemable vouchers are not redeemable for a 27630
merchandise prize that has a wholesale value of more than ten 27631
dollars times the fewest number of single plays necessary to 27632
accrue the redeemable vouchers required to obtain that prize; 27633

and 27634

(d) Any redeemable vouchers or merchandise prizes are 27635
distributed at the site of the skill-based amusement machine at 27636
the time of play. 27637

A card for the purchase of gasoline is a redeemable 27638
voucher for purposes of division (UU)(1) of this section even if 27639
the skill-based amusement machine for the play of which the card 27640
is awarded is located at a place where gasoline may not be 27641
legally distributed to the public or the card is not redeemable 27642
at the location of, or at the time of playing, the skill-based 27643
amusement machine. 27644

(2) A device shall not be considered a skill-based 27645
amusement machine and shall be considered a slot machine if it 27646
pays cash or one or more of the following apply: 27647

(a) The ability of a player to succeed at the game is 27648
impacted by the number or ratio of prior wins to prior losses of 27649
players playing the game. 27650

(b) Any reward of redeemable vouchers is not based solely 27651
on the player achieving the object of the game or the player's 27652
score; 27653

(c) The outcome of the game, or the value of the 27654
redeemable voucher or merchandise prize awarded for winning the 27655
game, can be controlled by a source other than any player 27656
playing the game. 27657

(d) The success of any player is or may be determined by a 27658
chance event that cannot be altered by player actions. 27659

(e) The ability of any player to succeed at the game is 27660
determined by game features not visible or known to the player. 27661

(f) The ability of the player to succeed at the game is 27662
impacted by the exercise of a skill that no reasonable player 27663
could exercise. 27664

(3) All of the following apply to any machine that is 27665
operated as described in division (UU)(1) of this section: 27666

(a) As used in division (UU) of this section, "game" and 27667
"play" mean one event from the initial activation of the machine 27668
until the results of play are determined without payment of 27669
additional consideration. An individual utilizing a machine that 27670
involves a single game, play, contest, competition, or 27671
tournament may be awarded redeemable vouchers or merchandise 27672
prizes based on the results of play. 27673

(b) Advance play for a single game, play, contest, 27674
competition, or tournament participation may be purchased. The 27675
cost of the contest, competition, or tournament participation 27676
may be greater than a single noncontest, competition, or 27677
tournament play. 27678

(c) To the extent that the machine is used in a contest, 27679
competition, or tournament, that contest, competition, or 27680
tournament has a defined starting and ending date and is open to 27681
participants in competition for scoring and ranking results 27682
toward the awarding of redeemable vouchers or merchandise prizes 27683
that are stated prior to the start of the contest, competition, 27684
or tournament. 27685

(4) For purposes of division (UU)(1) of this section, the 27686
mere presence of a device, such as a pin-setting, ball- 27687
releasing, or scoring mechanism, that does not contribute to or 27688
affect the outcome of the play of the game does not make the 27689
device a skill-based amusement machine. 27690

(VV) "Merchandise prize" means any item of value, but 27691
shall not include any of the following: 27692

(1) Cash, gift cards, or any equivalent thereof; 27693

(2) Plays on games of chance, state lottery tickets, or 27694
bingo; 27695

(3) Firearms, tobacco, or alcoholic beverages; or 27696

(4) A redeemable voucher that is redeemable for any of the 27697
items listed in division (VV) (1), (2), or (3) of this section. 27698

(WW) "Redeemable voucher" means any ticket, token, coupon, 27699
receipt, or other noncash representation of value. 27700

(XX) "Pool not conducted for profit" means a scheme in 27701
which a participant gives a valuable consideration for a chance 27702
to win a prize and the total amount of consideration wagered is 27703
distributed to a participant or participants. 27704

(YY) "Sporting organization" means a hunting, fishing, or 27705
trapping organization, other than a college or high school 27706
fraternity or sorority, that is not organized for profit, that 27707
is affiliated with a state or national sporting organization, 27708
including but not limited to, the league of Ohio sportsmen, and 27709
that has been in continuous existence in this state for a period 27710
of three years. 27711

(ZZ) "Community action agency" has the same meaning as in 27712
section ~~122.66~~ 5101.311 of the Revised Code. 27713

(AAA) (1) "Sweepstakes terminal device" means a mechanical, 27714
video, digital, or electronic machine or device that is owned, 27715
leased, or otherwise possessed by any person conducting a 27716
sweepstakes, or by that person's partners, affiliates, 27717
subsidiaries, or contractors, that is intended to be used by a 27718

sweepstakes participant, and that is capable of displaying 27719
information on a screen or other mechanism. A device is a 27720
sweepstakes terminal device if any of the following apply: 27721

(a) The device uses a simulated game terminal as a 27722
representation of the prizes associated with the results of the 27723
sweepstakes entries. 27724

(b) The device utilizes software such that the simulated 27725
game influences or determines the winning of or value of the 27726
prize. 27727

(c) The device selects prizes from a predetermined finite 27728
pool of entries. 27729

(d) The device utilizes a mechanism that reveals the 27730
content of a predetermined sweepstakes entry. 27731

(e) The device predetermines the prize results and stores 27732
those results for delivery at the time the sweepstakes entry 27733
results are revealed. 27734

(f) The device utilizes software to create a game result. 27735

(g) The device reveals the prize incrementally, even 27736
though the device does not influence the awarding of the prize 27737
or the value of any prize awarded. 27738

(h) The device determines and associates the prize with an 27739
entry or entries at the time the sweepstakes is entered. 27740

(2) As used in this division and in section 2915.02 of the 27741
Revised Code: 27742

(a) "Enter" means the act by which a person becomes 27743
eligible to receive any prize offered in a sweepstakes. 27744

(b) "Entry" means one event from the initial activation of 27745

the sweepstakes terminal device until all the sweepstakes prize 27746
results from that activation are revealed. 27747

(c) "Prize" means any gift, award, gratuity, good, 27748
service, credit, reward, or any other thing of value that may be 27749
transferred to a person, whether possession of the prize is 27750
actually transferred, or placed on an account or other record as 27751
evidence of the intent to transfer the prize. 27752

(d) "Sweepstakes terminal device facility" means any 27753
location in this state where a sweepstakes terminal device is 27754
provided to a sweepstakes participant, except as provided in 27755
division (G) of section 2915.02 of the Revised Code. 27756

(BBB) "Sweepstakes" means any game, contest, advertising 27757
scheme or plan, or other promotion where consideration is not 27758
required for a person to enter to win or become eligible to 27759
receive any prize, the determination of which is based upon 27760
chance. "Sweepstakes" does not include bingo as authorized under 27761
this chapter, pari-mutuel wagering as authorized by Chapter 27762
3769. of the Revised Code, lotteries conducted by the state 27763
lottery commission as authorized by Chapter 3770. of the Revised 27764
Code, and casino gaming as authorized by Chapter 3772. of the 27765
Revised Code. 27766

(CCC) (1) "Electronic instant bingo" means a form of bingo 27767
that consists of an electronic or digital representation of 27768
instant bingo in which a participant wins a prize if the 27769
participant's electronic instant bingo ticket contains a 27770
combination of numbers or symbols that was designated in advance 27771
as a winning combination, and to which all of the following 27772
apply: 27773

(a) Each deal has a predetermined, finite number of 27774

winning and losing tickets and a predetermined prize amount and 27775
deal structure, provided that there may be multiple winning 27776
combinations in each deal and multiple winning tickets. 27777

(b) Each electronic instant bingo ticket within a deal has 27778
a unique serial number that is not regenerated. 27779

(c) Each electronic instant bingo ticket within a deal is 27780
sold for the same price. 27781

(d) After a participant purchases an electronic instant 27782
bingo ticket, the combination of numbers or symbols on the 27783
ticket is revealed to the participant. 27784

(e) The reveal of numbers or symbols on the ticket may 27785
incorporate an entertainment or bonus theme, provided that the 27786
reveal does not include spinning reels that resemble a slot 27787
machine. 27788

(f) The reveal theme, if any, does not require additional 27789
consideration or award any prize other than any predetermined 27790
prize associated with the electronic instant bingo ticket. 27791

(2) "Electronic instant bingo" shall not include any of 27792
the following: 27793

(a) Any game, entertainment, or bonus theme that 27794
replicates or simulates any of the following: 27795

(i) The gambling games of keno, blackjack, roulette, 27796
poker, craps, other casino-style table games; 27797

(ii) Horse racing; 27798

(iii) Gambling games offered in this state on slot 27799
machines or video lottery terminals. As used in this division, 27800
"video lottery terminal" has the same meaning as in section 27801

3770.21 of the Revised Code. 27802

(b) Any device operated by dropping one or more coins or 27803
tokens into a slot and pulling a handle or pushing a button or 27804
touchpoint on a touchscreen to activate one to three or more 27805
rotating reels marked into horizontal segments by varying 27806
symbols, where the predetermined prize amount depends on how and 27807
how many of the symbols line up when the rotating reels come to 27808
a rest; 27809

(c) Any device that includes a coin or token slot, tray, 27810
or hopper and the ability to dispense coins, cash, tokens, or 27811
anything of value other than a credit ticket voucher. 27812

(DDD) "Electronic instant bingo system" means both of the 27813
following: 27814

(1) A mechanical, electronic, digital, or video device and 27815
associated software to which all of the following apply: 27816

(a) It is used by not more than one player at a time to 27817
play electronic instant bingo on a single screen that is 27818
physically connected to the device; 27819

(b) It is located on the premises of the principal place 27820
of business of a veteran's or fraternal organization that holds 27821
a type II or type III bingo license to conduct electronic 27822
instant bingo at that location issued under section 2915.08 of 27823
the Revised Code. 27824

(2) Any associated equipment or software used to manage, 27825
monitor, or document any aspect of electronic instant bingo. 27826

Sec. 2921.13. (A) No person shall knowingly make a false 27827
statement, or knowingly swear or affirm the truth of a false 27828
statement previously made, when any of the following applies: 27829

- (1) The statement is made in any official proceeding. 27830
- (2) The statement is made with purpose to incriminate 27831
another. 27832
- (3) The statement is made with purpose to mislead a public 27833
official in performing the public official's official function. 27834
- (4) The statement is made with purpose to secure the 27835
payment of unemployment compensation; Ohio works first; 27836
prevention, retention, and contingency benefits and services; 27837
disability financial assistance; retirement benefits or health 27838
care coverage from a state retirement system; economic 27839
development assistance, as defined in section 9.66 of the 27840
Revised Code; or other benefits administered by a governmental 27841
agency or paid out of a public treasury. 27842
- (5) The statement is made with purpose to secure the 27843
issuance by a governmental agency of a license, permit, 27844
authorization, certificate, registration, release, or provider 27845
agreement. 27846
- (6) The statement is sworn or affirmed before a notary 27847
public or another person empowered to administer oaths. 27848
- (7) The statement is in writing on or in connection with a 27849
report or return that is required or authorized by law. 27850
- (8) The statement is in writing and is made with purpose 27851
to induce another to extend credit to or employ the offender, to 27852
confer any degree, diploma, certificate of attainment, award of 27853
excellence, or honor on the offender, or to extend to or bestow 27854
upon the offender any other valuable benefit or distinction, 27855
when the person to whom the statement is directed relies upon it 27856
to that person's detriment. 27857

- (9) The statement is made with purpose to commit or 27858
facilitate the commission of a theft offense. 27859
- (10) The statement is knowingly made to a probate court in 27860
connection with any action, proceeding, or other matter within 27861
its jurisdiction, either orally or in a written document, 27862
including, but not limited to, an application, petition, 27863
complaint, or other pleading, or an inventory, account, or 27864
report. 27865
- (11) The statement is made on an account, form, record, 27866
stamp, label, or other writing that is required by law. 27867
- (12) The statement is made in connection with the purchase 27868
of a firearm, as defined in section 2923.11 of the Revised Code, 27869
and in conjunction with the furnishing to the seller of the 27870
firearm of a fictitious or altered driver's or commercial 27871
driver's license or permit, a fictitious or altered 27872
identification card, or any other document that contains false 27873
information about the purchaser's identity. 27874
- (13) The statement is made in a document or instrument of 27875
writing that purports to be a judgment, lien, or claim of 27876
indebtedness and is filed or recorded with the secretary of 27877
state, a county recorder, or the clerk of a court of record. 27878
- (14) The statement is made in an application filed with a 27879
county sheriff pursuant to section 2923.125 of the Revised Code 27880
in order to obtain or renew a concealed handgun license or is 27881
made in an affidavit submitted to a county sheriff to obtain a 27882
concealed handgun license on a temporary emergency basis under 27883
section 2923.1213 of the Revised Code. 27884
- (15) The statement is required under section 5743.71 of 27885
the Revised Code in connection with the person's purchase of 27886

cigarettes or tobacco products in a delivery sale. 27887

(16) The statement is made to the department of children 27888
and youth in connection with the Ohio adoption grant program for 27889
the purpose of qualifying for or obtaining an adoption grant 27890
under sections 5101.19 to 5101.194 of the Revised Code. 27891

(B) No person, in connection with the purchase of a 27892
firearm, as defined in section 2923.11 of the Revised Code, 27893
shall knowingly furnish to the seller of the firearm a 27894
fictitious or altered driver's or commercial driver's license or 27895
permit, a fictitious or altered identification card, or any 27896
other document that contains false information about the 27897
purchaser's identity. 27898

(C) No person, in an attempt to obtain a concealed handgun 27899
license under section 2923.125 of the Revised Code, shall 27900
knowingly present to a sheriff a fictitious or altered document 27901
that purports to be certification of the person's competence in 27902
handling a handgun as described in division (B) (3) of that 27903
section. 27904

(D) It is no defense to a charge under division (A) (6) of 27905
this section that the oath or affirmation was administered or 27906
taken in an irregular manner. 27907

(E) If contradictory statements relating to the same fact 27908
are made by the offender within the period of the statute of 27909
limitations for falsification, it is not necessary for the 27910
prosecution to prove which statement was false but only that one 27911
or the other was false. 27912

(F) (1) Whoever violates division (A) (1), (2), (3), (4), 27913
(5), (6), (7), (8), (10), (11), (13), ~~or~~ (15), or (16) of this 27914
section is guilty of falsification. Except as otherwise provided 27915

in this division, falsification is a misdemeanor of the first 27916
degree. 27917

(2) Whoever violates division (A) (9) of this section is 27918
guilty of falsification in a theft offense. Except as otherwise 27919
provided in this division, falsification in a theft offense is a 27920
misdemeanor of the first degree. If the value of the property or 27921
services stolen is one thousand dollars or more and is less than 27922
seven thousand five hundred dollars, falsification in a theft 27923
offense is a felony of the fifth degree. If the value of the 27924
property or services stolen is seven thousand five hundred 27925
dollars or more and is less than one hundred fifty thousand 27926
dollars, falsification in a theft offense is a felony of the 27927
fourth degree. If the value of the property or services stolen 27928
is one hundred fifty thousand dollars or more, falsification in 27929
a theft offense is a felony of the third degree. 27930

(3) Whoever violates division (A) (12) or (B) of this 27931
section is guilty of falsification to purchase a firearm, a 27932
felony of the fifth degree. 27933

(4) Whoever violates division (A) (14) or (C) of this 27934
section is guilty of falsification to obtain a concealed handgun 27935
license, a felony of the fourth degree. 27936

(5) Whoever violates division (A) of this section in 27937
removal proceedings under section 319.26, 321.37, 507.13, or 27938
733.78 of the Revised Code is guilty of falsification regarding 27939
a removal proceeding, a felony of the third degree. 27940

(G) A person who violates this section is liable in a 27941
civil action to any person harmed by the violation for injury, 27942
death, or loss to person or property incurred as a result of the 27943
commission of the offense and for reasonable attorney's fees, 27944

court costs, and other expenses incurred as a result of 27945
prosecuting the civil action commenced under this division. A 27946
civil action under this division is not the exclusive remedy of 27947
a person who incurs injury, death, or loss to person or property 27948
as a result of a violation of this section. 27949

Sec. 2921.36. (A) No person shall knowingly convey, or 27950
attempt to convey, onto the grounds of a detention facility or 27951
of an institution, office building, or other place that is under 27952
the control of the department of mental health and addiction 27953
services, the department of developmental disabilities, the 27954
department of youth services, or the department of 27955
rehabilitation and correction any of the following items: 27956

(1) Any deadly weapon or dangerous ordnance, as defined in 27957
section 2923.11 of the Revised Code, or any part of or 27958
ammunition for use in such a deadly weapon or dangerous 27959
ordnance; 27960

(2) Any drug of abuse, as defined in section 3719.011 of 27961
the Revised Code; 27962

(3) Any intoxicating liquor, as defined in section 4301.01 27963
of the Revised Code, except for small amounts of wine for 27964
sacramental purposes when the person engaging in the specified 27965
conduct is a cleric, as defined in section 2317.02 of the 27966
Revised Code. 27967

(B) Division (A) of this section does not apply to any 27968
person who conveys or attempts to convey an item onto the 27969
grounds of a detention facility or of an institution, office 27970
building, or other place under the control of the department of 27971
mental health and addiction services, the department of 27972
developmental disabilities, the department of youth services, or 27973

the department of rehabilitation and correction pursuant to the 27974
written authorization of the person in charge of the detention 27975
facility or the institution, office building, or other place and 27976
in accordance with the written rules of the detention facility 27977
or the institution, office building, or other place. 27978

(C) No person shall knowingly deliver, or attempt to 27979
deliver, to any person who is confined in a detention facility, 27980
to a child confined in a youth services facility, to a prisoner 27981
who is temporarily released from confinement for a work 27982
assignment, or to any patient in an institution under the 27983
control of the department of mental health and addiction 27984
services or the department of developmental disabilities any 27985
item listed in division (A)(1), (2), or (3) of this section. 27986

(D) No person shall knowingly deliver, or attempt to 27987
deliver, cash to any person who is confined in a detention 27988
facility, to a child confined in a youth services facility, or 27989
to a prisoner who is temporarily released from confinement for a 27990
work assignment. 27991

(E) No person shall knowingly deliver, or attempt to 27992
deliver, to any person who is confined in a detention facility, 27993
to a child confined in a youth services facility, or to a 27994
prisoner who is temporarily released from confinement for a work 27995
assignment a cellular telephone, two-way radio, or other 27996
electronic communications device. 27997

(F)(1) It is an affirmative defense to a charge under 27998
division (A)(1) of this section that the weapon or dangerous 27999
ordnance in question was being transported in a motor vehicle 28000
for any lawful purpose, that it was not on the actor's person, 28001
and, if the weapon or dangerous ordnance in question was a 28002
firearm, that it was unloaded and was being carried in a closed 28003

package, box, or case or in a compartment that can be reached 28004
only by leaving the vehicle. 28005

(2) It is an affirmative defense to a charge under 28006
division (C) of this section that the actor was not otherwise 28007
prohibited by law from delivering the item to the confined 28008
person, the child, the prisoner, or the patient and that either 28009
of the following applies: 28010

(a) The actor was permitted by the written rules of the 28011
detention facility or the institution, office building, or other 28012
place to deliver the item to the confined person or the patient. 28013

(b) The actor was given written authorization by the 28014
person in charge of the detention facility or the institution, 28015
office building, or other place to deliver the item to the 28016
confined person or the patient. 28017

(G) (1) Whoever violates division (A) (1) of this section or 28018
commits a violation of division (C) of this section involving an 28019
item listed in division (A) (1) of this section is guilty of 28020
illegal conveyance of weapons onto the grounds of a specified 28021
governmental facility, a felony of the third degree. If the 28022
offender is an officer or employee of the department of 28023
rehabilitation and correction or the department of youth 28024
services, the court shall impose a mandatory prison term from 28025
the range of definite prison terms prescribed in division (A) (3) 28026
(b) of section 2929.14 of the Revised Code for a felony of the 28027
third degree. 28028

(2) Whoever violates division (A) (2) of this section or 28029
commits a violation of division (C) of this section involving 28030
any drug of abuse is guilty of illegal conveyance of drugs of 28031
abuse onto the grounds of a specified governmental facility, a 28032

felony of the third degree. If the offender is an officer or 28033
employee of the department of rehabilitation and correction or 28034
of the department of youth services, the court shall impose a 28035
mandatory prison term from the range of definite prison terms 28036
prescribed in division (A) (3) (b) of section 2929.14 of the 28037
Revised Code for a felony of the third degree. 28038

(3) Whoever violates division (A) (3) of this section or 28039
commits a violation of division (C) of this section involving 28040
any intoxicating liquor is guilty of illegal conveyance of 28041
intoxicating liquor onto the grounds of a specified governmental 28042
facility, a misdemeanor of the second degree. 28043

(4) Whoever violates division (D) of this section is 28044
guilty of illegal conveyance of cash onto the grounds of a 28045
detention facility, a misdemeanor of the first degree. If the 28046
offender previously has been convicted of or pleaded guilty to a 28047
violation of division (D) of this section, illegal conveyance of 28048
cash onto the grounds of a detention facility is a felony of the 28049
fifth degree. 28050

~~(5) Whoever~~ (5) (a) Except as provided in division (G) (5) (b) 28051
of this section, whoever violates division (E) of this section 28052
is guilty of illegal conveyance of a communications device onto 28053
the grounds of a specified governmental facility, a ~~misdemeanor~~ 28054
felony of the ~~first~~ fifth degree, or if the offender previously 28055
has been convicted of or pleaded guilty to a violation of 28056
division (E) of this section, a felony of the ~~fifth~~ third 28057
degree. 28058

(b) If the offender is an officer or employee of the 28059
department of rehabilitation and correction or the department of 28060
youth services, a violation of division (E) of this section is a 28061
felony of the third degree, and the court shall impose a 28062

mandatory prison term from the range of definite prison terms 28063
prescribed in division (A) (3) (b) of section 2929.14 of the 28064
Revised Code for a felony of the third degree. 28065

Sec. 2925.14. (A) As used in this section, "drug 28066
paraphernalia" means any equipment, product, or material of any 28067
kind that is used by the offender, intended by the offender for 28068
use, or designed for use, in propagating, cultivating, growing, 28069
harvesting, manufacturing, compounding, converting, producing, 28070
processing, preparing, testing, analyzing, packaging, 28071
repackaging, storing, containing, concealing, injecting, 28072
ingesting, inhaling, or otherwise introducing into the human 28073
body, a controlled substance in violation of this chapter. "Drug 28074
paraphernalia" includes, but is not limited to, any of the 28075
following equipment, products, or materials that are used by the 28076
offender, intended by the offender for use, or designed by the 28077
offender for use, in any of the following manners: 28078

(1) A kit for propagating, cultivating, growing, or 28079
harvesting any species of a plant that is a controlled substance 28080
or from which a controlled substance can be derived; 28081

(2) A kit for manufacturing, compounding, converting, 28082
producing, processing, or preparing a controlled substance; 28083

(3) Any object, instrument, or device for manufacturing, 28084
compounding, converting, producing, processing, or preparing 28085
methamphetamine; 28086

(4) An isomerization device for increasing the potency of 28087
any species of a plant that is a controlled substance; 28088

(5) Testing equipment for identifying, or analyzing the 28089
strength, effectiveness, or purity of, a controlled substance, 28090
~~except for those exempted in~~ unless division (D) (4) of this 28091

section applies to the testing equipment; 28092

(6) A scale or balance for weighing or measuring a 28093
controlled substance; 28094

(7) A diluent or adulterant, such as quinine 28095
hydrochloride, mannitol, mannite, dextrose, or lactose, for 28096
cutting a controlled substance; 28097

(8) A separation gin or sifter for removing twigs and 28098
seeds from, or otherwise cleaning or refining, marihuana; 28099

(9) A blender, bowl, container, spoon, or mixing device 28100
for compounding a controlled substance; 28101

(10) A capsule, balloon, envelope, or container for 28102
packaging small quantities of a controlled substance; 28103

(11) A container or device for storing or concealing a 28104
controlled substance; 28105

(12) A hypodermic syringe, needle, or instrument for 28106
parenterally injecting a controlled substance into the human 28107
body; 28108

(13) An object, instrument, or device for ingesting, 28109
inhaling, or otherwise introducing into the human body, 28110
marihuana, cocaine, hashish, or hashish oil, such as a metal, 28111
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 28112
without a screen, permanent screen, hashish head, or punctured 28113
metal bowl; water pipe; carburetion tube or device; smoking or 28114
carburetion mask; roach clip or similar object used to hold 28115
burning material, such as a marihuana cigarette, that has become 28116
too small or too short to be held in the hand; miniature cocaine 28117
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 28118
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 28119

(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;

(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;

(3) The proximity of the equipment, product, or material to any controlled substance;

(4) The existence of any residue of a controlled substance on the equipment, product, or material;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;

(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;

(8) National or local advertising concerning the use of the equipment, product, or material; 28148
28149

(9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 28150
28151

(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 28152
28153
28154

(11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 28155
28156

(12) Expert testimony concerning the use of the equipment, product, or material. 28157
28158

(C) (1) Subject to divisions (D) (2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia. 28159
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(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia. 28162
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(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia. 28166
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(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose 28173
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conduct is in accordance with Chapters 3719., 4715., 4723., 28176
4729., 4730., 4731., and 4741. of the Revised Code. This section 28177
shall not be construed to prohibit the possession or use of a 28178
hypodermic as authorized by section 3719.172 of the Revised 28179
Code. 28180

(2) Division (C)(1) of this section does not apply to a 28181
person's use, or possession with purpose to use, any drug 28182
paraphernalia that is equipment, a product, or material of any 28183
kind that is used by the person, intended by the person for use, 28184
or designed for use in storing, containing, concealing, 28185
injecting, ingesting, inhaling, or otherwise introducing into 28186
the human body marihuana. 28187

(3) Division (B)(2) of section 2925.11 of the Revised Code 28188
applies with respect to a violation of division (C)(1) of this 28189
section when a person seeks or obtains medical assistance for 28190
another person who is experiencing a drug overdose, a person 28191
experiences a drug overdose and seeks medical assistance for 28192
that overdose, or a person is the subject of another person 28193
seeking or obtaining medical assistance for that overdose. 28194

(4) Division (C)(1) of this section does not apply to a 28195
person's use, or possession with purpose to use, ~~any~~ drug 28196
testing strips to determine the presence of fentanyl or a 28197
fentanyl-related compound or any other equipment, product, or 28198
material approved by the state board of pharmacy, in rules 28199
adopted under section 4729.261 of the Revised Code, as a type of 28200
instrument that demonstrates efficacy in reducing drug poisoning 28201
by determining the presence of a specific compound or group of 28202
compounds. 28203

(E) Notwithstanding Chapter 2981. of the Revised Code, any 28204
drug paraphernalia that was used, possessed, sold, or 28205

manufactured in a violation of this section shall be seized, 28206
after a conviction for that violation shall be forfeited, and 28207
upon forfeiture shall be disposed of pursuant to division (B) of 28208
section 2981.12 of the Revised Code. 28209

(F) (1) Whoever violates division (C) (1) of this section is 28210
guilty of illegal use or possession of drug paraphernalia, a 28211
misdemeanor of the fourth degree. 28212

(2) Except as provided in division (F) (3) of this section, 28213
whoever violates division (C) (2) of this section is guilty of 28214
dealing in drug paraphernalia, a misdemeanor of the second 28215
degree. 28216

(3) Whoever violates division (C) (2) of this section by 28217
selling drug paraphernalia to a juvenile is guilty of selling 28218
drug paraphernalia to juveniles, a misdemeanor of the first 28219
degree. 28220

(4) Whoever violates division (C) (3) of this section is 28221
guilty of illegal advertising of drug paraphernalia, a 28222
misdemeanor of the second degree. 28223

(G) (1) In addition to any other sanction imposed upon an 28224
offender for a violation of this section, the court may suspend 28225
for not more than five years the offender's driver's or 28226
commercial driver's license or permit. However, if the offender 28227
pleaded guilty to or was convicted of a violation of section 28228
4511.19 of the Revised Code or a substantially similar municipal 28229
ordinance or the law of another state or the United States 28230
arising out of the same set of circumstances as the violation, 28231
the court shall suspend the offender's driver's or commercial 28232
driver's license or permit for not more than five years. If the 28233
offender is a professionally licensed person, in addition to any 28234

other sanction imposed for a violation of this section, the 28235
court immediately shall comply with section 2925.38 of the 28236
Revised Code. 28237

(2) Any offender who received a mandatory suspension of 28238
the offender's driver's or commercial driver's license or permit 28239
under this section prior to September 13, 2016, may file a 28240
motion with the sentencing court requesting the termination of 28241
the suspension. However, an offender who pleaded guilty to or 28242
was convicted of a violation of section 4511.19 of the Revised 28243
Code or a substantially similar municipal ordinance or law of 28244
another state or the United States that arose out of the same 28245
set of circumstances as the violation for which the offender's 28246
license or permit was suspended under this section shall not 28247
file such a motion. 28248

Upon the filing of a motion under division (G) (2) of this 28249
section, the sentencing court, in its discretion, may terminate 28250
the suspension. 28251

Sec. 2927.02. (A) As used in this section and sections 28252
2927.021 to 2927.024 of the Revised Code: 28253

(1) "Age verification" means a service provided by an 28254
independent third party (other than a manufacturer, producer, 28255
distributor, wholesaler, or retailer of cigarettes, other 28256
tobacco products, alternative nicotine products, or papers used 28257
to roll cigarettes) that compares information available from a 28258
commercially available database, or aggregate of databases, that 28259
regularly are used by government and businesses for the purpose 28260
of age and identity verification to personal information 28261
provided during an internet sale or other remote method of sale 28262
to establish that the purchaser is twenty-one years of age or 28263
older. 28264

(2) (a) "Alternative nicotine product" means, subject to 28265
division (A) (2) (b) of this section, an electronic smoking 28266
device, vapor product, or any other product or device that 28267
consists of or contains nicotine that can be ingested into the 28268
body by any means, including, but not limited to, chewing, 28269
smoking, absorbing, dissolving, or inhaling. 28270

(b) "Alternative nicotine product" does not include any of 28271
the following: 28272

(i) Any cigarette or other tobacco product; 28273

(ii) Any product that is a "drug" as that term is defined 28274
in 21 U.S.C. 321(g) (1); 28275

(iii) Any product that is a "device" as that term is 28276
defined in 21 U.S.C. 321(h); 28277

(iv) Any product that is a "combination product" as 28278
described in 21 U.S.C. 353(g). 28279

(3) "Cigarette" includes clove cigarettes and hand-rolled 28280
cigarettes. 28281

(4) "Characterizing flavor" means any taste or smell other 28282
than the taste or smell of tobacco. "Characterizing flavor" 28283
includes the taste or smell of menthol, chocolate, cocoa, 28284
vanilla, honey, or mint, or any fruit, candy, dessert, alcoholic 28285
beverage, herb, or spice. 28286

(5) "Distribute" means to furnish, give, or provide 28287
cigarettes, other tobacco products, alternative nicotine 28288
products, or papers used to roll cigarettes to the ultimate 28289
consumer of the cigarettes, other tobacco products, alternative 28290
nicotine products, or papers used to roll cigarettes. 28291

~~+(5)~~ (6) "Electronic smoking device" means any device that 28292

can be used to deliver aerosolized or vaporized nicotine or any 28293
other substance to the person inhaling from the device including 28294
an electronic cigarette, electronic cigar, electronic hookah, 28295
vaping pen, or electronic pipe. "Electronic smoking device" 28296
includes any component, part, or accessory of such a device, 28297
whether or not sold separately, and includes ~~any substance~~ 28298
~~intended to be aerosolized or vaporized during the use of the~~ 28299
~~device~~ electronic liquids. "Electronic smoking device" does not 28300
include any product that is a drug, device, or combination 28301
product, as those terms are defined or described in 21 U.S.C. 28302
321 and 353(g). 28303

~~(6)~~ (7) "Proof of age" means a driver's license, a 28304
commercial driver's license, a military identification card, a 28305
passport, or an identification card issued under sections 28306
4507.50 to 4507.52 of the Revised Code that shows that a person 28307
is twenty-one years of age or older. 28308

~~(7)~~ (8) "Electronic liquid" means any solution containing 28309
nicotine, including synthetic nicotine, that is designed or sold 28310
for use with an electronic smoking device. 28311

(9) "Flavored electronic liquid" means any electronic 28312
liquid with a characterizing flavor. 28313

(10) "Tobacco product" means any product that is made or 28314
derived from tobacco or that contains any form of nicotine, if 28315
it is intended for human consumption or is likely to be 28316
consumed, whether smoked, heated, chewed, absorbed, dissolved, 28317
inhaled, or ingested by any other means, including, but not 28318
limited to, a cigarette, an electronic smoking device, a cigar, 28319
pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" 28320
also means any component or accessory used in the consumption of 28321
a tobacco product, such as filters, rolling papers, pipes, blunt 28322

or hemp wraps, and electronic liquids ~~used in electronic smoking~~ 28323
~~devices, whether or not they contain nicotine.~~ "Tobacco product" 28324
does not include any product that is a drug, device, or 28325
combination product, as those terms are defined or described in 28326
21 U.S.C. 321 and 353(g). 28327

~~(8)~~ (11) "Vapor product" means a product, other than a 28328
cigarette or other tobacco product as defined in Chapter 5743. 28329
of the Revised Code, that contains or is made or derived from 28330
nicotine and that is intended and marketed for human 28331
consumption, including by smoking, inhaling, snorting, or 28332
sniffing. "Vapor product" includes any component, part, or 28333
additive that is intended for use in an electronic smoking 28334
device, a mechanical heating element, battery, or electronic 28335
circuit and is used to deliver the product. "Vapor product" does 28336
not include any product that is a drug, device, or combination 28337
product, as those terms are defined or described in 21 U.S.C. 28338
321 and 353(g). "Vapor product" includes any product containing 28339
nicotine, regardless of concentration. 28340

~~(9)~~ (12) "Vending machine" has the same meaning as "coin 28341
machine" in section 2913.01 of the Revised Code. 28342

(B) No manufacturer, producer, distributor, wholesaler, or 28343
retailer of cigarettes, other tobacco products, alternative 28344
nicotine products, or papers used to roll cigarettes, no agent, 28345
employee, or representative of a manufacturer, producer, 28346
distributor, wholesaler, or retailer of cigarettes, other 28347
tobacco products, alternative nicotine products, or papers used 28348
to roll cigarettes, and no other person shall do any of the 28349
following: 28350

(1) Give, sell, or otherwise distribute cigarettes, other 28351
tobacco products, alternative nicotine products, or papers used 28352

to roll cigarettes: 28353

(a) To any person under twenty-one years of age; or 28354

(b) Without first verifying proof of age. 28355

(2) Give away, sell, or distribute cigarettes, other 28356
tobacco products, alternative nicotine products, or papers used 28357
to roll cigarettes in any place that does not have posted in a 28358
conspicuous place a legibly printed sign in letters at least 28359
one-half inch high stating that giving, selling, or otherwise 28360
distributing cigarettes, other tobacco products, alternative 28361
nicotine products, or papers used to roll cigarettes to a person 28362
under twenty-one years of age is prohibited by law; 28363

(3) Knowingly furnish any false information regarding the 28364
name, age, or other identification of any person under twenty- 28365
one years of age with purpose to obtain cigarettes, other 28366
tobacco products, alternative nicotine products, or papers used 28367
to roll cigarettes for that person; 28368

(4) Manufacture, sell, or distribute in this state any 28369
pack or other container of cigarettes containing fewer than 28370
twenty cigarettes or any package of roll-your-own tobacco 28371
containing less than six-tenths of one ounce of tobacco; 28372

(5) Sell cigarettes or alternative nicotine products in a 28373
smaller quantity than that placed in the pack or other container 28374
by the manufacturer; 28375

(6) Give, sell, or otherwise distribute alternative 28376
nicotine products, papers used to roll cigarettes, or tobacco 28377
products other than cigarettes over the internet or through 28378
another remote method without age verification; 28379

(7) Allow an employee under eighteen years of age to sell 28380

any tobacco product; 28381

(8) Give away or otherwise distribute free samples of 28382
cigarettes, other tobacco products, alternative nicotine 28383
products, or coupons redeemable for cigarettes, other tobacco 28384
products, or alternative nicotine products; 28385

(9) Give away, sell, offer for sale, advertise for sale, 28386
display, or market any flavored electronic liquid. 28387

(C) No person shall sell or offer to sell cigarettes, 28388
other tobacco products, or alternative nicotine products by or 28389
from a vending machine, except in the following locations: 28390

(1) An area within a factory, business, office, or other 28391
place not open to the general public; 28392

(2) An area to which persons under twenty-one years of age 28393
are not generally permitted access; 28394

(3) Any other place not identified in division (C) (1) or 28395
(2) of this section, upon all of the following conditions: 28396

(a) The vending machine is located within the immediate 28397
vicinity, plain view, and control of the person who owns or 28398
operates the place, or an employee of that person, so that all 28399
cigarettes, other tobacco product, and alternative nicotine 28400
product purchases from the vending machine will be readily 28401
observed by the person who owns or operates the place or an 28402
employee of that person. For the purpose of this section, a 28403
vending machine located in any unmonitored area, including an 28404
unmonitored coatroom, restroom, hallway, or outer waiting area, 28405
shall not be considered located within the immediate vicinity, 28406
plain view, and control of the person who owns or operates the 28407
place, or an employee of that person. 28408

(b) The vending machine is inaccessible to the public when 28409
the place is closed. 28410

(c) A clearly visible notice is posted in the area where 28411
the vending machine is located that states the following in 28412
letters that are legibly printed and at least one-half inch 28413
high: 28414

"It is illegal for any person under the age of 21 to 28415
purchase tobacco or alternative nicotine products." 28416

(D) The following are affirmative defenses to a charge 28417
under division (B)(1) of this section: 28418

(1) The person under twenty-one years of age was 28419
accompanied by a parent, spouse who is twenty-one years of age 28420
or older, or legal guardian of the person under twenty-one years 28421
of age. 28422

(2) The person who gave, sold, or distributed cigarettes, 28423
other tobacco products, alternative nicotine products, or papers 28424
used to roll cigarettes to a person under twenty-one years of 28425
age under division (B)(1) of this section is a parent, spouse 28426
who is twenty-one years of age or older, or legal guardian of 28427
the person under twenty-one years of age. 28428

(E) (1) It is not a violation of division (B)(1) or (2) of 28429
this section for a person to give or otherwise distribute to a 28430
person under twenty-one years of age cigarettes, other tobacco 28431
products, alternative nicotine products, or papers used to roll 28432
cigarettes while the person under twenty-one years of age is 28433
participating in a research protocol if all of the following 28434
apply: 28435

(a) The parent, guardian, or legal custodian of the person 28436
under twenty-one years of age has consented in writing to the 28437

person under twenty-one years of age participating in the 28438
research protocol. 28439

(b) An institutional human subjects protection review 28440
board, or an equivalent entity, has approved the research 28441
protocol. 28442

(c) The person under twenty-one years of age is 28443
participating in the research protocol at the facility or 28444
location specified in the research protocol. 28445

(2) It is not a violation of division (B) (1) or (2) of 28446
this section for an employer to permit an employee eighteen, 28447
nineteen, or twenty years of age to sell a tobacco product. 28448

(F) (1) No delivery service shall accept from, transport or 28449
deliver to, or allow pick-up by, a person under twenty-one years 28450
of age with respect to any of the following: 28451

(a) Alternative nicotine products; 28452

(b) Papers used to roll cigarettes; 28453

(c) Tobacco products other than cigarettes. 28454

(2) A delivery service shall require proof of age as a 28455
condition of accepting, transporting, delivering, or allowing 28456
pickup of the items described in divisions (F) (1) (a) to (c) of 28457
this section. 28458

(G) Whoever violates division (B) (1), (2), (4), (5), (6), 28459
(7), ~~or~~ (8), or (9), (C), or (F) of this section is guilty of 28460
illegal distribution of cigarettes, other tobacco products, or 28461
alternative nicotine products. Except as otherwise provided in 28462
this division, illegal distribution of cigarettes, other tobacco 28463
products, or alternative nicotine products is a misdemeanor of 28464
the fourth degree. If the offender previously has been convicted 28465

of or pleaded guilty to illegal distribution of cigarettes, 28466
other tobacco products, or alternative nicotine products is a 28467
misdemeanor of the third degree. 28468

(H) (1) Notwithstanding division (A) (2) of section 2929.28 28469
of the Revised Code, if an offender is convicted of or pleads 28470
guilty to a violation of division (B) (1) of this section, the 28471
court shall impose a fine in the following amount: 28472

(a) Except as otherwise provided in divisions (H) (1) (b), 28473
(c), (d), and (e) of this section, not more than two hundred 28474
fifty dollars; 28475

(b) Except as otherwise provided in divisions (H) (1) (c), 28476
(d), and (e) of this section, if an offender has previously been 28477
convicted of or pleaded guilty to a violation of division (B) (1) 28478
of this section, not more than five hundred dollars; 28479

(c) Except as otherwise provided in divisions (H) (1) (d) 28480
and (e) of this section, if an offender previously has been 28481
convicted of or pleaded guilty to two or more violations of 28482
division (B) (1) of this section, five hundred dollars; 28483

(d) Except as otherwise provided in division (H) (1) (e) of 28484
this section, if an offender previously has been convicted of or 28485
pleaded guilty to three or more violations of division (B) (1) of 28486
this section, one thousand dollars; 28487

(e) If an offender previously has been convicted of or 28488
pleaded guilty to four or more violations of division (B) (1) of 28489
this section, one thousand five hundred dollars. 28490

(2) The financial sanctions required by division (H) (1) of 28491
this section are in lieu of the financial sanctions described in 28492
division (A) (2) of section 2929.28 of the Revised Code, but are 28493
in addition to any other sanctions or penalties that may apply 28494

to the offender, including other financial sanctions under that 28495
section or a jail term under section 2929.24 of the Revised 28496
Code. 28497

(I) Whoever violates division (B) (3) of this section is 28498
guilty of permitting a person under twenty-one years of age to 28499
use cigarettes, other tobacco products, or alternative nicotine 28500
products. Except as otherwise provided in this division, 28501
permitting a person under twenty-one years of age to use 28502
cigarettes, other tobacco products, or alternative nicotine 28503
products is a misdemeanor of the fourth degree. If the offender 28504
previously has been convicted of a violation of division (B) (3) 28505
of this section, permitting a person under twenty-one years of 28506
age to use cigarettes, other tobacco products, or alternative 28507
nicotine products is a misdemeanor of the third degree. 28508

(J) Any cigarettes, other tobacco products, alternative 28509
nicotine products, or papers used to roll cigarettes that are 28510
given, sold, or otherwise distributed to a person under twenty- 28511
one years of age in violation of this section and that are used, 28512
possessed, purchased, or received by a person under twenty-one 28513
years of age in violation of section 2151.87 of the Revised Code 28514
are subject to seizure and forfeiture as contraband under 28515
Chapter 2981. of the Revised Code. 28516

Sec. 2927.11. (A) No person, without privilege to do so, 28517
shall purposely deface, damage, pollute, or otherwise physically 28518
mistreat any of the following: 28519

(1) The flag of the United States or of this state; 28520

(2) Any public monument; 28521

(3) Any historical or commemorative marker, or any 28522
structure, Indian mound or earthwork, cemetery, thing, or site 28523

of great historical or archaeological interest; 28524

(4) A place of worship, its furnishings, or religious 28525
artifacts or sacred texts within the place of worship or within 28526
the grounds upon which the place of worship is located; 28527

(5) A work of art or museum piece; 28528

(6) Any burial site under section 149.3010 of the Revised 28529
Code; 28530

(7) Any other object of reverence or sacred devotion. 28531

(B) Whoever violates this section is guilty of 28532
desecration. A violation of division (A) (1), (2), (3), (5), ~~or~~ 28533
(6), or (7) of this section is a misdemeanor of the second 28534
degree. Except as otherwise provided in this division, a 28535
violation of division (A) (4) of this section is a felony of the 28536
fifth degree that is punishable by a fine of up to two thousand 28537
five hundred dollars in addition to the penalties specified for 28538
a felony of the fifth degree in sections 2929.13 to 2929.18 of 28539
the Revised Code. If the value of the property or the amount of 28540
physical harm involved in a violation of division (A) (4) of this 28541
section is five thousand dollars or more but less than one 28542
hundred thousand dollars, a violation of that division is a 28543
felony of the fourth degree. If the value of the property or the 28544
amount of physical harm involved in a violation of division (A) 28545
(4) of this section is one hundred thousand dollars or more, a 28546
violation of that division is a felony of the third degree. 28547

(C) As used in this section, "cemetery" means any place of 28548
burial and includes burial sites that contain American Indian 28549
burial objects placed with or containing American Indian human 28550
remains. 28551

Sec. 2945.401. (A) A defendant found incompetent to stand 28552

trial and committed pursuant to section 2945.39 of the Revised 28553
Code or a person found not guilty by reason of insanity and 28554
committed pursuant to section 2945.40 of the Revised Code shall 28555
remain subject to the jurisdiction of the trial court pursuant 28556
to that commitment, and to the provisions of this section, until 28557
the final termination of the commitment as described in division 28558
(J) (1) of this section. If the jurisdiction is terminated under 28559
this division because of the final termination of the commitment 28560
resulting from the expiration of the maximum prison term or term 28561
of imprisonment described in division (J) (1) (b) of this section, 28562
the court or prosecutor may file an affidavit for the civil 28563
commitment of the defendant or person pursuant to Chapter 5122. 28564
or 5123. of the Revised Code. 28565

(B) A hearing conducted under any provision of sections 28566
2945.37 to 2945.402 of the Revised Code shall not be conducted 28567
in accordance with Chapters 5122. and 5123. of the Revised Code. 28568
Any person who is committed pursuant to section 2945.39 or 28569
2945.40 of the Revised Code shall not voluntarily admit the 28570
person or be voluntarily admitted to a hospital or institution 28571
pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the 28572
Revised Code. All other provisions of Chapters 5122. and 5123. 28573
of the Revised Code regarding hospitalization or 28574
institutionalization shall apply to the extent they are not in 28575
conflict with this chapter. A commitment under section 2945.39 28576
or 2945.40 of the Revised Code shall not be terminated and the 28577
conditions of the commitment shall not be changed except as 28578
otherwise provided in division (D) (2) of this section with 28579
respect to a person with an intellectual disability subject to 28580
institutionalization by court order or except by order of the 28581
trial court. 28582

(C) The department of mental health and addiction services 28583

or the institution, facility, or program to which a defendant or 28584
person has been committed under section 2945.39 or 2945.40 of 28585
the Revised Code shall report in writing to the trial court, at 28586
the times specified in this division, as to whether the 28587
defendant or person remains a person with a mental illness 28588
subject to court order or a person with an intellectual 28589
disability subject to institutionalization by court order and, 28590
in the case of a defendant committed under section 2945.39 of 28591
the Revised Code, as to whether the defendant remains 28592
incompetent to stand trial. The department, institution, 28593
facility, or program shall make the reports after the initial 28594
six months of treatment and every two years after the initial 28595
report is made. The trial court shall provide copies of the 28596
reports to the prosecutor and to the counsel for the defendant 28597
or person. Within thirty days after its receipt pursuant to this 28598
division of a report from the department, institution, facility, 28599
or program, the trial court shall hold a hearing on the 28600
continued commitment of the defendant or person or on any 28601
changes in the conditions of the commitment of the defendant or 28602
person. The defendant or person may request a change in the 28603
conditions of confinement, and the trial court shall conduct a 28604
hearing on that request if six months or more have elapsed since 28605
the most recent hearing was conducted under this section. 28606

(D) (1) Except as otherwise provided in division (D) (2) of 28607
this section, when a defendant or person has been committed 28608
under section 2945.39 or 2945.40 of the Revised Code, at any 28609
time after evaluating the risks to public safety and the welfare 28610
of the defendant or person, the designee of the department of 28611
mental health and addiction services or the managing officer of 28612
the institution or director of the facility or program to which 28613
the defendant or person is committed may recommend a termination 28614

of the defendant's or person's commitment or a change in the 28615
conditions of the defendant's or person's commitment. 28616

Except as otherwise provided in division (D)(2) of this 28617
section, if the designee of the department of mental health and 28618
addiction services recommends on-grounds unsupervised movement, 28619
off-grounds supervised movement, or nonsecured status for the 28620
defendant or person or termination of the defendant's or 28621
person's commitment, the following provisions apply: 28622

(a) If the department's designee recommends on-grounds 28623
unsupervised movement or off-grounds supervised movement, the 28624
department's designee shall file with the trial court an 28625
application for approval of the movement and shall send a copy 28626
of the application to the prosecutor. Within fifteen days after 28627
receiving the application, the prosecutor may request a hearing 28628
on the application and, if a hearing is requested, shall so 28629
inform the department's designee. If the prosecutor does not 28630
request a hearing within the fifteen-day period, the trial court 28631
shall approve the application by entering its order approving 28632
the requested movement or, within five days after the expiration 28633
of the fifteen-day period, shall set a date for a hearing on the 28634
application. If the prosecutor requests a hearing on the 28635
application within the fifteen-day period, the trial court shall 28636
hold a hearing on the application within thirty days after the 28637
hearing is requested. If the trial court, within five days after 28638
the expiration of the fifteen-day period, sets a date for a 28639
hearing on the application, the trial court shall hold the 28640
hearing within thirty days after setting the hearing date. At 28641
least fifteen days before any hearing is held under this 28642
division, the trial court shall give the prosecutor written 28643
notice of the date, time, and place of the hearing. At the 28644
conclusion of each hearing conducted under this division, the 28645

trial court either shall approve or disapprove the application 28646
and shall enter its order accordingly. 28647

(b) If the department's designee recommends termination of 28648
the defendant's or person's commitment at any time or if the 28649
department's designee recommends the first of any nonsecured 28650
status for the defendant or person, the department's designee 28651
shall send written notice of this recommendation to the trial 28652
court ~~and to the local forensic center. The local forensic~~ 28653
~~center.~~ The trial court shall set a date for the hearing not 28654
later than thirty days after the date that the trial court 28655
receives the written notice. The trial court shall notify the 28656
prosecutor and counsel for the defendant or person of the 28657
hearing. 28658

(i) Upon receiving notice of the hearing, the prosecutor 28659
may request an independent evaluation of the defendant's mental 28660
condition. The trial court may continue the hearing for the 28661
evaluation requested by the prosecutor or for other good cause. 28662

If the prosecutor requests an independent evaluation of 28663
the defendant's or person's mental condition, the trial court 28664
shall order an evaluation of the defendant's or person's mental 28665
condition. The trial court shall send an examiner a copy of the 28666
order for an evaluation and the written notice of the 28667
recommendation of the department's designee and notify the 28668
examiner of the hearing. 28669

Upon receipt of the copy of the order for an evaluation 28670
and the written notice of the recommendation of the department's 28671
designee, the examiner shall evaluate the committed defendant or 28672
person and, within thirty days after its receipt of the order 28673
and written notice, shall submit to the trial court and the 28674
department's designee a written report of the evaluation. The 28675

trial court shall provide a copy of the department's designee's 28676
written notice and of the ~~local forensic center's~~ examiner's 28677
written report to the prosecutor and to the counsel for the 28678
defendant or person. Upon the ~~local forensic center's~~ examiner's 28679
submission of the report to the trial court and the department's 28680
designee, all of the following apply: 28681

~~(i)~~ (I) If the ~~forensic center~~ examiner disagrees with the 28682
recommendation of the department's designee, it shall inform the 28683
department's designee and the trial court of its decision and 28684
the reasons for the decision. The department's designee, after 28685
consideration of the ~~forensic center's~~ examiner's decision, 28686
shall either withdraw, proceed with, or modify and proceed with 28687
the recommendation. If the department's designee proceeds with, 28688
or modifies and proceeds with, the recommendation, the 28689
department's designee shall proceed in accordance with division 28690
~~(D) (1) (b) (iii)~~ (D) (1) (b) (i) (III) of this section. 28691

~~(ii)~~ (II) If the ~~forensic center~~ examiner agrees with the 28692
recommendation of the department's designee, it shall inform the 28693
department's designee and the trial court of its decision and 28694
the reasons for the decision, and the department's designee 28695
shall proceed in accordance with division ~~(D) (1) (b) (iii)~~ (D) (1) 28696
(b) (i) (III) of this section. 28697

~~(iii)~~ (III) If the ~~forensic center~~ examiner disagrees with 28698
the recommendation of the department's designee and the 28699
department's designee proceeds with, or modifies and proceeds 28700
with, the recommendation or if the ~~forensic center~~ examiner 28701
agrees with the recommendation of the department's designee, the 28702
department's designee shall work with community mental health 28703
services providers, programs, facilities, or boards of alcohol, 28704
drug addiction, and mental health services ~~or community mental~~ 28705

~~health boards~~ to develop a plan to implement the recommendation. 28706
If the defendant or person is on medication, the plan shall 28707
include, but shall not be limited to, a system to monitor the 28708
defendant's or person's compliance with the prescribed 28709
medication treatment plan. The system shall include a schedule 28710
that clearly states when the defendant or person shall report 28711
for a medication compliance check. The medication compliance 28712
checks shall be based upon the effective duration of the 28713
prescribed medication, taking into account the route by which it 28714
is taken, and shall be scheduled at intervals sufficiently close 28715
together to detect a potential increase in mental illness 28716
symptoms that the medication is intended to prevent. 28717

The department's designee, after consultation with the 28718
board of alcohol, drug addiction, and mental health services ~~or~~ 28719
~~the community mental health board~~ serving the area, shall send 28720
the recommendation and plan developed under division ~~(D) (1) (b)~~ 28721
~~(iii)~~ (D) (1) (b) (i) (III) of this section, in writing, to the trial 28722
court, the prosecutor, and the counsel for the committed 28723
defendant or person. 28724

The trial court shall conduct a hearing on the 28725
recommendation and plan developed under division ~~(D) (1) (b) (iii)~~ 28726
(D) (1) (b) (i) (III) of this section. Divisions ~~(D) (1) (c) and (d)~~ 28727
~~and (E)~~ to (J) of this section apply regarding the hearing. 28728

~~(c) If the department's designee's recommendation is for~~ 28729
~~nonsecured status or termination of commitment, the prosecutor~~ 28730
~~may obtain an independent expert evaluation of the defendant's~~ 28731
~~or person's mental condition, and the trial court may continue~~ 28732
~~the hearing on the recommendation for a period of not more than~~ 28733
~~thirty days to permit time for the evaluation.~~ 28734

The prosecutor may introduce the written report of the 28735

independent evaluation ~~report~~ or present other evidence at the 28736
hearing in accordance with the Rules of Evidence. 28737

~~(d) The trial court shall schedule the hearing on a 28738
department's designee's recommendation for nonsecured status or 28739
termination of commitment and shall give reasonable notice to 28740
the prosecutor and the counsel for the defendant or person. 28741
Unless continued for independent evaluation at the prosecutor's 28742
request or for other good cause, the hearing shall be held 28743
within thirty days after the trial court's receipt of the 28744
recommendation and plan. 28745~~

(ii) If the prosecutor does not request an independent 28746
evaluation of the defendant's or person's mental condition, the 28747
trial court shall hold the hearing on the department's 28748
designee's recommendation and shall consider the department's, 28749
institution's, facility's, or program's most recent written 28750
report issued under division (C) of this section. 28751

(2) (a) Division (D)(1) of this section does not apply to 28752
on-grounds unsupervised movement of a defendant or person who 28753
has been committed under section 2945.39 or 2945.40 of the 28754
Revised Code, who is a person with an intellectual disability 28755
subject to institutionalization by court order, and who is being 28756
provided residential habilitation, care, and treatment in a 28757
facility operated by the department of developmental 28758
disabilities. 28759

(b) If, pursuant to section 2945.39 of the Revised Code, 28760
the trial court commits a defendant who is found incompetent to 28761
stand trial and who is a person with an intellectual disability 28762
subject to institutionalization by court order, if the defendant 28763
is being provided residential habilitation, care, and treatment 28764
in a facility operated by the department of developmental 28765

disabilities, if an individual who is conducting a survey for 28766
the department of health to determine the facility's compliance 28767
with the certification requirements of the medicaid program 28768
cites the defendant's receipt of the residential habilitation, 28769
care, and treatment in the facility as being inappropriate under 28770
the certification requirements, if the defendant's receipt of 28771
the residential habilitation, care, and treatment in the 28772
facility potentially jeopardizes the facility's continued 28773
receipt of federal medicaid moneys, and if as a result of the 28774
citation the chief clinical officer of the facility determines 28775
that the conditions of the defendant's commitment should be 28776
changed, the department of developmental disabilities may cause 28777
the defendant to be removed from the particular facility and, 28778
after evaluating the risks to public safety and the welfare of 28779
the defendant and after determining whether another type of 28780
placement is consistent with the certification requirements, may 28781
place the defendant in another facility that the department 28782
selects as an appropriate facility for the defendant's continued 28783
receipt of residential habilitation, care, and treatment and 28784
that is a no less secure setting than the facility in which the 28785
defendant had been placed at the time of the citation. Within 28786
three days after the defendant's removal and alternative 28787
placement under the circumstances described in division (D) (2) 28788
(b) of this section, the department of developmental 28789
disabilities shall notify the trial court and the prosecutor in 28790
writing of the removal and alternative placement. 28791

The trial court shall set a date for a hearing on the 28792
removal and alternative placement, and the hearing shall be held 28793
within twenty-one days after the trial court's receipt of the 28794
notice from the department of developmental disabilities. At 28795
least ten days before the hearing is held, the trial court shall 28796

give the prosecutor, the department of developmental 28797
disabilities, and the counsel for the defendant written notice 28798
of the date, time, and place of the hearing. At the hearing, the 28799
trial court shall consider the citation issued by the individual 28800
who conducted the survey for the department of health to be 28801
prima-facie evidence of the fact that the defendant's commitment 28802
to the particular facility was inappropriate under the 28803
certification requirements of the medicaid program and 28804
potentially jeopardizes the particular facility's continued 28805
receipt of federal medicaid moneys. At the conclusion of the 28806
hearing, the trial court may approve or disapprove the 28807
defendant's removal and alternative placement. If the trial 28808
court approves the defendant's removal and alternative 28809
placement, the department of developmental disabilities may 28810
continue the defendant's alternative placement. If the trial 28811
court disapproves the defendant's removal and alternative 28812
placement, it shall enter an order modifying the defendant's 28813
removal and alternative placement, but that order shall not 28814
require the department of developmental disabilities to replace 28815
the defendant for purposes of continued residential 28816
habilitation, care, and treatment in the facility associated 28817
with the citation issued by the individual who conducted the 28818
survey for the department of health. 28819

(E) In making a determination under this section regarding 28820
nonsecured status or termination of commitment, the trial court 28821
shall consider all relevant factors, including, but not limited 28822
to, all of the following: 28823

(1) Whether, in the trial court's view, the defendant or 28824
person currently represents a substantial risk of physical harm 28825
to the defendant or person or others; 28826

(2) Psychiatric and medical testimony as to the current 28827
mental and physical condition of the defendant or person; 28828

(3) Whether the defendant or person has insight into the 28829
defendant's or person's condition so that the defendant or 28830
person will continue treatment as prescribed or seek 28831
professional assistance as needed; 28832

(4) The grounds upon which the state relies for the 28833
proposed commitment; 28834

(5) Any past history that is relevant to establish the 28835
defendant's or person's degree of conformity to the laws, rules, 28836
regulations, and values of society; 28837

(6) If there is evidence that the defendant's or person's 28838
mental illness is in a state of remission, the medically 28839
suggested cause and degree of the remission and the probability 28840
that the defendant or person will continue treatment to maintain 28841
the remissive state of the defendant's or person's illness 28842
should the defendant's or person's commitment conditions be 28843
altered. 28844

(F) At any hearing held pursuant to division (C) or (D) (1) 28845
or (2) of this section, the defendant or the person shall have 28846
all the rights of a defendant or person at a commitment hearing 28847
as described in section 2945.40 of the Revised Code. 28848

(G) In a hearing held pursuant to division (C) or (D) (1) 28849
of this section, the prosecutor has the burden of proof as 28850
follows: 28851

(1) For a recommendation of termination of commitment, to 28852
show by clear and convincing evidence that the defendant or 28853
person remains a person with a mental illness subject to court 28854
order or a person with an intellectual disability subject to 28855

institutionalization by court order; 28856

(2) For a recommendation for a change in the conditions of 28857
the commitment to a less restrictive status, to show by clear 28858
and convincing evidence that the proposed change represents a 28859
threat to public safety or a threat to the safety of any person. 28860

(H) In a hearing held pursuant to division (C) or (D) (1) 28861
or (2) of this section, the prosecutor shall represent the state 28862
or the public interest. 28863

(I) At the conclusion of a hearing conducted under 28864
division (D) (1) of this section regarding a recommendation from 28865
the designee of the department of mental health and addiction 28866
services, managing officer of the institution, or director of a 28867
facility or program, the trial court may approve, disapprove, or 28868
modify the recommendation and shall enter an order accordingly. 28869

(J) (1) A defendant or person who has been committed 28870
pursuant to section 2945.39 or 2945.40 of the Revised Code 28871
continues to be under the jurisdiction of the trial court until 28872
the final termination of the commitment. For purposes of 28873
division (J) of this section, the final termination of a 28874
commitment occurs upon the earlier of one of the following: 28875

(a) The defendant or person no longer is a person with a 28876
mental illness subject to court order or a person with an 28877
intellectual disability subject to institutionalization by court 28878
order, as determined by the trial court; 28879

(b) The expiration of the maximum prison term or term of 28880
imprisonment that the defendant or person could have received if 28881
the defendant or person had been convicted of the most serious 28882
offense with which the defendant or person is charged or in 28883
relation to which the defendant or person was found not guilty 28884

by reason of insanity; 28885

(c) The trial court enters an order terminating the 28886
commitment under the circumstances described in division (J) (2) 28887
(a) (ii) of this section. 28888

(2) (a) If a defendant is found incompetent to stand trial 28889
and committed pursuant to section 2945.39 of the Revised Code, 28890
if neither of the circumstances described in divisions (J) (1) (a) 28891
and (b) of this section applies to that defendant, and if a 28892
report filed with the trial court pursuant to division (C) of 28893
this section indicates that the defendant presently is competent 28894
to stand trial or if, at any other time during the period of the 28895
defendant's commitment, the prosecutor, the counsel for the 28896
defendant, or the designee of the department of mental health 28897
and addiction services or the managing officer of the 28898
institution or director of the facility or program to which the 28899
defendant is committed files an application with the trial court 28900
alleging that the defendant presently is competent to stand 28901
trial and requesting a hearing on the competency issue or the 28902
trial court otherwise has reasonable cause to believe that the 28903
defendant presently is competent to stand trial and determines 28904
on its own motion to hold a hearing on the competency issue, the 28905
trial court shall schedule a hearing on the competency of the 28906
defendant to stand trial, shall give the prosecutor, the counsel 28907
for the defendant, and the department's designee or the managing 28908
officer of the institution or the director of the facility to 28909
which the defendant is committed notice of the date, time, and 28910
place of the hearing at least fifteen days before the hearing, 28911
and shall conduct the hearing within thirty days of the filing 28912
of the application or of its own motion. If, at the conclusion 28913
of the hearing, the trial court determines that the defendant 28914
presently is capable of understanding the nature and objective 28915

of the proceedings against the defendant and of assisting in the 28916
defendant's defense, the trial court shall order that the 28917
defendant is competent to stand trial and shall be proceeded 28918
against as provided by law with respect to the applicable 28919
offenses described in division (C)(1) of section 2945.38 of the 28920
Revised Code and shall enter whichever of the following 28921
additional orders is appropriate: 28922

(i) If the trial court determines that the defendant 28923
remains a person with a mental illness subject to court order or 28924
a person with an intellectual disability subject to 28925
institutionalization by court order, the trial court shall order 28926
that the defendant's commitment to the department of mental 28927
health and addiction services or to an institution, facility, or 28928
program for the treatment of intellectual disabilities be 28929
continued during the pendency of the trial on the applicable 28930
offenses described in division (C)(1) of section 2945.38 of the 28931
Revised Code. 28932

(ii) If the trial court determines that the defendant no 28933
longer is a person with a mental illness subject to court order 28934
or a person with an intellectual disability subject to 28935
institutionalization by court order, the trial court shall order 28936
that the defendant's commitment to the department of mental 28937
health and addiction services or to an institution, facility, or 28938
program for the treatment of intellectual disabilities shall not 28939
be continued during the pendency of the trial on the applicable 28940
offenses described in division (C)(1) of section 2945.38 of the 28941
Revised Code. This order shall be a final termination of the 28942
commitment for purposes of division (J)(1)(c) of this section. 28943

(b) If, at the conclusion of the hearing described in 28944
division (J)(2)(a) of this section, the trial court determines 28945

that the defendant remains incapable of understanding the nature 28946
and objective of the proceedings against the defendant or of 28947
assisting in the defendant's defense, the trial court shall 28948
order that the defendant continues to be incompetent to stand 28949
trial, that the defendant's commitment to the department of 28950
mental health and addiction services or to an institution, 28951
facility, or program for the treatment of intellectual 28952
disabilities shall be continued, and that the defendant remains 28953
subject to the jurisdiction of the trial court pursuant to that 28954
commitment, and to the provisions of this section, until the 28955
final termination of the commitment as described in division (J) 28956
(1) of this section. 28957

Sec. 2953.32. (A) (1) Sections 2953.32 ~~to~~ and 2953.34 of 28958
the Revised Code do not apply to any of the following: 28959

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 28960
or 4549. of the Revised Code, or a conviction for a violation of 28961
a municipal ordinance that is substantially similar to any 28962
section contained in any of those chapters; 28963

(b) Convictions of a felony offense of violence that is 28964
not a sexually oriented offense; 28965

(c) Convictions of a sexually oriented offense when the 28966
offender is subject to the requirements of Chapter 2950. of the 28967
Revised Code or Chapter 2950. of the Revised Code as it existed 28968
prior to January 1, 2008; 28969

(d) Convictions of an offense in circumstances in which 28970
the victim of the offense was less than thirteen years of age, 28971
except for convictions under section 2919.21 of the Revised 28972
Code; 28973

(e) Convictions of a felony of the first or second degree; 28974

(f) Except as provided in division (A) (2) of this section, 28975
convictions for a violation of section 2919.25 or 2919.27 of the 28976
Revised Code or a conviction for a violation of a municipal 28977
ordinance that is substantially similar to either section; 28978

(g) Convictions of a felony of the third degree if the 28979
offender has more than one other conviction of any felony or, if 28980
the person has exactly two convictions of a felony of the third 28981
degree, has more convictions in total than those two third 28982
degree felony convictions and two misdemeanor convictions. 28983

(2) Sections 2953.32 to 2953.34 of the Revised Code apply 28984
to a conviction for a violation of section 2919.25 of the 28985
Revised Code that is a misdemeanor of the fourth degree for 28986
purposes of sealing, but not for purposes of expungement of the 28987
record of the case. 28988

(B) (1) Except as provided in section 2953.61 of the 28989
Revised Code or as otherwise provided in division (B) (1) (a) (iii) 28990
of this section, an eligible offender may apply to the 28991
sentencing court if convicted in this state, or to a court of 28992
common pleas if convicted in another state or in a federal 28993
court, for the sealing or expungement of the record of the case 28994
that pertains to the conviction, except for convictions listed 28995
in division (A) (1) of this section. Application may be made at 28996
whichever of the following times is applicable regarding the 28997
offense: 28998

(a) An application for sealing under this section may be 28999
made at whichever of the following times is applicable regarding 29000
the offense: 29001

(i) Except as otherwise provided in division (B) (1) (a) (iv) 29002
of this section, at the expiration of three years after the 29003

offender's final discharge if convicted of one or two felonies 29004
of the third degree, so long as none of the offenses is a 29005
violation of section 2921.43 of the Revised Code; 29006

(ii) Except as otherwise provided in division (B) (1) (a) 29007
(iv) of this section, at the expiration of one year after the 29008
offender's final discharge if convicted of one or more felonies 29009
of the fourth or fifth degree or one or more misdemeanors, so 29010
long as none of the offenses is a violation of section 2921.43 29011
of the Revised Code or a felony offense of violence; 29012

(iii) At the expiration of seven years after the 29013
offender's final discharge if the record includes one or more 29014
convictions of soliciting improper compensation in violation of 29015
section 2921.43 of the Revised Code; 29016

(iv) If the offender was subject to the requirements of 29017
Chapter 2950. of the Revised Code or Chapter 2950. of the 29018
Revised Code as it existed prior to January 1, 2008, at the 29019
expiration of five years after the requirements have ended under 29020
section 2950.07 of the Revised Code or section 2950.07 of the 29021
Revised Code as it existed prior to January 1, 2008, or are 29022
terminated under section 2950.15 or 2950.151 of the Revised 29023
Code; 29024

(v) At the expiration of six months after the offender's 29025
final discharge if convicted of a minor misdemeanor. 29026

(b) An application for expungement under this section may 29027
be made at whichever of the following times is applicable 29028
regarding the offense: 29029

(i) Except as otherwise provided in division (B) (1) (b) (ii) 29030
of this section, if the offense is a misdemeanor, at the 29031
expiration of one year after the offender's final discharge; 29032

(ii) If the offense is a minor misdemeanor, at the 29033
expiration of six months after the offender's final discharge; 29034

(iii) If the offense is a felony, at the expiration of ten 29035
years after the time specified in division (B)(1)(a) of this 29036
section at which the person may file an application for sealing 29037
with respect to that felony offense. 29038

(2) Any person who has been arrested for any misdemeanor 29039
offense and who has effected a bail forfeiture for the offense 29040
charged may apply to the court in which the misdemeanor criminal 29041
case was pending when bail was forfeited for the sealing or 29042
expungement of the record of the case that pertains to the 29043
charge. Except as provided in section 2953.61 of the Revised 29044
Code, the application may be filed at whichever of the following 29045
times is applicable regarding the offense: 29046

(a) An application for sealing under this section may be 29047
made at any time after the date on which the bail forfeiture was 29048
entered upon the minutes of the court or the journal, whichever 29049
entry occurs first. 29050

(b) An application for expungement under this section may 29051
be made at whichever of the following times is applicable 29052
regarding the offense: 29053

(i) Except as provided in division (B)(2)(b)(ii) of this 29054
section, at any time after the expiration of one year from the 29055
date on which the bail forfeiture was entered upon the minutes 29056
of the court or the journal, whichever entry occurs first; 29057

(ii) If the offense is a minor misdemeanor, at any time 29058
after the expiration of six months from the date on which the 29059
bail forfeiture was entered upon the minutes of the court or the 29060
journal, whichever entry occurs first. 29061

(C) Upon the filing of an application under this section, 29062
the court shall set a date for a hearing and shall notify the 29063
prosecutor for the case of the hearing on the application not 29064
less than sixty days prior to the hearing. Pursuant to the Ohio 29065
Constitution, the prosecutor shall provide timely notice of the 29066
application and the date and time of the hearing to a victim and 29067
victim's representative, if applicable, if the victim or 29068
victim's representative requested notice of the proceedings in 29069
the underlying case. The court shall hold the hearing not less 29070
than forty-five days and not more than ninety days from the date 29071
of the filing of the application. The prosecutor may object to 29072
the granting of the application by filing a written objection 29073
with the court not later than thirty days prior to the date set 29074
for the hearing. The prosecutor shall specify in the objection 29075
the reasons for believing a denial of the application is 29076
justified. The victim, victim's representative, and victim's 29077
attorney, if applicable, may be present and heard orally, in 29078
writing, or both at any hearing under this section. The court 29079
shall direct its regular probation officer, a state probation 29080
officer, or the department of probation of the county in which 29081
the applicant resides to make inquiries and written reports as 29082
the court requires concerning the applicant. The probation 29083
officer or county department of probation that the court directs 29084
to make inquiries and written reports as the court requires 29085
concerning the applicant shall determine whether or not the 29086
applicant was fingerprinted at the time of arrest or under 29087
section 109.60 of the Revised Code. If the applicant was so 29088
fingerprinted, the probation officer or county department of 29089
probation shall include with the written report a record of the 29090
applicant's fingerprints. If the applicant was convicted of or 29091
pleaded guilty to a violation of division (A) (2) or (B) of 29092
section 2919.21 of the Revised Code, the probation officer or 29093

county department of probation that the court directed to make 29094
inquiries concerning the applicant shall contact the child 29095
support enforcement agency enforcing the applicant's obligations 29096
under the child support order to inquire about the offender's 29097
compliance with the child support order. 29098

(D) (1) At the hearing held under division (C) of this 29099
section, the court shall do each of the following: 29100

(a) Determine whether the applicant is pursuing sealing or 29101
expunging a conviction of an offense that is prohibited under 29102
division (A) of this section or whether the forfeiture of bail 29103
was agreed to by the applicant and the prosecutor in the case, 29104
and determine whether the application was made at the time 29105
specified in division (B) (1) (a) or (b) or division (B) (2) (a) or 29106
(b) of this section that is applicable with respect to the 29107
application and the subject offense; 29108

(b) Determine whether criminal proceedings are pending 29109
against the applicant; 29110

(c) Determine whether the applicant has been rehabilitated 29111
to the satisfaction of the court; 29112

(d) If the prosecutor has filed an objection in accordance 29113
with division (C) of this section, consider the reasons against 29114
granting the application specified by the prosecutor in the 29115
objection; 29116

(e) If the victim objected, pursuant to the Ohio 29117
Constitution, consider the reasons against granting the 29118
application specified by the victim in the objection; 29119

(f) Weigh the interests of the applicant in having the 29120
records pertaining to the applicant's conviction or bail 29121
forfeiture sealed or expunged against the legitimate needs, if 29122

any, of the government to maintain those records; 29123

(g) Consider the oral or written statement of any victim, 29124
victim's representative, and victim's attorney, if applicable; 29125

(h) If the applicant was an eligible offender of the type 29126
described in division (A) (3) of section 2953.36 of the Revised 29127
Code as it existed prior to ~~the effective date of this amendment~~ 29128
April 4, 2023, determine whether the offender has been 29129
rehabilitated to a satisfactory degree. In making the 29130
determination, the court may consider all of the following: 29131

(i) The age of the offender; 29132

(ii) The facts and circumstances of the offense; 29133

(iii) The cessation or continuation of criminal behavior; 29134

(iv) The education and employment of the offender; 29135

(v) Any other circumstances that may relate to the 29136
offender's rehabilitation. 29137

(2) If the court determines, after complying with division 29138
(D) (1) of this section, that the offender is not pursuing 29139
sealing or expunging a conviction of an offense that is 29140
prohibited under division (A) of this section or that the 29141
forfeiture of bail was agreed to by the applicant and the 29142
prosecutor in the case, that the application was made at the 29143
time specified in division (B) (1) (a) or (b) or division (B) (2) 29144
(a) or (b) of this section that is applicable with respect to 29145
the application and the subject offense, that no criminal 29146
proceeding is pending against the applicant, that the interests 29147
of the applicant in having the records pertaining to the 29148
applicant's conviction or bail forfeiture sealed or expunged are 29149
not outweighed by any legitimate governmental needs to maintain 29150

those records, and that the rehabilitation of the applicant has 29151
been attained to the satisfaction of the court, both of the 29152
following apply: 29153

(a) The court, except as provided in division (D)(4) or 29154
(5) of this section or division (D), (F), or (G) of section 29155
2953.34 of the Revised Code, shall order all official records of 29156
the case that pertain to the conviction or bail forfeiture 29157
sealed if the application was for sealing or expunged if the 29158
application was for expungement and, except as provided in 29159
division (C) of section 2953.34 of the Revised Code, all index 29160
references to the case that pertain to the conviction or bail 29161
forfeiture deleted and, in the case of bail forfeitures, shall 29162
dismiss the charges in the case. 29163

(b) The proceedings in the case that pertain to the 29164
conviction or bail forfeiture shall be considered not to have 29165
occurred and the conviction or bail forfeiture of the person who 29166
is the subject of the proceedings shall be sealed if the 29167
application was for sealing or expunged if the application was 29168
for expungement, except that upon conviction of a subsequent 29169
offense, a sealed record of prior conviction or bail forfeiture 29170
may be considered by the court in determining the sentence or 29171
other appropriate disposition, including the relief provided for 29172
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 29173

(3) An applicant may request the sealing or expungement of 29174
the records of more than one case in a single application under 29175
this section. Upon the filing of an application under this 29176
section, the applicant, unless the applicant presents a poverty 29177
affidavit showing that the applicant is indigent, shall pay an 29178
application fee of fifty dollars and may pay a local court fee 29179
of not more than fifty dollars, regardless of the number of 29180

records the application requests to have sealed or expunged. If 29181
the applicant pays a fee, the court shall pay three-fifths of 29182
the fee collected into the state treasury, with half of that 29183
amount credited to the attorney general reimbursement fund 29184
created by section 109.11 of the Revised Code. If the applicant 29185
pays a fee, the court shall pay two-fifths of the fee collected 29186
into the county general revenue fund if the sealed or expunged 29187
conviction or bail forfeiture was pursuant to a state statute, 29188
or into the general revenue fund of the municipal corporation 29189
involved if the sealed or expunged conviction or bail forfeiture 29190
was pursuant to a municipal ordinance. 29191

(4) If the court orders the official records pertaining to 29192
the case sealed or expunged, the court shall do one of the 29193
following: 29194

(a) If the applicant was fingerprinted at the time of 29195
arrest or under section 109.60 of the Revised Code and the 29196
record of the applicant's fingerprints was provided to the court 29197
under division (C) of this section, forward a copy of the 29198
sealing or expungement order and the record of the applicant's 29199
fingerprints to the bureau of criminal identification and 29200
investigation. 29201

(b) If the applicant was not fingerprinted at the time of 29202
arrest or under section 109.60 of the Revised Code, or the 29203
record of the applicant's fingerprints was not provided to the 29204
court under division (C) of this section, but fingerprinting was 29205
required for the offense, order the applicant to appear before a 29206
sheriff to have the applicant's fingerprints taken according to 29207
the fingerprint system of identification on the forms furnished 29208
by the superintendent of the bureau of criminal identification 29209
and investigation. The sheriff shall forward the applicant's 29210

fingerprints to the court. The court shall forward the 29211
applicant's fingerprints and a copy of the sealing or 29212
expungement order to the bureau of criminal identification and 29213
investigation. 29214

Failure of the court to order fingerprints at the time of 29215
sealing or expungement does not constitute a reversible error. 29216

(5) Notwithstanding any other provision of the Revised 29217
Code to the contrary, when the bureau of criminal identification 29218
and investigation receives notice from a court that the record 29219
of a conviction or bail forfeiture has been expunged under this 29220
section, the bureau of criminal identification and investigation 29221
shall maintain a record of the expunged conviction record for 29222
the limited purpose of determining an individual's qualification 29223
or disqualification for employment in law enforcement. The 29224
bureau of criminal identification and investigation shall not be 29225
compelled by the court to destroy, delete, or erase those 29226
records so that the records are permanently irretrievable. These 29227
records may only be disclosed or provided to law enforcement for 29228
the limited purpose of determining an individual's qualification 29229
or disqualification for employment in law enforcement. 29230

When any other entity other than the bureau of criminal 29231
identification and investigation receives notice from a court 29232
that the record of a conviction or bail forfeiture has been 29233
expunged under this section, the entity shall destroy, delete, 29234
and erase the record as appropriate for the record's physical or 29235
electronic form or characteristic so that the record is 29236
permanently irretrievable. 29237

Sec. 2967.12. (A) Except as provided in division (G) of 29238
this section, at least sixty days before the adult parole 29239
authority recommends any pardon or commutation of sentence, or 29240

grants any parole, the authority shall provide a notice of the 29241
pendency of the pardon, commutation, or parole, setting forth 29242
the name of the person on whose behalf it is made, the offense 29243
of which the person was convicted or to which the person pleaded 29244
guilty, the time of conviction or the guilty plea, and the term 29245
of the person's sentence, to the prosecuting attorney and the 29246
judge of the court of common pleas of the county in which the 29247
indictment against the person was found. If there is more than 29248
one judge of that court of common pleas, the authority shall 29249
provide the notice to the presiding judge. Upon the request of 29250
the prosecuting attorney or of any law enforcement agency, the 29251
authority shall provide to the requesting prosecuting attorney 29252
and law enforcement agencies an institutional summary report 29253
that covers the subject person's participation while confined in 29254
a state correctional institution in training, work, and other 29255
rehabilitative activities and any disciplinary action taken 29256
against the person while so confined. The department of 29257
rehabilitation and correction may utilize electronic means to 29258
provide this notice. The department of rehabilitation and 29259
correction, at the same time that it provides the notice to the 29260
prosecuting attorney and judge under this division, also shall 29261
post on the database it maintains pursuant to section 5120.66 of 29262
the Revised Code the offender's name and all of the information 29263
specified in division (A)(1)(c)(iii) of that section. 29264

(B) If a request for notification has been made pursuant 29265
to section 2930.16 of the Revised Code or if division (H) of 29266
this section applies, the office of victim services or the adult 29267
parole authority also shall provide notice to the victim or the 29268
victim's representative at least sixty days prior to 29269
recommending any pardon or commutation of sentence for, or 29270
granting any parole to, the person. The notice shall include the 29271

information required by division (A) of this section and may be 29272
provided by telephone or through electronic means. The notice 29273
also shall inform the victim or the victim's representative that 29274
the victim or representative may send a written statement 29275
relative to the victimization and the pending action to the 29276
adult parole authority and that, if the authority receives any 29277
written statement prior to recommending a pardon or commutation 29278
or granting a parole for a person, the authority will consider 29279
the statement before it recommends a pardon or commutation or 29280
grants a parole. All written and oral statements provided by a 29281
victim or victim's representative to the department of 29282
rehabilitation and correction in connection with the pendency of 29283
any pardon, commutation, or parole are confidential and 29284
privileged and are not subject to subpoena or discovery, 29285
admissible in evidence in any action, or public records under 29286
section 149.43 of the Revised Code. 29287

If the person is being considered for parole, the notice 29288
shall inform the victim or the victim's representative that a 29289
full board hearing of the parole board may be held and that the 29290
victim or victim's representative may contact the office of 29291
victims' services for further information. If the person being 29292
considered for parole was convicted of or pleaded guilty to a 29293
violation of section 2903.01 or 2903.02 of the Revised Code, an 29294
offense of violence that is a felony of the first, second, or 29295
third degree, or an offense punished by a sentence of life 29296
imprisonment, the notice shall inform the victim of that 29297
offense, the victim's representative, or a member of the 29298
victim's immediate family that the victim, the victim's 29299
representative, and the victim's immediate family have the right 29300
to give testimony at a full board hearing of the parole board 29301
and that the victim or victim's representative may contact the 29302

office of victims' services for further information. 29303

(C) When notice of the pendency of any pardon, commutation 29304
of sentence, or parole has been provided to a judge or 29305
prosecutor or posted on the database as required in division (A) 29306
of this section and a hearing on the pardon, commutation, or 29307
parole is continued to a date certain, the authority shall 29308
provide notice of the further consideration of the pardon, 29309
commutation, or parole at least sixty days before the further 29310
consideration. The notice of the further consideration shall be 29311
provided to the proper judge and prosecuting attorney at least 29312
sixty days before the further consideration, and may be provided 29313
using electronic means, and, if the initial notice was posted on 29314
the database as provided in division (A) of this section, the 29315
notice of the further consideration shall be posted on the 29316
database at least sixty days before the further consideration. 29317
If the prosecuting attorney or a law enforcement agency was 29318
provided a copy of the institutional summary report relative to 29319
the subject person under division (A) of this section, the 29320
authority shall include with the notice of the further 29321
consideration sent to the prosecuting attorney any new 29322
information with respect to the person that relates to 29323
activities and actions of the person that are of a type covered 29324
by the report and shall send to the law enforcement agency a 29325
report that provides notice of the further consideration and 29326
includes any such new information with respect to the person. 29327
When notice of the pendency of any pardon, commutation, or 29328
parole has been given as provided in division (B) of this 29329
section and the hearing on it is continued to a date certain, 29330
the authority shall give notice of the further consideration to 29331
the victim or the victim's representative in accordance with 29332
section 2930.03 of the Revised Code. 29333

(D) In case of an application for the pardon or 29334
commutation of sentence of a person sentenced to capital 29335
punishment, the governor may modify the requirements of 29336
notification and publication if there is not sufficient time for 29337
compliance with the requirements before the date fixed for the 29338
execution of sentence. 29339

(E) If an offender is serving a prison term imposed under 29340
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 29341
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 29342
Code and if the parole board terminates its control over the 29343
offender's service of that term pursuant to section 2971.04 of 29344
the Revised Code, the parole board immediately shall provide 29345
written notice of its termination of control or the transfer of 29346
control to the entities and persons specified in section 2971.04 29347
of the Revised Code. 29348

(F) The failure of the adult parole authority to comply 29349
with the notice or posting provisions of division (A), (B), or 29350
(C) of this section or the failure of the parole board to comply 29351
with the notice provisions of division (E) of this section do 29352
not give any rights or any grounds for appeal or post-conviction 29353
relief to the person serving the sentence. 29354

(G) Divisions (A), (B), and (C) of this section do not 29355
apply to any release of a person that is of the type described 29356
in division (B) (2) (b) of section 5120.031 of the Revised Code. 29357

(H) If a defendant is incarcerated for the commission of 29358
aggravated murder, murder, or an offense of violence that is a 29359
felony of the first, second, or third degree or is under a 29360
sentence of life imprisonment, except as otherwise provided in 29361
this division, the notice described in division (B) of this 29362
section shall be given to the victim or victim's representative 29363

regardless of whether the victim or victim's representative has 29364
made a request for notification. The notice described in 29365
division (B) of this section shall not be given under this 29366
division to a victim or victim's representative if the victim or 29367
victim's representative has requested pursuant to division (B) 29368
(2) of section 2930.03 of the Revised Code that the victim or 29369
the victim's representative not be provided the notice. The 29370
notice described in division (B) of this section does not have 29371
to be given under this division to a victim or victim's 29372
representative if notice was given to the victim or victim's 29373
representative with respect to at least two prior considerations 29374
of pardon, commutation, or parole of a person and the victim or 29375
victim's representative did not provide any written statement 29376
relative to the victimization and the pending action, did not 29377
attend any hearing conducted relative to the pending action, and 29378
did not otherwise respond to the office with respect to the 29379
pending action. Regardless of whether the victim or victim's 29380
representative has requested that the notice described in 29381
division (B) of this section be provided or not be provided, the 29382
office of victim services or adult parole authority shall give 29383
similar notice to the law enforcement agency that arrested the 29384
defendant if any officer of that agency was a victim of the 29385
offense and to any member of the victim's immediate family who 29386
requests notification. If notice is to be given under this 29387
division, the office or authority may give the notice by any 29388
reasonable means, including regular mail, telephone, and 29389
electronic mail, in accordance with division (D)(1) of section 29390
2930.16 of the Revised Code. If the notice is based on an 29391
offense committed prior to March 22, 2013, the notice to the 29392
victim or victim's representative also shall include the opt-out 29393
information described in division (D)(1) of section 2930.16 of 29394
the Revised Code. The office or authority, in accordance with 29395

division (D) (2) of section 2930.16 of the Revised Code, shall 29396
keep a record of all attempts to provide the notice, and of all 29397
notices provided, under this division. 29398

Division (H) of this section, and the notice-related 29399
provisions of divisions (E) (2) and (K) of section 2929.20, 29400
division (D) (1) of section 2930.16, division (E) (1) (b) of 29401
section 2967.19 as it existed prior to ~~the effective date of~~ 29402
~~this amendment~~ April 4, 2023, division (A) (3) (b) of section 29403
2967.26, division (D) (1) of section 2967.28, and division (A) (2) 29404
of section 5149.101 of the Revised Code enacted in the act in 29405
which division (H) of this section was enacted, shall be known 29406
as "Roberta's Law." 29407

(I) In addition to and independent of the right of a 29408
victim to make a statement as described in division (A) of this 29409
section or pursuant to section 2930.17 of the Revised Code or to 29410
otherwise make a statement, the authority for a judge or 29411
prosecuting attorney to furnish statements and information, make 29412
recommendations, and give testimony as described in division (A) 29413
of this section, the right of a prosecuting attorney, judge, or 29414
victim to give testimony or submit a statement at a full parole 29415
board hearing pursuant to section 5149.101 of the Revised Code, 29416
and any other right or duty of a person to present information 29417
or make a statement, any person may send to the adult parole 29418
authority at any time prior to the authority's recommending a 29419
pardon or commutation or granting a parole for the offender a 29420
written statement relative to the offense and the pending 29421
action. 29422

(J) As used in this section, "victim's immediate family" 29423
means the mother, father, spouse, sibling, or child of the 29424
victim, provided that in no case does "victim's immediate 29425

family" include the offender with respect to whom the notice in 29426
question applies. 29427

Sec. 2967.28. (A) As used in this section: 29428

(1) "Monitored time" means the monitored time sanction 29429
specified in section 2929.17 and defined in section 2929.01 of 29430
the Revised Code. 29431

(2) "Deadly weapon" and "dangerous ordnance" have the same 29432
meanings as in section 2923.11 of the Revised Code. 29433

(3) "Felony sex offense" means a violation of a section 29434
contained in Chapter 2907. of the Revised Code that is a felony. 29435

(4) "Risk reduction sentence" means a prison term imposed 29436
by a court, when the court recommends pursuant to section 29437
2929.143 of the Revised Code that the offender serve the 29438
sentence under section 5120.036 of the Revised Code, and the 29439
offender may potentially be released from imprisonment prior to 29440
the expiration of the prison term if the offender successfully 29441
completes all assessment and treatment or programming required 29442
by the department of rehabilitation and correction under section 29443
5120.036 of the Revised Code. 29444

(5) "Victim's immediate family" has the same meaning as in 29445
section 2967.12 of the Revised Code. 29446

(6) "Minor drug possession offense" has the same meaning 29447
as in section 2925.11 of the Revised Code. 29448

(7) "Single validated risk assessment tool" means the 29449
single validated risk assessment tool selected by the department 29450
of rehabilitation and correction under section 5120.114 of the 29451
Revised Code. 29452

(B) Each sentence to a prison term, other than a term of 29453

life imprisonment, for a felony of the first degree, for a 29454
felony of the second degree, for a felony sex offense, or for a 29455
felony of the third degree that is an offense of violence and is 29456
not a felony sex offense shall include a requirement that the 29457
offender be subject to a period of post-release control imposed 29458
by the parole board after the offender's release from 29459
imprisonment. For post-release control to be imposed, the 29460
offender must be committed to the department of rehabilitation 29461
and correction as set forth in section 5120.16 of the Revised 29462
Code. This division applies with respect to all prison terms of 29463
a type described in this division, including a term of any such 29464
type that is a risk reduction sentence. If a court imposes a 29465
sentence including a prison term of a type described in this 29466
division on or after July 11, 2006, the failure of a sentencing 29467
court to notify the offender pursuant to division (B) (2) (d) of 29468
section 2929.19 of the Revised Code of this requirement or to 29469
include in the judgment of conviction entered on the journal a 29470
statement that the offender's sentence includes this requirement 29471
does not negate, limit, or otherwise affect the mandatory period 29472
of supervision that is required for the offender under this 29473
division. This division applies with respect to all prison terms 29474
of a type described in this division, including a non-life 29475
felony indefinite prison term. Section 2929.191 of the Revised 29476
Code applies if, prior to July 11, 2006, a court imposed a 29477
sentence including a prison term of a type described in this 29478
division and failed to notify the offender pursuant to division 29479
(B) (2) (d) of section 2929.19 of the Revised Code regarding post- 29480
release control or to include in the judgment of conviction 29481
entered on the journal or in the sentence pursuant to division 29482
(D) (1) of section 2929.14 of the Revised Code a statement 29483
regarding post-release control. Unless reduced by the parole 29484
board pursuant to division (D) of this section when authorized 29485

under that division, a period of post-release control required 29486
by this division for an offender shall be of one of the 29487
following periods: 29488

(1) For a felony sex offense, five years; 29489

(2) For a felony of the first degree that is not a felony 29490
sex offense, up to five years, but not less than two years; 29491

(3) For a felony of the second degree that is not a felony 29492
sex offense, up to three years, but not less than eighteen 29493
months; 29494

(4) For a felony of the third degree that is an offense of 29495
violence and is not a felony sex offense, up to three years, but 29496
not less than one year. 29497

(C) Any sentence to a prison term for a felony of the 29498
third, fourth, or fifth degree that is not subject to division 29499
(B) (1) or (4) of this section shall include a requirement that 29500
the offender be subject to a period of post-release control of 29501
up to two years after the offender's release from imprisonment, 29502
if the parole board, in accordance with division (D) of this 29503
section, determines that a period of post-release control is 29504
necessary for that offender. For post-release control to be 29505
imposed, the offender must be committed to the department of 29506
rehabilitation and correction as set forth in section 5120.16 of 29507
the Revised Code. This division applies with respect to all 29508
prison terms of a type described in this division, including a 29509
term of any such type that is a risk reduction sentence. Section 29510
2929.191 of the Revised Code applies if, prior to July 11, 2006, 29511
a court imposed a sentence including a prison term of a type 29512
described in this division and failed to notify the offender 29513
pursuant to division (B) (2) (e) of section 2929.19 of the Revised 29514

Code regarding post-release control or to include in the 29515
judgment of conviction entered on the journal or in the sentence 29516
pursuant to division (D) (2) of section 2929.14 of the Revised 29517
Code a statement regarding post-release control. Pursuant to an 29518
agreement entered into under section 2967.29 of the Revised 29519
Code, a court of common pleas or parole board may impose 29520
sanctions or conditions on an offender who is placed on post- 29521
release control under this division. 29522

(D) (1) Before the prisoner is released from imprisonment, 29523
the parole board or, pursuant to an agreement under section 29524
2967.29 of the Revised Code, the court shall impose on a 29525
prisoner described in division (B) of this section, shall impose 29526
on a prisoner described in division (C) of this section who is 29527
to be released before the expiration of the prisoner's stated 29528
prison term under a risk reduction sentence, may impose on a 29529
prisoner described in division (C) of this section who is not to 29530
be released before the expiration of the prisoner's stated 29531
prison term under a risk reduction sentence, and shall impose on 29532
a prisoner described in division (B) (2) (b) of section 5120.031 29533
or in division (B) (1) of section 5120.032 of the Revised Code, 29534
one or more post-release control sanctions to apply during the 29535
prisoner's period of post-release control. Whenever the board or 29536
court imposes one or more post-release control sanctions on a 29537
prisoner, the board or court, in addition to imposing the 29538
sanctions, also shall include as a condition of the post-release 29539
control that the offender not leave the state without permission 29540
of the court or the offender's parole or probation officer and 29541
that the offender abide by the law. The board or court may 29542
impose any other conditions of release under a post-release 29543
control sanction that the board or court considers appropriate, 29544
and the conditions of release may include any community 29545

residential sanction, community nonresidential sanction, or 29546
financial sanction that the sentencing court was authorized to 29547
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 29548
Revised Code. Prior to the release of a prisoner for whom it 29549
will impose one or more post-release control sanctions under 29550
this division, the parole board or court shall review the 29551
prisoner's criminal history, results from the single validated 29552
risk assessment tool, and the record of the prisoner's conduct 29553
while imprisoned. The parole board or court shall consider any 29554
recommendation regarding post-release control sanctions for the 29555
prisoner made by the office of victims' services. After 29556
considering those materials, the board or court shall determine, 29557
for a prisoner described in division (B) of this section, 29558
division (B) (2) (b) of section 5120.031, or division (B) (1) of 29559
section 5120.032 of the Revised Code and for a prisoner 29560
described in division (C) of this section who is to be released 29561
before the expiration of the prisoner's stated prison term under 29562
a risk reduction sentence, which post-release control sanction 29563
or combination of post-release control sanctions is reasonable 29564
under the circumstances or, for a prisoner described in division 29565
(C) of this section who is not to be released before the 29566
expiration of the prisoner's stated prison term under a risk 29567
reduction sentence, whether a post-release control sanction is 29568
necessary and, if so, which post-release control sanction or 29569
combination of post-release control sanctions is reasonable 29570
under the circumstances. In the case of a prisoner convicted of 29571
a felony of the fourth or fifth degree other than a felony sex 29572
offense, the board or court shall presume that monitored time is 29573
the appropriate post-release control sanction unless the board 29574
or court determines that a more restrictive sanction is 29575
warranted. A post-release control sanction imposed under this 29576
division takes effect upon the prisoner's release from 29577

imprisonment. 29578

Regardless of whether the prisoner was sentenced to the 29579
prison term prior to, on, or after July 11, 2006, prior to the 29580
release of a prisoner for whom it will impose one or more post- 29581
release control sanctions under this division, the parole board 29582
shall notify the prisoner that, if the prisoner violates any 29583
sanction so imposed or any condition of post-release control 29584
described in division (B) of section 2967.131 of the Revised 29585
Code that is imposed on the prisoner, the parole board may 29586
impose a prison term of up to one-half of the stated prison term 29587
originally imposed on the prisoner. 29588

At least thirty days before the prisoner is released from 29589
imprisonment under post-release control, except as otherwise 29590
provided in this paragraph, the department of rehabilitation and 29591
correction shall notify the victim and the victim's immediate 29592
family of the date on which the prisoner will be released, the 29593
period for which the prisoner will be under post-release control 29594
supervision, and the terms and conditions of the prisoner's 29595
post-release control regardless of whether the victim or 29596
victim's immediate family has requested the notification. The 29597
notice described in this paragraph shall not be given to a 29598
victim or victim's immediate family if the victim or the 29599
victim's immediate family has requested pursuant to division (B) 29600
(2) of section 2930.03 of the Revised Code that the notice not 29601
be provided to the victim or the victim's immediate family. At 29602
least thirty days before the prisoner is released from 29603
imprisonment and regardless of whether the victim or victim's 29604
immediate family has requested that the notice described in this 29605
paragraph be provided or not be provided to the victim or the 29606
victim's immediate family, the department also shall provide 29607
notice of that nature to the prosecuting attorney in the case 29608

and the law enforcement agency that arrested the prisoner if any 29609
officer of that agency was a victim of the offense. 29610

If the notice given under the preceding paragraph to the 29611
victim or the victim's immediate family is based on an offense 29612
committed prior to March 22, 2013, and if the department of 29613
rehabilitation and correction has not previously successfully 29614
provided any notice to the victim or the victim's immediate 29615
family under division (B), (C), or (D) of section 2930.16 of the 29616
Revised Code with respect to that offense and the offender who 29617
committed it, the notice also shall inform the victim or the 29618
victim's immediate family that the victim or the victim's 29619
immediate family may request that the victim or the victim's 29620
immediate family not be provided any further notices with 29621
respect to that offense and the offender who committed it and 29622
shall describe the procedure for making that request. The 29623
department may give the notices to which the preceding paragraph 29624
applies by any reasonable means, including regular mail, 29625
telephone, and electronic mail. If the department attempts to 29626
provide notice to any specified person under the preceding 29627
paragraph but the attempt is unsuccessful because the department 29628
is unable to locate the specified person, is unable to provide 29629
the notice by its chosen method because it cannot determine the 29630
mailing address, electronic mail address, or telephone number at 29631
which to provide the notice, or, if the notice is sent by mail, 29632
the notice is returned, the department shall make another 29633
attempt to provide the notice to the specified person. If the 29634
second attempt is unsuccessful, the department shall make at 29635
least one more attempt to provide the notice. If the notice is 29636
based on an offense committed prior to March 22, 2013, in each 29637
attempt to provide the notice to the victim or victim's 29638
immediate family, the notice shall include the opt-out 29639

information described in this paragraph. The department, in the manner described in division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19 as it existed prior to ~~the effective date of this amendment~~ April 4, 2023, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or 2967.194 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority may supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) After a prisoner is released from imprisonment and during the period of post-release control applicable to the

releasee, the adult parole authority or, pursuant to an 29671
agreement under section 2967.29 of the Revised Code, the court 29672
may review the releasee's behavior under the post-release 29673
control sanctions imposed upon the releasee under this section. 29674
The authority or court may determine, based upon the review and 29675
in accordance with the standards established under division (E) 29676
of this section, that the releasee has satisfactorily complied 29677
with the sanctions imposed, and if such a determination is made, 29678
the authority may recommend a less restrictive sanction, reduce 29679
the period of post-release control, or, no sooner than the 29680
minimum period of time required under section 2967.16 of the 29681
Revised Code, recommend that the parole board or court terminate 29682
the duration of the period of post-release control. In no case 29683
shall the board or court reduce the duration of the period of 29684
control imposed for a felony sex offense described in division 29685
(B) (1) of this section. 29686

(4) The department of rehabilitation and correction shall 29687
develop factors that the parole board or court shall consider in 29688
determining under division (D) (3) of this section whether to 29689
terminate the period of control imposed on a releasee. 29690

(E) The department of rehabilitation and correction, in 29691
accordance with Chapter 119. of the Revised Code, shall adopt 29692
rules that do all of the following: 29693

(1) Establish standards for the imposition by the parole 29694
board of post-release control sanctions under this section that 29695
are consistent with the overriding purposes and sentencing 29696
principles set forth in section 2929.11 of the Revised Code and 29697
that are appropriate to the needs of releasees; 29698

(2) Establish standards that provide for a period of post- 29699
release control of up to two years for all prisoners described 29700

in division (C) of this section who are to be released before 29701
the expiration of their stated prison term under a risk 29702
reduction sentence and standards by which the parole board can 29703
determine which prisoners described in division (C) of this 29704
section who are not to be released before the expiration of 29705
their stated prison term under a risk reduction sentence should 29706
be placed under a period of post-release control; 29707

(3) Establish standards to be used by the parole board in 29708
reducing or terminating the duration of the period of post- 29709
release control imposed by the court when authorized under 29710
division (D) of this section, in imposing a more restrictive 29711
post-release control sanction than monitored time on a prisoner 29712
convicted of a felony of the fourth or fifth degree other than a 29713
felony sex offense, or in imposing a less restrictive control 29714
sanction on a releasee based on results from the single 29715
validated risk assessment tool and on the releasee's activities 29716
including, but not limited to, remaining free from criminal 29717
activity and from the abuse of alcohol or other drugs, 29718
successfully participating in approved rehabilitation programs, 29719
maintaining employment, and paying restitution to the victim or 29720
meeting the terms of other financial sanctions; 29721

(4) Establish standards to be used by the adult parole 29722
authority in modifying a releasee's post-release control 29723
sanctions pursuant to division (D)(2) of this section; 29724

(5) Establish standards to be used by the adult parole 29725
authority or parole board in imposing further sanctions under 29726
division (F) of this section on releasees who violate post- 29727
release control sanctions, including standards that do the 29728
following: 29729

(a) Classify violations according to the degree of 29730

seriousness; 29731

(b) Define the circumstances under which formal action by 29732
the parole board is warranted; 29733

(c) Govern the use of evidence at violation hearings; 29734

(d) Ensure procedural due process to an alleged violator; 29735

(e) Prescribe nonresidential community control sanctions 29736
for most misdemeanor and technical violations; 29737

(f) Provide procedures for the return of a releasee to 29738
imprisonment for violations of post-release control. 29739

(F) (1) Whenever the parole board imposes one or more post- 29740
release control sanctions on an offender under this section, the 29741
offender upon release from imprisonment shall be under the 29742
general jurisdiction of the adult parole authority and generally 29743
shall be supervised by the field services section through its 29744
staff of parole and field officers as described in section 29745
5149.04 of the Revised Code, as if the offender had been placed 29746
on parole. If the offender upon release from imprisonment 29747
violates the post-release control sanction or any conditions 29748
described in division (A) of section 2967.131 of the Revised 29749
Code that are imposed on the offender, the public or private 29750
person or entity that operates or administers the sanction or 29751
the program or activity that comprises the sanction shall report 29752
the violation directly to the adult parole authority or to the 29753
officer of the authority who supervises the offender. The 29754
authority's officers may treat the offender as if the offender 29755
were on parole and in violation of the parole, and otherwise 29756
shall comply with this section. 29757

(2) If the adult parole authority or, pursuant to an 29758
agreement under section 2967.29 of the Revised Code, the court 29759

determines that a releasee has violated a post-release control 29760
sanction or any conditions described in division (A) of section 29761
2967.131 of the Revised Code imposed on the releasee and that a 29762
more restrictive sanction is appropriate, the authority or court 29763
may impose a more restrictive sanction on the releasee, in 29764
accordance with the standards established under division (E) of 29765
this section or in accordance with the agreement made under 29766
section 2967.29 of the Revised Code, or may report the violation 29767
to the parole board for a hearing pursuant to division (F)(3) of 29768
this section. The authority or court may not, pursuant to this 29769
division, increase the duration of the releasee's post-release 29770
control or impose as a post-release control sanction a 29771
residential sanction that includes a prison term, but the 29772
authority or court may impose on the releasee any other 29773
residential sanction, nonresidential sanction, or financial 29774
sanction that the sentencing court was authorized to impose 29775
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 29776
Revised Code. 29777

(3) The parole board or, pursuant to an agreement under 29778
section 2967.29 of the Revised Code, the court may hold a 29779
hearing on any alleged violation by a releasee of a post-release 29780
control sanction or any conditions described in division (A) of 29781
section 2967.131 of the Revised Code that are imposed upon the 29782
releasee. Except as otherwise provided in this division, if 29783
after the hearing the board or court finds that the releasee 29784
violated the sanction or condition, the board or court may 29785
increase the duration of the releasee's post-release control up 29786
to the maximum duration authorized by division (B) or (C) of 29787
this section or impose a more restrictive post-release control 29788
sanction. If a releasee was acting pursuant to division (B)(2) 29789
(b) of section 2925.11 or a related provision of section 29790

2925.12, 2925.14, or 2925.141 of the Revised Code and in so 29791
doing violated the conditions of a post-release control sanction 29792
based on a minor drug possession offense, as defined in that 29793
section, or violated section 2925.12, division (C) (1) of section 29794
2925.14, or section 2925.141 of the Revised Code, the board or 29795
the court shall not impose any of the penalties described in 29796
this division based on the violation. When appropriate, the 29797
board or court may impose as a post-release control sanction a 29798
residential sanction that includes a prison term. The board or 29799
court shall consider a prison term as a post-release control 29800
sanction imposed for a violation of post-release control when 29801
the violation involves a deadly weapon or dangerous ordnance, 29802
physical harm or attempted serious physical harm to a person, or 29803
sexual misconduct. Unless a releasee's stated prison term was 29804
reduced pursuant to section 5120.032 of the Revised Code, the 29805
period of a prison term that is imposed as a post-release 29806
control sanction under this division shall not exceed nine 29807
months, and the maximum cumulative prison term for all 29808
violations under this division shall not exceed one-half of the 29809
definite prison term that was the stated prison term originally 29810
imposed on the offender as part of this sentence or, with 29811
respect to a stated non-life felony indefinite prison term, one- 29812
half of the minimum prison term that was imposed as part of that 29813
stated prison term originally imposed on the offender. If a 29814
releasee's stated prison term was reduced pursuant to section 29815
5120.032 of the Revised Code, the period of a prison term that 29816
is imposed as a post-release control sanction under this 29817
division and the maximum cumulative prison term for all 29818
violations under this division shall not exceed the period of 29819
time not served in prison under the sentence imposed by the 29820
court. The period of a prison term that is imposed as a post- 29821
release control sanction under this division shall not count as, 29822

or be credited toward, the remaining period of post-release 29823
control. If, during the period of the releasee's post-release 29824
control, the releasee serves as a post-release control sanction 29825
the maximum prison time available as a sanction, the post- 29826
release control shall terminate. 29827

If an offender is imprisoned for a felony committed while 29828
under post-release control supervision and is again released on 29829
post-release control for a period of time, the maximum 29830
cumulative prison term for all violations under this division 29831
shall not exceed one-half of the total stated prison terms of 29832
the earlier felony, reduced by any prison term administratively 29833
imposed by the parole board or court, plus one-half of the total 29834
stated prison term of the new felony. 29835

(G) (1) If an offender is simultaneously subject to a 29836
period of parole under an indefinite or life sentence and a 29837
period of post-release control, or is simultaneously subject to 29838
two periods of post-release control, the period of supervision 29839
that expires last shall determine the length and form of 29840
supervision for all the periods and the related sentences. 29841

(2) An offender shall receive credit for post-release 29842
control supervision during the period of parole, and shall not 29843
be eligible for final release under section 2967.16 of the 29844
Revised Code until the post-release control period otherwise 29845
would have ended. 29846

(3) If the period of parole ends prior to the end of the 29847
period of post-release control, the requirements of parole 29848
supervision shall be satisfied during the post-release control 29849
period. 29850

(H) (1) A period of post-release control shall not be 29851

imposed consecutively to any other post-release control period. 29852

(2) The period of post-release control for a releasee who 29853
commits a felony while under post-release control for an earlier 29854
felony shall be the longer of the period of post-release control 29855
specified for the new felony under division (B) or (C) of this 29856
section or the time remaining under the period of post-release 29857
control imposed for the earlier felony as determined by the 29858
parole board or court. 29859

Sec. 2969.13. All moneys that are collected pursuant to 29860
section 2929.32 of the Revised Code and required to be deposited 29861
in the crime victims recovery fund shall be credited ~~by the~~ 29862
~~treasurer of state~~ to the fund. Any interest earned on the money 29863
in the fund shall be credited to the fund. 29864

Sec. 3101.08. An ordained or licensed minister of any 29865
religious society or congregation within this state who is 29866
licensed to solemnize marriages, the governor or a former 29867
governor of this state, a judge of a county court in accordance 29868
with section 1907.18 of the Revised Code, a judge of a municipal 29869
court in accordance with section 1901.14 of the Revised Code, a 29870
probate judge in accordance with section 2101.27 of the Revised 29871
Code, the mayor of a municipal corporation anywhere within this 29872
state, the superintendent of Ohio deaf and blind education 29873
services, or any religious society in conformity with the rules 29874
of its church, may join together as husband and wife any persons 29875
who are not prohibited by law from being joined in marriage. 29876

Sec. 3107.01. As used in sections 3107.01 to 3107.20 of 29877
the Revised Code: 29878

(A) "Adoption" means to create the legal relationship of 29879
parent and child between the petitioner and the adopted person, 29880

as if the adopted person were a legitimate blood descendant of 29881
the petitioner, for all purposes including inheritance and 29882
applicability of statutes, documents, and instruments, whether 29883
executed before or after the adoption is decreed, and which do 29884
not expressly exclude an adopted person from their operation or 29885
effect. 29886

(B) "Agency" means any public or private organization 29887
certified, licensed, or otherwise specially empowered by law or 29888
rule to place minors for adoption. 29889

(C) "Attorney" means a person who has been admitted to the 29890
bar by order of the Ohio supreme court. 29891

(D) "Best interest" means the factors a court uses to 29892
determine the best interest of a child as set forth in section 29893
3107.161 of the Revised Code. 29894

(E) "Child" means a son or daughter, whether by birth or 29895
by adoption. 29896

(F) "Court" means the probate courts of this state, and 29897
when the context requires, means the court of any other state 29898
empowered to grant petitions for adoption. 29899

(G) "Date of placement" means the date on which a child is 29900
living with the child's prospective adoptive parent and becomes 29901
eligible for adoption pursuant to statutory authority, judgment 29902
decree or court order, or as otherwise authorized by law. 29903

(H) "Foster caregiver" has the same meaning as in section 29904
5103.02 of the Revised Code. 29905

(I) "Identifying information" means any of the following 29906
with regard to a person: first name, last name, maiden name, 29907
alias, social security number, address, telephone number, place 29908

of employment, number used to identify the person for the 29909
purpose of the statewide education management information system 29910
established pursuant to section 3301.0714 of the Revised Code, 29911
and any other number federal or state law requires or permits to 29912
be used to identify the person. 29913

(J) "Kinship caregiver" has the same meaning as in section 29914
~~5101.85~~ 5180.50 of the Revised Code. 29915

(K) "Legal custodian" has the same meaning as in section 29916
5103.16 of the Revised Code. 29917

(L) "Legal custody" has the same meaning as in section 29918
2151.011 of the Revised Code. 29919

(M) "Minor" means a person under the age of eighteen 29920
years. 29921

(N) "Parent" means a legally recognized natural or 29922
adoptive parent of a child. 29923

(O) "Party" means a petitioner, adoptee, or any other 29924
person or agency that is part of an adoption proceeding and 29925
whose consent to the adoption is necessary but has not been 29926
obtained. 29927

(P) "Permanent custody" has the same meaning as in section 29928
2151.011 of the Revised Code. 29929

(Q) "Placement" means the act by a public children 29930
services agency, a private child placing agency, or a parent who 29931
is utilizing an agency or attorney that is intended to arrange 29932
for the care or custody of a child in accordance with Chapter 29933
5103. of the Revised Code. 29934

(R) "Planned permanent living arrangement" has the same 29935
meaning as in section 2151.011 of the Revised Code. 29936

(S) "Putative father" means a man, including one under age 29937
eighteen, who may be a child's father and to whom all of the 29938
following apply: 29939

(1) He is not married to the child's mother at the time of 29940
the child's conception or birth; 29941

(2) He has not adopted the child; 29942

(3) He has not been determined, prior to the date a 29943
petition to adopt the child is filed, to have a parent and child 29944
relationship with the child by a court proceeding pursuant to 29945
sections 3111.01 to 3111.18 of the Revised Code, a court 29946
proceeding in another state, an administrative agency proceeding 29947
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 29948
an administrative agency proceeding in another state; 29949

(4) He has not acknowledged paternity of the child 29950
pursuant to sections 3111.21 to 3111.35 of the Revised Code. 29951

Sec. 3107.012. (A) A foster caregiver may use the 29952
application prescribed under division (B) of this section to 29953
obtain the services of an agency to arrange an adoption for the 29954
foster caregiver if the foster caregiver seeks to adopt the 29955
foster caregiver's foster child who ~~has resided~~ resides in the 29956
foster caregiver's home ~~for at least six months prior to the~~ 29957
~~date the foster caregiver submits the application to the agency.~~ 29958

(B) The department of children and youth shall prescribe 29959
an application for a foster caregiver to use under division (A) 29960
of this section. The application shall not require that the 29961
foster caregiver provide any information the foster caregiver 29962
already provided the department, or undergo an inspection the 29963
foster caregiver already underwent, to obtain a foster home 29964
certificate under section 5103.03 of the Revised Code. 29965

(C) An agency that receives an application prescribed 29966
under division (B) of this section from a foster caregiver 29967
authorized to use the application shall not require, as a 29968
condition of the agency accepting or approving the application, 29969
that the foster caregiver undergo a criminal records check under 29970
section 2151.86 of the Revised Code as a prospective adoptive 29971
parent. The agency shall inform the foster caregiver, in 29972
accordance with division (G) of section 2151.86 of the Revised 29973
Code, that the foster caregiver must undergo the criminal 29974
records check before a court may issue a final decree of 29975
adoption or interlocutory order of adoption under section 29976
3107.14 of the Revised Code. 29977

Sec. 3107.031. Except as otherwise provided in this 29978
section, an assessor shall conduct a home study for the purpose 29979
of ascertaining whether a person seeking to adopt a minor is 29980
suitable to adopt. A written report of the home study shall be 29981
filed with the court at least ten days before the petition for 29982
adoption is heard. 29983

A person seeking to adopt a minor who knowingly makes a 29984
false statement that is included in the written report of a home 29985
study conducted pursuant to this section is guilty of the 29986
offense of falsification under section 2921.13 of the Revised 29987
Code, and such a home study shall not be filed with the court. 29988
If such a home study is filed with the court, the court may 29989
strike the home study from the court's records. 29990

The report shall contain the opinion of the assessor as to 29991
whether the person who is the subject of the report is suitable 29992
to adopt a minor, any multiple children assessment required 29993
under section 3107.032 of the Revised Code, and other 29994
information and documents specified in rules adopted by the 29995

director of children and youth under section 3107.033 of the 29996
Revised Code. The assessor shall not consider the person's age 29997
when determining whether the person is suitable to adopt if the 29998
person is old enough to adopt as provided by section 3107.03 of 29999
the Revised Code. 30000

An assessor may request departments or agencies within or 30001
outside this state to assist in the home study as may be 30002
appropriate and to make a written report to be included with and 30003
attached to the report to the court. The assessor shall make 30004
similar home studies and reports on behalf of other assessors 30005
designated by the courts of this state or another place. 30006

Upon order of the court, the costs of the home study and 30007
other proceedings shall be paid by the person seeking to adopt, 30008
and, if the home study is conducted by a public agency or public 30009
employee, the part of the cost representing any services and 30010
expenses shall be taxed as costs and paid into the state 30011
treasury or county treasury, as the court may direct. 30012

On request, the assessor shall provide the person seeking 30013
to adopt a copy of the report of the home study. The assessor 30014
shall delete from that copy any provisions concerning the 30015
opinion of other persons, excluding the assessor, of the 30016
person's suitability to adopt a minor. 30017

This section does not apply to a foster caregiver seeking 30018
to adopt the foster caregiver's foster child if the foster child 30019
~~has resided~~ resides in the foster caregiver's home ~~for at least~~ 30020
~~six months prior to the date and~~ the foster caregiver submits an 30021
application prescribed under division (B) of section 3107.012 of 30022
the Revised Code to the agency arranging the adoption. 30023

Sec. 3107.033. The director of children and youth shall 30024

adopt rules in accordance with Chapter 119. of the Revised Code 30025
specifying both of the following: 30026

(A) The manner in which a home study is to be conducted 30027
and the information and documents to be included in a home study 30028
report, which shall include, pursuant to section 3107.034 of the 30029
Revised Code, a summary report of a search of the uniform 30030
statewide automated child welfare information system established 30031
in section ~~5101.13~~ 5180.40 of the Revised Code and a report of a 30032
check of a central registry of another state if a request for a 30033
check of a central registry of another state is required under 30034
division (A) of section 3107.034 of the Revised Code. The 30035
director shall ensure that rules adopted under this section 30036
align the home study content, time period, and process with any 30037
foster care home study content, time period, and process 30038
required by rules adopted under section 5103.03 of the Revised 30039
Code. 30040

(B) A procedure under which a person whose application for 30041
adoption has been denied as a result of a search of the uniform 30042
statewide automated child welfare information system established 30043
in section ~~5101.13~~ 5180.40 of the Revised Code as part of the 30044
home study may appeal the denial to the agency that employed the 30045
assessor who filed the report. 30046

Sec. 3107.034. (A) Whenever a prospective adoptive parent 30047
or a person eighteen years of age or older who resides with a 30048
prospective adoptive parent has resided in another state within 30049
the five-year period immediately prior to the date on which a 30050
criminal records check is requested for the person under 30051
division (A) of section 2151.86 of the Revised Code, the 30052
administrative director of an agency, or attorney, who arranges 30053
the adoption for the prospective adoptive parent shall request a 30054

check of the central registry of abuse and neglect of this state 30055
from the department of children and youth regarding the 30056
prospective adoptive parent or the person eighteen years of age 30057
or older who resides with the prospective adoptive parent to 30058
enable the agency or attorney to check any child abuse and 30059
neglect registry maintained by that other state. The 30060
administrative director or attorney shall make the request and 30061
shall review the results of the check before a final decree of 30062
adoption or an interlocutory order of adoption making the person 30063
an adoptive parent may be made. Information received pursuant to 30064
the request shall be considered for purposes of this chapter as 30065
if it were a summary report required under section 3107.033 of 30066
the Revised Code. The department of children and youth shall 30067
comply with any request to check the central registry that is 30068
similar to the request described in this division and that is 30069
received from any other state. 30070

(B) The summary report of a search of the uniform 30071
statewide automated child welfare information system established 30072
in section ~~5101.13~~ 5180.40 of the Revised Code that is required 30073
under section 3107.033 of the Revised Code shall contain, if 30074
applicable, a chronological list of abuse and neglect 30075
determinations or allegations of which the person seeking to 30076
adopt is subject and in regards to which a public children 30077
services agency has done one of the following: 30078

(1) Determined that abuse or neglect occurred; 30079

(2) Initiated an investigation, and the investigation is 30080
ongoing; 30081

(3) Initiated an investigation and the agency was unable 30082
to determine whether abuse or neglect occurred. 30083

(C) The summary report required under section 3107.033 of the Revised Code shall not contain any of the following:

(1) An abuse and neglect determination of which the person seeking to adopt is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;

(2) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(3) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(D) (1) An application for adoption may be denied based on a summary report containing the information described under division (B) (1) of this section, when considered within the totality of the circumstances. An application that is denied may be appealed using the procedure adopted pursuant to division (B) of section 3107.033 of the Revised Code.

(2) An application for adoption shall not be denied solely based on a summary report containing the information described under division (B) (2) or (3) of this section.

Sec. 3107.062. (A) (1) ~~The department of job and family services~~ children and youth shall establish a putative father registry. To register, a putative father must complete a registration form prescribed under section 3107.065 of the Revised Code and submit it to the department. The registration form shall include the putative father's name; the name of the mother of the person he claims as his child; and the address or telephone number at which he wishes to receive, pursuant to

section 3107.11 of the Revised Code, notice of any petition that 30113
may be filed to adopt a minor he claims as his child. 30114

(2) A putative father may register at any time. For the 30115
purpose of preserving the requirement of his consent to an 30116
adoption, a putative father shall register before or not later 30117
than fifteen days after the birth of the child. No fee shall be 30118
charged for registration. 30119

(B) On receipt of a completed registration form, the 30120
department shall indicate on the form the date of receipt and 30121
file it in the putative father registry. The department shall 30122
maintain registration forms in a manner that enables it to 30123
access a registration form using either the name of the putative 30124
father or of the mother. 30125

(C) The department of children and youth shall grant the 30126
office of child support in the department of job and family 30127
services and a child support enforcement agency access to the 30128
putative father registry for purposes of section 3111.69 of the 30129
Revised Code. 30130

Sec. 3107.063. (A) An attorney arranging a minor's 30131
adoption, a mother, a public children services agency, a private 30132
noncustodial agency, or a private child placing agency may 30133
request at any time that the department of ~~job and family~~ 30134
~~services~~ children and youth search the putative father registry 30135
to determine whether a man is registered as the minor's putative 30136
father. The request shall include the mother's name. On receipt 30137
of the request, the department shall search the registry. If the 30138
department determines that a man is registered as the minor's 30139
putative father, it shall provide the attorney, mother, or 30140
agency a certified copy of the man's registration form. If the 30141
department determines that no man is registered as the minor's 30142

putative father, it shall provide the attorney, mother, or 30143
agency a certified written statement to that effect. The 30144
department shall specify in the statement the date the search 30145
request was submitted. No fee shall be charged for searching the 30146
registry. 30147

Division (B) of section 3107.17 of the Revised Code does 30148
not apply to this section. 30149

(B) If the department of ~~job and family services~~ children 30150
and youth provides a certified copy of a putative father's 30151
registration form pursuant to division (A) of this section, the 30152
department also shall provide a written notice to the putative 30153
father: 30154

(1) That he may be the father of the minor he claims as 30155
his child on the registration form; 30156

(2) That the minor is being or may be placed for adoption; 30157
and 30158

(3) Of his right to consent or refuse to consent to the 30159
minor's adoption to the extent provided under Chapter 3107. of 30160
the Revised Code. 30161

(C) The department shall provide the notice under this 30162
section not later than ten business days after the date it 30163
provides the certified copy of the registration form pursuant to 30164
division (A) of this section. 30165

Sec. 3107.064. (A) Except as provided in division (B) of 30166
this section, a court shall not issue a final decree of adoption 30167
or finalize an interlocutory order of adoption unless the mother 30168
placing the minor for adoption or the agency or attorney 30169
arranging the adoption files with the court a certified document 30170
provided by the department of ~~job and family services~~ children 30171

and youth under section 3107.063 of the Revised Code. The court 30172
shall not accept the document unless the date the department 30173
places on the document pursuant to that section is sixteen or 30174
more days after the date of the minor's birth. 30175

(B) The document described in division (A) of this section 30176
is not required if any of the following apply: 30177

(1) The mother was married at the time the minor was 30178
conceived or born; 30179

(2) The parent placing the minor for adoption previously 30180
adopted the minor; 30181

(3) Prior to the date a petition to adopt the minor is 30182
filed, a man has been determined to have a parent and child 30183
relationship with the minor by a court proceeding pursuant to 30184
sections 3111.01 to 3111.18 of the Revised Code, a court 30185
proceeding in another state, an administrative agency proceeding 30186
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 30187
an administrative agency proceeding in another state; 30188

(4) The minor's father acknowledged paternity of the minor 30189
and that acknowledgment has become final pursuant to section 30190
2151.232, 3111.25, or 3111.821 of the Revised Code; 30191

(5) A public children services agency has permanent 30192
custody of the minor pursuant to Chapter 2151. or division (B) 30193
of section 5103.15 of the Revised Code after both parents lost 30194
or surrendered parental rights, privileges, and responsibilities 30195
over the minor. 30196

Sec. 3107.065. Not later than ninety days after the 30197
effective date of this section, the director of ~~job and family~~ 30198
~~services~~ children and youth shall do both of the following: 30199

(A) Adopt rules in accordance with Chapter 119. of the 30200
Revised Code governing the putative father registry. The rules 30201
shall establish the registration form to be used by a putative 30202
father under section 3107.062 of the Revised Code. 30203

(B) Establish a campaign to promote awareness of the 30204
putative father registry. The campaign shall include 30205
informational materials about the registry. 30206

Sec. 3107.38. (A) As used in sections 3107.38 to 3107.394 30207
of the Revised Code: 30208

(1) "Adopted person" means a person who was adopted but is 30209
not an adopted person as defined in section 3107.45 of the 30210
Revised Code. 30211

(2) "Adoption file" means a file maintained by the 30212
department of health under sections 3705.12 to 3705.124 of the 30213
Revised Code. 30214

(3) "Biological parent" means a parent, by birth, of a 30215
person who is, or is to become, an adopted person. 30216

(4) "Biological parent's name redaction request form" 30217
means the form prescribed under section 3107.391 of the Revised 30218
Code. 30219

(5) "Biological sibling" means a sibling, by birth, of a 30220
person who is, or is to become, an adopted person. 30221

(6) "Contact preference form" means the form prescribed 30222
under section 3107.39 of the Revised Code. 30223

(7) "File of releases" means the filing system for 30224
releases that former section 3107.40 of the Revised Code, as 30225
repealed by Sub. S.B. 23 of the 130th general assembly, required 30226
the department of health to maintain. 30227

(8) "Items of identification" include a motor vehicle 30228
driver's or commercial driver's license, an identification card 30229
issued under sections 4507.50 to 4507.52 of the Revised Code, a 30230
marriage application, a social security card, a credit card, a 30231
military identification card, or an employee identification 30232
card. 30233

(9) "Lineal descendant of an adopted person" means a 30234
person who by reason of blood or adoption is a lineal descendant 30235
of an adopted person. 30236

(10) "Offspring" means a child, by birth, of a person. 30237

(11) "Release" means both of the following: 30238

(a) A release filed by a biological parent or biological 30239
sibling pursuant to former section 3107.40 of the Revised Code, 30240
as repealed by Sub. S.B. 23 of the 130th general assembly, that 30241
authorized the release of identifying information to the 30242
biological parent's offspring or the release of specified 30243
information to the biological sibling's adopted sibling pursuant 30244
to former section 3107.41 of the Revised Code, as repealed by 30245
Sub. S.B. 23 of the 130th general assembly; 30246

(b) A withdrawal of release filed by a biological parent 30247
or biological sibling pursuant to former section 3107.40 of the 30248
Revised Code, as repealed by Sub. S.B. 23 of the 130th general 30249
assembly. 30250

(B) Subject to division (C) of this section, an adopted 30251
person or lineal descendant of an adopted person may submit a 30252
written request to the department of health for the department 30253
to provide the adopted person or lineal descendant of an adopted 30254
person with a copy of the contents of the adopted person's 30255
adoption file. The request shall provide the requester's address 30256

and notarized signature and be accompanied by two items of 30257
identification of the requester. If the requester is a lineal 30258
descendant of an adopted person, the request shall also provide 30259
notarized documentation evidencing the requester's relationship 30260
to the adopted person. On receipt of a request and payment of 30261
the fee required by section 3705.241 of the Revised Code, the 30262
department shall mail to the requester, at the address provided 30263
in the request, a copy of the contents of the adopted person's 30264
adoption file if the department has an adoption file, including 30265
all releases transferred to the adoption file pursuant to 30266
section 3107.381 of the Revised Code, for the adopted person. If 30267
the adoption file includes a biological parent's name redaction 30268
request form from a biological parent, the department shall 30269
redact the biological parent's name from the copy of the 30270
contents of the adoption file that is mailed to the requester. 30271
If the department removes the biological parent's name redaction 30272
request form from the adoption file pursuant to division ~~(D)~~ (A) 30273
of section 3107.391 of the Revised Code after the department 30274
mails the copy of the contents of the adoption file to the 30275
requester, the department shall mail to the requester another 30276
copy of the contents with the biological parent's name included. 30277

(C) An adopted person or lineal descendant of an adopted 30278
person may not submit a request under this section until the 30279
adopted person or lineal descendant is at least eighteen years 30280
of age. 30281

Sec. 3107.391. ~~(A) The department of job and family~~ 30282
~~services shall prescribe a biological parent's name redaction~~ 30283
~~request form. The form shall include all of the following:~~ 30284

~~(1) Information about the procedures and requirements for~~ 30285
~~a biological parent to do either of the following:~~ 30286

~~(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code;~~ 30287
30288
30289
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30291

~~(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code.~~ 30292
30293
30294
30295
30296

~~(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;~~ 30297
30298
30299

~~(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains.~~ 30300
30301
30302

~~(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health.~~ 30303
30304
30305

~~(C) (1) Until one year after the effective date of this section, the department of health shall make a biological parent's name redaction request form available to a biological parent on request. The department may accept a completed biological parent's name redaction request form only if all of the following apply:—~~ 30306
30307
30308
30309
30310
30311

~~(a) The form is submitted to the department not later than one year after the effective date of this section.~~ 30312
30313

~~(b) The form has been notarized.~~ 30314

~~(c) The biological parent provides the department two~~ 30315
~~items of identification of the biological parent.~~ 30316

~~(d) If a social and medical history for the biological~~ 30317
~~parent was not previously prepared or such a history was~~ 30318
~~prepared but should be corrected or expanded, the biological~~ 30319
~~parent does the following as appropriate:~~ 30320

~~(i) Completes a social and medical history form in~~ 30321
~~accordance with section 3107.091 or 3107.393 of the Revised~~ 30322
~~Code;~~ 30323

~~(ii) Corrects or expands the biological parent's social~~ 30324
~~and medical history in accordance with division (D) of section~~ 30325
~~3107.09 of the Revised Code.~~ 30326

~~(e) The department is satisfied that the form has been~~ 30327
~~substantially completed.~~ 30328

~~(2) If the department determines that it may accept the~~ 30329
~~biological parent's name redaction request form, it shall accept~~ 30330
~~the form. As soon as the department identifies the adoption file~~ 30331
~~of the adopted person to whom the form pertains, it shall place~~ 30332
~~the form in that file.~~ 30333

~~(D) (1) A biological parent who has had a biological~~ 30334
~~parent's name redaction request form accepted under division (C)~~ 30335
~~of this section by the department of health between March 20,~~ 30336
~~2014, and March 20, 2015, may request at any time that the~~ 30337
~~department remove the form from the adoption file of the adopted~~ 30338
~~person to whom the form pertains if the biological parent~~ 30339
~~decides to permit the biological parent's name to be included in~~ 30340
~~a copy of the contents of the adoption file that a person~~ 30341
~~receives under section 3107.38 of the Revised Code. The~~ 30342
~~department shall remove the form from the adoption file if the~~ 30343

biological parent provides the department all of the following: 30344

~~(a)~~ (1) Two items of identification of the biological 30345
parent; 30346

~~(b)~~ (2) Information the department needs to be able to 30347
identify the adoption file of the adopted person to whom the 30348
form pertains; 30349

~~(c)~~ (3) A notarized attestation that the biological parent 30350
is the biological parent of the adopted person to whom the form 30351
pertains. 30352

~~(2)~~ (B) When the department removes a biological parent's 30353
name redaction request form from an adoption file under division 30354
~~(D)~~ (1) (A) of this section, the department shall destroy the 30355
form. 30356

Sec. 3109.14. (A) As used in this section, "birth record" 30357
and "certification of birth" have the meanings given in section 30358
3705.01 of the Revised Code. 30359

(B) (1) The director of health, a person authorized by the 30360
director, a local commissioner of health, or a local registrar 30361
of vital statistics shall charge and collect a fee for each 30362
certified copy of a birth record, for each certification of 30363
birth, and for each copy of a death record. The fee shall be 30364
three dollars. The fee is in addition to the fee imposed by 30365
section 3705.24 or any other section of the Revised Code. A 30366
local commissioner of health or a local registrar of vital 30367
statistics may retain an amount of each additional fee 30368
collected, not to exceed three per cent of the amount of the 30369
additional fee, to be used for costs directly related to the 30370
collection of the fee and the forwarding of the fee to the 30371
department of health. 30372

The additional fees collected by the director of health or 30373
a person authorized by the director and the additional fees 30374
collected but not retained by a local commissioner of health or 30375
a local registrar of vital statistics shall be forwarded to the 30376
department of health not later than thirty days following the 30377
end of each quarter. Not later than two days after the fees are 30378
forwarded to the department each quarter, the department shall 30379
~~pay deposit the collected fees to the treasurer of state in~~ 30380
~~accordance with rules adopted by the treasurer of state under~~ 30381
~~section 113.08 of the Revised Code~~ in the state treasury to the 30382
credit of the children's trust fund. A person or government 30383
entity that fails to forward the fees in a timely manner, as 30384
determined by the department, shall send to the department, in 30385
addition to the fees, a penalty equal to ten per cent of the 30386
fees. The department also shall deposit any penalty received in 30387
the state treasury to the credit of the children's trust fund. 30388

(2) Upon the filing for a divorce decree under section 30389
3105.10 or a decree of dissolution under section 3105.65 of the 30390
Revised Code, a court of common pleas shall charge and collect a 30391
fee. The fee shall be eleven dollars. The fee is in addition to 30392
any other court costs or fees. The county clerk of courts may 30393
retain an amount of each additional fee collected, not to exceed 30394
three per cent of the amount of the additional fee, to be used 30395
for costs directly related to the collection of the fee and the 30396
forwarding of the fee to the treasurer of state. The additional 30397
fees collected, but not retained, under division (B) (2) of this 30398
section shall be forwarded to the treasurer of state not later 30399
than twenty days following the end of each month. 30400

The treasurer of state shall deposit the fees received 30401
under division (B) (2) of this section in the state treasury to 30402
the credit of the children's trust fund. A county clerk of 30403

courts that fails to forward the fees in a timely manner, as 30404
determined by the treasurer of state, shall send to the 30405
treasurer of state, in addition to the fees, a penalty equal to 30406
ten per cent of the fees. The treasurer of state also shall 30407
deposit any penalty received in the state treasury to the credit 30408
of the children's trust fund. 30409

~~(C) The treasurer of state shall deposit the fees paid or~~ 30410
~~forwarded under this section in the state treasury to the credit~~ 30411
~~of the children's trust fund, which is hereby created. A person~~ 30412
~~or government entity that fails to forward the fees in a timely~~ 30413
~~manner, as determined by the treasurer of state, shall send to~~ 30414
~~the treasurer of state, in addition to the fees, a penalty equal~~ 30415
~~to ten per cent of the fees.~~ 30416

The children's trust fund is created in the state 30417
treasury. The treasurer of state shall invest the moneys in the 30418
fund, and all earnings resulting from investment of the fund 30419
shall be credited to the fund, except that actual administrative 30420
costs incurred by the treasurer of state in administering the 30421
fund may be deducted from the earnings resulting from 30422
investments. The amount that may be deducted shall not exceed 30423
three per cent of the total amount of fees credited to the fund 30424
in each fiscal year, except that the children's trust fund board 30425
may approve an amount for actual administrative costs exceeding 30426
three per cent but not exceeding four per cent of such amount. 30427
The balance of the investment earnings shall be credited to the 30428
fund. Moneys credited to the fund shall be used only for the 30429
purposes described in sections 3109.13 to 3109.179 of the 30430
Revised Code. 30431

Sec. 3109.171. For the purpose of administering child 30432
abuse and child neglect prevention programming and services 30433

approved by the children's trust fund board, there are hereby 30434
created ~~the following eight~~ child abuse and child neglect 30435
prevention regions ~~in the state~~. 30436

~~One region consisting of the following counties: Defiance,~~ 30437
~~Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding,~~ 30438
~~Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~ 30439

~~One region consisting of the following counties:~~ 30440
~~Ashtabula, Cuyahoga, Geauga, and Lake.~~ 30441

~~One region consisting of the following counties: Ashland,~~ 30442
~~Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark,~~ 30443
~~Summit, Trumbull, and Wayne.~~ 30444

~~One region consisting of the following counties: Allen,~~ 30445
~~Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan,~~ 30446
~~Mercer, Miami, Montgomery, Preble, and Shelby.~~ 30447

~~One region consisting of the following counties: Crawford,~~ 30448
~~Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison,~~ 30449
~~Marion, Morrow, Pickaway, Richland, and Union.~~ 30450

~~One region consisting of the following counties: Belmont,~~ 30451
~~Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe,~~ 30452
~~Muskingum, Noble, and Tuscarawas.~~ 30453

~~One region consisting of the following counties: Adams,~~ 30454
~~Brown, Butler, Clermont, Clinton, Hamilton, Highland, and~~ 30455
~~Warren.~~ 30456

~~One region consisting of the following counties: Athens,~~ 30457
~~Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike,~~ 30458
~~Ross, Scioto, Vinton, and Washington.~~ The board, in consultation 30459
with the department of children and youth, shall determine the 30460
number of regions and the counties within each region. Each 30461

county in the state shall be included in a region. 30462

Sec. 3109.172. (A) As used in this section, "county 30463
prevention specialist" includes the following: 30464

(1) Members of agencies responsible for the administration 30465
of children's services in the counties within a child abuse and 30466
child neglect prevention region established in section 3109.171 30467
of the Revised Code; 30468

(2) Providers of alcohol or drug addiction services or 30469
members of boards of alcohol, drug addiction, and mental health 30470
services that serve counties within a region; 30471

(3) Providers of mental health services or members of 30472
boards of alcohol, drug addiction, and mental health services 30473
that serve counties within a region; 30474

(4) Members of county boards of developmental disabilities 30475
that serve counties within a region; 30476

(5) Members of the educational community appointed by the 30477
superintendent of the school district with the largest 30478
enrollment in the counties within a region; 30479

(6) Juvenile justice officials serving counties within a 30480
region; 30481

(7) Pediatricians, health department nurses, and other 30482
members of the medical community in the counties within a 30483
region; 30484

(8) Counselors and social workers serving counties within 30485
a region; 30486

(9) Head start agencies serving counties within a region; 30487

(10) Child care providers serving counties within a 30488

region; 30489

(11) Parent advocates with relevant experience and 30490
knowledge of services in a region; 30491

(12) Other persons with demonstrated knowledge in programs 30492
for children serving counties within a region. 30493

(B) Each child abuse and child neglect prevention region 30494
shall have a child abuse and child neglect regional prevention 30495
council as appointed under divisions (C), (D), and (E) of this 30496
section. Each council shall operate in accordance with rules 30497
adopted by the department of children and youth pursuant to 30498
Chapter 119. of the Revised Code. 30499

(C) (1) Each board of county commissioners within a region 30500
may appoint up to two county prevention specialists to the 30501
council representing the county, in accordance with rules 30502
adopted by the department of children and youth under Chapter 30503
119. of the Revised Code. The reappointment of a chairperson by 30504
a board of county commissioners in accordance with division (D) 30505
of this section shall not be considered to be an appointment 30506
under this division. 30507

(2) The children's trust fund board may appoint additional 30508
county prevention specialists to each region's council at the 30509
board's discretion. 30510

(D) Each council member appointed under ~~division (C) (1) of~~ 30511
this section shall be appointed for a two-year term. ~~Each~~ 30512
~~council member appointed under division (C) (2) of this section~~ 30513
~~shall be appointed for a three-year term.~~ A member may be 30514
reappointed, but for two consecutive terms only. A council 30515
member selected as chairperson of a child abuse and child 30516
neglect regional prevention council in accordance with division 30517

(G) of this section is eligible to be reappointed by the 30518
original appointing authority. 30519

(E) A member may be removed from the council by the 30520
member's appointing authority for misconduct, incompetence, or 30521
neglect of duty. 30522

(F) Each appointed member of a council shall serve without 30523
compensation but shall be reimbursed for all actual and 30524
necessary expenses incurred in the performance of official 30525
duties. 30526

(G) A chairperson shall be selected by the council's 30527
regional prevention coordinator from among the county prevention 30528
specialists serving on the council. 30529

(1) The chairperson shall serve as a nonvoting member of 30530
the council. 30531

(2) The chairperson shall preside over council meetings or 30532
may call upon the vice-chairperson to preside over meetings. 30533

(H) At the first regular meeting of the year, which shall 30534
be called by the chairperson, the members shall elect a vice- 30535
chairperson by a majority vote. 30536

(1) The vice-chairperson shall preside over council 30537
meetings in the absence of the chairperson or upon the request 30538
of the chairperson. 30539

(2) The vice-chairperson functions in the same capacity as 30540
the chairperson and becomes a nonvoting member when presiding 30541
over a council meeting. 30542

(I) Each council shall meet at least quarterly. 30543

(J) Council members shall do all of the following: 30544

- (1) Attend meetings of the council on which they serve; 30545
- (2) Assist the regional prevention coordinator in 30546
 - conducting a needs assessment to ascertain the child abuse and 30547
 - child neglect prevention programming and services that are 30548
 - needed in their region; 30549
- (3) Collaborate on assembling the council's regional 30550
 - prevention plan based on children's trust fund board guidelines 30551
 - pursuant to section 3109.174 of the Revised Code; 30552
- (4) Assist the council's regional prevention coordinator 30553
 - with all of the following: 30554
 - (a) Implementing the regional prevention plan, including 30555
 - monitoring fulfillment of child abuse and child neglect 30556
 - prevention deliverables and achievement of prevention outcomes; 30557
 - (b) Coordinating county data collection; 30558
 - (c) Ensuring timely and accurate reporting to the 30559
 - children's trust fund board. 30560
- (5) Any additional duties specified in accordance with 30561
 - rules adopted by the department pursuant to Chapter 119. of the 30562
 - Revised Code. 30563
- (K) No council member shall participate in matters of the 30564
 - council pertaining to their own interests, including 30565
 - applications for funding by a council member or any entity, 30566
 - public or private, of which a council member serves as either a 30567
 - board member or employee. 30568
- (L) Each council shall file with the children's trust fund 30569
 - board, not later than the due dates specified by the board, a 30570
 - progress report and an annual report regarding the council's 30571
 - child abuse and child neglect prevention programs and activities 30572

undertaken in accordance with the council's regional prevention 30573
plan. The reports shall contain all information required by the 30574
board. 30575

Sec. 3109.173. (A) Each child abuse and child neglect 30576
regional prevention council shall be under the direction of a 30577
regional prevention coordinator. The children's trust fund board 30578
~~shall~~may select each region's coordinator through a competitive 30579
selection process conducted by the board. If the board has not 30580
selected a regional coordinator through a competitive selection 30581
process for a region, children's trust fund staff shall serve as 30582
coordinator for that region. 30583

(B) Regional prevention coordinators shall do all of the 30584
following: 30585

(1) Select a representative to serve as chairperson of the 30586
regional prevention council pursuant to division (G) of section 30587
3109.172 of the Revised Code; 30588

(2) Conduct a needs assessment to ascertain the child 30589
abuse and neglect prevention programming and services that are 30590
needed in the region; 30591

(3) Work with county prevention specialists in the region 30592
to assemble the regional prevention plan based on children's 30593
trust fund board guidelines pursuant to section 3109.174 of the 30594
Revised Code; 30595

(4) Implement the regional prevention plan, including the 30596
following: 30597

(a) Monitoring fulfillment of prevention deliverables and 30598
achievement of prevention outcomes; 30599

(b) Coordinating county data collection; 30600

(c) Ensuring timely and accurate reporting to the board. 30601

(5) Any additional duties specified by the department in 30602
rules adopted pursuant to Chapter 119. of the Revised Code. 30603

Sec. 3109.178. (A) ~~Each child abuse and child neglect~~ 30604
~~regional prevention council~~ An entity may request from the 30605
children's trust fund board up to five thousand dollars ~~for each~~ 30606
~~county within the council's region~~ to be used as one-time, 30607
start-up costs for the establishment and operation of a 30608
children's advocacy center to serve ~~each~~ at least one county ~~in~~ 30609
~~the region or a center to serve two or more contiguous counties~~ 30610
~~within the region.~~ 30611

(B) On receipt of a request made under this section, the 30612
board shall review and approve or disapprove the request. 30613

(C) If the board disapproves the request, the board shall 30614
send to the ~~requesting council~~ entity requesting funds written 30615
notice of the disapproval that states the reasons for the 30616
disapproval. 30617

(D) No funds allocated ~~to a council~~ under this section may 30618
be used as start-up costs for any children's advocacy center 30619
unless the center has as a component a primary prevention 30620
strategy. 30621

(E) ~~A council~~ An entity that receives funds under this 30622
section in any fiscal year shall not use the funds received in a 30623
different fiscal year or for a different center in any fiscal 30624
year without the approval of the board. 30625

(F) A children's advocacy center established using funds 30626
awarded under this section shall comply with sections 2151.425 30627
to 2151.428 of the Revised Code. 30628

Sec. 3115.201. (A) In a proceeding to establish or enforce 30629
a support order or to determine parentage of a child, a tribunal 30630
or support enforcement agency of this state may exercise 30631
personal jurisdiction over a nonresident individual if any of 30632
the following apply: 30633

(1) The individual is personally served with summons 30634
within this state. 30635

(2) The individual submits to the jurisdiction of this 30636
state by consent in a record, by entering a general appearance, 30637
or by filing a responsive document having the effect of waiving 30638
any contest to personal jurisdiction. 30639

(3) The individual resided with the child in this state. 30640

(4) The individual resided in this state and provided 30641
prenatal expenses or support for the child. 30642

(5) The child resides in this state as a result of the 30643
acts or directives of the individual. 30644

(6) The individual engaged in sexual intercourse in this 30645
state and the child may have been conceived by that act of 30646
intercourse. 30647

(7) The individual asserted parentage of a child in the 30648
putative father registry maintained in this state by the 30649
department of ~~job and family services~~children and youth. 30650

(8) There is any other basis consistent with the 30651
Constitutions of this state and the United States for the 30652
exercise of personal jurisdiction. 30653

(B) The bases of personal jurisdiction set forth in 30654
division (A) of this section or in any other law of this state 30655
may not be used to acquire personal jurisdiction for a tribunal 30656

of this state to modify a child-support order of another state 30657
unless the requirements of section 3115.611 of the Revised Code 30658
are met or, in the case of a foreign support order, unless the 30659
requirements of section 3115.615 of the Revised Code are met. 30660

Sec. 3119.01. (A) As used in the Revised Code, "child 30661
support enforcement agency" means a child support enforcement 30662
agency designated under former section 2301.35 of the Revised 30663
Code prior to October 1, 1997, or a private or government entity 30664
designated as a child support enforcement agency under section 30665
307.981 of the Revised Code. 30666

(B) As used in this chapter and Chapters 3121., 3123., and 30667
3125. of the Revised Code: 30668

(1) "Administrative child support order" means any order 30669
issued by a child support enforcement agency for the support of 30670
a child pursuant to section 3109.19 or 3111.81 of the Revised 30671
Code or former section 3111.211 of the Revised Code, section 30672
3111.21 of the Revised Code as that section existed prior to 30673
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 30674
Code as those sections existed prior to March 22, 2001. 30675

(2) "Child support order" means either a court child 30676
support order or an administrative child support order. 30677

(3) "Obligee" means the person who is entitled to receive 30678
the support payments under a support order. 30679

(4) "Obligor" means the person who is required to pay 30680
support under a support order. 30681

(5) "Support order" means either an administrative child 30682
support order or a court support order. 30683

(C) As used in this chapter: 30684

(1) "Caretaker" means any of the following, other than a parent:

(a) A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver;

(b) A person who is receiving public assistance on behalf of the child;

(c) A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency;

(d) A guardian of the person or the estate of a child;

(e) Any other appropriate court or agency with custody of the child.

"Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code.

(2) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.

(3) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.

(4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(5) "Court-ordered parenting time" means the amount of 30713
parenting time a parent is to have under a parenting time order 30714
or the amount of time the children are to be in the physical 30715
custody of a parent under a shared parenting order. 30716

(6) "Court support order" means either a court child 30717
support order or an order for the support of a spouse or former 30718
spouse issued pursuant to Chapter 3115. of the Revised Code, 30719
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 30720
division (B) of former section 3113.21 of the Revised Code. 30721

(7) "CPI-U" means the consumer price index for all urban 30722
consumers, published by the United States department of labor, 30723
bureau of labor statistics. 30724

(8) "Extraordinary medical expenses" means any uninsured 30725
medical expenses incurred for a child during a calendar year 30726
that exceed the total cash medical support amount owed by the 30727
parents during that year. 30728

(9) "Federal poverty level" has the same meaning as in 30729
section 5121.30 of the Revised Code. 30730

(10) "Income" means either of the following: 30731

(a) For a parent who is employed to full capacity, the 30732
gross income of the parent; 30733

(b) For a parent who is unemployed or underemployed, the 30734
sum of the gross income of the parent and any potential income 30735
of the parent. 30736

(11) "Income share" means the percentage derived from a 30737
comparison of each parent's annual income after allowable 30738
deductions and credits as indicated on the worksheet to the 30739
total annual income of both parents. 30740

(12) "Insurer" means any person authorized under Title 30741
XXXIX of the Revised Code to engage in the business of insurance 30742
in this state, any health insuring corporation, and any legal 30743
entity that is self-insured and provides benefits to its 30744
employees or members. 30745

(13) "Gross income" means, except as excluded in division 30746
(C) (13) of this section, the total of all earned and unearned 30747
income from all sources during a calendar year, whether or not 30748
the income is taxable, and includes income from salaries, wages, 30749
overtime pay, and bonuses to the extent described in division 30750
(D) of section 3119.05 of the Revised Code; commissions; 30751
royalties; tips; rents; dividends; severance pay; pensions; 30752
interest; trust income; annuities; social security benefits, 30753
including retirement, disability, and survivor benefits that are 30754
not means-tested; workers' compensation benefits; unemployment 30755
insurance benefits; disability insurance benefits; benefits that 30756
are not means-tested and that are received by and in the 30757
possession of the veteran who is the beneficiary for any 30758
service-connected disability under a program or law administered 30759
by the United States department of veterans' affairs or 30760
veterans' administration; spousal support actually received; and 30761
all other sources of income. "Gross income" includes income of 30762
members of any branch of the United States armed services or 30763
national guard, including, amounts representing base pay, basic 30764
allowance for quarters, basic allowance for subsistence, 30765
supplemental subsistence allowance, cost of living adjustment, 30766
specialty pay, variable housing allowance, and pay for training 30767
or other types of required drills; self-generated income; and 30768
potential cash flow from any source. 30769

"Gross income" does not include any of the following: 30770

(a) Benefits received from means-tested government 30771
administered programs, including Ohio works first; prevention, 30772
retention, and contingency; means-tested veterans' benefits; 30773
supplemental security income; supplemental nutrition assistance 30774
program; disability financial assistance; or other assistance 30775
for which eligibility is determined on the basis of income or 30776
assets; 30777

(b) Benefits for any service-connected disability under a 30778
program or law administered by the United States department of 30779
veterans' affairs or veterans' administration that are not 30780
means-tested, that have not been distributed to the veteran who 30781
is the beneficiary of the benefits, and that are in the 30782
possession of the United States department of veterans' affairs 30783
or veterans' administration; 30784

(c) Child support amounts received for children who are 30785
not included in the current calculation; 30786

(d) Amounts paid for mandatory deductions from wages such 30787
as union dues but not taxes, social security, or retirement in 30788
lieu of social security; 30789

(e) Nonrecurring or unsustainable income or cash flow 30790
items; 30791

(f) Adoption assistance, kinship guardianship assistance, 30792
and foster care maintenance payments made pursuant to Title IV-E 30793
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 30794
(1980), as amended; 30795

(g) State kinship guardianship assistance described in 30796
section 5153.163 of the Revised Code and payment from the 30797
kinship support program described in section ~~5101.881~~ 5180.531 30798
of the Revised Code. 30799

(14) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.

(15) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.

(16) (a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C) (16) (a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(17) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(18) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;

(ii) The parent's education;

(iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

(viii) The age and special needs of the child for whom child support is being calculated under this section;

(ix) The parent's increased earning capacity because of experience;

(x) The parent's decreased earning capacity because of a felony conviction;

(xi) Any other relevant factor.

(b) Imputed income from any nonincome-producing assets of 30856
a parent, as determined from the local passbook savings rate or 30857
another appropriate rate as determined by the court or agency, 30858
not to exceed the rate of interest specified in division (A) of 30859
section 1343.03 of the Revised Code, if the income is 30860
significant. 30861

(19) "Schedule" means the basic child support schedule 30862
created pursuant to section 3119.021 of the Revised Code. 30863

(20) "Self-generated income" means gross receipts received 30864
by a parent from self-employment, proprietorship of a business, 30865
joint ownership of a partnership or closely held corporation, 30866
and rents minus ordinary and necessary expenses incurred by the 30867
parent in generating the gross receipts. "Self-generated income" 30868
includes expense reimbursements or in-kind payments received by 30869
a parent from self-employment, the operation of a business, or 30870
rents, including company cars, free housing, reimbursed meals, 30871
and other benefits, if the reimbursements are significant and 30872
reduce personal living expenses. 30873

(21) "Self-sufficiency reserve" means the minimal amount 30874
necessary for an obligor to adequately subsist upon, as 30875
determined under section 3119.021 of the Revised Code. 30876

(22) "Split parental rights and responsibilities" means a 30877
situation in which there is more than one child who is the 30878
subject of an allocation of parental rights and responsibilities 30879
and each parent is the residential parent and legal custodian of 30880
at least one of those children. 30881

(23) "Worksheet" means the applicable worksheet created in 30882
rules adopted under section 3119.022 of the Revised Code that is 30883
used to calculate a parent's child support obligation. 30884

Sec. 3121.01. As used in this chapter: 30885

(A) "Administrative child support order," "child support order," "court child support order," "court support order," "obligee," "obligor," "personal earnings," and "support order" have the same meanings as in section 3119.01 of the Revised Code. 30886
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(B) "Default" means any failure to pay under a support order that is an amount greater than or equal to the amount of support payable under the support order for one month. 30891
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(C) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund. 30894
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(D) "Income" means any form of monetary payment, including personal earnings; workers' compensation payments; unemployment compensation benefits to the extent permitted by, and in accordance with, sections 3121.07 and 4141.284 of the Revised Code, and federal law governing the department of job and family services; pensions; annuities; allowances; private or governmental retirement benefits; disability or sick pay; insurance proceeds; lottery prize awards; federal, state, or local government benefits to the extent that the benefits can be withheld or deducted under the law governing the benefits; any form of trust fund or endowment; lump sum payments, ~~including a one-time pay supplement of one hundred fifty dollars or more paid under section 124.183 of the Revised Code;~~ and any other payment in money. 30897
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(E) "Payor" means any person or entity that pays or distributes income to an obligor, including an obligor if the obligor is self-employed; an employer; an employer paying an 30911
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obligor's workers' compensation benefits; the public employees 30914
retirement board; the governing entity of a municipal retirement 30915
system; the board of trustees of the Ohio police and fire 30916
pension fund; the state teachers retirement board; the school 30917
employees retirement board; the state highway patrol retirement 30918
board; a provider, as defined in section 3305.01 of the Revised 30919
Code; the bureau of workers' compensation; or any other person 30920
or entity other than the department of job and family services 30921
with respect to unemployment compensation benefits paid pursuant 30922
to Chapter 4141. of the Revised Code. 30923

Sec. 3121.441. (A) Notwithstanding the provisions of this 30924
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 30925
and 5107.20 of the Revised Code providing for the office of 30926
child support in the department of job and family services to 30927
collect, withhold, or deduct spousal support, when a court 30928
pursuant to section 3105.18 or 3105.65 of the Revised Code 30929
issues or modifies an order requiring an obligor to pay spousal 30930
support or grants or modifies a decree of dissolution of 30931
marriage incorporating a separation agreement that provides for 30932
spousal support, or at any time after the issuance, granting, or 30933
modification of an order or decree of that type, the court may 30934
permit the obligor to make the spousal support payments directly 30935
to the obligee instead of to the office if the obligee and the 30936
obligor have no minor children born as a result of their 30937
marriage and the obligee has not assigned the spousal support 30938
amounts to the department pursuant to section 5107.20 or 5160.38 30939
of the Revised Code. 30940

(B) A court that permits an obligor to make spousal 30941
support payments directly to the obligee pursuant to division 30942
(A) of this section shall order the obligor to make the spousal 30943
support payments as a check, as a money order, or in any other 30944

form that establishes a clear record of payment. 30945

(C) If a court permits an obligor to make spousal support 30946
payments directly to an obligee pursuant to division (A) of this 30947
section and the obligor is in default in making any spousal 30948
support payment to the obligee, the court, upon motion of the 30949
obligee or on its own motion, may rescind the permission granted 30950
under that division. After the rescission, the court shall 30951
determine the amount of arrearages in the spousal support 30952
payments and order the obligor to make to the office of child 30953
support in the department of job and family services any spousal 30954
support payments that are in arrears and any future spousal 30955
support payments. Upon the issuance of the order of the court 30956
under this division, the provisions of this chapter, Chapters 30957
3119., 3123., and 3125., and sections 3770.071, 3770.074, and 30958
5107.20 of the Revised Code apply with respect to the 30959
collection, withholding, or deduction of the obligor's spousal 30960
support payments that are the subject of that order of the 30961
court. 30962

Sec. 3123.89. (A) The department of job and family 30963
services shall develop and implement a real time data match 30964
program with the state lottery commission and its lottery sales 30965
agents and lottery agents to identify obligors who are subject 30966
to a final and enforceable determination of default made under 30967
sections 3123.01 to 3123.07 of the Revised Code. 30968

(B) Upon the data match program's implementation, the 30969
department, in consultation with the commission, shall 30970
promulgate rules to facilitate withholding, in appropriate 30971
circumstances and in accordance with ~~section~~ sections 3770.071 30972
and 3770.074 of the Revised Code, by the commission or its 30973
lottery sales agents or lottery agents of an amount sufficient 30974

to satisfy any past due support owed by an obligor from a 30975
lottery prize award owed to the obligor up to the amount of the 30976
award. The rules shall describe an expedited method for 30977
withholding, and the time frame for transmission of the amount 30978
withheld to the department. 30979

(C) As used in this section, ~~"lottery":~~ 30980

(1) ~~"Lottery prize award" has the same meaning as in~~ 30981
~~section 3770.10 of the Revised Code includes a prize award from~~ 30982
~~a video lottery terminal but does not include winnings from~~ 30983
~~lottery sports gaming, except for winnings from lottery sports~~ 30984
~~gaming wagers placed through a terminal described in division~~ 30985
~~(B) (3) of section 3770.24 of the Revised Code.~~ 30986

(2) "Lottery sports gaming" has the same meaning as in 30987
section 3770.23 of the Revised Code. 30988

(3) "Video lottery terminal" has the same meaning as in 30989
section 3770.21 of the Revised Code. 30990

Sec. 3123.90. (A) As used in this section: 30991

(1) "Casino facility," "casino operator," and "management 30992
company" have the meanings defined in section 3772.01 of the 30993
Revised Code. 30994

(2) "Sports gaming proprietor" has the meaning defined in 30995
section 3775.01 of the Revised Code. 30996

(3) "Lottery sports gaming" has the same meaning as in 30997
section 3770.23 of the Revised Code. 30998

(B) The department of job and family services shall 30999
develop and implement a real time data match program with each 31000
casino facility's casino operator or management company and with 31001
each sports gaming proprietor to identify obligors who are 31002

subject to a final and enforceable determination of default made 31003
under sections 3123.01 to 3123.07 of the Revised Code. 31004

(C) ~~Upon~~ Subject to division (E) of this section, upon the 31005
data match program's implementation, if a person receives a 31006
payout of winnings at a casino facility or from sports gaming in 31007
an amount for which reporting to the internal revenue service of 31008
the amount is required by section 6041 of the Internal Revenue 31009
Code, as amended, the casino operator, management company, or 31010
sports gaming proprietor shall refer to the data match program 31011
to determine if the person entitled to the winnings is in 31012
default under a support order. If the data match program 31013
indicates that the person is in default, the casino operator, 31014
management company, or sports gaming proprietor shall withhold 31015
from the person's winnings an amount sufficient to satisfy any 31016
past due support owed by the obligor identified in the data 31017
match up to the amount of the winnings. 31018

(D) Not later than fourteen days after withholding the 31019
amount, the casino operator, management company, or sports 31020
gaming proprietor shall electronically transmit any amount 31021
withheld to the department as payment on the support obligation. 31022

(E) A sports gaming proprietor that offers lottery sports 31023
gaming through a terminal described in division (B) (3) of 31024
section 3770.24 of the Revised Code shall not withhold amounts 31025
under this section from winnings from wagers placed through that 31026
terminal. The state lottery commission shall withhold amounts 31027
from those winnings under section 3770.071 of the Revised Code. 31028

(F) The department, in consultation with the Ohio casino 31029
control commission, may adopt rules under Chapter 119. of the 31030
Revised Code as are necessary for implementation of this 31031
section. 31032

Sec. 3301.079. (A) (1) The department of education and 31033
workforce periodically shall adopt statewide academic standards 31034
with emphasis on coherence, focus, and essential knowledge and 31035
that are more challenging and demanding when compared to 31036
international standards for each of grades kindergarten through 31037
twelve in English language arts, mathematics, science, and 31038
social studies. 31039

(a) The department shall ensure that the standards do all 31040
of the following: 31041

(i) Include the essential academic content and skills that 31042
students are expected to know and be able to do at each grade 31043
level that will allow each student to be prepared for 31044
postsecondary instruction and the workplace for success in the 31045
twenty-first century; 31046

(ii) Include the development of skill sets that promote 31047
information, media, and technological literacy; 31048

(iii) Include interdisciplinary, project-based, real-world 31049
learning opportunities; 31050

(iv) Instill life-long learning by providing essential 31051
knowledge and skills based in the liberal arts tradition, as 31052
well as science, technology, engineering, mathematics, and 31053
career-technical education; 31054

(v) Be clearly written, transparent, and understandable by 31055
parents, educators, and the general public. 31056

(b) The department shall incorporate into the social 31057
studies standards for grades four to twelve academic content 31058
regarding the original texts of the Declaration of Independence, 31059
the Northwest Ordinance, the Constitution of the United States 31060
and its amendments, with emphasis on the Bill of Rights, and the 31061

Ohio Constitution, and their original context. The department 31062
shall revise the model curricula and achievement assessments 31063
adopted under divisions (B) and (C) of this section as necessary 31064
to reflect the additional American history and American 31065
government content. The department shall make available a list 31066
of suggested grade-appropriate supplemental readings that place 31067
the documents prescribed by this division in their historical 31068
context, which teachers may use as a resource to assist students 31069
in reading the documents within that context. 31070

(c) When the department adopts or revises academic content 31071
standards in social studies, American history, American 31072
government, or science under division (A)(1) of this section, it 31073
shall develop such standards independently and not as part of a 31074
multistate consortium. 31075

(2)(a) After completing the standards required by division 31076
(A)(1) of this section, the department shall adopt standards and 31077
model curricula for instruction in technology, financial 31078
literacy and entrepreneurship, fine arts, and foreign language 31079
for grades kindergarten through twelve. The standards shall meet 31080
the same requirements prescribed in division (A)(1)(a) of this 31081
section. 31082

(b) The department shall incorporate into the standards 31083
and model curriculum for financial literacy and entrepreneurship 31084
for grades nine through twelve academic content regarding free 31085
market capitalism. The academic content shall include all of the 31086
following concepts related to free market capitalism: 31087

(i) Raw materials, labor, and capital, the three classical 31088
factors of economic production, are privately owned. 31089

(ii) Individuals control their own ability to work, earn 31090

wages, and obtain skills to earn and increase wages. 31091

(iii) Private ownership of capital may include a sole 31092
proprietorship, a family business, a publicly traded 31093
corporation, a group of private investors, or a bank. 31094

(iv) Markets aggregate the exchange of goods and services 31095
throughout the world. Market prices are the only way to convey 31096
so much constantly changing information about the supply of 31097
goods and services, and the demand for them, for consumers and 31098
producers to make informed economic decisions for themselves. 31099

(v) Wealth is created by providing goods and services that 31100
people value at a profit, and both sellers and buyers seek to 31101
profit in some way in a free market transaction. Thus, profit 31102
earned through transactions can be consumed, saved, reinvested 31103
in the business, or dispersed to shareholders. 31104

(vi) Wealth creation involves asset value appreciation and 31105
depreciation, voluntary exchange of equity ownership, and open 31106
and closed markets. 31107

(vii) The free market is driven by, and tends to produce, 31108
entrepreneurship and innovation. 31109

(viii) The free market can include side effects and market 31110
failures where at least part of the cost of the transaction, 31111
including producing, transporting, selling, or buying, is born 31112
by others outside of the transaction. 31113

(ix) The political features of the free market, including 31114
legally protected property rights, legally enforceable 31115
contracts, patent protections, and the mitigation of side 31116
effects and market failures; 31117

(x) Societies that embrace the free market often embrace 31118

political and personal freedom as well. 31119

(3) The department shall adopt the most recent standards 31120
developed by the national association for sport and physical 31121
education for physical education in grades kindergarten through 31122
twelve or shall adopt its own standards for physical education 31123
in those grades and revise and update them periodically. 31124

The department shall employ a full-time physical education 31125
coordinator to provide guidance and technical assistance to 31126
districts, community schools, and STEM schools in implementing 31127
the physical education standards adopted under this division. 31128
The director of education and workforce shall determine that the 31129
person employed as coordinator is qualified for the position, as 31130
demonstrated by possessing an adequate combination of education, 31131
license, and experience. 31132

(4) The department shall update the standards and model 31133
curriculum for instruction in computer science in grades 31134
kindergarten through twelve, which shall include standards for 31135
introductory and advanced computer science courses in grades 31136
nine through twelve. When developing the standards and 31137
curriculum, the department shall consider recommendations from 31138
computer science education stakeholder groups, including 31139
teachers and representatives from higher education, industry, 31140
computer science organizations in Ohio, and national computer 31141
science organizations. 31142

Any district or school may utilize the computer science 31143
standards or model curriculum or any part thereof adopted 31144
pursuant to division (A) (4) of this section. However, no 31145
district or school shall be required to utilize all or any part 31146
of the standards or curriculum. 31147

(5) When academic standards have been completed for any 31148
subject area required by this section, the department shall 31149
inform all school districts, all community schools established 31150
under Chapter 3314. of the Revised Code, all STEM schools 31151
established under Chapter 3326. of the Revised Code, and all 31152
nonpublic schools required to administer the assessments 31153
prescribed by sections 3301.0710 and 3301.0712 of the Revised 31154
Code of the content of those standards. Additionally, upon 31155
completion of any academic standards under this section, the 31156
department shall post those standards on the department's web 31157
site. 31158

(B) (1) The department shall adopt a model curriculum for 31159
instruction in each subject area for which updated academic 31160
standards are required by division (A) (1) of this section and 31161
for each of grades kindergarten through twelve that is 31162
sufficient to meet the needs of students in every community. The 31163
model curriculum shall be aligned with the standards, to ensure 31164
that the academic content and skills specified for each grade 31165
level are taught to students, and shall demonstrate vertical 31166
articulation and emphasize coherence, focus, and rigor. When any 31167
model curriculum has been completed, the department shall inform 31168
all school districts, community schools, and STEM schools of the 31169
content of that model curriculum. 31170

(2) The department, in consultation with the governor's 31171
office of workforce transformation, shall adopt model curricula 31172
for grades kindergarten through twelve that embed career 31173
connection learning strategies into regular classroom 31174
instruction. 31175

(3) All school districts, community schools, and STEM 31176
schools may utilize the state standards and the model curriculum 31177

established by the department, together with other relevant 31178
resources, examples, or models to ensure that students have the 31179
opportunity to attain the academic standards. Upon request, the 31180
department shall provide technical assistance to any district, 31181
community school, or STEM school in implementing the model 31182
curriculum. 31183

Nothing in this section requires any school district to 31184
utilize all or any part of a model curriculum developed under 31185
this section. 31186

(C) The department shall develop achievement assessments 31187
aligned with the academic standards and model curriculum for 31188
each of the subject areas and grade levels required by divisions 31189
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 31190

When any achievement assessment has been completed, the 31191
department shall inform all school districts, community schools, 31192
STEM schools, and nonpublic schools required to administer the 31193
assessment of its completion, and the department shall make the 31194
achievement assessment available to the districts and schools. 31195

(D) (1) ~~The~~ Not later than June 30, 2026, the department 31196
shall adopt a diagnostic assessment aligned with the academic 31197
standards ~~and model curriculum for each of grades one and two~~ 31198
kindergarten to three in reading, writing, and mathematics ~~and~~ 31199
~~for grade three in reading and writing.~~ The diagnostic 31200
assessment shall be designed to measure student comprehension of 31201
academic content and mastery of related skills for the relevant 31202
subject area and grade level. The diagnostic assessment for 31203
reading shall be designed to measure student comprehension of 31204
foundational reading skills aligned to the science of reading. 31205
Any diagnostic assessment shall not include components to 31206
identify gifted students. ~~Blank copies of diagnostic assessments~~ 31207

~~shall be public records.~~ 31208

~~(2) When each diagnostic assessment has been completed,~~ 31209
~~the department shall inform all school districts of its~~ 31210
~~completion and make the diagnostic assessment available to the~~ 31211
~~districts at no cost to the district.~~ 31212

~~(3) School districts shall administer the diagnostic~~ 31213
~~assessment pursuant to section 3301.0715 of the Revised Code~~ 31214
~~beginning the first in the 2026-2027 school year following the~~ 31215
~~development of the assessment.~~ 31216

~~However, beginning with the 2017-2018 school year, both of~~ 31217
~~the following shall apply:~~ 31218

~~(a) In the case of the diagnostic assessments for grades~~ 31219
~~one or two in writing or mathematics or for grade three in~~ 31220
~~writing, a school district shall not be required to administer~~ 31221
~~any such assessment, but may do so at the discretion of the~~ 31222
~~district board;~~ 31223

~~(b) In the case of any diagnostic assessment that is not~~ 31224
~~for the grade levels and subject areas specified in division (D)~~ 31225
~~(3) (a) of this section, each school district shall administer~~ 31226
~~the assessment in the manner prescribed by section 3301.0715 of~~ 31227
~~the Revised Code.~~ 31228

~~(E) The department shall not adopt a diagnostic or~~ 31229
~~achievement assessment for any grade level or subject area other~~ 31230
~~than those specified in this section.~~ 31231

~~(F) Whenever the department consults with persons for the~~ 31232
~~purpose of drafting or reviewing any standards, diagnostic~~ 31233
~~assessments, achievement assessments, or model curriculum~~ 31234
~~required under this section, the department shall first consult~~ 31235
~~with parents of students in kindergarten through twelfth grade~~ 31236

and with active Ohio classroom teachers, other school personnel, 31237
and administrators with expertise in the appropriate subject 31238
area. Whenever practicable, the department shall consult with 31239
teachers recognized as outstanding in their fields. 31240

If the department contracts with more than one outside 31241
entity for the development of the achievement assessments 31242
required by this section, the department shall ensure the 31243
interchangeability of those assessments. 31244

(G) Whenever the department adopts standards or model 31245
curricula under this section, the department also shall provide 31246
information on the use of blended, online, or digital learning 31247
in the delivery of the standards or curricula to students in 31248
accordance with division (A) (5) of this section. 31249

(H) The fairness sensitivity review committee of the 31250
department shall not allow any question on any achievement or 31251
diagnostic assessment developed under this section or any 31252
proficiency test prescribed by former section 3301.0710 of the 31253
Revised Code, as it existed prior to September 11, 2001, to 31254
include, be written to promote, or inquire as to individual 31255
moral or social values or beliefs. The decision of the committee 31256
shall be final. This section does not create a private cause of 31257
action. 31258

(I) Not later than sixty days prior to the adoption of 31259
updated academic standards under division (A) (1) of this section 31260
or updated model curricula under division (B) (1) of this 31261
section, the director of education and workforce shall present 31262
the academic standards or model curricula, as applicable, in 31263
person at a public hearing of the respective committees of the 31264
house of representatives and senate that consider education 31265
legislation. 31266

(J) As used in this section:	31267
(1) "Blended learning" means the delivery of instruction	31268
in a combination of time primarily in a supervised physical	31269
location away from home and online delivery whereby the student	31270
has some element of control over time, place, path, or pace of	31271
learning and includes noncomputer-based learning opportunities.	31272
(2) "Online learning" means students work primarily from	31273
their residences on assignments delivered via an internet- or	31274
other computer-based instructional method.	31275
(3) "Coherence" means a reflection of the structure of the	31276
discipline being taught.	31277
(4) "Digital learning" means learning facilitated by	31278
technology that gives students some element of control over	31279
time, place, path, or pace of learning.	31280
(5) "Focus" means limiting the number of items included in	31281
a curriculum to allow for deeper exploration of the subject	31282
matter.	31283
(6) "Vertical articulation" means key academic concepts	31284
and skills associated with mastery in particular content areas	31285
should be articulated and reinforced in a developmentally	31286
appropriate manner at each grade level so that over time	31287
students acquire a depth of knowledge and understanding in the	31288
core academic disciplines.	31289
Sec. 3301.0711. (A) The department of education and	31290
workforce shall:	31291
(1) Annually furnish to, grade, and score all assessments	31292
required by divisions (A) (1) and (B) (1) of section 3301.0710 of	31293
the Revised Code to be administered by city, local, exempted	31294

village, and joint vocational school districts, except that each 31295
district shall score any assessment administered pursuant to 31296
division (B) (10) of this section. Each assessment so furnished 31297
shall include the data verification code of the student to whom 31298
the assessment will be administered, as assigned pursuant to 31299
division (D) (2) of section 3301.0714 of the Revised Code. In 31300
furnishing the practice versions of Ohio graduation tests 31301
prescribed by division (D) of section 3301.0710 of the Revised 31302
Code, the department shall make the tests available on its web 31303
site for reproduction by districts. In awarding contracts for 31304
grading assessments, the department shall give preference to 31305
Ohio-based entities employing Ohio residents. 31306

(2) Adopt rules for the ethical use of assessments and 31307
prescribing the manner in which the assessments prescribed by 31308
section 3301.0710 of the Revised Code shall be administered to 31309
students. 31310

(B) Except as provided in divisions (C) and (J) of this 31311
section, the board of education of each city, local, and 31312
exempted village school district shall, in accordance with rules 31313
adopted under division (A) of this section: 31314

(1) Administer the English language arts assessments 31315
prescribed under division (A) (1) (a) of section 3301.0710 of the 31316
Revised Code twice annually to all students in the third grade 31317
who have not attained the score designated for that assessment 31318
under division (A) (2) (c) of section 3301.0710 of the Revised 31319
Code. 31320

(2) Administer the mathematics assessment prescribed under 31321
division (A) (1) (a) of section 3301.0710 of the Revised Code at 31322
least once annually to all students in the third grade. 31323

(3) Administer the assessments prescribed under division	31324
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	31325
annually to all students in the fourth grade.	31326
(4) Administer the assessments prescribed under division	31327
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	31328
annually to all students in the fifth grade.	31329
(5) Administer the assessments prescribed under division	31330
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	31331
annually to all students in the sixth grade.	31332
(6) Administer the assessments prescribed under division	31333
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	31334
annually to all students in the seventh grade.	31335
(7) Administer the assessments prescribed under division	31336
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	31337
annually to all students in the eighth grade.	31338
(8) Except as provided in division (B) (9) of this section,	31339
administer any assessment prescribed under division (B) (1) of	31340
section 3301.0710 of the Revised Code as follows:	31341
(a) At least once annually to all tenth grade students and	31342
at least twice annually to all students in eleventh or twelfth	31343
grade who have not yet attained the score on that assessment	31344
designated under that division;	31345
(b) To any person who has successfully completed the	31346
curriculum in any high school or the individualized education	31347
program developed for the person by any high school pursuant to	31348
section 3323.08 of the Revised Code but has not received a high	31349
school diploma and who requests to take such assessment, at any	31350
time such assessment is administered in the district.	31351

(9) In lieu of the board of education of any city, local, 31352
or exempted village school district in which the student is also 31353
enrolled, the board of a joint vocational school district shall 31354
administer any assessment prescribed under division (B) (1) of 31355
section 3301.0710 of the Revised Code at least twice annually to 31356
any student enrolled in the joint vocational school district who 31357
has not yet attained the score on that assessment designated 31358
under that division. A board of a joint vocational school 31359
district may also administer such an assessment to any student 31360
described in division (B) (8) (b) of this section. 31361

(10) If the district has a three-year average graduation 31362
rate of not more than seventy-five per cent, administer each 31363
assessment prescribed by division (D) of section 3301.0710 of 31364
the Revised Code in September to all ninth grade students who 31365
entered ninth grade prior to July 1, 2014. 31366

Except as provided in section 3313.614 of the Revised Code 31367
for administration of an assessment to a person who has 31368
fulfilled the curriculum requirement for a high school diploma 31369
but has not passed one or more of the required assessments, the 31370
assessments prescribed under division (B) (1) of section 31371
3301.0710 of the Revised Code shall not be administered after 31372
the date specified in the rules adopted under division (D) (1) of 31373
section 3301.0712 of the Revised Code. 31374

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 31375
of this section, administer the assessments prescribed by 31376
division (B) (2) of section 3301.0710 and section 3301.0712 of 31377
the Revised Code in accordance with the timeline and plan for 31378
implementation of those assessments prescribed by rule adopted 31379
under division (D) (1) of section 3301.0712 of the Revised Code; 31380

(b) A student who has presented evidence to the district 31381

or school of having satisfied the condition prescribed by 31382
division (A) (1) of section 3313.618 of the Revised Code to 31383
qualify for a high school diploma prior to the date of the 31384
administration of the assessment prescribed under division (B) 31385
(1) of section 3301.0712 of the Revised Code shall not be 31386
required to take that assessment. However, no board shall 31387
prohibit a student who is not required to take such assessment 31388
from taking the assessment. 31389

(c) A student shall not be required to retake the Algebra 31390
I end-of-course examination or the English language arts II end- 31391
of-course examination prescribed under division (B) (2) of 31392
section 3301.0712 of the Revised Code in grades nine through 31393
twelve if the student demonstrates at least a proficient level 31394
of skill, as prescribed under division (B) (5) (a) of that 31395
section, or achieves a competency score, as prescribed under 31396
division (B) (10) of that section, in an administration of the 31397
examination prior to grade nine. 31398

(C) (1) (a) In the case of a student receiving special 31399
education services under Chapter 3323. of the Revised Code, the 31400
individualized education program developed for the student under 31401
that chapter shall specify the manner in which the student will 31402
participate in the assessments administered under this section, 31403
except that a student with significant cognitive disabilities to 31404
whom an alternate assessment is administered in accordance with 31405
division (C) (1) of this section and a student determined to have 31406
a disability that includes an intellectual disability as 31407
outlined in guidance issued by the department shall not be 31408
required to take the assessment prescribed under division (B) (1) 31409
of section 3301.0712 of the Revised Code. The individualized 31410
education program may excuse the student from taking any 31411
particular assessment required to be administered under this 31412

section if it instead specifies an alternate assessment method 31413
approved by the department as conforming to requirements of 31414
federal law for receipt of federal funds for disadvantaged 31415
pupils. To the extent possible, the individualized education 31416
program shall not excuse the student from taking an assessment 31417
unless no reasonable accommodation can be made to enable the 31418
student to take the assessment. No board shall prohibit a 31419
student who is not required to take an assessment under division 31420
(C) (1) of this section from taking the assessment. 31421

(b) Any alternate assessment approved by the department 31422
for a student under this division shall produce measurable 31423
results comparable to those produced by the assessment it 31424
replaces in order to allow for the student's results to be 31425
included in the data compiled for a school district or building 31426
under section 3302.03 of the Revised Code. 31427

(c) (i) Any student enrolled in a chartered nonpublic 31428
school who has been identified, based on an evaluation conducted 31429
in accordance with section 3323.03 of the Revised Code or 31430
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 31431
29 U.S.C.A. 794, as amended, as a child with a disability shall 31432
be excused from taking any particular assessment required to be 31433
administered under this section if either of the following 31434
apply: 31435

(I) A plan developed for the student pursuant to rules 31436
adopted by the department excuses the student from taking that 31437
assessment. 31438

(II) The chartered nonpublic school develops a written 31439
plan in which the school, in consultation with the student's 31440
parents, determines that an assessment or alternative assessment 31441
with accommodations does not accurately assess the student's 31442

academic performance. The plan shall include an academic profile 31443
of the student's academic performance and shall be reviewed 31444
annually to determine if the student's needs continue to require 31445
excusal from taking the assessment. 31446

(ii) A student with significant cognitive disabilities to 31447
whom an alternate assessment is administered in accordance with 31448
division (C)(1) of this section and a student determined to have 31449
a disability that includes an intellectual disability as 31450
outlined in guidance issued by the department shall not be 31451
required to take the assessment prescribed under division (B)(1) 31452
of section 3301.0712 of the Revised Code. 31453

(iii) In the case of any student so excused from taking an 31454
assessment under division (C)(1)(c) of this section, the 31455
chartered nonpublic school shall not prohibit the student from 31456
taking the assessment. 31457

(2) A district board may, for medical reasons or other 31458
good cause, excuse a student from taking an assessment 31459
administered under this section on the date scheduled, but that 31460
assessment shall be administered to the excused student not 31461
later than nine days following the scheduled date. The district 31462
board shall annually report the number of students who have not 31463
taken one or more of the assessments required by this section to 31464
the department not later than the thirtieth day of June. 31465

(3) No school district board shall excuse any English 31466
learner from taking any particular assessment required to be 31467
administered under this section, except that any English learner 31468
who has been enrolled in United States schools for less than two 31469
years and for whom no appropriate accommodations are available 31470
based on guidance issued by the department shall not be required 31471
to take the assessment prescribed under division (B)(1) of 31472

section 3301.0712 of the Revised Code. 31473

However, no board shall prohibit an English learner who is 31474
not required to take that assessment from taking the assessment. 31475

A board may permit any English learner to take an 31476
assessment required to be administered under this section with 31477
appropriate accommodations, as determined by the department. 31478

For each English learner, each school district shall 31479
annually assess that student's progress in learning English, in 31480
accordance with procedures approved by the department. 31481

The guidance and procedures issued by the department for 31482
the purposes of division (C) (3) of this section shall comply 31483
with the rules adopted under section 3301.0731 of the Revised 31484
Code. 31485

(4) (a) The governing authority of a chartered nonpublic 31486
school may excuse an English learner from taking any assessment 31487
administered under this section. 31488

(b) No governing authority shall require an English 31489
learner who has been enrolled in United States schools for less 31490
than two years and for whom no appropriate accommodations are 31491
available based on guidance issued by the department to take the 31492
assessment prescribed under division (B) (1) of section 3301.0712 31493
of the Revised Code. 31494

(c) No governing authority shall prohibit an English 31495
learner from taking an assessment from which the student was 31496
excused under division (C) (4) of this section. 31497

(D) (1) In the school year next succeeding the school year 31498
in which the assessments prescribed by division (A) (1) or (B) (1) 31499
of section 3301.0710 of the Revised Code or former division (A) 31500

(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 31501
it existed prior to September 11, 2001, are administered to any 31502
student, the board of education of any school district in which 31503
the student is enrolled in that year shall provide to the 31504
student intervention services commensurate with the student's 31505
performance, including any intensive intervention required under 31506
section 3313.608 of the Revised Code, in any skill in which the 31507
student failed to demonstrate at least a score at the proficient 31508
level on the assessment. 31509

(2) Following any administration of the assessments 31510
prescribed by division (D) of section 3301.0710 of the Revised 31511
Code to ninth grade students, each school district that has a 31512
three-year average graduation rate of not more than seventy-five 31513
per cent shall determine for each high school in the district 31514
whether the school shall be required to provide intervention 31515
services to any students who took the assessments. In 31516
determining which high schools shall provide intervention 31517
services based on the resources available, the district shall 31518
consider each school's graduation rate and scores on the 31519
practice assessments. The district also shall consider the 31520
scores received by ninth grade students on the English language 31521
arts and mathematics assessments prescribed under division (A) 31522
(1) (f) of section 3301.0710 of the Revised Code in the eighth 31523
grade in determining which high schools shall provide 31524
intervention services. 31525

Each high school selected to provide intervention services 31526
under this division shall provide intervention services to any 31527
student whose results indicate that the student is failing to 31528
make satisfactory progress toward being able to attain scores at 31529
the proficient level on the Ohio graduation tests. Intervention 31530
services shall be provided in any skill in which a student 31531

demonstrates unsatisfactory progress and shall be commensurate 31532
with the student's performance. Schools shall provide the 31533
intervention services prior to the end of the school year, 31534
during the summer following the ninth grade, in the next 31535
succeeding school year, or at any combination of those times. 31536

(E) Except as provided in section 3313.608 of the Revised 31537
Code and division (N) of this section, no school district board 31538
of education shall utilize any student's failure to attain a 31539
specified score on an assessment administered under this section 31540
as a factor in any decision to deny the student promotion to a 31541
higher grade level. However, a district board may choose not to 31542
promote to the next grade level any student who does not take an 31543
assessment administered under this section or make up an 31544
assessment as provided by division (C) (2) of this section and 31545
who is not exempt from the requirement to take the assessment 31546
under division (C) (3) of this section. 31547

(F) No person shall be charged a fee for taking any 31548
assessment administered under this section. 31549

(G) (1) Each school district board shall designate one 31550
location for the collection of assessments administered in the 31551
spring under division (B) (1) of this section and those 31552
administered under divisions (B) (2) to (7) of this section. Each 31553
district board shall submit the assessments to the entity with 31554
which the department contracts for the scoring of the 31555
assessments as follows: 31556

(a) If the district's total enrollment in grades 31557
kindergarten through twelve during the first full school week of 31558
October was less than two thousand five hundred, not later than 31559
the Friday after all of the assessments have been administered; 31560

(b) If the district's total enrollment in grades 31561
kindergarten through twelve during the first full school week of 31562
October was two thousand five hundred or more, but less than 31563
seven thousand, not later than the Monday after all of the 31564
assessments have been administered; 31565

(c) If the district's total enrollment in grades 31566
kindergarten through twelve during the first full school week of 31567
October was seven thousand or more, not later than the Tuesday 31568
after all of the assessments have been administered. 31569

However, any assessment that a student takes during the 31570
make-up period described in division (C) (2) of this section 31571
shall be submitted not later than the Friday following the day 31572
the student takes the assessment. 31573

(2) The department or an entity with which the department 31574
contracts for the scoring of the assessment shall send to each 31575
school district board a list of the individual scores of all 31576
persons taking a state achievement assessment as follows: 31577

(a) Except as provided in division (G) (2) (b) or (c) of 31578
this section, within forty-five days after the administration of 31579
the assessments prescribed by sections 3301.0710 and 3301.0712 31580
of the Revised Code, but in no case shall the scores be returned 31581
later than the thirtieth day of June following the 31582
administration; 31583

(b) In the case of the third-grade English language arts 31584
assessment, within forty-five days after the administration of 31585
that assessment, but in no case shall the scores be returned 31586
later than the fifteenth day of June following the 31587
administration; 31588

(c) In the case of the writing component of an assessment 31589

or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(4) Beginning with the 2019-2020 school year, a school district, other public school, or chartered nonpublic school may administer the third-grade English language arts or mathematics assessment, or both, in a paper format in any school year for which the district board of education or school governing body adopts a resolution indicating that the district or school chooses to administer the assessment in a paper format. The board or governing body shall submit a copy of the resolution to the department of education and workforce not later than the first day of May prior to the school year for which it will apply. If the resolution is submitted, the district or school shall administer the assessment in a paper format to all students in the third grade, except that any student whose individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

(H) Individual scores on any assessments administered 31620
under this section shall be released by a district board only in 31621
accordance with section 3319.321 of the Revised Code and the 31622
rules adopted under division (A) of this section. No district 31623
board or its employees shall utilize individual or aggregate 31624
results in any manner that conflicts with rules for the ethical 31625
use of assessments adopted pursuant to division (A) of this 31626
section. 31627

(I) Except as provided in division (G) of this section, 31628
the department or an entity with which the department contracts 31629
for the scoring of the assessment shall not release any 31630
individual scores on any assessment administered under this 31631
section. The department shall adopt rules to ensure the 31632
protection of student confidentiality at all times. The rules 31633
may require the use of the data verification codes assigned to 31634
students pursuant to division (D)(2) of section 3301.0714 of the 31635
Revised Code to protect the confidentiality of student scores. 31636

(J) Notwithstanding division (D) of section 3311.52 of the 31637
Revised Code, this section does not apply to the board of 31638
education of any cooperative education school district except as 31639
provided under rules adopted pursuant to this division. 31640

(1) In accordance with rules that the department shall 31641
adopt, the board of education of any city, exempted village, or 31642
local school district with territory in a cooperative education 31643
school district established pursuant to divisions (A) to (C) of 31644
section 3311.52 of the Revised Code may enter into an agreement 31645
with the board of education of the cooperative education school 31646
district for administering any assessment prescribed under this 31647
section to students of the city, exempted village, or local 31648
school district who are attending school in the cooperative 31649

education school district. 31650

(2) In accordance with rules that the department shall 31651
adopt, the board of education of any city, exempted village, or 31652
local school district with territory in a cooperative education 31653
school district established pursuant to section 3311.521 of the 31654
Revised Code shall enter into an agreement with the cooperative 31655
district that provides for the administration of any assessment 31656
prescribed under this section to both of the following: 31657

(a) Students who are attending school in the cooperative 31658
district and who, if the cooperative district were not 31659
established, would be entitled to attend school in the city, 31660
local, or exempted village school district pursuant to section 31661
3313.64 or 3313.65 of the Revised Code; 31662

(b) Persons described in division (B) (8) (b) of this 31663
section. 31664

Any assessment of students pursuant to such an agreement 31665
shall be in lieu of any assessment of such students or persons 31666
pursuant to this section. 31667

(K) (1) (a) Except as otherwise provided in division (K) (1) 31668
or (2) of this section, each chartered nonpublic school for 31669
which at least sixty-five per cent of its total enrollment is 31670
made up of students who are participating in state scholarship 31671
programs shall administer the assessments prescribed by division 31672
(A) of section 3301.0710 of the Revised Code or an alternative 31673
standardized assessment determined by the department. In 31674
accordance with procedures and deadlines prescribed by the 31675
department, the parent or guardian of a student enrolled in the 31676
school who is not participating in a state scholarship program 31677
may submit notice to the chief administrative officer of the 31678

school that the parent or guardian does not wish to have the 31679
student take the assessments prescribed for the student's grade 31680
level under division (A) of section 3301.0710 of the Revised 31681
Code. If a parent or guardian submits an opt-out notice, the 31682
school shall not administer the assessments to that student. 31683
This option does not apply to any assessment required for a high 31684
school diploma under section 3313.612 of the Revised Code. 31685

(b) Any chartered nonpublic school that enrolls students 31686
who are participating in state scholarship programs may 31687
administer an alternative standardized assessment determined by 31688
the department instead of the assessments prescribed by division 31689
(A) of section 3301.0710 of the Revised Code. 31690

Each chartered nonpublic school subject to division (K) (1) 31691
(a) or (b) of this section shall report the results of each 31692
assessment administered under those divisions to the department. 31693

(2) A chartered nonpublic school may submit to the 31694
director of education and workforce a request for a waiver from 31695
administering the elementary assessments prescribed by division 31696
(A) of section 3301.0710 of the Revised Code. The director shall 31697
approve or disapprove a request for a waiver submitted under 31698
division (K) (2) of this section. 31699

To be eligible to submit a request for a waiver, a 31700
chartered nonpublic school shall meet the following conditions: 31701

(a) At least ninety-five per cent of the students enrolled 31702
in the school are children with disabilities, as defined under 31703
section 3323.01 of the Revised Code, or have received a 31704
diagnosis by a school district or from a physician, including a 31705
neuropsychiatrist or psychiatrist, or a psychologist who is 31706
authorized to practice in this or another state as having a 31707

condition that impairs academic performance, such as dyslexia, 31708
dyscalculia, attention deficit hyperactivity disorder, or 31709
Asperger's syndrome. 31710

(b) The school has solely served a student population 31711
described in division (K) (1) (a) of this section for at least ten 31712
years. 31713

(c) The school provides to the department at least five 31714
years of records of internal testing conducted by the school 31715
that affords the department data required for accountability 31716
purposes, including diagnostic assessments and nationally 31717
standardized norm-referenced achievement assessments that 31718
measure reading and math skills. 31719

(3) Any chartered nonpublic school that is not subject to 31720
division (K) (1) of this section may participate in the 31721
assessment program by administering any of the assessments 31722
prescribed by division (A) of section 3301.0710 of the Revised 31723
Code. The chief administrator of the school shall specify which 31724
assessments the school will administer. Such specification shall 31725
be made in writing to the director prior to the first day of 31726
August of any school year in which assessments are administered 31727
and shall include a pledge that the nonpublic school will 31728
administer the specified assessments in the same manner as 31729
public schools are required to do under this section and rules 31730
adopted by the department. 31731

(4) The department shall furnish the assessments 31732
prescribed by section 3301.0710 of the Revised Code to each 31733
chartered nonpublic school that is subject to division (K) (1) of 31734
this section or participates under division (K) (3) of this 31735
section. 31736

(L) If a chartered nonpublic school is educating students 31737
in grades nine through twelve, the following shall apply: 31738

(1) Except as provided in division (L) (4) of this section, 31739
for a student who is enrolled in a chartered nonpublic school 31740
that is accredited through the independent schools association 31741
of the central states and who is attending the school under a 31742
state scholarship program, the student shall either take all of 31743
the assessments prescribed by division (B) of section 3301.0712 31744
of the Revised Code or take an alternative assessment approved 31745
by the department under section 3313.619 of the Revised Code. 31746
However, a student who is excused from taking an assessment 31747
under division (C) of this section or has presented evidence to 31748
the chartered nonpublic school of having satisfied the condition 31749
prescribed by division (A) (1) of section 3313.618 of the Revised 31750
Code to qualify for a high school diploma prior to the date of 31751
the administration of the assessment prescribed under division 31752
(B) (1) of section 3301.0712 of the Revised Code shall not be 31753
required to take that assessment. No governing authority of a 31754
chartered nonpublic school shall prohibit a student who is not 31755
required to take such assessment from taking the assessment. 31756

(2) For a student who is enrolled in a chartered nonpublic 31757
school that is accredited through the independent schools 31758
association of the central states, and who is not attending the 31759
school under a state scholarship program, the student shall not 31760
be required to take any assessment prescribed under section 31761
3301.0712 or 3313.619 of the Revised Code. 31762

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 31763
of this section, for a student who is enrolled in a chartered 31764
nonpublic school that is not accredited through the independent 31765
schools association of the central states, regardless of whether 31766

the student is attending or is not attending the school under a 31767
state scholarship program, the student shall do one of the 31768
following: 31769

(i) Take all of the assessments prescribed by division (B) 31770
of section 3301.0712 of the Revised Code; 31771

(ii) Take only the assessment prescribed by division (B) 31772
(1) of section 3301.0712 of the Revised Code, provided that the 31773
student's school publishes the results of that assessment for 31774
each graduating class. The published results of that assessment 31775
shall include the overall composite scores, mean scores, twenty- 31776
fifth percentile scores, and seventy-fifth percentile scores for 31777
each subject area of the assessment. 31778

(iii) Take an alternative assessment approved by the 31779
department under section 3313.619 of the Revised Code. 31780

(b) A student who is excused from taking an assessment 31781
under division (C) of this section or has presented evidence to 31782
the chartered nonpublic school of having satisfied the condition 31783
prescribed by division (A) (1) of section 3313.618 of the Revised 31784
Code to qualify for a high school diploma prior to the date of 31785
the administration of the assessment prescribed under division 31786
(B) (1) of section 3301.0712 of the Revised Code shall not be 31787
required to take that assessment. No governing authority of a 31788
chartered nonpublic school shall prohibit a student who is not 31789
required to take such assessment from taking the assessment. 31790

(4) The assessments prescribed by sections 3301.0712 and 31791
3313.619 of the Revised Code shall not be administered to any 31792
student attending the school, if the school meets all of the 31793
following conditions: 31794

(a) At least ninety-five per cent of the students enrolled 31795

in the school are children with disabilities, as defined under 31796
section 3323.01 of the Revised Code, or have received a 31797
diagnosis by a school district or from a physician, including a 31798
neuropsychologist or psychiatrist, or a psychologist who is 31799
authorized to practice in this or another state as having a 31800
condition that impairs academic performance, such as dyslexia, 31801
dyscalculia, attention deficit hyperactivity disorder, or 31802
Asperger's syndrome. 31803

(b) The school has solely served a student population 31804
described in division (L) (4) (a) of this section for at least ten 31805
years. 31806

(c) The school makes available to the department at least 31807
five years of records of internal testing conducted by the 31808
school that affords the department data required for 31809
accountability purposes, including growth in student achievement 31810
in reading or mathematics, or both, as measured by nationally 31811
norm-referenced assessments that have developed appropriate 31812
standards for students. 31813

Division (L) (4) of this section applies to any student 31814
attending such school regardless of whether the student receives 31815
special education or related services and regardless of whether 31816
the student is attending the school under a state scholarship 31817
program. 31818

(M) (1) The superintendent of Ohio deaf and blind education 31819
services shall administer the assessments described by sections 31820
3301.0710 and 3301.0712 of the Revised Code for the state school 31821
for the blind and the state school for the deaf. The 31822
superintendent of Ohio deaf and blind education services shall 31823
administer the assessments in the same manner as district boards 31824
are required to do under this section and rules adopted by the 31825

department and in conformity with division (C) (1) (a) of this 31826
section. 31827

(2) The department shall furnish the assessments described 31828
by sections 3301.0710 and 3301.0712 of the Revised Code to the 31829
superintendent of Ohio deaf and blind education services. 31830

(N) Notwithstanding division (E) of this section, a school 31831
district may use a student's failure to attain a score in at 31832
least the proficient range on the mathematics assessment 31833
described by division (A) (1) (a) of section 3301.0710 of the 31834
Revised Code or on an assessment described by division (A) (1) 31835
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 31836
Code as a factor in retaining that student in the current grade 31837
level. 31838

(O) (1) In the manner specified in divisions (O) (3) ~~7~~ and 31839
(4) ~~7~~, ~~(6)~~, and ~~(7)~~ of this section, the assessments required by 31840
division (A) (1) of section 3301.0710 of the Revised Code shall 31841
become public records pursuant to section 149.43 of the Revised 31842
Code on the thirty-first day of July following the school year 31843
that the assessments were administered. 31844

(2) The department may field test proposed questions with 31845
samples of students to determine the validity, reliability, or 31846
appropriateness of questions for possible inclusion in a future 31847
year's assessment. The department also may use anchor questions 31848
on assessments to ensure that different versions of the same 31849
assessment are of comparable difficulty. 31850

Field test questions and anchor questions shall not be 31851
considered in computing scores for individual students. Field 31852
test questions and anchor questions may be included as part of 31853
the administration of any assessment required by division (A) (1) 31854

or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code. 31855
31856

(3) Any field test question or anchor question 31857
administered under division (O)(2) of this section shall not be 31858
a public record. Such field test questions and anchor questions 31859
shall be redacted from any assessments which are released as a 31860
public record pursuant to division (O)(1) of this section. 31861

~~(4) This division applies to the assessments prescribed by 31862
division (A) of section 3301.0710 of the Revised Code. 31863~~

~~(a) The first administration of each assessment, as 31864
specified in former section 3301.0712 of the Revised Code, shall 31865
be a public record. 31866~~

~~(b) For subsequent administrations of each assessment 31867
prior to the 2011-2012 school year, not less than forty per cent 31868
of the questions on the assessment that are used to compute a 31869
student's score shall be a public record. The department shall 31870
determine which questions will be needed for reuse on a future 31871
assessment and those questions shall not be public records and 31872
shall be redacted from the assessment prior to its release as a 31873
public record. However, for each redacted question, the 31874
department shall inform each city, local, and exempted village 31875
school district of the statewide academic standard adopted under 31876
section 3301.079 of the Revised Code and the corresponding 31877
benchmark to which the question relates. The preceding sentence 31878
does not apply to field test questions that are redacted under 31879
division (O)(3) of this section. 31880~~

~~(c) The administrations of each assessment in the 2011- 31881
2012, 2012-2013, and 2013-2014 school years shall not be a 31882
public record. 31883~~

~~(5) Each assessment prescribed by division (B) (1) of section 3301.0710 of the Revised Code shall not be a public record.~~ 31884
31885
31886

~~(6) (a) Except as provided in division (O) (6) (b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:~~ 31887
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31890
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31892
31893

~~(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;~~ 31894
31895
31896

~~(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;~~ 31897
31898
31899

~~(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.~~ 31900
31901
31902

~~The entire content of an assessment shall become a public record within three years of its administration.~~ 31903
31904

~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.~~ 31905
31906
31907
31908
31909

~~(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.~~ 31910
31911
31912

~~(7)~~ Division ~~(O)~~ ~~(7)~~ (O) (4) of this section applies to the 31913
assessments prescribed by division (A) of section 3301.0710 and 31914
division (B) (2) of section 3301.0712 of the Revised Code. 31915

Beginning with the assessments administered in the spring 31916
of the ~~2017-2018-2025-2026~~ school year, not less than ~~forty~~ 31917
twenty per cent of the questions on each assessment that are 31918
used to compute a student's score shall be a public record. The 31919
department shall determine which questions will be needed for 31920
reuse on a future assessment and those questions shall not be 31921
public records and shall be redacted from the assessment prior 31922
to its release as a public record. However, for each redacted 31923
question, the department shall inform each city, local, and 31924
exempted village school district of the corresponding statewide 31925
academic standard adopted under section 3301.079 of the Revised 31926
Code and the corresponding benchmark to which the question 31927
relates. The department is not required to provide corresponding 31928
standards and benchmarks to field test questions that are 31929
redacted under division (O) (3) of this section. 31930

(P) As used in this section: 31931

(1) "Three-year average" means the average of the most 31932
recent consecutive three school years of data. 31933

(2) "Dropout" means a student who withdraws from school 31934
before completing course requirements for graduation and who is 31935
not enrolled in an education program approved by the department 31936
or an education program outside the state. "Dropout" does not 31937
include a student who has departed the country. 31938

(3) "Graduation rate" means the ratio of students 31939
receiving a diploma to the number of students who entered ninth 31940
grade four years earlier. Students who transfer into the 31941

district are added to the calculation. Students who transfer out 31942
of the district for reasons other than dropout are subtracted 31943
from the calculation. If a student who was a dropout in any 31944
previous year returns to the same school district, that student 31945
shall be entered into the calculation as if the student had 31946
entered ninth grade four years before the graduation year of the 31947
graduating class that the student joins. 31948

(4) "State scholarship programs" means the educational 31949
choice scholarship pilot program established under sections 31950
3310.01 to 3310.17 of the Revised Code, the autism scholarship 31951
program established under section 3310.41 of the Revised Code, 31952
the Jon Peterson special needs scholarship program established 31953
under sections 3310.51 to 3310.64 of the Revised Code, and the 31954
pilot project scholarship program established under sections 31955
3313.974 to 3313.979 of the Revised Code. 31956

(5) "Other public school" means a community school 31957
established under Chapter 3314., a STEM school established under 31958
Chapter 3326., or a college-preparatory boarding school 31959
established under Chapter 3328. of the Revised Code. 31960

(6) "English learner" has the same meaning as in section 31961
3301.0731 of the Revised Code. 31962

Sec. 3301.0712. (A) The department of education and 31963
workforce and the chancellor of higher education shall develop a 31964
system of college and work ready assessments as described in 31965
division (B) of this section to assess whether each student upon 31966
graduating from high school is ready to enter college or the 31967
workforce. Beginning with students who enter the ninth grade for 31968
the first time on or after July 1, 2014, the system shall 31969
replace the Ohio graduation tests prescribed in division (B)(1) 31970
of section 3301.0710 of the Revised Code as a measure of student 31971

academic performance and one determinant of eligibility for a 31972
high school diploma in the manner prescribed by rule adopted 31973
under division (D) of this section. 31974

(B) The college and work ready assessment system shall 31975
consist of the following: 31976

(1) (a) Except as provided in division (B) (1) (b) of this 31977
section, nationally standardized assessments that measure 31978
college and career readiness and are used for college admission. 31979
The assessments shall be selected jointly by the department and 31980
the chancellor, and one of which shall be selected by each 31981
school district or school to administer to its students. The 31982
assessments prescribed under division (B) (1) of this section 31983
shall be administered to all eleventh-grade students in the 31984
spring of the school year. 31985

(b) Beginning with students who enter the ninth grade for 31986
the first time on or after July 1, 2022, the parent or guardian 31987
of a student may elect not to have a nationally standardized 31988
assessment administered to that student. In that event, the 31989
student's school district or school shall not administer the 31990
nationally standardized assessment to that student. 31991

(2) (a) Except as provided in division (B) (2) (b) of this 31992
section, seven end-of-course examinations, one in each of the 31993
areas of English language arts I, English language arts II, 31994
science, Algebra I, geometry, American history, and American 31995
government. The end-of-course examinations shall be selected 31996
jointly by the department and the chancellor in consultation 31997
with faculty in the appropriate subject areas at institutions of 31998
higher education of the university system of Ohio. Advanced 31999
placement examinations and international baccalaureate 32000
examinations, as prescribed under section 3313.6013 of the 32001

Revised Code, in the areas of science, American history, and 32002
American government may be used as end-of-course examinations in 32003
accordance with division (B) (4) (a) (i) of this section. Final 32004
course grades for courses taken under any other advanced 32005
standing program, as prescribed under section 3313.6013 of the 32006
Revised Code, in the areas of science, American history, and 32007
American government may be used in lieu of end-of-course 32008
examinations in accordance with division (B) (4) (a) (ii) of this 32009
section. 32010

(b) Beginning with students who enter ninth grade for the 32011
first time on or after July 1, 2019, five end-of-course 32012
examinations, one in each areas of English language arts II, 32013
science, Algebra I, American history, and American government. 32014
However, only the end-of-course examinations in English language 32015
arts II and Algebra I shall be required for graduation. 32016

The department shall, as necessary to implement division 32017
(B) (2) (b) of this section, seek a waiver from the United States 32018
secretary of education for testing requirements prescribed under 32019
federal law to allow for the use and implementation of Algebra I 32020
as the primary assessment of high school mathematics. If the 32021
department does not receive a waiver under this division, the 32022
end-of-course examinations for students described in division 32023
(B) (2) (b) of this section also shall include an end-of-course 32024
examination in the area of geometry. However, the geometry end- 32025
of-course examination shall not be required for graduation. 32026

(3) The end-of-course examinations in American history and 32027
American government shall require demonstration of mastery of 32028
the American history and American government content for social 32029
studies standards adopted under division (A) (1) (b) of section 32030
3301.079 of the Revised Code and the topics required under 32031

division (M) of section 3313.603 of the Revised Code. 32032

At least twenty per cent of the end-of-course examination 32033
in American government shall address the topics on American 32034
history and American government described in division (M) of 32035
section 3313.603 of the Revised Code. 32036

(4) (a) Notwithstanding anything to the contrary in this 32037
section, both of the following shall apply: 32038

(i) If a student is enrolled in an appropriate advanced 32039
placement or international baccalaureate course, that student 32040
shall take the advanced placement or international baccalaureate 32041
examination in lieu of the science, American history, or 32042
American government end-of-course examinations prescribed under 32043
division (B) (2) of this section. The department shall specify 32044
the score levels for each advanced placement examination and 32045
international baccalaureate examination for purposes of 32046
calculating the minimum cumulative performance score that 32047
demonstrates the level of academic achievement necessary to earn 32048
a high school diploma. 32049

(ii) If a student is enrolled in an appropriate course 32050
under any other advanced standing program, as described in 32051
section 3313.6013 of the Revised Code, that student shall not be 32052
required to take the science, American history, or American 32053
government end-of-course examination, whichever is applicable, 32054
prescribed under division (B) (2) of this section. Instead, that 32055
student's final course grade shall be used in lieu of the 32056
applicable end-of-course examination prescribed under that 32057
section. The department, in consultation with the chancellor, 32058
shall adopt guidelines for purposes of calculating the 32059
corresponding final course grades that demonstrate the level of 32060
academic achievement necessary to earn a high school diploma. 32061

Division (B) (4) (a) (ii) of this section shall apply only to 32062
courses for which students receive transcribed credit, as 32063
defined in section 3365.01 of the Revised Code. It shall not 32064
apply to remedial or developmental courses. 32065

(b) No student shall take a substitute examination or 32066
examination prescribed under division (B) (4) (a) of this section 32067
in place of the end-of-course examinations in English language 32068
arts I, English language arts II, Algebra I, or geometry 32069
prescribed under division (B) (2) of this section. 32070

(c) The department shall consider additional assessments 32071
that may be used as substitute examinations in lieu of the end- 32072
of-course examinations prescribed under division (B) (2) of this 32073
section. 32074

(5) The department shall do all of the following: 32075

(a) Determine and designate at least five ranges of scores 32076
on each of the end-of-course examinations prescribed under 32077
division (B) (2) of this section, and substitute examinations 32078
prescribed under division (B) (4) of this section. Not later than 32079
sixty days after the designation of ranges of scores, the 32080
director of education and workforce shall conduct a public 32081
presentation before the standing committees of the house of 32082
representatives and the senate that consider primary and 32083
secondary education legislation regarding the designated range 32084
of scores. Each range of scores shall be considered to 32085
demonstrate a level of achievement so that any student attaining 32086
a score within such range has achieved one of the following: 32087

(i) An advanced level of skill; 32088

(ii) An accomplished level of skill; 32089

(iii) A proficient level of skill; 32090

(iv) A basic level of skill;	32091
(v) A limited level of skill.	32092
(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;	32093 32094 32095
(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma under division (A) (2) of section 3313.618 of the Revised Code. However, no new minimum cumulative performance score shall be determined after October 17, 2019.	32096 32097 32098 32099 32100
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	32101 32102 32103 32104
A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.	32105 32106 32107 32108 32109
(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	32110 32111 32112
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	32113 32114 32115
(ii) The examination was not available for administration prior to July 1, 2015.	32116 32117
Receipt of credit for the course described in division (B)	32118

(6) (a) (i) of this section shall satisfy the requirement to take 32119
the end-of-course examination. A student exempted under division 32120
(B) (6) (a) of this section may take the applicable end-of-course 32121
examination at a later date. 32122

(b) For purposes of determining whether a student who is 32123
exempt from taking an end-of-course examination under division 32124
(B) (6) (a) of this section has attained the cumulative score 32125
prescribed by division (B) (5) (c) of this section, such student 32126
shall select either of the following: 32127

(i) The student is considered to have attained a 32128
proficient score on the end-of-course examination from which the 32129
student is exempt; 32130

(ii) The student's final course grade shall be used in 32131
lieu of a score on the end-of-course examination from which the 32132
student is exempt. 32133

The department, in consultation with the chancellor, shall 32134
adopt guidelines for purposes of calculating the corresponding 32135
final course grades and the minimum cumulative performance score 32136
that demonstrates the level of academic achievement necessary to 32137
earn a high school diploma. 32138

(7) (a) Notwithstanding anything to the contrary in this 32139
section, the department may replace the algebra I end-of-course 32140
examination prescribed under division (B) (2) of this section 32141
with an algebra II end-of-course examination, beginning with the 32142
2016-2017 school year for students who enter ninth grade on or 32143
after July 1, 2016. 32144

(b) If the department replaces the algebra I end-of-course 32145
examination with an algebra II end-of-course examination as 32146
authorized under division (B) (7) (a) of this section, both of the 32147

following shall apply: 32148

(i) A student who is enrolled in an advanced placement or 32149
international baccalaureate course in algebra II shall take the 32150
advanced placement or international baccalaureate examination in 32151
lieu of the algebra II end-of-course examination. 32152

(ii) A student who is enrolled in an algebra II course 32153
under any other advanced standing program, as described in 32154
section 3313.6013 of the Revised Code, shall not be required to 32155
take the algebra II end-of-course examination. Instead, that 32156
student's final course grade shall be used in lieu of the 32157
examination. 32158

(c) If a school district or school utilizes an integrated 32159
approach to mathematics instruction, the district or school may 32160
do either or both of the following: 32161

(i) Administer an integrated mathematics I end-of-course 32162
examination in lieu of the prescribed algebra I end-of-course 32163
examination; 32164

(ii) Administer an integrated mathematics II end-of-course 32165
examination in lieu of the prescribed geometry end-of-course 32166
examination. 32167

(8) (a) For students entering the ninth grade for the first 32168
time on or after July 1, 2014, but prior to July 1, 2015, the 32169
assessment in the area of science shall be physical science or 32170
biology. For students entering the ninth grade for the first 32171
time on or after July 1, 2015, the assessment in the area of 32172
science shall be biology. 32173

(b) Until July 1, 2019, the department shall make 32174
available the end-of-course examination in physical science for 32175
students who entered the ninth grade for the first time on or 32176

after July 1, 2014, but prior to July 1, 2015, and who wish to 32177
retake the examination. 32178

(c) The department shall adopt rules prescribing the 32179
requirements for the end-of-course examination in science for 32180
students who entered the ninth grade for the first time on or 32181
after July 1, 2014, but prior to July 1, 2015, and who have not 32182
met the requirement prescribed by section 3313.618 of the 32183
Revised Code by July 1, 2019, due to a student's failure to 32184
satisfy division (A) (2) of section 3313.618 of the Revised Code. 32185

(9) The department shall not develop or administer an end- 32186
of-course examination in the area of world history. 32187

(10) The department, in consultation with the chancellor 32188
and the governor's office of workforce transformation, shall 32189
determine a competency score for both of the Algebra I and 32190
English language arts II end-of-course examinations for the 32191
purpose of graduation eligibility. 32192

(C) The department shall convene a group of national 32193
experts, state experts, and local practitioners to provide 32194
advice, guidance, and recommendations for the alignment of 32195
standards and model curricula to the assessments and in the 32196
design of the end-of-course examinations prescribed by this 32197
section. 32198

(D) Upon completion of the development of the assessment 32199
system, the department shall adopt rules prescribing all of the 32200
following: 32201

(1) A timeline and plan for implementation of the 32202
assessment system, including a phased implementation if the 32203
department determines such a phase-in is warranted; 32204

(2) The date after which a person shall meet the 32205

requirements of the entire assessment system as a prerequisite 32206
for a diploma of adult education under section 3313.611 of the 32207
Revised Code; 32208

(3) Whether and the extent to which a person may be 32209
excused from an American history end-of-course examination and 32210
an American government end-of-course examination under division 32211
(H) of section 3313.61 and division (B) (3) of section 3313.612 32212
of the Revised Code; 32213

(4) The date after which a person who has fulfilled the 32214
curriculum requirement for a diploma but has not passed one or 32215
more of the required assessments at the time the person 32216
fulfilled the curriculum requirement shall meet the requirements 32217
of the entire assessment system as a prerequisite for a high 32218
school diploma under division (B) of section 3313.614 of the 32219
Revised Code; 32220

(5) The extent to which the assessment system applies to 32221
students enrolled in a dropout ~~recovery and prevention and~~ 32222
recovery program for purposes of division (F) of section 32223
3313.603 ~~and or a dropout prevention and recovery community~~ 32224
school under section 3314.36 of the Revised Code. 32225

(E) (1) Any person enrolled in a nonchartered nonpublic 32226
school or any person who is exempt from attendance at school for 32227
the purpose of home education under section 3321.042 of the 32228
Revised Code may choose to participate in the system of 32229
assessments administered under divisions (B) (1) and (2) of this 32230
section. However, no such person shall be required to 32231
participate in the system of assessments. 32232

(2) The department shall adopt rules for the 32233
administration and scoring of any assessments under division (E) 32234

(1) of this section. 32235

(F) The department shall select at least one nationally 32236
recognized job skills assessment. Each school district shall 32237
administer that assessment to those students who opt to take it. 32238
The department shall reimburse a school district for the costs 32239
of administering that assessment. The department shall establish 32240
the minimum score a student must attain on the job skills 32241
assessment in order to demonstrate a student's workforce 32242
readiness and employability. The administration of the job 32243
skills assessment to a student under this division shall not 32244
exempt a school district from administering the assessments 32245
prescribed in division (B) of this section to that student. 32246

Sec. 3301.0714. (A) The department of education and 32247
workforce shall adopt rules for a statewide education management 32248
information system. The rules shall require the department to 32249
establish guidelines for the establishment and maintenance of 32250
the system in accordance with this section and the rules adopted 32251
under this section. The guidelines shall include: 32252

(1) Standards identifying and defining the types of data 32253
in the system in accordance with divisions (B) and (C) of this 32254
section; 32255

(2) Procedures for annually collecting and reporting the 32256
data to the department in accordance with division (D) of this 32257
section; 32258

(3) Procedures for annually compiling the data in 32259
accordance with division (G) of this section; 32260

(4) Procedures for annually reporting the data to the 32261
public in accordance with division (H) of this section; 32262

(5) Standards to provide strict safeguards to protect the 32263

confidentiality of personally identifiable student data. 32264

(B) The guidelines adopted under this section shall 32265
require the data maintained in the education management 32266
information system to include at least the following: 32267

(1) Student participation and performance data, for each 32268
grade in each school district as a whole and for each grade in 32269
each school building in each school district, that includes: 32270

(a) The numbers of students receiving each category of 32271
instructional service offered by the school district, such as 32272
regular education instruction, vocational education instruction, 32273
specialized instruction programs or enrichment instruction that 32274
is part of the educational curriculum, instruction for gifted 32275
students, instruction for students with disabilities, and 32276
remedial instruction. The guidelines shall require instructional 32277
services under this division to be divided into discrete 32278
categories if an instructional service is limited to a specific 32279
subject, a specific type of student, or both, such as regular 32280
instructional services in mathematics, remedial reading 32281
instructional services, instructional services specifically for 32282
students gifted in mathematics or some other subject area, or 32283
instructional services for students with a specific type of 32284
disability. The categories of instructional services required by 32285
the guidelines under this division shall be the same as the 32286
categories of instructional services used in determining cost 32287
units pursuant to division (C) (3) of this section. 32288

(b) The numbers of students receiving support or 32289
extracurricular services for each of the support services or 32290
extracurricular programs offered by the school district, such as 32291
counseling services, health services, and extracurricular sports 32292
and fine arts programs. The categories of services required by 32293

the guidelines under this division shall be the same as the	32294
categories of services used in determining cost units pursuant	32295
to division (C) (4) (a) of this section.	32296
(c) Average student grades in each subject in grades nine	32297
through twelve;	32298
(d) Academic achievement levels as assessed under sections	32299
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	32300
(e) The number of students designated as having a	32301
disabling condition pursuant to division (C) (1) of section	32302
3301.0711 of the Revised Code;	32303
(f) The numbers of students reported to the department	32304
pursuant to division (C) (2) of section 3301.0711 of the Revised	32305
Code;	32306
(g) Attendance rates and the average daily attendance for	32307
the year. For purposes of this division, a student shall be	32308
counted as present for any field trip that is approved by the	32309
school administration.	32310
(h) Expulsion rates;	32311
(i) Suspension rates;	32312
(j) Dropout rates;	32313
(k) Rates of retention in grade;	32314
(l) For pupils in grades nine through twelve, the average	32315
number of carnegie units, as calculated in accordance with the	32316
director's rules;	32317
(m) Graduation rates, to be calculated in a manner	32318
specified by the department that reflects the rate at which	32319
students who were in the ninth grade three years prior to the	32320

current year complete school and that is consistent with 32321
nationally accepted reporting requirements; 32322

(n) Results of diagnostic assessments ~~administered to~~ 32323
~~kindergarten students as required under~~ described in division 32324
(A) (1) of section 3301.0715 of the Revised Code to permit a 32325
~~comparison of the academic readiness of kindergarten students.~~ 32326
~~However, no district shall be required to report to the~~ 32327
~~department the results of any diagnostic assessment administered~~ 32328
~~to a kindergarten student, except for the language and reading~~ 32329
~~assessment described in division (A) (2) of section 3301.0715 of~~ 32330
~~the Revised Code, if the parent of that student requests the~~ 32331
~~district not to report those results.~~ 32332

(o) The number of students earning each state diploma seal 32333
included in the system prescribed under division (A) of section 32334
3313.6114 of the Revised Code; 32335

(p) The number of students demonstrating competency for 32336
graduation using each option described in divisions (B) (1) (a) to 32337
(d) of section 3313.618 of the Revised Code; 32338

(q) The number of students completing each foundational 32339
and supporting option as part of the demonstration of competency 32340
for graduation pursuant to division (B) (1) (b) of section 32341
3313.618 of the Revised Code; 32342

(r) The number of students enrolled in all-day 32343
kindergarten, as defined in section 3321.05 of the Revised Code. 32344

(2) Personnel and classroom enrollment data for each 32345
school district, including: 32346

(a) The total numbers of licensed employees and 32347
nonlicensed employees and the numbers of full-time equivalent 32348
licensed employees and nonlicensed employees providing each 32349

category of instructional service, instructional support 32350
service, and administrative support service used pursuant to 32351
division (C) (3) of this section. The guidelines adopted under 32352
this section shall require these categories of data to be 32353
maintained for the school district as a whole and, wherever 32354
applicable, for each grade in the school district as a whole, 32355
for each school building as a whole, and for each grade in each 32356
school building. 32357

(b) The total number of employees and the number of full- 32358
time equivalent employees providing each category of service 32359
used pursuant to divisions (C) (4) (a) and (b) of this section, 32360
and the total numbers of licensed employees and nonlicensed 32361
employees and the numbers of full-time equivalent licensed 32362
employees and nonlicensed employees providing each category used 32363
pursuant to division (C) (4) (c) of this section. The guidelines 32364
adopted under this section shall require these categories of 32365
data to be maintained for the school district as a whole and, 32366
wherever applicable, for each grade in the school district as a 32367
whole, for each school building as a whole, and for each grade 32368
in each school building. 32369

(c) The total number of regular classroom teachers 32370
teaching classes of regular education and the average number of 32371
pupils enrolled in each such class, in each of grades 32372
kindergarten through five in the district as a whole and in each 32373
school building in the school district. 32374

(d) The number of lead teachers employed by each school 32375
district and each school building. 32376

(e) The number of teachers, administrators, school 32377
psychologists, and speech-language pathologists employed by each 32378
school district and school building who have completed training 32379

in the science of reading under section 3319.2310 of the Revised 32380
Code. 32381

(3) (a) Student demographic data for each school district, 32382
including information regarding the gender ratio of the school 32383
district's pupils, the racial make-up of the school district's 32384
pupils, the number of English learners in the district, and an 32385
appropriate measure of the number of the school district's 32386
pupils who reside in economically disadvantaged households. The 32387
demographic data shall be collected in a manner to allow 32388
correlation with data collected under division (B) (1) of this 32389
section. Categories for data collected pursuant to division (B) 32390
(3) of this section shall conform, where appropriate, to 32391
standard practices of agencies of the federal government. 32392

(b) With respect to each student entering kindergarten, 32393
whether the student previously participated in a public 32394
preschool program, a private preschool program, or a head start 32395
program, and the number of years the student participated in 32396
each of these programs. 32397

(4) (a) The core curriculum and instructional materials 32398
being used for English language arts in each of grades pre- 32399
kindergarten to five; 32400

(b) The reading intervention programs being used in each 32401
of grades pre-kindergarten to twelve; 32402

(c) The core curriculum and instructional materials being 32403
used for mathematics in each of grades pre-kindergarten to 32404
twelve. 32405

(5) Any data required to be collected pursuant to federal 32406
law. 32407

(C) The education management information system shall 32408

include cost accounting data for each district as a whole and 32409
for each school building in each school district. The guidelines 32410
adopted under this section shall require the cost data for each 32411
school district to be maintained in a system of mutually 32412
exclusive cost units and shall require all of the costs of each 32413
school district to be divided among the cost units. The 32414
guidelines shall require the system of mutually exclusive cost 32415
units to include at least the following: 32416

(1) Administrative costs for the school district as a 32417
whole. The guidelines shall require the cost units under this 32418
division (C) (1) to be designed so that each of them may be 32419
compiled and reported in terms of average expenditure per pupil 32420
in enrolled ADM in the school district, as determined pursuant 32421
to section 3317.03 of the Revised Code. 32422

(2) Administrative costs for each school building in the 32423
school district. The guidelines shall require the cost units 32424
under this division (C) (2) to be designed so that each of them 32425
may be compiled and reported in terms of average expenditure per 32426
full-time equivalent pupil receiving instructional or support 32427
services in each building. 32428

(3) Instructional services costs for each category of 32429
instructional service provided directly to students and required 32430
by guidelines adopted pursuant to division (B) (1) (a) of this 32431
section. The guidelines shall require the cost units under 32432
division (C) (3) of this section to be designed so that each of 32433
them may be compiled and reported in terms of average 32434
expenditure per pupil receiving the service in the school 32435
district as a whole and average expenditure per pupil receiving 32436
the service in each building in the school district and in terms 32437
of a total cost for each category of service and, as a breakdown 32438

of the total cost, a cost for each of the following components: 32439

(a) The cost of each instructional services category 32440
required by guidelines adopted under division (B) (1) (a) of this 32441
section that is provided directly to students by a classroom 32442
teacher; 32443

(b) The cost of the instructional support services, such 32444
as services provided by a speech-language pathologist, classroom 32445
aide, multimedia aide, or librarian, provided directly to 32446
students in conjunction with each instructional services 32447
category; 32448

(c) The cost of the administrative support services 32449
related to each instructional services category, such as the 32450
cost of personnel that develop the curriculum for the 32451
instructional services category and the cost of personnel 32452
supervising or coordinating the delivery of the instructional 32453
services category. 32454

(4) Support or extracurricular services costs for each 32455
category of service directly provided to students and required 32456
by guidelines adopted pursuant to division (B) (1) (b) of this 32457
section. The guidelines shall require the cost units under 32458
division (C) (4) of this section to be designed so that each of 32459
them may be compiled and reported in terms of average 32460
expenditure per pupil receiving the service in the school 32461
district as a whole and average expenditure per pupil receiving 32462
the service in each building in the school district and in terms 32463
of a total cost for each category of service and, as a breakdown 32464
of the total cost, a cost for each of the following components: 32465

(a) The cost of each support or extracurricular services 32466
category required by guidelines adopted under division (B) (1) (b) 32467

of this section that is provided directly to students by a 32468
licensed employee, such as services provided by a guidance 32469
counselor or any services provided by a licensed employee under 32470
a supplemental contract; 32471

(b) The cost of each such services category provided 32472
directly to students by a nonlicensed employee, such as 32473
janitorial services, cafeteria services, or services of a sports 32474
trainer; 32475

(c) The cost of the administrative services related to 32476
each services category in division (C) (4) (a) or (b) of this 32477
section, such as the cost of any licensed or nonlicensed 32478
employees that develop, supervise, coordinate, or otherwise are 32479
involved in administering or aiding the delivery of each 32480
services category. 32481

(D) (1) The guidelines adopted under this section shall 32482
require school districts to collect information about individual 32483
students, staff members, or both in connection with any data 32484
required by division (B) or (C) of this section or other 32485
reporting requirements established in the Revised Code. The 32486
guidelines may also require school districts to report 32487
information about individual staff members in connection with 32488
any data required by division (B) or (C) of this section or 32489
other reporting requirements established in the Revised Code. 32490
The guidelines shall not authorize school districts to request 32491
social security numbers of individual students. The guidelines 32492
shall prohibit the reporting under this section of a student's 32493
name, address, and social security number to the department. The 32494
guidelines shall also prohibit the reporting under this section 32495
of any personally identifiable information about any student, 32496
except for the purpose of assigning the data verification code 32497

required by division (D) (2) of this section, to any other person 32498
unless such person is employed by the school district or the 32499
information technology center operated under section 3301.075 of 32500
the Revised Code and is authorized by the district or technology 32501
center to have access to such information or is employed by an 32502
entity with which the department contracts for the scoring or 32503
the development of state assessments. The guidelines may require 32504
school districts to provide the social security numbers of 32505
individual staff members and the county of residence for a 32506
student. Nothing in this section prohibits the department from 32507
providing a student's county of residence to the department of 32508
taxation to facilitate the distribution of tax revenue. 32509

(2) (a) The guidelines shall provide for each school 32510
district or community school to assign a data verification code 32511
that is unique on a statewide basis over time to each student 32512
whose initial Ohio enrollment is in that district or school and 32513
to report all required individual student data for that student 32514
utilizing such code. The guidelines shall also provide for 32515
assigning data verification codes to all students enrolled in 32516
districts or community schools on the effective date of the 32517
guidelines established under this section. The assignment of 32518
data verification codes for other entities, as described in 32519
division (D) (2) (d) of this section, the use of those codes, and 32520
the reporting and use of associated individual student data 32521
shall be coordinated by the department of education and 32522
workforce in accordance with state and federal law. 32523

School districts shall report individual student data to 32524
the department through the information technology centers 32525
utilizing the code. The entities described in division (D) (2) (d) 32526
of this section shall report individual student data to the 32527
department in the manner prescribed by the department. 32528

(b) (i) Except as provided in sections 3301.941, 3310.11, 32529
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 32530
Code, and in division (D) (2) (b) (ii) of this section, at no time 32531
shall the department have access to information that would 32532
enable any data verification code to be matched to personally 32533
identifiable student data. 32534

(ii) For the purpose of making per-pupil payments to 32535
community schools under section 3317.022 of the Revised Code, 32536
the department shall have access to information that would 32537
enable any data verification code to be matched to personally 32538
identifiable student data. 32539

(c) Each school district and community school shall ensure 32540
that the data verification code is included in the student's 32541
records reported to any subsequent school district, community 32542
school, or state institution of higher education, as defined in 32543
section 3345.011 of the Revised Code, in which the student 32544
enrolls. Any such subsequent district or school shall utilize 32545
the same identifier in its reporting of data under this section. 32546

(d) (i) The director of any state agency that administers a 32547
publicly funded program providing services to children who are 32548
younger than compulsory school age, as defined in section 32549
3321.01 of the Revised Code, including the directors of health, 32550
job and family services, mental health and addiction services, 32551
children and youth, and developmental disabilities, shall 32552
request and receive, pursuant to sections 3301.0723 and 5180.33 32553
of the Revised Code, a data verification code for a child who is 32554
receiving those services. 32555

(ii) The director of developmental disabilities, director 32556
of health, director of job and family services, director of 32557
children and youth, director of mental health and addiction 32558

services, medicaid director, executive director of the 32559
commission on minority health, executive director of the 32560
opportunities for Ohioans with disabilities agency, or director 32561
of education and workforce, on behalf of a program that receives 32562
public funds and provides services to children who are younger 32563
than compulsory school age, may request and receive, pursuant to 32564
section 3301.0723 of the Revised Code, a data verification code 32565
for a child who is receiving services from the program. 32566

(E) The guidelines adopted under this section may require 32567
school districts to collect and report data, information, or 32568
reports other than that described in divisions (A), (B), and (C) 32569
of this section for the purpose of complying with other 32570
reporting requirements established in the Revised Code. The 32571
other data, information, or reports may be maintained in the 32572
education management information system but are not required to 32573
be compiled as part of the profile formats required under 32574
division (G) of this section or the annual statewide report 32575
required under division (H) of this section. 32576

(F) The board of education of each school district shall 32577
annually collect and report to the department, in accordance 32578
with the guidelines established by the department, the data 32579
required pursuant to this section. A school district may collect 32580
and report these data notwithstanding section 2151.357 or 32581
3319.321 of the Revised Code. 32582

(G) The department shall, in accordance with the 32583
procedures it adopts, annually compile the data reported by each 32584
school district pursuant to division (D) of this section. The 32585
department shall design formats for profiling each school 32586
district as a whole and each school building within each 32587
district and shall compile the data in accordance with these 32588

formats. These profile formats shall: 32589

(1) Include all of the data gathered under this section in 32590
a manner that facilitates comparison among school districts and 32591
among school buildings within each school district; 32592

(2) Present the data on academic achievement levels as 32593
assessed by the testing of student achievement maintained 32594
pursuant to division (B) (1) (d) of this section. 32595

(H) (1) The department shall, in accordance with the 32596
procedures it adopts, annually prepare a statewide report for 32597
all school districts and the general public that includes the 32598
profile of each of the school districts developed pursuant to 32599
division (G) of this section. Copies of the report shall be sent 32600
to each school district. 32601

(2) The department shall, in accordance with the 32602
procedures it adopts, annually prepare an individual report for 32603
each school district and the general public that includes the 32604
profiles of each of the school buildings in that school district 32605
developed pursuant to division (G) of this section. 32606

(I) Any data that is collected or maintained pursuant to 32607
this section and that identifies an individual pupil is not a 32608
public record for the purposes of section 149.43 of the Revised 32609
Code. 32610

(J) As used in this section: 32611

(1) "School district" means any city, local, exempted 32612
village, or joint vocational school district and, in accordance 32613
with section 3314.17 of the Revised Code, any community school. 32614
As used in division (L) of this section, "school district" also 32615
includes any educational service center or other educational 32616
entity required to submit data using the system established 32617

under this section. 32618

(2) "Cost" means any expenditure for operating expenses 32619
made by a school district excluding any expenditures for debt 32620
retirement except for payments made to any commercial lending 32621
institution for any loan approved pursuant to section 3313.483 32622
of the Revised Code. 32623

(K) Any person who removes data from the information 32624
system established under this section for the purpose of 32625
releasing it to any person not entitled under law to have access 32626
to such information is subject to section 2913.42 of the Revised 32627
Code prohibiting tampering with data. 32628

(L) (1) In accordance with division (L) (2) of this section 32629
and the rules adopted under division (L) (10) of this section, 32630
the department may sanction any school district that reports 32631
incomplete or inaccurate data, reports data that does not 32632
conform to data requirements and descriptions published by the 32633
department, fails to report data in a timely manner, or 32634
otherwise does not make a good faith effort to report data as 32635
required by this section. 32636

(2) If the department decides to sanction a school 32637
district under this division, the department shall take the 32638
following sequential actions: 32639

(a) Notify the district in writing that the department has 32640
determined that data has not been reported as required under 32641
this section and require the district to review its data 32642
submission and submit corrected data by a deadline established 32643
by the department. The department also may require the district 32644
to develop a corrective action plan, which shall include 32645
provisions for the district to provide mandatory staff training 32646

on data reporting procedures. 32647

(b) Withhold up to ten per cent of the total amount of 32648
state funds due to the district for the current fiscal year and, 32649
if not previously required under division (L) (2) (a) of this 32650
section, require the district to develop a corrective action 32651
plan in accordance with that division; 32652

(c) Withhold an additional amount of up to twenty per cent 32653
of the total amount of state funds due to the district for the 32654
current fiscal year; 32655

(d) Direct department staff or an outside entity to 32656
investigate the district's data reporting practices and make 32657
recommendations for subsequent actions. The recommendations may 32658
include one or more of the following actions: 32659

(i) Arrange for an audit of the district's data reporting 32660
practices by department staff or an outside entity; 32661

(ii) Conduct a site visit and evaluation of the district; 32662

(iii) Withhold an additional amount of up to thirty per 32663
cent of the total amount of state funds due to the district for 32664
the current fiscal year; 32665

(iv) Continue monitoring the district's data reporting; 32666

(v) Assign department staff to supervise the district's 32667
data management system; 32668

(vi) Conduct an investigation to determine whether to 32669
suspend or revoke the license of any district employee in 32670
accordance with division (N) of this section; 32671

(vii) If the district is issued a report card under 32672
section 3302.03 of the Revised Code, indicate on the report card 32673

that the district has been sanctioned for failing to report data 32674
as required by this section; 32675

(viii) If the district is issued a report card under 32676
section 3302.03 of the Revised Code and incomplete or inaccurate 32677
data submitted by the district likely caused the district to 32678
receive a higher performance rating than it deserved under that 32679
section, issue a revised report card for the district; 32680

(ix) Any other action designed to correct the district's 32681
data reporting problems. 32682

(3) Any time the department takes an action against a 32683
school district under division (L)(2) of this section, the 32684
department shall make a report of the circumstances that 32685
prompted the action. The department shall send a copy of the 32686
report to the district superintendent or chief administrator and 32687
maintain a copy of the report in its files. 32688

(4) If any action taken under division (L)(2) of this 32689
section resolves a school district's data reporting problems to 32690
the department's satisfaction, the department shall not take any 32691
further actions described by that division. If the department 32692
withheld funds from the district under that division, the 32693
department may release those funds to the district, except that 32694
if the department withheld funding under division (L)(2)(c) of 32695
this section, the department shall not release the funds 32696
withheld under division (L)(2)(b) of this section and, if the 32697
department withheld funding under division (L)(2)(d) of this 32698
section, the department shall not release the funds withheld 32699
under division (L)(2)(b) or (c) of this section. 32700

(5) Notwithstanding anything in this section to the 32701
contrary, the department may use its own staff or an outside 32702

entity to conduct an audit of a school district's data reporting 32703
practices any time the department has reason to believe the 32704
district has not made a good faith effort to report data as 32705
required by this section. If any audit conducted by an outside 32706
entity under division (L) (2) (d) (i) or (5) of this section 32707
confirms that a district has not made a good faith effort to 32708
report data as required by this section, the district shall 32709
reimburse the department for the full cost of the audit. The 32710
department may withhold state funds due to the district for this 32711
purpose. 32712

(6) Prior to issuing a revised report card for a school 32713
district under division (L) (2) (d) (viii) of this section, the 32714
department may hold a hearing to provide the district with an 32715
opportunity to demonstrate that it made a good faith effort to 32716
report data as required by this section. The hearing shall be 32717
conducted by a referee appointed by the department. Based on the 32718
information provided in the hearing, the referee shall recommend 32719
whether the department should issue a revised report card for 32720
the district. If the referee affirms the department's contention 32721
that the district did not make a good faith effort to report 32722
data as required by this section, the district shall bear the 32723
full cost of conducting the hearing and of issuing any revised 32724
report card. 32725

(7) If the department determines that any inaccurate data 32726
reported under this section caused a school district to receive 32727
excess state funds in any fiscal year, the district shall 32728
reimburse the department an amount equal to the excess funds, in 32729
accordance with a payment schedule determined by the department. 32730
The department may withhold state funds due to the district for 32731
this purpose. 32732

(8) Any school district that has funds withheld under 32733
division (L) (2) of this section may appeal the withholding in 32734
accordance with Chapter 119. of the Revised Code. 32735

(9) In all cases of a disagreement between the department 32736
and a school district regarding the appropriateness of an action 32737
taken under division (L) (2) of this section, the burden of proof 32738
shall be on the district to demonstrate that it made a good 32739
faith effort to report data as required by this section. 32740

(10) The director of education and workforce shall adopt 32741
rules under Chapter 119. of the Revised Code to implement 32742
division (L) of this section. 32743

(M) No information technology center or school district 32744
shall acquire, change, or update its student administration 32745
software package to manage and report data required to be 32746
reported to the department unless it converts to a student 32747
software package that is certified by the department. 32748

(N) The state board of education, in accordance with 32749
sections 3319.31 and 3319.311 of the Revised Code, may suspend 32750
or revoke a license as defined under division (A) of section 32751
3319.31 of the Revised Code that has been issued to any school 32752
district employee found to have willfully reported erroneous, 32753
inaccurate, or incomplete data to the education management 32754
information system. 32755

(O) No person shall release or maintain any information 32756
about any student in violation of this section. Whoever violates 32757
this division is guilty of a misdemeanor of the fourth degree. 32758

~~(P) The department shall disaggregate the data collected 32759~~
~~under division (B) (1) (n) of this section according to the race 32760~~
~~and socioeconomic status of the students assessed. 32761~~

~~(Q)~~ If the department cannot compile any of the 32762
information required by division (I) of section 3302.03 of the 32763
Revised Code based upon the data collected under this section, 32764
the department shall develop a plan and a reasonable timeline 32765
for the collection of any data necessary to comply with that 32766
division. 32767

Sec. 3301.0715. ~~(A) Except as required under division (B)~~ 32768
~~(1) of section 3313.608 or as specified in division (D) (3) of~~ 32769
~~section 3301.079 of the Revised Code, the~~ (A) (1) The board of 32770
education of each city, local, and exempted village school 32771
district shall administer each applicable diagnostic assessment 32772
developed and provided to the district in accordance with 32773
section 3301.079 of the Revised Code to the following: 32774

~~(1)~~ (a) Each student enrolled in kindergarten, first, 32775
second, or third grade. 32776

(b) Any student who transfers into the district or to a 32777
different school within the district if each applicable 32778
diagnostic assessment was not administered by the district or 32779
school the student previously attended in the current school 32780
year, within thirty days after the date of transfer. If the 32781
district or school into which the student transfers cannot 32782
determine whether the student has taken any applicable 32783
diagnostic assessment in the current school year, the district 32784
or school may administer the diagnostic assessment to the 32785
student. However, if a student transfers into the district prior 32786
to the administration of the diagnostic assessments to all 32787
students under division (B) of this section, the district may 32788
administer the diagnostic assessments to that student on the 32789
date or dates determined under that division. 32790

~~(2) Each kindergarten student, not earlier than the first~~ 32791

~~day of July of the school year and not later than the twentieth-~~ 32792
~~day of instruction of that school year.~~ 32793

~~For the purpose of division (A) (2) of this section, the~~ 32794
The district shall administer the kindergarten readiness 32795
~~assessment provided by the department of children and youth to~~ 32796
each kindergarten student not earlier than the first day of July 32797
of the school year in which the student is enrolled in 32798
kindergarten and not later than the twentieth day of instruction 32799
of that school year. In no case shall the results of the 32800
readiness assessment be used to prohibit a student from 32801
enrolling in kindergarten. 32802

~~(3) Each student enrolled in first, second, or third-~~ 32803
~~grade.~~ 32804

~~Division (A) of this section does not apply to students-~~ 32805
~~with significant cognitive disabilities, as defined by the~~ 32806
~~department.~~ 32807

(B) Each district board shall administer each diagnostic 32808
assessment ~~when the board deems appropriate, provided the~~ 32809
~~administration complies with section 3313.608 of the Revised~~ 32810
~~Code. However, the board shall administer any diagnostic~~ 32811
~~assessment described in division (A) (1) of this section~~ at least 32812
once annually by the thirtieth day of September to all students 32813
in the appropriate grade level. The board shall administer a 32814
diagnostic assessment to a student with a significant cognitive 32815
disability in accordance with guidelines adopted by the 32816
department of education and workforce. A district board may 32817
administer any diagnostic assessment in the fall and spring of a 32818
school year to measure the amount of academic growth 32819
attributable to the instruction received by students during that 32820
school year. 32821

(C) ~~A district may use different diagnostic assessments~~ 32822
~~from those adopted under division (D) of section 3301.079 of the~~ 32823
~~Revised Code in order to satisfy the requirements of division~~ 32824
~~(A) (3) of this section if the district meets either of the~~ 32825
~~following conditions for the immediately preceding school year:~~ 32826

~~(1) The district received a grade of "A" or "B" for the~~ 32827
~~performance index score under division (C) (1) (b) of section~~ 32828
~~3302.03 of the Revised Code or for the value-added progress~~ 32829
~~dimension under division (C) (1) (c) of that section.~~ 32830

~~(2) The district received a performance rating of four~~ 32831
~~stars or higher for achievement under division (D) (3) (b) of~~ 32832
~~section 3302.03 of the Revised Code or for progress under~~ 32833
~~division (D) (3) (c) of that section.~~ 32834

~~(D) Each district board shall utilize and score any~~ 32835
~~diagnostic the kindergarten readiness assessment administered~~ 32836
~~under division (A) of this section in accordance with rules~~ 32837
~~established by the department of education or the department of~~ 32838
~~children and youth and shall utilize and score each diagnostic~~ 32839
~~assessment described in division (A) (1) of this section in~~ 32840
~~accordance with rules established by the department of education~~ 32841
~~and workforce. After the administration of any the kindergarten~~ 32842
~~readiness assessment or a diagnostic assessment described in~~ 32843
~~division (A) (1) of this section, each district shall provide a~~ 32844
~~student's completed diagnostic assessment, the results of such~~ 32845
~~assessment, and any other accompanying documents used during the~~ 32846
~~administration of the assessment to the parent of that student,~~ 32847
~~and. The district shall include all such documents and~~ 32848
~~information related to a diagnostic assessment described in~~ 32849
~~division (A) (1) of this section in any plan developed for the~~ 32850
~~student under division (C) of section 3313.608 of the Revised~~ 32851

Code. Each district shall submit, in the manner prescribed by 32852
each department, the results of the ~~diagnostic~~ assessments 32853
administered under this section, ~~regardless of the type of~~ 32854
~~assessment used under section 3313.608 of the Revised Code~~ as 32855
follows: 32856

(1) The results of the kindergarten readiness assessment 32857
to the department of children and youth; 32858

(2) The results of all diagnostic assessments described in 32859
division (A) (1) of this section to the department of education_ 32860
and workforce pursuant to section 3301.0714 of the Revised Code. 32861

~~The department of education and the department of children~~ 32862
~~and youth may issue reports with respect to the data collected.~~ 32863
~~Either department may report school and district level~~ 32864
~~kindergarten diagnostic readiness assessment data and use.~~ The 32865
department of education and workforce may report data from any 32866
diagnostic assessment data described in division (A) (1) of this 32867
section and may use that data to calculate the measures 32868
prescribed by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of 32869
section 3302.03 of the Revised Code ~~and the data reported under~~ 32870
~~division (D) (2) (e) of that section.~~ 32871

~~(E)~~ (D) Each district board shall provide intervention 32872
services to students whose ~~diagnostic~~ assessments show that they 32873
are failing to make satisfactory progress toward attaining the 32874
academic standards for their grade level. 32875

~~(F)~~ (E) Any chartered nonpublic school may elect to 32876
administer the kindergarten readiness assessment to all 32877
kindergarten students enrolled in the school. If the school so 32878
elects, the chief administrator of the school shall notify the 32879
director of children and youth not later than the thirty-first 32880

day of March prior to any school year in which the school will 32881
administer the assessment. The department of children and youth 32882
shall furnish the assessment to the school at no cost to the 32883
school. In administering the assessment, the school shall do all 32884
of the following: 32885

(1) Enter into a written agreement with the department of 32886
children and youth specifying that the school will share each 32887
participating student's assessment data with the department of ~~education~~ 32888
~~and the department of children and youth~~ and, that for 32889
the purpose of reporting the data to the department ~~of education~~ 32890
~~and department of children and youth~~, each participating student 32891
will be assigned a data verification code as described in 32892
division (D) (2) of section 3301.0714 of the Revised Code; 32893

(2) Require the assessment to be administered by a teacher 32894
certified under section 3301.071 of the Revised Code who either 32895
has completed training on administering the kindergarten 32896
readiness assessment ~~provided by the department of children and~~ 32897
~~youth~~ or has been trained by another person who has completed 32898
such training; 32899

(3) Administer the assessment in the same manner as school 32900
districts are required to do under this section and the rules 32901
established under division ~~(D)~~ (C) of this section. 32902

~~(G)~~ (F) A school district in which less than eighty per 32903
cent of its students score at the proficient level or higher on 32904
the third-grade English language arts assessment prescribed 32905
under section 3301.0710 of the Revised Code shall establish a 32906
reading improvement plan supported by reading specialists. Prior 32907
to implementation, the plan shall be approved by the school 32908
district board of education. 32909

(G) As used in this section, "kindergarten readiness assessment" means the diagnostic assessment provided by the department of children and youth under section 5104.52 of the Revised Code.

Sec. 3301.0723. (A) All of the following apply to the independent contractor engaged by the department of education and workforce to create and maintain for school districts and community schools the student data verification codes required by division (D) (2) of section 3301.0714 of the Revised Code:

(1) Upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, including the directors of health, children and youth, mental health and addiction services, and developmental disabilities, the contractor shall assign a data verification code to a child who is receiving such services and shall provide that code to the director.

(2) Upon request of the director of developmental disabilities, director of health, director of job and family services, director of children and youth, director of mental health and addiction services, medicaid director, executive director of the commission on minority health, executive director of the opportunities for Ohioans with disabilities agency, or director of education and workforce and on behalf of a program that receives public funds and provides services to children younger than compulsory school age, the contractor shall assign a data verification code to a child who is receiving such services from the program and shall provide that code to the director.

(3) The contractor also shall provide the codes requested

under division (A) of this section to the department of 32940
education and workforce. 32941

For purposes of division (A) of this section, "compulsory 32942
school age" has the same meaning as in section 3321.01 of the 32943
Revised Code. 32944

(B) The director of a state agency that receives a child's 32945
data verification code under division (A)(1) of this section 32946
shall use that code to submit information for that child to the 32947
department of education and workforce in accordance with section 32948
3301.0714 of the Revised Code. 32949

The director of a state agency that receives a child's 32950
data verification code under division (A)(2) of this section 32951
shall provide that code to the publicly or privately funded 32952
program providing services to the child. The program shall use 32953
that code to submit information for that child to the department 32954
of education and workforce in accordance with section 3301.0714 32955
of the Revised Code, but only to the extent permitted by federal 32956
law. 32957

(C) A public school that receives from the independent 32958
contractor the data verification code for a child assigned under 32959
division (A) of this section shall not request or assign to that 32960
child another data verification code under division (D)(2) of 32961
section 3301.0714 of the Revised Code. That school and any other 32962
public school in which the child subsequently enrolls shall use 32963
the data verification code assigned under division (A) of this 32964
section to report data relative to that student required under 32965
section 3301.0714 of the Revised Code. 32966

Sec. 3301.0727. (A) As used in this section, "dropout 32967
prevention and recovery community school" has the same meaning 32968

as in section ~~3319.301~~ 3314.02 of the Revised Code. 32969

(B) Notwithstanding any provision to the contrary in 32970
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 32971
a dropout prevention and recovery community school shall do both 32972
of the following with regard to the administration of end-of- 32973
course examinations required under section 3301.0712 of the 32974
Revised Code: 32975

(1) In addition to the annual testing windows established 32976
by the director of education and workforce under division (C) of 32977
section 3301.0710 of the Revised Code, administer the 32978
examinations in an online or paper format based on the needs of 32979
the student; 32980

(2) Adhere to security requirements prescribed under 32981
section 3319.151 of the Revised Code for the online examinations 32982
administered under division (B) (1) of this section. 32983

(C) The director of education and workforce shall 32984
establish extended testing windows of ten weeks in duration in 32985
the fall and spring for dropout prevention and recovery 32986
community schools so that they may administer assessments in 32987
closer proximity to when students complete related coursework. 32988
The director also shall establish a summer testing window for 32989
students participating in summer instruction. 32990

(D) Nothing in this section shall be construed to relieve 32991
a dropout prevention and recovery community school from its 32992
obligation to administer testing in-person as otherwise required 32993
by law. 32994

Sec. 3301.136. The department of education and workforce 32995
shall compile a list of tutoring programs that it considers to 32996
be of high quality and have the potential to accelerate learning 32997

for students in the areas of English language arts, mathematics, 32998
science, and social studies. For this purpose, the department 32999
shall request the qualifications of public and private entities 33000
that provide tutoring programs for students. The requested 33001
qualifications shall include program efficacy data or other 33002
evidence of program effectiveness for students who participate 33003
in the tutoring programs. The department shall establish a 33004
rubric to evaluate the programs and determine a minimum score 33005
for a tutoring program to be included on the department's list. 33006

In compiling the list, the department may designate 33007
individual tutoring programs as more appropriate for certain 33008
grade levels, populations of students, or subject areas. 33009

The department shall immediately remove from the list any 33010
tutoring program in the area of English language arts that the 33011
department determines is not aligned to the science of reading 33012
or uses a three-cueing approach, as defined in section 3313.6028 33013
of the Revised Code. 33014

The department may establish multiple application periods 33015
in any school year for entities to submit their qualifications 33016
for consideration to be included on the list. However, the 33017
department shall post the initial list of tutoring programs on 33018
the department's web site not later than October 1, 2022. After 33019
the initial list is posted, the department shall, at least every 33020
three years thereafter, provide an opportunity for entities to 33021
submit their qualifications for consideration to be included on 33022
the list and post an updated list of tutoring programs on the 33023
department's web site. No school district or school shall be 33024
required to use a tutoring program on the list. 33025

Sec. 3301.17. (A) The board of education of each city, 33026
exempted village, local, and joint vocational school district 33027

may make a driver education course available to high school 33028
students enrolled in the district in accordance with Chapter 33029
4508. of the Revised Code. No school district making such a 33030
course available shall require any student to enroll in the 33031
course in lieu of taking a training course from a private driver 33032
training school licensed under that chapter. 33033

(B) The principal of each high school shall annually give 33034
written notice to the students enrolled in the high school that 33035
they may elect, under a procedure that shall be described in the 33036
notice, to take a training course from a private driver training 33037
school or, if available, enroll in a driver education course 33038
made available by the student's school district of attendance. 33039

(C) Students who successfully complete a driver education 33040
course offered by the student's school district of attendance or 33041
through any agency or organization that the district contracts 33042
with to offer such a course under this section may earn either: 33043

(1) Notwithstanding anything to the contrary in division 33044
(C) (8) of section 3313.603 of the Revised Code, up to one-half 33045
unit towards high school elective credits that may substitute 33046
for credits in the subjects listed under that division; 33047

(2) An industry-recognized credential approved under 33048
section 3313.6113 of the Revised Code. ~~A student may be granted~~ 33049
~~up to two points toward a high school diploma under the list of~~ 33050
~~industry-recognized credentials established and updated under~~ 33051
~~section 3313.6113 of the Revised Code.~~ 33052

(D) Notwithstanding anything to the contrary in sections 33053
3317.014, 3317.022, and 3317.16 of the Revised Code, a career- 33054
technical planning district, as defined in section 3317.023 of 33055
the Revised Code, may use a portion of the career-technical 33056

education funds received under section 3317.022 or 3317.16 of 33057
the Revised Code to make a driver education course available to 33058
high school students enrolled in the district. 33059

Sec. 3301.221. (A) As used in this section and ~~section~~ 33060
sections 3313.60, 3314.0311, 3314.0312, 3326.092, and 3326.093 33061
of the Revised Code, "evidence-based" means a program or 33062
practice that does either of the following: 33063

(1) Demonstrates a rationale based on high-quality 33064
research findings or positive evaluation that such a program or 33065
practice is likely to improve relevant outcomes and includes 33066
ongoing efforts to examine the effects of the program or 33067
practice; 33068

(2) Has a statistically significant effect on relevant 33069
outcomes based on: 33070

(a) Strong evidence from at least one well-designed and 33071
well-implemented experimental study; 33072

(b) Moderate evidence from at least one well-designed and 33073
well-implemented quasi-experimental study; or 33074

(c) Promising evidence from at least one well-designed and 33075
well-implemented correlation study with statistical controls for 33076
selection bias. 33077

(B) The department of education and workforce, in 33078
consultation with ~~the department of public safety and the~~ 33079
department of mental health and addiction services, shall 33080
maintain a list of approved evidence-based training programs, to 33081
be posted on the department of education and workforce's web 33082
site, for instruction ~~in suicide awareness and prevention and~~ 33083
~~violence prevention as prescribed under division (A) (5)~~ 33084
~~(h) divisions (A) (5) (i) and (j) of section 3313.60 and division~~ 33085

~~(D) of section 3319.073— sections 3314.0311, 3314.0312,~~ 33086
~~3326.092, and 3326.093 of the Revised Code. The list of approved~~ 33087
~~training programs shall include at least one option that is free~~ 33088
~~or of no cost to schools. The approved training programs shall~~ 33089
~~be evidence-based and include the following:—~~ 33090

~~(1) How to instruct school personnel to identify the signs~~ 33091
~~and symptoms of depression, suicide, and self-harm in students;—~~ 33092

~~(2) How to instruct students to identify the signs and~~ 33093
~~symptoms of depression, suicide, and self-harm in their peers;—~~ 33094

~~(3) How to identify appropriate mental health services—~~ 33095
~~within schools and within larger communities, and when and how~~ 33096
~~to refer youth and their families to those services;—~~ 33097

~~(4) How to teach students about mental health and~~ 33098
~~depression, warning signs of suicide, and the importance of and~~ 33099
~~processes for seeking help on behalf of self and peers and~~ 33100
~~reporting of these behaviors;—~~ 33101

~~(5) How to identify observable warning signs and signals—~~ 33102
~~of individuals who may be a threat to themselves or others;—~~ 33103

~~(6) The importance of taking threats seriously and seeking~~ 33104
~~help;—~~ 33105

~~(7) How students can report dangerous, violent,—~~ 33106
~~threatening, harmful, or potentially harmful activity, including~~ 33107
~~the use of the district's chosen anonymous reporting program.—~~ 33108

~~(C) The department of education and workforce, in—~~ 33109
~~consultation with the department of mental health and addiction—~~ 33110
~~services, shall maintain a list of approved training programs,—~~ 33111
~~to be posted on the department of education and workforce's web—~~ 33112
~~site, for instruction in social inclusion as prescribed by—~~ 33113

~~division (A) (5) (j) of section 3313.60 of the Revised Code. The~~ 33114
~~list of approved training programs shall include at least one~~ 33115
~~option that is free or of no cost to schools. The approved~~ 33116
~~training programs shall be evidence-based and include the~~ 33117
~~following:—~~ 33118

~~(1) What social isolation is and how to identify it in~~ 33119
~~others;—~~ 33120

~~(2) What social inclusion is and the importance of~~ 33121
~~establishing connections with peers;—~~ 33122

~~(3) When and how to seek help for peers who may be~~ 33123
~~socially isolated;—~~ 33124

~~(4) How to utilize strategies for more social inclusion in~~ 33125
~~classrooms and the school community.~~ 33126

Sec. 3301.24. (A) Not later than December 31, 2025, the 33127
department of education and workforce shall develop a model 33128
policy on the use of artificial intelligence in schools. The 33129
model policy shall address appropriate use of artificial 33130
intelligence by students and staff for educational purposes. 33131

(B) Not later than July 1, 2026, each school district, 33132
community school established under Chapter 3314. of the Revised 33133
Code, and STEM school established under Chapter 3326. of the 33134
Revised Code shall adopt a policy on the use of artificial 33135
intelligence. The district or school may adopt the department's 33136
model policy developed under division (A) of this section. 33137

(C) The department may collect data from districts and 33138
schools on their use of artificial intelligence in the manner 33139
prescribed by the department. 33140

Sec. 3301.541. (A) (1) The director, head teacher, 33141

elementary principal, or site administrator of a preschool 33142
program shall request the superintendent of the bureau of 33143
criminal identification and investigation to conduct a criminal 33144
records check with respect to any applicant who has applied to 33145
the preschool program for employment as a person responsible for 33146
the care, custody, or control of a child. If the applicant does 33147
not present proof that the applicant has been a resident of this 33148
state for the five-year period immediately prior to the date 33149
upon which the criminal records check is requested or does not 33150
provide evidence that within that five-year period the 33151
superintendent has requested information about the applicant 33152
from the federal bureau of investigation in a criminal records 33153
check, the director, head teacher, or elementary principal shall 33154
request that the superintendent obtain information from the 33155
federal bureau of investigation as a part of the criminal 33156
records check for the applicant. If the applicant presents proof 33157
that the applicant has been a resident of this state for that 33158
five-year period, the director, head teacher, or elementary 33159
principal may request that the superintendent include 33160
information from the federal bureau of investigation in the 33161
criminal records check. 33162

(2) Any director, head teacher, elementary principal, or 33163
site administrator required by division (A) (1) of this section 33164
to request a criminal records check shall provide to each 33165
applicant a copy of the form prescribed pursuant to division (C) 33166
(1) of section 109.572 of the Revised Code, provide to each 33167
applicant a standard impression sheet to obtain fingerprint 33168
impressions prescribed pursuant to division (C) (2) of section 33169
109.572 of the Revised Code, obtain the completed form and 33170
impression sheet from each applicant, and forward the completed 33171
form and impression sheet to the superintendent of the bureau of 33172

criminal identification and investigation at the time the person 33173
requests a criminal records check pursuant to division (A)(1) of 33174
this section. 33175

(3) Any applicant who receives pursuant to division (A)(2) 33176
of this section a copy of the form prescribed pursuant to 33177
division (C)(1) of section 109.572 of the Revised Code and a 33178
copy of an impression sheet prescribed pursuant to division (C) 33179
(2) of that section and who is requested to complete the form 33180
and provide a set of fingerprint impressions shall complete the 33181
form or provide all the information necessary to complete the 33182
form and provide the impression sheet with the impressions of 33183
the applicant's fingerprints. If an applicant, upon request, 33184
fails to provide the information necessary to complete the form 33185
or fails to provide impressions of the applicant's fingerprints, 33186
the preschool program shall not employ that applicant for any 33187
position for which a criminal records check is required by 33188
division (A)(1) of this section. 33189

(B)(1) Except as provided in rules adopted by the 33190
department of ~~education and workforce~~ children and youth in 33191
accordance with division (E) of this section, no preschool 33192
program shall employ a person as a person responsible for the 33193
care, custody, or control of a child if the person previously 33194
has been convicted of or pleaded guilty to any of the following: 33195

(a) A violation of section 2903.01, 2903.02, 2903.03, 33196
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 33197
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 33198
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 33199
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 33200
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 33201
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 33202

2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 33203
section 2905.04 of the Revised Code as it existed prior to July 33204
1, 1996, a violation of section 2919.23 of the Revised Code that 33205
would have been a violation of section 2905.04 of the Revised 33206
Code as it existed prior to July 1, 1996, had the violation 33207
occurred prior to that date, a violation of section 2925.11 of 33208
the Revised Code that is not a minor drug possession offense, or 33209
felonious sexual penetration in violation of former section 33210
2907.12 of the Revised Code; 33211

(b) A violation of an existing or former law of this 33212
state, any other state, or the United States that is 33213
substantially equivalent to any of the offenses or violations 33214
described in division (B) (1) (a) of this section. 33215

(2) A preschool program may employ an applicant 33216
conditionally until the criminal records check required by this 33217
section is completed and the preschool program receives the 33218
results of the criminal records check. If the results of the 33219
criminal records check indicate that, pursuant to division (B) 33220
(1) of this section, the applicant does not qualify for 33221
employment, the preschool program shall release the applicant 33222
from employment. 33223

(C) (1) Each preschool program shall pay to the bureau of 33224
criminal identification and investigation the fee prescribed 33225
pursuant to division (C) (3) of section 109.572 of the Revised 33226
Code for each criminal records check conducted in accordance 33227
with that section upon the request pursuant to division (A) (1) 33228
of this section of the director, head teacher, elementary 33229
principal, or site administrator of the preschool program. 33230

(2) A preschool program may charge an applicant a fee for 33231
the costs it incurs in obtaining a criminal records check under 33232

this section. A fee charged under this division shall not exceed 33233
the amount of fees the preschool program pays under division (C) 33234
(1) of this section. If a fee is charged under this division, 33235
the preschool program shall notify the applicant at the time of 33236
the applicant's initial application for employment of the amount 33237
of the fee and that, unless the fee is paid, the applicant will 33238
not be considered for employment. 33239

(D) The report of any criminal records check conducted by 33240
the bureau of criminal identification and investigation in 33241
accordance with section 109.572 of the Revised Code and pursuant 33242
to a request under division (A) (1) of this section is not a 33243
public record for the purposes of section 149.43 of the Revised 33244
Code and shall not be made available to any person other than 33245
the applicant who is the subject of the criminal records check 33246
or the applicant's representative, the preschool program 33247
requesting the criminal records check or its representative, and 33248
any court, hearing officer, or other necessary individual in a 33249
case dealing with the denial of employment to the applicant. 33250

(E) The department of ~~education and workforce~~ children and 33251
youth shall adopt rules pursuant to Chapter 119. of the Revised 33252
Code to implement this section, including rules specifying 33253
circumstances under which a preschool program may hire a person 33254
who has been convicted of an offense listed in division (B) (1) 33255
of this section but who meets standards in regard to 33256
rehabilitation set by the department. 33257

(F) Any person required by division (A) (1) of this section 33258
to request a criminal records check shall inform each person, at 33259
the time of the person's initial application for employment, 33260
that the person is required to provide a set of impressions of 33261
the person's fingerprints and that a criminal records check is 33262

required to be conducted and satisfactorily completed in 33263
accordance with section 109.572 of the Revised Code if the 33264
person comes under final consideration for appointment or 33265
employment as a precondition to employment for that position. 33266

(G) As used in this section: 33267

(1) "Applicant" means a person who is under final 33268
consideration for appointment or employment in a position with a 33269
preschool program as a person responsible for the care, custody, 33270
or control of a child, except that "applicant" does not include 33271
a person already employed by a board of education, community 33272
school, or chartered nonpublic school in a position of care, 33273
custody, or control of a child who is under consideration for a 33274
different position with such board or school. 33275

(2) "Criminal records check" has the same meaning as in 33276
section 109.572 of the Revised Code. 33277

(3) "Minor drug possession offense" has the same meaning 33278
as in section 2925.01 of the Revised Code. 33279

(H) If the board of education of a local school district 33280
adopts a resolution requesting the assistance of the educational 33281
service center in which the local district has territory in 33282
conducting criminal records checks of substitute teachers under 33283
this section, the appointing or hiring officer of such 33284
educational service center governing board shall serve for 33285
purposes of this section as the appointing or hiring officer of 33286
the local board in the case of hiring substitute teachers for 33287
employment in the local district. 33288

Sec. 3301.57. (A) For the purpose of improving programs, 33289
facilities, and implementation of the standards promulgated 33290
under section 3301.53 of the Revised Code, ~~the department of~~ 33291

~~education and workforce and the~~ department of children and youth 33292
shall provide consultation and technical assistance to school 33293
districts, county boards of developmental disabilities, 33294
community schools, authorized private before and after school 33295
care programs, and eligible nonpublic schools operating 33296
preschool programs or school child programs, and in-service 33297
training to preschool staff members, school child program staff 33298
members, and nonteaching employees. 33299

(B) The department of education and workforce, the 33300
department of children and youth, and the school district board 33301
of education, county board of developmental disabilities, 33302
community school, or eligible nonpublic school shall jointly 33303
monitor each preschool program and each school child program. 33304

If the program receives any grant or other funding from 33305
the state or federal government, the department of education and 33306
workforce and the department of children and youth annually 33307
shall monitor all reports on attendance, financial support, and 33308
expenditures according to provisions for use of the funds. 33309

(C) The ~~department of education and workforce and the~~ 33310
department of children and youth, at least once during every 33311
twelve-month period of operation of a preschool program or a 33312
licensed school child program, shall inspect the program and 33313
provide a written inspection report to the superintendent of the 33314
school district, county board of developmental disabilities, 33315
community school, or eligible nonpublic school. The ~~departments~~ 33316
department may inspect any program more than once, as considered 33317
necessary by the ~~departments~~ department, during any twelve-month 33318
period of operation. All inspections may be unannounced. No 33319
person shall interfere with any inspection conducted pursuant to 33320
this division or to the rules adopted pursuant to sections 33321

3301.52 to 3301.59 of the Revised Code. 33322

Upon receipt of any complaint that a preschool program or 33323
a licensed school child program is out of compliance with the 33324
requirements in sections 3301.52 to 3301.59 of the Revised Code 33325
or the rules adopted under those sections, the department of 33326
children and youth shall investigate and may inspect the 33327
program. If the complaint is related to a teacher, the 33328
department shall coordinate with the ~~department~~ state board of 33329
education to investigate and take action on a teacher's license. 33330

(D) If a preschool program or a licensed school child 33331
program is determined to be out of compliance with the 33332
requirements of sections 3301.52 to 3301.59 of the Revised Code 33333
or the rules adopted under those sections, the department of 33334
children and youth shall notify the appropriate superintendent, 33335
county board of developmental disabilities, community school, 33336
authorized private before and after school care program, or 33337
eligible nonpublic school in writing regarding the nature of the 33338
violation, what must be done to correct the violation, and by 33339
what date the correction must be made. If the correction is not 33340
made by the date established by the department, it may commence 33341
action under Chapter 119. of the Revised Code to close the 33342
program or to revoke the license of the program. If a program 33343
does not comply with an order to cease operation issued in 33344
accordance with Chapter 119. of the Revised Code, the department 33345
shall notify the attorney general, the prosecuting attorney of 33346
the county in which the program is located, or the city 33347
attorney, village solicitor, or other chief legal officer of the 33348
municipal corporation in which the program is located that the 33349
program is operating in violation of sections 3301.52 to 3301.59 33350
of the Revised Code or the rules adopted under those sections 33351
and in violation of an order to cease operation issued in 33352

accordance with Chapter 119. of the Revised Code. Upon receipt 33353
of the notification, the attorney general, prosecuting attorney, 33354
city attorney, village solicitor, or other chief legal officer 33355
shall file a complaint in the court of common pleas of the 33356
county in which the program is located requesting the court to 33357
issue an order enjoining the program from operating. The court 33358
shall grant the requested injunctive relief upon a showing that 33359
the program named in the complaint is operating in violation of 33360
sections 3301.52 to 3301.59 of the Revised Code or the rules 33361
adopted under those sections and in violation of an order to 33362
cease operation issued in accordance with Chapter 119. of the 33363
Revised Code. 33364

(E) The ~~department of education and workforce and~~ 33365
department of children and youth shall prepare an annual report 33366
on inspections conducted under this section. The report shall 33367
include the number of inspections conducted, the number and 33368
types of violations found, and the steps taken to address the 33369
violations. The ~~departments~~ department shall file the report 33370
with the governor, the president and minority leader of the 33371
senate, and the speaker and minority leader of the house of 33372
representatives on or before the first day of January of each 33373
year. 33374

Sec. 3301.82. (A) The department of education and 33375
workforce annually shall collect school district employment and 33376
vacancy data for all of the following: 33377

(1) Teachers; 33378

(2) Related services providers and other providers of 33379
specialized services; 33380

(3) Principals and assistant principals; 33381

<u>(4) Paraprofessionals;</u>	33382
<u>(5) Bus drivers;</u>	33383
<u>(6) Any other positions as determined by the department.</u>	33384
<u>(B) The department shall report the number of vacant</u>	33385
<u>positions aggregated by the following:</u>	33386
<u>(1) Type of position;</u>	33387
<u>(2) Subject area;</u>	33388
<u>(3) Geographic area, including rural and urban areas;</u>	33389
<u>(4) Methods used to fill vacant positions, which shall</u>	33390
<u>include the following:</u>	33391
<u>(a) Hiring of substitutes, retirees, or alternative</u>	33392
<u>licensure program candidates;</u>	33393
<u>(b) Contracting with an educational service center or</u>	33394
<u>other entity;</u>	33395
<u>(c) Other methods identified by the department.</u>	33396
<u>(5) Positions that remain unfilled.</u>	33397
<u>(C) The department shall annually publish and summarize</u>	33398
<u>data collected under this section on its publicly accessible web</u>	33399
<u>site.</u>	33400
Sec. 3302.03. Not later than the thirty-first day of July	33401
of each year, the department of education and workforce shall	33402
submit preliminary report card data for overall academic	33403
performance and for each separate performance measure for each	33404
school district, and each school building, in accordance with	33405
this section.	33406
Annually, not later than the fifteenth day of September or	33407

the preceding Friday when that day falls on a Saturday or 33408
Sunday, the department shall assign a letter grade or 33409
performance rating for overall academic performance and for each 33410
separate performance measure for each school district, and each 33411
school building in a district, in accordance with this section. 33412
The department shall adopt rules pursuant to Chapter 119. of the 33413
Revised Code to implement this section. The department's rules 33414
shall establish performance criteria for each letter grade or 33415
performance rating and prescribe a method by which the 33416
department assigns each letter grade or performance rating. For 33417
a school building to which any of the performance measures do 33418
not apply, due to grade levels served by the building, the 33419
department shall designate the performance measures that are 33420
applicable to the building and that must be calculated 33421
separately and used to calculate the building's overall grade or 33422
performance rating. The department shall issue annual report 33423
cards reflecting the performance of each school district, each 33424
building within each district, and for the state as a whole 33425
using the performance measures and letter grade or performance 33426
rating system described in this section. The department shall 33427
include on the report card for each district and each building 33428
within each district the most recent two-year trend data in 33429
student achievement for each subject and each grade. 33430

(A) (1) For the 2012-2013 school year, the department shall 33431
issue grades as described in division (F) of this section for 33432
each of the following performance measures: 33433

(a) Annual measurable objectives; 33434

(b) Performance index score for a school district or 33435
building. Grades shall be awarded as a percentage of the total 33436
possible points on the performance index system as adopted by 33437

the department. In adopting benchmarks for assigning letter 33438
grades under division (A) (1) (b) of this section, the department 33439
shall designate ninety per cent or higher for an "A," at least 33440
seventy per cent but not more than eighty per cent for a "C," 33441
and less than fifty per cent for an "F." 33442

(c) The extent to which the school district or building 33443
meets each of the applicable performance indicators established 33444
by the department under section 3302.02 of the Revised Code and 33445
the percentage of applicable performance indicators that have 33446
been achieved. In adopting benchmarks for assigning letter 33447
grades under division (A) (1) (c) of this section, the department 33448
shall designate ninety per cent or higher for an "A." 33449

(d) The four- and five-year adjusted cohort graduation 33450
rates. 33451

In adopting benchmarks for assigning letter grades under 33452
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 33453
department shall designate a four-year adjusted cohort 33454
graduation rate of ninety-three per cent or higher for an "A" 33455
and a five-year cohort graduation rate of ninety-five per cent 33456
or higher for an "A." 33457

(e) The overall score under the value-added progress 33458
dimension of a school district or building, for which the 33459
department shall use up to three years of value-added data as 33460
available. The letter grade assigned for this growth measure 33461
shall be as follows: 33462

(i) A score that is at least one standard error of measure 33463
above the mean score shall be designated as an "A." 33464

(ii) A score that is less than one standard error of 33465
measure above but greater than one standard error of measure 33466

below the mean score shall be designated as a "B." 33467

(iii) A score that is less than or equal to one standard 33468
error of measure below the mean score but greater than two 33469
standard errors of measure below the mean score shall be 33470
designated as a "C." 33471

(iv) A score that is less than or equal to two standard 33472
errors of measure below the mean score but is greater than three 33473
standard errors of measure below the mean score shall be 33474
designated as a "D." 33475

(v) A score that is less than or equal to three standard 33476
errors of measure below the mean score shall be designated as an 33477
"F." 33478

Whenever the value-added progress dimension is used as a 33479
graded performance measure in this division and divisions (B) 33480
and (C) of this section, whether as an overall measure or as a 33481
measure of separate subgroups, the grades for the measure shall 33482
be calculated in the same manner as prescribed in division (A) 33483
(1) (e) of this section. 33484

(f) The value-added progress dimension score for a school 33485
district or building disaggregated for each of the following 33486
subgroups: students identified as gifted, students with 33487
disabilities, and students whose performance places them in the 33488
lowest quintile for achievement on a statewide basis. Each 33489
subgroup shall be a separate graded measure. 33490

(2) The department shall adopt a resolution describing the 33491
performance measures, benchmarks, and grading system for the 33492
2012-2013 school year and shall adopt rules in accordance with 33493
Chapter 119. of the Revised Code that prescribe the methods by 33494
which the performance measures under division (A) (1) of this 33495

section shall be assessed and assigned a letter grade, including 33496
performance benchmarks for each letter grade. 33497

At least forty-five days prior to the department's 33498
adoption of rules to prescribe the methods by which the 33499
performance measures under division (A)(1) of this section shall 33500
be assessed and assigned a letter grade, the department shall 33501
conduct a public presentation before the standing committees of 33502
the house of representatives and the senate that consider 33503
education legislation describing such methods, including 33504
performance benchmarks. 33505

(3) There shall not be an overall letter grade for a 33506
school district or building for the 2012-2013 school year. 33507

(B)(1) For the 2013-2014 school year, the department shall 33508
issue grades as described in division (F) of this section for 33509
each of the following performance measures: 33510

(a) Annual measurable objectives; 33511

(b) Performance index score for a school district or 33512
building. Grades shall be awarded as a percentage of the total 33513
possible points on the performance index system as created by 33514
the department. In adopting benchmarks for assigning letter 33515
grades under division (B)(1)(b) of this section, the department 33516
shall designate ninety per cent or higher for an "A," at least 33517
seventy per cent but not more than eighty per cent for a "C," 33518
and less than fifty per cent for an "F." 33519

(c) The extent to which the school district or building 33520
meets each of the applicable performance indicators established 33521
by the department under section 3302.03 of the Revised Code and 33522
the percentage of applicable performance indicators that have 33523
been achieved. In adopting benchmarks for assigning letter 33524

grades under division (B) (1) (c) of this section, the department 33525
shall designate ninety per cent or higher for an "A." 33526

(d) The four- and five-year adjusted cohort graduation 33527
rates; 33528

(e) The overall score under the value-added progress 33529
dimension of a school district or building, for which the 33530
department shall use up to three years of value-added data as 33531
available. 33532

(f) The value-added progress dimension score for a school 33533
district or building disaggregated for each of the following 33534
subgroups: students identified as gifted in superior cognitive 33535
ability and specific academic ability fields under Chapter 3324. 33536
of the Revised Code, students with disabilities, and students 33537
whose performance places them in the lowest quintile for 33538
achievement on a statewide basis. Each subgroup shall be a 33539
separate graded measure. 33540

(g) Whether a school district or building is making 33541
progress in improving literacy in grades kindergarten through 33542
three, as determined using a method prescribed by the 33543
department. The department shall adopt rules to prescribe 33544
benchmarks and standards for assigning grades to districts and 33545
buildings for purposes of division (B) (1) (g) of this section. In 33546
adopting benchmarks for assigning letter grades under divisions 33547
(B) (1) (g) and (C) (1) (g) of this section, the department shall 33548
determine progress made based on the reduction in the total 33549
percentage of students scoring below grade level, or below 33550
proficient, compared from year to year on the reading ~~and~~ 33551
~~writing~~ diagnostic assessments administered under section 33552
3301.0715 of the Revised Code and the third grade English 33553
language arts assessment under section 3301.0710 of the Revised 33554

Code, as applicable. The department shall designate for a "C" 33555
grade a value that is not lower than the statewide average value 33556
for this measure. No grade shall be issued under divisions (B) 33557
(1) (g) and (C) (1) (g) of this section for a district or building 33558
in which less than five per cent of students have scored below 33559
grade level on the diagnostic assessment administered to 33560
students in kindergarten under division (B) (1) of section 33561
3313.608 of the Revised Code. 33562

(h) For a high mobility school district or building, an 33563
additional value-added progress dimension score. For this 33564
measure, the department shall use value-added data from the most 33565
recent school year available and shall use assessment scores for 33566
only those students to whom the district or building has 33567
administered the assessments prescribed by section 3301.0710 of 33568
the Revised Code for each of the two most recent consecutive 33569
school years. 33570

As used in this division, "high mobility school district 33571
or building" means a school district or building where at least 33572
twenty-five per cent of its total enrollment is made up of 33573
students who have attended that school district or building for 33574
less than one year. 33575

(2) In addition to the graded measures in division (B) (1) 33576
of this section, the department shall include on a school 33577
district's or building's report card all of the following 33578
without an assigned letter grade: 33579

(a) The percentage of students enrolled in a district or 33580
building participating in advanced placement classes and the 33581
percentage of those students who received a score of three or 33582
better on advanced placement examinations; 33583

(b) The number of a district's or building's students who 33584
have earned at least three college credits through dual 33585
enrollment or advanced standing programs, such as the post- 33586
secondary enrollment options program under Chapter 3365. of the 33587
Revised Code and state-approved career-technical courses offered 33588
through dual enrollment or statewide articulation, that appear 33589
on a student's transcript or other official document, either of 33590
which is issued by the institution of higher education from 33591
which the student earned the college credit. The credits earned 33592
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 33593
this section shall not include any that are remedial or 33594
developmental and shall include those that count toward the 33595
curriculum requirements established for completion of a degree. 33596

(c) The percentage of students enrolled in a district or 33597
building who have taken a national standardized test used for 33598
college admission determinations and the percentage of those 33599
students who are determined to be remediation-free in accordance 33600
with standards adopted under division (F) of section 3345.061 of 33601
the Revised Code; 33602

(d) The percentage of the district's or the building's 33603
students who receive industry-recognized credentials as approved 33604
under section 3313.6113 of the Revised Code. 33605

(e) The percentage of students enrolled in a district or 33606
building who are participating in an international baccalaureate 33607
program and the percentage of those students who receive a score 33608
of four or better on the international baccalaureate 33609
examinations. 33610

(f) The percentage of the district's or building's 33611
students who receive an honors diploma under division (B) of 33612
section 3313.61 of the Revised Code. 33613

(3) The department shall adopt rules in accordance with 33614
Chapter 119. of the Revised Code that prescribe the methods by 33615
which the performance measures under divisions (B) (1) (f) and (B) 33616
(1) (g) of this section will be assessed and assigned a letter 33617
grade, including performance benchmarks for each grade. 33618

At least forty-five days prior to the department's 33619
adoption of rules to prescribe the methods by which the 33620
performance measures under division (B) (1) of this section shall 33621
be assessed and assigned a letter grade, the department shall 33622
conduct a public presentation before the standing committees of 33623
the house of representatives and the senate that consider 33624
education legislation describing such methods, including 33625
performance benchmarks. 33626

(4) There shall not be an overall letter grade for a 33627
school district or building for the 2013-2014, 2014-2015, 2015- 33628
2016, and 2016-2017 school years. 33629

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 33630
2018-2019, 2019-2020, and 2020-2021 school years, the department 33631
shall issue grades as described in division (F) of this section 33632
for each of the performance measures prescribed in division (C) 33633
(1) of this section. The graded measures are as follows: 33634

(a) Annual measurable objectives. For the 2017-2018 school 33635
year, the department shall not include any subgroup data in the 33636
annual measurable objectives that includes data from fewer than 33637
twenty-five students. For the 2018-2019 school year, the 33638
department shall not include any subgroup data in the annual 33639
measurable objectives that includes data from fewer than twenty 33640
students. Beginning with the 2019-2020 school year, the 33641
department shall not include any subgroup data in the annual 33642
measurable objectives that includes data from fewer than fifteen 33643

students. 33644

(b) Performance index score for a school district or 33645
building. Grades shall be awarded as a percentage of the total 33646
possible points on the performance index system as created by 33647
the department. In adopting benchmarks for assigning letter 33648
grades under division (C) (1) (b) of this section, the department 33649
shall designate ninety per cent or higher for an "A," at least 33650
seventy per cent but not more than eighty per cent for a "C," 33651
and less than fifty per cent for an "F." 33652

(c) The extent to which the school district or building 33653
meets each of the applicable performance indicators established 33654
by the department under section 3302.03 of the Revised Code and 33655
the percentage of applicable performance indicators that have 33656
been achieved. In adopting benchmarks for assigning letter 33657
grades under division (C) (1) (c) of this section, the department 33658
shall designate ninety per cent or higher for an "A." 33659

(d) The four- and five-year adjusted cohort graduation 33660
rates; 33661

(e) The overall score under the value-added progress 33662
dimension, or another measure of student academic progress if 33663
adopted by the department, of a school district or building, for 33664
which the department shall use up to three years of value-added 33665
data as available. 33666

In adopting benchmarks for assigning letter grades for 33667
overall score on value-added progress dimension under division 33668
(C) (1) (e) of this section, the department shall prohibit the 33669
assigning of a grade of "A" for that measure unless the 33670
district's or building's grade assigned for value-added progress 33671
dimension for all subgroups under division (C) (1) (f) of this 33672

section is a "C" or higher. 33673

For the metric prescribed by division (C)(1)(e) of this 33674
section, the department may adopt a student academic progress 33675
measure to be used instead of the value-added progress 33676
dimension. If the department adopts such a measure, it also 33677
shall prescribe a method for assigning letter grades for the new 33678
measure that is comparable to the method prescribed in division 33679
(A)(1)(e) of this section. 33680

(f) The value-added progress dimension score of a school 33681
district or building disaggregated for each of the following 33682
subgroups: students identified as gifted in superior cognitive 33683
ability and specific academic ability fields under Chapter 3324. 33684
of the Revised Code, students with disabilities, and students 33685
whose performance places them in the lowest quintile for 33686
achievement on a statewide basis, as determined by a method 33687
prescribed by the department. Each subgroup shall be a separate 33688
graded measure. 33689

The department may adopt student academic progress 33690
measures to be used instead of the value-added progress 33691
dimension. If the department adopts such measures, it also shall 33692
prescribe a method for assigning letter grades for the new 33693
measures that is comparable to the method prescribed in division 33694
(A)(1)(e) of this section. 33695

(g) Whether a school district or building is making 33696
progress in improving literacy in grades kindergarten through 33697
three, as determined using a method prescribed by the 33698
department. The department shall adopt rules to prescribe 33699
benchmarks and standards for assigning grades to a district or 33700
building for purposes of division (C)(1)(g) of this section. The 33701
department shall designate for a "C" grade a value that is not 33702

lower than the statewide average value for this measure. No 33703
grade shall be issued under division (C) (1) (g) of this section 33704
for a district or building in which less than five per cent of 33705
students have scored below grade level on the kindergarten 33706
diagnostic assessment under division (B) (1) of section 3313.608 33707
of the Revised Code. 33708

(h) For a high mobility school district or building, an 33709
additional value-added progress dimension score. For this 33710
measure, the department shall use value-added data from the most 33711
recent school year available and shall use assessment scores for 33712
only those students to whom the district or building has 33713
administered the assessments prescribed by section 3301.0710 of 33714
the Revised Code for each of the two most recent consecutive 33715
school years. 33716

As used in this division, "high mobility school district 33717
or building" means a school district or building where at least 33718
twenty-five per cent of its total enrollment is made up of 33719
students who have attended that school district or building for 33720
less than one year. 33721

(2) In addition to the graded measures in division (C) (1) 33722
of this section, the department shall include on a school 33723
district's or building's report card all of the following 33724
without an assigned letter grade: 33725

(a) The percentage of students enrolled in a district or 33726
building who have taken a national standardized test used for 33727
college admission determinations and the percentage of those 33728
students who are determined to be remediation-free in accordance 33729
with the standards adopted under division (F) of section 33730
3345.061 of the Revised Code; 33731

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments administered under division (B) (1) of section

3301.0712 of the Revised Code; 33761

(h) Whether the school district or building has 33762
implemented a positive behavior intervention and supports 33763
framework in compliance with the requirements of section 3319.46 33764
of the Revised Code, notated as a "yes" or "no" answer. 33765

(3) The department shall adopt rules pursuant to Chapter 33766
119. of the Revised Code that establish a method to assign an 33767
overall grade for a school district or school building for the 33768
2017-2018 school year and each school year thereafter. The rules 33769
shall group the performance measures in divisions (C)(1) and (2) 33770
of this section into the following components: 33771

(a) Gap closing, which shall include the performance 33772
measure in division (C)(1)(a) of this section; 33773

(b) Achievement, which shall include the performance 33774
measures in divisions (C)(1)(b) and (c) of this section; 33775

(c) Progress, which shall include the performance measures 33776
in divisions (C)(1)(e) and (f) of this section; 33777

(d) Graduation, which shall include the performance 33778
measure in division (C)(1)(d) of this section; 33779

(e) Kindergarten through third-grade literacy, which shall 33780
include the performance measure in division (C)(1)(g) of this 33781
section; 33782

(f) Prepared for success, which shall include the 33783
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 33784
and (f) of this section. The department shall develop a method 33785
to determine a grade for the component in division (C)(3)(f) of 33786
this section using the performance measures in divisions (C)(2) 33787
(a), (b), (c), (d), (e), and (f) of this section. When 33788

available, the department may incorporate the performance 33789
measure under division (C) (2) (g) of this section into the 33790
component under division (C) (3) (f) of this section. When 33791
determining the overall grade for the prepared for success 33792
component prescribed by division (C) (3) (f) of this section, no 33793
individual student shall be counted in more than one performance 33794
measure. However, if a student qualifies for more than one 33795
performance measure in the component, the department may, in its 33796
method to determine a grade for the component, specify an 33797
additional weight for such a student that is not greater than or 33798
equal to 1.0. In determining the overall score under division 33799
(C) (3) (f) of this section, the department shall ensure that the 33800
pool of students included in the performance measures aggregated 33801
under that division are all of the students included in the 33802
four- and five-year adjusted graduation cohort. 33803

In the rules adopted under division (C) (3) of this 33804
section, the department shall adopt a method for determining a 33805
grade for each component in divisions (C) (3) (a) to (f) of this 33806
section. The department also shall establish a method to assign 33807
an overall grade of "A," "B," "C," "D," or "F" using the grades 33808
assigned for each component. The method the department adopts 33809
for assigning an overall grade shall give equal weight to the 33810
components in divisions (C) (3) (b) and (c) of this section. 33811

At least forty-five days prior to the department's 33812
adoption of rules to prescribe the methods for calculating the 33813
overall grade for the report card, as required by this division, 33814
the department shall conduct a public presentation before the 33815
standing committees of the house of representatives and the 33816
senate that consider education legislation describing the format 33817
for the report card, weights that will be assigned to the 33818
components of the overall grade, and the method for calculating 33819

the overall grade. 33820

(D) For the 2021-2022 school year and each school year 33821
thereafter, all of the following apply: 33822

(1) The department shall include on a school district's or 33823
building's report card all of the following performance measures 33824
without an assigned performance rating: 33825

(a) Whether the district or building meets the gifted 33826
performance indicator under division (A) (2) of section 3302.02 33827
of the Revised Code and the extent to which the district or 33828
building meets gifted indicator performance benchmarks; 33829

(b) The extent to which the district or building meets the 33830
chronic absenteeism indicator under division (A) (3) of section 33831
3302.02 of the Revised Code; 33832

(c) Performance index score percentage for a district or 33833
building, which shall be calculated by dividing the district's 33834
or building's performance index score according to the 33835
performance index system created by the department by the 33836
maximum performance index score for a district or building. The 33837
maximum performance index score shall be as follows: 33838

(i) For a building, the average of the highest two per 33839
cent of performance index scores achieved by a building for the 33840
school year for which a report card is issued; 33841

(ii) For a district, the average of the highest two per 33842
cent of performance index scores achieved by a district for the 33843
school year for which a report card is issued. 33844

(d) The overall score under the value-added progress 33845
dimension of a district or building, for which the department 33846
shall use three consecutive years of value-added data. In using 33847

three years of value-added data to calculate the measure 33848
prescribed under division (D) (1) (d) of this section, the 33849
department shall assign a weight of fifty per cent to the most 33850
recent year's data and a weight of twenty-five per cent to the 33851
data of each of the other years. However, if three consecutive 33852
years of value-added data is not available, the department shall 33853
use prior years of value-added data to calculate the measure, as 33854
follows: 33855

(i) If two consecutive years of value-added data is not 33856
available, the department shall use one year of value-added data 33857
to calculate the measure. 33858

(ii) If two consecutive years of value-added data is 33859
available, the department shall use two consecutive years of 33860
value-added data to calculate the measure. In using two years of 33861
value-added data to calculate the measure, the department shall 33862
assign a weight of sixty-seven per cent to the most recent 33863
year's data and a weight of thirty-three per cent to the data of 33864
the other year. 33865

(e) The four-year adjusted cohort graduation rate. 33866

(f) The five-year adjusted cohort graduation rate. 33867

(g) The percentage of students in the district or building 33868
who score proficient or higher on the reading segment of the 33869
third grade English language arts assessment under section 33870
3301.0710 of the Revised Code. 33871

To the extent possible, the department shall include the 33872
results of the summer administration of the third grade reading 33873
assessment under section 3301.0710 of the Revised Code in the 33874
performance measures prescribed under divisions (D) (1) (g) and 33875
(h) of this section. 33876

(h) Whether a district or building is making progress in 33877
improving literacy in grades kindergarten through three, as 33878
determined using a method prescribed by the department. The 33879
method shall determine progress made based on the reduction in 33880
the total percentage of students scoring below grade level, or 33881
below proficient, compared from year to year on the reading 33882
segments of the diagnostic assessments administered under 33883
division (A) (1) of section 3301.0715 of the Revised Code, 33884
~~including the kindergarten readiness assessment,~~ and the third 33885
grade English language arts assessment under section 3301.0710 33886
of the Revised Code, as applicable. The method shall not include 33887
a deduction for students who did not pass the third grade 33888
English language arts assessment under section 3301.0710 of the 33889
Revised Code and were not on a reading improvement and 33890
monitoring plan. 33891

The performance measure prescribed under division (D) (1) 33892
(h) of this section shall not be included on the report card of 33893
a district or building in which less than ten per cent of 33894
students have scored below grade level on the diagnostic 33895
assessment administered to students in kindergarten under 33896
division (B) (1) of section 3313.608 of the Revised Code. 33897

~~(i) The percentage of students in a district or building 33898
who are promoted to the fourth grade and not subject to 33899
retention under division (A) (2) of section 3313.608 of the 33900
Revised Code; 33901~~

~~(j)~~ A post-secondary readiness measure. This measure shall 33902
be calculated by dividing the number of students included in the 33903
four-year adjusted graduation rate cohort who demonstrate post- 33904
secondary readiness by the total number of students included in 33905
the denominator of the four-year adjusted graduation rate 33906

cohort. Demonstration of post-secondary readiness shall include 33907
a student doing any of the following: 33908

(i) Attaining a remediation-free score, in accordance with 33909
standards adopted under division (F) of section 3345.061 of the 33910
Revised Code, on a nationally standardized assessment prescribed 33911
under division (B)(1) of section 3301.0712 of the Revised Code; 33912

(ii) Attaining required scores on three or more advanced 33913
placement or international baccalaureate examinations. The 33914
required score for an advanced placement examination shall be a 33915
three or better. The required score for an international 33916
baccalaureate examination shall be a four or better. A student 33917
may satisfy this condition with any combination of advanced 33918
placement or international baccalaureate examinations. 33919

(iii) Earning at least twelve college credits through 33920
advanced standing programs, such as the college credit plus 33921
program under Chapter 3365. of the Revised Code, an early 33922
college high school program under section 3313.6013 of the 33923
Revised Code, and state-approved career-technical courses 33924
offered through dual enrollment or statewide articulation, that 33925
appear on a student's college transcript issued by the 33926
institution of higher education from which the student earned 33927
the college credit. Earned credits reported under division ~~(D)~~ 33928
~~(1)(j)(iii)~~ (D)(1)(i)(iii) of this section shall include credits 33929
that count toward the curriculum requirements established for 33930
completion of a degree, but shall not include any remedial or 33931
developmental credits. 33932

(iv) Meeting the additional criteria for an honors diploma 33933
under division (B) of section 3313.61 of the Revised Code; 33934

(v) Earning an industry-recognized credential or license 33935

issued by a state agency or board for practice in a vocation 33936
that requires an examination for issuance of that license 33937
approved under section 3313.6113 of the Revised Code; 33938

(vi) Satisfying any of the following conditions: 33939

(I) Completing a pre-apprenticeship aligned with options 33940
established under section 3313.904 of the Revised Code in the 33941
student's chosen career field; 33942

(II) Completing an apprenticeship registered with the 33943
apprenticeship council established under section 4139.02 of the 33944
Revised Code in the student's chosen career field; 33945

(III) Providing evidence of acceptance into an 33946
apprenticeship program after high school that is restricted to 33947
participants eighteen years of age or older. 33948

(vii) Earning a cumulative score of proficient or higher 33949
on three or more state technical assessments aligned with 33950
section 3313.903 of the Revised Code in a single career pathway; 33951

(viii) Earning an OhioMeansJobs-readiness seal established 33952
under section 3313.6112 of the Revised Code and completing two 33953
hundred fifty hours of an internship or other work-based 33954
learning experience that is either: 33955

(I) Approved by the business advisory council established 33956
under section 3313.82 of the Revised Code that represents the 33957
student's district; or 33958

(II) Aligned to the career-technical education pathway 33959
approved by the department in which the student is enrolled. 33960

(ix) Providing evidence that the student has enlisted in a 33961
branch of the armed services of the United States as defined in 33962
section 5910.01 of the Revised Code. 33963

A student who satisfies more than one of the conditions 33964
prescribed under this division shall be counted as one student 33965
for the purposes of calculating the measure prescribed under 33966
division ~~(D) (1) (j)~~ (D) (1) (i) of this section. 33967

(2) In addition to the performance measures under division 33968
(D) (1) of this section, the department shall report on a 33969
district's or building's report card all of the following data 33970
without an assigned performance rating: 33971

(a) The applicable performance indicators established by 33972
the department under division (A) (1) of section 3302.02 of the 33973
Revised Code; 33974

(b) The overall score under the value-added progress 33975
dimension of a district or building for the most recent school 33976
year; 33977

(c) A composite of the overall scores under the value- 33978
added progress dimension of a district or building for the 33979
previous three school years or, if only two years of value-added 33980
data are available, for the previous two years; 33981

(d) The percentage of students included in the four- and 33982
five-year adjusted cohort graduation rates of a district or 33983
building who did not receive a high school diploma under section 33984
3313.61 or 3325.08 of the Revised Code. To the extent possible, 33985
the department shall disaggregate that data according to the 33986
following categories: 33987

(i) Students who are still enrolled in the district or 33988
building and receiving general education services; 33989

(ii) Students with an individualized education program, as 33990
defined in section 3323.01 of the Revised Code, who satisfied 33991
the conditions for a high school diploma under section 3313.61 33992

or 3325.08 of the Revised Code, but opted not to receive a 33993
diploma and are still receiving education services; 33994

(iii) Students with an individualized education program 33995
who have not yet satisfied conditions for a high school diploma 33996
under section 3313.61 or 3325.08 of the Revised Code and who are 33997
still receiving education services; 33998

(iv) Students who are no longer enrolled in any district 33999
or building; 34000

(v) Students who, upon enrollment in the district or 34001
building for the first time, had completed fewer units of high 34002
school instruction required under section 3313.603 of the 34003
Revised Code than other students in the four- or five-year 34004
adjusted cohort graduation rate. 34005

The department may disaggregate the data prescribed under 34006
division (D) (2) (d) of this section according to other categories 34007
that the department determines are appropriate. 34008

~~(e) The results of the kindergarten diagnostic assessment~~ 34009
~~prescribed under division (D) of section 3301.079 of the Revised~~ 34010
~~Code;—~~ 34011

~~(f)~~ Post-graduate outcomes for students who were enrolled 34012
in a district or building and received a high school diploma 34013
under section 3313.61 or 3325.08 of the Revised Code in the 34014
school year prior to the school year for which the report card 34015
is issued, including the percentage of students who: 34016

(i) Enrolled in a post-secondary educational institution. 34017
To the extent possible, the department shall disaggregate that 34018
data according to whether the student enrolled in a four-year 34019
institution of higher education, a two-year institution of 34020
higher education, an Ohio technical center that provides adult 34021

technical education services and is recognized by the chancellor 34022
of higher education, or another type of post-secondary 34023
educational institution. 34024

(ii) Entered an apprenticeship program registered with the 34025
apprenticeship council established under Chapter 4139. of the 34026
Revised Code. The department may include other job training 34027
programs with similar rigor and outcomes. 34028

(iii) Attained gainful employment, as determined by the 34029
department; 34030

(iv) Enlisted in a branch of the armed forces of the 34031
United States, as defined in section 5910.01 of the Revised 34032
Code. 34033

~~(g)~~ (f) Whether the school district or building has 34034
implemented a positive behavior intervention and supports 34035
framework in compliance with the requirements of section 3319.46 34036
of the Revised Code, notated with a "yes" or "no"; 34037

~~(h)~~ (g) The number and percentage of high school seniors in 34038
each school year who completed the free application for federal 34039
student aid; 34040

~~(i)~~ (h) Beginning with the report card issued under this 34041
section for the 2022-2023 school year, a student opportunity 34042
profile measure that reports data regarding the opportunities 34043
provided to students by a district or building. To the extent 34044
possible, and when appropriate, the data shall be disaggregated 34045
by grade level and subgroup. The measure also shall include data 34046
regarding the statewide average, the average for similar school 34047
districts, and, for a building, the average for the district in 34048
which the building is located. The measure shall include all of 34049
the following data for the district or building: 34050

(i) The average ratio of teachers of record to students in each grade level in a district or building;	34051 34052
(ii) The average ratio of school counselors to students in a district or building;	34053 34054
(iii) The average ratio of nurses to students in a district or building;	34055 34056
(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;	34057 34058
(v) The average ratio of social workers to students in a district or building;	34059 34060
(vi) The average ratio of mental health professionals to students in a district or building;	34061 34062
(vii) The average ratio of paraprofessionals to students in a district or building;	34063 34064
(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	34065 34066
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	34067 34068
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	34069 34070
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	34071 34072 34073
(xii) The percentage of students enrolled in a performing or visual arts course;	34074 34075
(xiii) The percentage of students enrolled in a physical education or wellness course;	34076 34077

(xiv) The percentage of students enrolled in a world language course;	34078 34079
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	34080 34081
(xvi) The percentage of students participating in one or more cocurricular activities;	34082 34083
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	34084 34085 34086 34087
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	34088 34089 34090 34091
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	34092 34093 34094
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	34095 34096 34097 34098
(xxi) The percentage of students who are transported by a school bus each school day;	34099 34100
(xxii) The ratio of portable technology devices that students may take home to the number of students.	34101 34102
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	34103 34104 34105

~~(j)-(i)~~ (i) (i) The percentage of students included in the 34106
four- and five-year adjusted cohort graduation rates of the 34107
district or building who completed all of grades nine through 34108
twelve while enrolled in the district or building; 34109

(ii) The four-year adjusted cohort graduation rate for 34110
only those students who were continuously enrolled in the same 34111
district or building for grades nine through twelve. 34112

~~(k)~~ (j) Whether the district or building provides 34113
information about and promotes the college credit plus program 34114
established under Chapter 3365. of the Revised Code to students 34115
in accordance with section 3365.04 of the Revised Code, notated 34116
with a "yes" or "no"; 34117

~~(l)~~ (k) The percentage of students in the district or 34118
building to whom both of the following apply: 34119

(i) The students are promoted to fourth grade and not 34120
subject to retention under division (A) (2) of section 3313.608 34121
of the Revised Code. 34122

(ii) The students completed all of the grade levels 34123
offered prior to the fourth grade in the district or building. 34124

(3) Except as provided in division (D) (3) (f) of this 34125
section, the department shall use the method prescribed under 34126
rules adopted under division (D) (4) of this section to assign 34127
performance ratings of "one star," "two stars," "three stars," 34128
"four stars," or "five stars," as described in division (F) of 34129
this section, for a district or building for the individual 34130
components prescribed under division (D) (3) of this section. The 34131
department also shall assign an overall performance rating for a 34132
district or building in accordance with division (D) (3) (g) of 34133
this section. The method shall use the performance measures 34134

prescribed under division (D) (1) of this section to calculate 34135
performance ratings for components. The method may report data 34136
under division (D) (2) of this section with corresponding 34137
components, but shall not use the data to calculate performance 34138
ratings for that component. The performance measures and 34139
reported data shall be grouped together into components as 34140
follows: 34141

(a) Gap closing. In addition to other criteria determined 34142
appropriate by the department, performance ratings for the gap 34143
closing component shall reflect whether each of the following 34144
performance measures are met or not met: 34145

(i) The gifted performance indicator as described in 34146
division (D) (1) (a) of this section; 34147

(ii) The chronic absenteeism indicator as described in 34148
division (D) (1) (b) of this section; 34149

(iii) For English learners, an English language 34150
proficiency improvement indicator established by the department; 34151

(iv) The subgroup graduation targets; 34152

(v) The subgroup achievement targets in both mathematics 34153
and English language arts; 34154

(vi) The subgroup progress targets in both mathematics and 34155
English language arts. 34156

Achievement and progress targets under division (D) (3) (a) 34157
of this section shall be calculated individually, and districts 34158
and buildings shall receive a status of met or not met on each 34159
measure. The department shall not require a subgroup of a 34160
district or building to meet both the achievement and progress 34161
targets at the same time to receive a status of met. 34162

The department shall not include any subgroup data in this measure that includes data from fewer than fifteen students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or building was to meeting the rate requirement.

(b) Achievement, which shall include the performance measure in division (D) (1) (c) of this section and the reported data in division (D) (2) (a) of this section. Performance ratings for the achievement component shall be awarded as a percentage of the maximum performance index score described in division (D) (1) (c) of this section.

(c) Progress, which shall include the performance measure in division (D) (1) (d) of this section and the reported data in divisions (D) (2) (b) and (c) of this section;

(d) Graduation, which shall include the performance measures in divisions (D) (1) (e) and (f) of this section and the reported data in divisions (D) (2) (d) and ~~(j)~~ (i) of this section. The four-year adjusted cohort graduation rate shall be assigned a weight of sixty per cent and the five-year adjusted cohort graduation rate shall be assigned a weight of forty per cent~~+~~.

(e) Early literacy, which shall include the performance measures in divisions (D) (1) (g) and (h) ~~and (i)~~ of this section and the reported data in ~~divisions (D) (2) (e) and~~ ~~(l)~~ division (D) (2) (k) of this section.

~~If the measure prescribed under division (D) (1) (h) of this section is included in a report card, performance ratings for the early literacy component shall give a weight of forty per cent to the measure prescribed under division (D) (1) (g) of this section, a weight of thirty-five per cent to the measure~~

~~prescribed under division (D) (1) (i) of this section, and a~~ 34192
~~weight of twenty-five per cent to the measure prescribed under~~ 34193
~~division (D) (1) (h) of this section.~~ 34194

~~If the measure prescribed under division (D) (1) (h) of this~~ 34195
~~section is not included in a report card of a district or~~ 34196
~~building, performance ratings for the early literacy component~~ 34197
~~shall give a weight of sixty per cent to the measure prescribed~~ 34198
~~under division (D) (1) (g) of this section and a weight of forty~~ 34199
~~per cent to the measure prescribed under division (D) (1) (i) of~~ 34200
~~this section.~~ Performance ratings for the early literacy component 34201
shall give a weight of fifty per cent to each measure. However, 34202
if either measure is not included in a report card of a district 34203
or building, performance ratings for the early literacy 34204
component shall be prescribed by rule of the department. 34205

(f) College, career, workforce, and military readiness, 34206
which shall include the performance measure in division ~~(D) (1)~~ 34207
~~(j)~~ (D) (1) (i) of this section and the reported data in division 34208
~~(D) (2) (f)~~ (D) (2) (g) of this section. 34209

For the 2021-2022, 2022-2023, ~~and 2023-2024,~~ and 2024-2025 34210
school years, the department only shall report the data for, and 34211
not assign a performance rating to, the college, career, 34212
workforce, and military readiness component. The reported data 34213
shall include the percentage of students who demonstrate post- 34214
secondary readiness using any of the options described in 34215
division ~~(D) (1) (j)~~ (D) (1) (i) of this section. 34216

~~The department shall analyze the data included in the~~ 34217
~~performance measure prescribed in division (D) (1) (j) of this~~ 34218
~~section for the 2021-2022, 2022-2023, and 2023-2024 school~~ 34219
~~years. Using that data, the department shall develop and propose~~ 34220
~~rules for a method to assign a performance rating to the~~ 34221

~~college, career, workforce, and military readiness component~~ 34222
~~based on that measure. The method to assign a performance rating~~ 34223
~~shall not include a tiered structure or per student bonuses. The~~ 34224
~~rules shall specify that a~~ A ~~district or building shall not~~ 34225
~~receive lower than a performance rating of three stars for the~~ 34226
~~component if the district's or building's performance on the~~ 34227
~~component meets or exceeds a level of improvement set by the~~ 34228
~~department. Notwithstanding division (D) (4) (b) of this section,~~ 34229
~~more than half of the total districts and buildings may earn a~~ 34230
~~performance rating of three stars on this component to account~~ 34231
~~for the districts and buildings that earned a performance rating~~ 34232
~~of three stars because they met or exceeded the level of~~ 34233
~~improvement set by the department.~~ 34234

~~The department shall submit the rules to the joint~~ 34235
~~committee on agency rule review. The committee shall conduct at~~ 34236
~~least one public hearing on the proposed rules and approve or~~ 34237
~~disapprove the rules. If the committee approves the rules, the~~ 34238
~~department shall adopt the rules in accordance with Chapter 119.~~ 34239
~~of the Revised Code. If the rules are adopted, the~~ The 34240
~~department shall assign a performance rating to the college,~~ 34241
~~career, workforce, and military readiness component~~ ~~under the~~ 34242
~~rules beginning with the~~ 2024-2025-2025-2026 ~~school year, and~~ 34243
~~for each school year thereafter. If the committee disapproves~~ 34244
~~the rules, the component shall be included in the report card~~ 34245
~~only as reported data for the~~ 2024-2025 ~~school year, and each~~ 34246
~~school year thereafter.~~ 34247

~~(g) (i) Except as provided for in division (D) (3) (g) (ii) of~~ 34248
~~this section, beginning with~~ For ~~the 2022-2023 school year~~ 34249
through the 2024-2025 school year, ~~under the method prescribed~~ 34250
~~under rules adopted in division (D) (4) of this section, the~~ 34251
~~department shall use the performance ratings assigned for the~~ 34252

components prescribed in divisions (D) (3) (a) to (e) of this 34253
section to determine and assign an overall performance rating of 34254
"one star," "one and one-half stars," "two stars," "two and one- 34255
half stars," "three stars," "three and one-half stars," "four 34256
stars," "four and one-half stars," or "five stars" for a 34257
district or building. The method shall give equal weight to the 34258
components in divisions (D) (3) (b) and (c) of this section. The 34259
method shall give equal weight to the components in divisions 34260
(D) (3) (a), (d), and (e) of this section. The individual weights 34261
of each of the components prescribed in divisions (D) (3) (a), 34262
(d), and (e) of this section shall be equal to one-half of the 34263
weight given to the component prescribed in division (D) (3) (b) 34264
of this section. 34265

(ii) ~~If the joint committee on agency rule review approves~~ 34266
~~the department's rules regarding the college, career, workforce,~~ 34267
~~and military readiness component as described in division (D) (3)~~ 34268
~~(f) of this section, for~~ For the 2024-2025-2025-2026 school 34269
year, and each school year thereafter, the department's method 34270
shall use the components in divisions (D) (3) (a), (b), (c), (d), 34271
(e), and (f) of this section to calculate the overall 34272
performance rating. The method shall give equal weight to the 34273
components in divisions (D) (3) (b) and (c) of this section. The 34274
method shall give equal weight to the components prescribed in 34275
divisions (D) (3) (a), (d), (e), and (f) of this section. The 34276
individual weights of each of the components prescribed in 34277
divisions (D) (3) (a), (d), (e), and (f) of this section shall be 34278
equal to one-half the weight given to the component prescribed 34279
in division (D) (3) (b) of this section. 34280

~~If the joint committee on agency rule review disapproves~~ 34281
~~the department's rules regarding the college, career, workforce,~~ 34282
~~and military readiness component as described in division (D) (3)~~ 34283

~~(f) of this section, division (D) (3) (g) (ii) of this section does~~ 34284
~~not apply.~~ 34285

(4) (a) The department shall adopt rules in accordance with 34286
Chapter 119. of the Revised Code to establish the performance 34287
criteria, benchmarks, and rating system necessary to implement 34288
divisions (D) and (F) of this section, including the method for 34289
the department to assign performance ratings under division (D) 34290
(3) of this section. 34291

(b) In establishing the performance criteria, benchmarks, 34292
and rating system, the department shall consult with stakeholder 34293
groups and advocates that represent parents, community members, 34294
students, business leaders, and educators from different school 34295
typology regions. The department shall use data from prior 34296
school years and simulations to ensure that there is meaningful 34297
differentiation among districts and buildings across all 34298
performance ratings and that, except as permitted in division 34299
(D) (3) (f) of this section, more than half of all districts or 34300
buildings do not earn the same performance rating in any 34301
component or overall performance rating. 34302

(c) The department shall adopt the rules prescribed by 34303
division (D) (4) of this section not later than March 31, 2022. 34304
However, the department shall notify districts and buildings of 34305
the changes to the report card prescribed in law not later than 34306
one week after September 30, 2021. 34307

(d) Prior to adopting or updating rules under division (D) 34308
(4) of this section, the director of education and workforce and 34309
the department shall conduct a public presentation before the 34310
standing committees of the house of representatives and the 34311
senate that consider primary and secondary education legislation 34312
describing the format for the report card and the performance 34313

criteria, benchmarks, and rating system, including the method to 34314
assign performance ratings under division (D) (3) of this 34315
section. 34316

(E) The department may develop a measure of student 34317
academic progress for high school students using only data from 34318
assessments in English language arts and mathematics. If the 34319
department develops this measure, each school district and 34320
applicable school building shall be assigned a separate letter 34321
grade for it not sooner than the 2017-2018 school year. The 34322
district's or building's grade for that measure shall not be 34323
included in determining the district's or building's overall 34324
letter grade. 34325

(F) (1) The letter grades assigned to a school district or 34326
building under this section shall be as follows: 34327

(a) "A" for a district or school making excellent 34328
progress; 34329

(b) "B" for a district or school making above average 34330
progress; 34331

(c) "C" for a district or school making average progress; 34332

(d) "D" for a district or school making below average 34333
progress; 34334

(e) "F" for a district or school failing to meet minimum 34335
progress. 34336

(2) For the overall performance rating under division (D) 34337
(3) of this section, the department shall include a descriptor 34338
for each performance rating as follows: 34339

(a) "Significantly exceeds state standards" for a 34340
performance rating of five stars; 34341

(b) "Exceeds state standards" for a performance rating of 34342
four stars or four and one-half stars; 34343

(c) "Meets state standards" for a performance rating of 34344
three stars or three and one-half stars; 34345

(d) "Needs support to meet state standards" for a 34346
performance rating of two stars or two and one-half stars; 34347

(e) "Needs significant support to meet state standards" 34348
for a performance rating of one star or one and one-half stars. 34349

(3) For performance ratings for each component under 34350
divisions (D) (3) (a) to (f) of this section, the department shall 34351
include a description of each component and performance rating. 34352
The description shall include component-specific context to each 34353
performance rating earned, estimated comparisons to other school 34354
districts and buildings if appropriate, and any other 34355
information determined by the department. The descriptions shall 34356
be not longer than twenty-five words in length when possible. In 34357
addition to such descriptions, the department shall include the 34358
descriptors in division (F) (2) of this section for component 34359
performance ratings. 34360

(4) Each report card issued under this section shall 34361
include all of the following: 34362

(a) A graphic that depicts the performance ratings of a 34363
district or school on a color scale. The color associated with a 34364
performance rating of three stars shall be green and the color 34365
associated with a performance rating of one star shall be red. 34366

(b) An arrow graphic that shows data trends for 34367
performance ratings for school districts or buildings. The 34368
department shall determine the data to be used for this graphic, 34369
which shall include at least the three most recent years of 34370

data. 34371

(c) A description regarding the weights that are assigned 34372
to each component and used to determine an overall performance 34373
rating, as prescribed under division (D)(3)(g) of this section, 34374
which shall be included in the presentation of the overall 34375
performance rating on each report card. 34376

(G) When reporting data on student achievement and 34377
progress, the department shall disaggregate that data according 34378
to the following categories: 34379

(1) Performance of students by grade-level; 34380

(2) Performance of students by race and ethnic group; 34381

(3) Performance of students by gender; 34382

(4) Performance of students grouped by those who have been 34383
enrolled in a district or school for three or more years; 34384

(5) Performance of students grouped by those who have been 34385
enrolled in a district or school for more than one year and less 34386
than three years; 34387

(6) Performance of students grouped by those who have been 34388
enrolled in a district or school for one year or less; 34389

(7) Performance of students grouped by those who are 34390
economically disadvantaged; 34391

(8) Performance of students grouped by those who are 34392
enrolled in a conversion community school established under 34393
Chapter 3314. of the Revised Code; 34394

(9) Performance of students grouped by those who are 34395
classified as English learners; 34396

(10) Performance of students grouped by those who have 34397

disabilities; 34398

(11) Performance of students grouped by those who are 34399
classified as migrants; 34400

(12) Performance of students grouped by those who are 34401
identified as gifted in superior cognitive ability and the 34402
specific academic ability fields of reading and math pursuant to 34403
Chapter 3324. of the Revised Code. In disaggregating specific 34404
academic ability fields for gifted students, the department 34405
shall use data for those students with specific academic ability 34406
in math and reading. If any other academic field is assessed, 34407
the department shall also include data for students with 34408
specific academic ability in that field as well. 34409

(13) Performance of students grouped by those who perform 34410
in the lowest quintile for achievement on a statewide basis, as 34411
determined by a method prescribed by the department. 34412

The department may disaggregate data on student 34413
performance according to other categories that the department 34414
determines are appropriate. To the extent possible, the 34415
department shall disaggregate data on student performance 34416
according to any combinations of two or more of the categories 34417
listed in divisions (G) (1) to (13) of this section that it deems 34418
relevant. 34419

In reporting data pursuant to division (G) of this 34420
section, the department shall not include in the report cards 34421
any data statistical in nature that is statistically unreliable 34422
or that could result in the identification of individual 34423
students. For this purpose, the department shall not report 34424
student performance data for any group identified in division 34425
(G) of this section that contains less than ten students. If the 34426

department does not report student performance data for a group 34427
because it contains less than ten students, the department shall 34428
indicate on the report card that is why data was not reported. 34429

(H) The department may include with the report cards any 34430
additional education and fiscal performance data it deems 34431
valuable. 34432

(I) The department shall include on each report card a 34433
list of additional information collected by the department that 34434
is available regarding the district or building for which the 34435
report card is issued. When available, such additional 34436
information shall include student mobility data disaggregated by 34437
race and socioeconomic status, college enrollment data, and the 34438
reports prepared under section 3302.031 of the Revised Code. 34439

The department shall maintain a site on the world wide 34440
web. The report card shall include the address of the site and 34441
shall specify that such additional information is available to 34442
the public at that site. The department shall also provide a 34443
copy of each item on the list to the superintendent of each 34444
school district. The district superintendent shall provide a 34445
copy of any item on the list to anyone who requests it. 34446

(J) (1) (a) Except as provided in division (J) (1) (b) of this 34447
section, for any district that sponsors a conversion community 34448
school under Chapter 3314. of the Revised Code, the department 34449
shall combine data regarding the academic performance of 34450
students enrolled in the community school with comparable data 34451
from the schools of the district for the purpose of determining 34452
the performance of the district as a whole on the report card 34453
issued for the district under this section or section 3302.033 34454
of the Revised Code. 34455

(b) The department shall not combine data from any 34456
conversion community school that a district sponsors if ~~a~~ 34457
~~majority of the students enrolled in the~~ conversion community 34458
~~school are enrolled in~~ is a dropout prevention and recovery 34459
~~program that is operated by the~~ community school, as ~~described~~ 34460
~~in division (B) (1) of~~ defined in section ~~3314.35~~ 3314.02 of the 34461
Revised Code. The department shall include as an addendum to the 34462
district's report card the ratings and performance measures that 34463
are required under section 3314.017 of the Revised Code for any 34464
community school to which division (J) (1) (b) of this section 34465
applies. This addendum shall include, at a minimum, the data 34466
specified in divisions (C) (1) (a), (C) (2), and (C) (3) of section 34467
3314.017 of the Revised Code. 34468

(2) Any district that leases a building to a community 34469
school located in the district or that enters into an agreement 34470
with a community school located in the district whereby the 34471
district and the school endorse each other's programs may elect 34472
to have data regarding the academic performance of students 34473
enrolled in the community school combined with comparable data 34474
from the schools of the district for the purpose of determining 34475
the performance of the district as a whole on the district 34476
report card. Any district that so elects shall annually file a 34477
copy of the lease or agreement with the department. 34478

(3) Any municipal school district, as defined in section 34479
3311.71 of the Revised Code, that sponsors a community school 34480
located within the district's territory, or that enters into an 34481
agreement with a community school located within the district's 34482
territory whereby the district and the community school endorse 34483
each other's programs, may exercise either or both of the 34484
following elections: 34485

(a) To have data regarding the academic performance of 34486
students enrolled in that community school combined with 34487
comparable data from the schools of the district for the purpose 34488
of determining the performance of the district as a whole on the 34489
district's report card; 34490

(b) To have the number of students attending that 34491
community school noted separately on the district's report card. 34492

The election authorized under division (J) (3) (a) of this 34493
section is subject to approval by the governing authority of the 34494
community school. 34495

Any municipal school district that exercises an election 34496
to combine or include data under division (J) (3) of this 34497
section, by the first day of October of each year, shall file 34498
with the department documentation indicating eligibility for 34499
that election, as required by the department. 34500

(K) The department shall include on each report card the 34501
percentage of teachers in the district or building who are 34502
properly certified or licensed teachers, as defined in section 34503
3319.074 of the Revised Code, and a comparison of that 34504
percentage with the percentages of such teachers in similar 34505
districts and buildings. 34506

(L) (1) In calculating English language arts, mathematics, 34507
science, American history, or American government assessment 34508
passage rates used to determine school district or building 34509
performance under this section, the department shall include all 34510
students taking an assessment with accommodation or to whom an 34511
alternate assessment is administered pursuant to division (C) (1) 34512
or (3) of section 3301.0711 of the Revised Code and all students 34513
who take substitute examinations approved under division (B) (4) 34514

of section 3301.0712 of the Revised Code in the subject areas of 34515
science, American history and American government. 34516

(2) In calculating performance index scores, rates of 34517
achievement on the performance indicators established by the 34518
department under section 3302.02 of the Revised Code, and annual 34519
measurable objectives for determining adequate yearly progress 34520
for school districts and buildings under this section, the 34521
department shall do all of the following: 34522

(a) Include for each district or building only those 34523
students who are included in the ADM certified for the first 34524
full school week of October and are continuously enrolled in the 34525
district or building through the time of the spring 34526
administration of any assessment prescribed by division (A) (1) 34527
or (B) (1) of section 3301.0710 or division (B) of section 34528
3301.0712 of the Revised Code that is administered to the 34529
student's grade level; 34530

(b) Include cumulative totals from both the fall and 34531
spring administrations of the third grade English language arts 34532
achievement assessment and, to the extent possible, the summer 34533
administration of that assessment; 34534

(c) Include for each district or building any English 34535
learner in accordance with the department's plan, as approved by 34536
the United States secretary of education, to comply with the 34537
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 34538
to 6339. 34539

As used in this section, "English learner" has the same 34540
meaning as in section 3301.0731 of the Revised Code. 34541

(M) Beginning with the 2015-2016 school year and at least 34542
once every three years thereafter, the department shall review 34543

and may adjust the benchmarks for assigning letter grades or 34544
performance ratings to the performance measures and components 34545
prescribed under divisions (C) (3), (D), and (E) of this section. 34546

Sec. 3302.034. (A) The department of education and 34547
workforce shall adopt and specify measures in addition to those 34548
included on the report card issued under section 3302.03 of the 34549
Revised Code. The measures adopted under this section shall be 34550
reported separately, as specified under division (B) of this 34551
section, for each school district, each building in a district, 34552
each community school established under Chapter 3314., each STEM 34553
school established under Chapter 3326., and each college- 34554
preparatory boarding school established under Chapter 3328. of 34555
the Revised Code. The measures shall include at least the 34556
following: 34557

(1) Data for students who have passed over a grade or 34558
subject area under an acceleration policy prescribed under 34559
section 3324.10 of the Revised Code; 34560

(2) The number of students who are economically 34561
disadvantaged as determined by the department; 34562

(3) The number of lead teachers employed by each district 34563
and each building once the data is available through the 34564
education management information system established under 34565
section 3301.0714 of the Revised Code; 34566

(4) The amount of students screened and identified as 34567
gifted under Chapter 3324. of the Revised Code; 34568

(5) Postgraduate student outcome data ~~as described under~~ 34569
~~division (E) (2) (d) (ii) of section 3314.017 of the Revised Code,~~ 34570
including postsecondary credit earned, nationally recognized 34571
career or technical certification, military enlistment, job 34572

placement, and attendance rate; 34573

(6) Availability of courses in fine arts; 34574

(7) Participation with other school districts to provide 34575
career-technical education services to students. 34576

(B) The department shall report this information annually 34577
beginning with the 2013-2014 school year and make this 34578
information available on its web site for comparison purposes. 34579

Sec. 3302.13. (A) This section applies to any school 34580
district or community school that meets both of the following 34581
criteria, as reported on the past two consecutive report cards 34582
issued for that district or school under section 3302.03 of the 34583
Revised Code: 34584

(1) The district or school received ~~either of the~~ 34585
~~following:~~ 34586

~~(a) A grade of "D" or "F" on the kindergarten through~~ 34587
~~third-grade literacy progress measure under division (C) (3) (e)~~ 34588
~~of section 3302.03 of the Revised Code;~~ 34589

~~(b) A~~ a performance rating of less than three stars for 34590
early literacy under division (D) (3) (e) of section 3302.03 of 34591
the Revised Code. 34592

(2) Fifty-one per cent or less of the district's students 34593
who took the third grade English language arts assessment 34594
prescribed under section 3301.0710 of the Revised Code for that 34595
school year attained at least a proficient score on that 34596
assessment. 34597

(B) By the thirty-first day of December of each year, any 34598
school district or community school that meets the criteria set 34599
forth in division (A) of this section shall submit to the 34600

department of education and workforce a school or district 34601
reading achievement improvement plan, which shall include all 34602
requirements prescribed by the department pursuant to division 34603
(C) of this section. 34604

(C) The department shall adopt rules in accordance with 34605
Chapter 119. of the Revised Code prescribing the content of and 34606
deadlines for the reading achievement improvement plans required 34607
under division (B) of this section. The rules shall prescribe 34608
that each plan include, at a minimum, an analysis of relevant 34609
student performance data, measurable student performance goals, 34610
strategies to meet specific student needs, a staffing and 34611
professional development plan, and instructional strategies for 34612
improving literacy. 34613

(D) Any school district or community school to which this 34614
section applies shall comply with division (B) (3) of section 34615
3317.25 of the Revised Code. The district or school shall 34616
specify in the improvement plan required under division (B) of 34617
this section how the district or school will use the 34618
disadvantaged pupil impact aid, as defined in section 3317.25 of 34619
the Revised Code, to comply with division (B) (3) of section 34620
3317.25 the Revised Code. 34621

(E) Any school district or community school to which this 34622
section applies shall no longer be required to submit an 34623
improvement plan pursuant to division (B) of this section when 34624
that district or school meets either of the following criteria, 34625
as reported on the most recent report card issued for that 34626
district or school under section 3302.03 of the Revised Code: 34627

(1) The district or school received either of the 34628
following: 34629

(a) A grade of "C" or higher on the kindergarten through 34630
third-grade literacy progress measure under division (C) (3) (e) 34631
of section 3302.03 of the Revised Code; 34632

(b) A performance rating of three stars or higher for 34633
early literacy under division (D) (3) (e) of section 3302.03 of 34634
the Revised Code. 34635

(2) Not less than fifty-one per cent of the district's 34636
students who took the third grade English language arts 34637
assessment prescribed under section 3301.0710 of the Revised 34638
Code for that school year attained at least a proficient score 34639
on that assessment. 34640

~~(E)~~ (F) The department shall post in a prominent location 34641
on its web site all plans submitted pursuant to this section. 34642

Sec. 3302.20. (A) The department of education and 34643
workforce shall develop standards for determining, from the 34644
existing data reported in accordance with sections 3301.0714 and 34645
3314.17 of the Revised Code, the amount of annual operating 34646
expenditures for classroom instructional purposes and for 34647
nonclassroom purposes for each city, exempted village, local, 34648
and joint vocational school district, each community school 34649
established under Chapter 3314. that is not an internet- or 34650
computer-based community school, each internet- or computer- 34651
based community school, and each STEM school established under 34652
Chapter 3326. of the Revised Code. In developing the standards, 34653
the department shall adapt existing standards used by 34654
professional organizations, research organizations, and other 34655
state governments. The department also shall align the 34656
expenditure categories required for reporting under the 34657
standards with the categories that are required for reporting to 34658
the United States department of education under federal law. 34659

(B) (1) The department shall categorize all city, exempted village, and local school districts into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each district under section 3302.03 of the Revised Code. 34660
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(2) The department shall categorize all joint vocational school districts into not less than three nor more than five groups based primarily on enrolled ADM as that term is defined in section 3317.02 of the Revised Code rounded to the nearest whole number. 34665
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(3) The department shall categorize all community schools that are not internet- or computer-based community schools into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each community school under sections 3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions (B) (1) and (2) of section 3314.08 of the Revised Code. 34670
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(4) The department shall categorize all internet- or computer-based community schools into a single category. 34679
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(5) The department shall categorize all STEM schools into a single category. 34681
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(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following: 34683
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(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom 34687
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instructional purposes; 34689

(2) The statewide average percentage for all districts, 34690
community schools, and STEM schools combined spent for classroom 34691
instructional purposes; 34692

(3) The average percentage for each of the categories of 34693
districts and schools established under division (B) of this 34694
section spent for classroom instructional purposes; 34695

(4) The ranking of each district, community school, or 34696
STEM school within its respective category established under 34697
division (B) of this section according to the following: 34698

(a) From highest to lowest percentage spent for classroom 34699
instructional purposes; 34700

(b) From lowest to highest percentage spent for 34701
noninstructional purposes. 34702

(5) The total operating expenditures per pupil for each 34703
district, community school, and STEM school; 34704

(6) The total operating expenditure per equivalent pupils 34705
for each district, community school, and STEM school. 34706

(D) In its display of rankings within each category under 34707
division (C) (4) of this section, the department shall make the 34708
following notations: 34709

(1) Within each category of city, exempted village, and 34710
local school districts, the department shall denote each 34711
district that is: 34712

(a) Among the twenty per cent of all city, exempted 34713
village, and local school districts statewide with the lowest 34714
total operating expenditure per equivalent pupils; 34715

(b) Among the twenty per cent of all city, exempted
village, and local school districts statewide with the highest
performance index scores.

(2) Within each category of joint vocational school
districts, the department shall denote each district that is:

(a) Among the twenty per cent of all joint vocational
school districts statewide with the lowest total operating
expenditure per equivalent pupils;

(b) Among the twenty per cent of all joint vocational
school districts statewide with the highest report card scores
under section 3302.033 of the Revised Code.

(3) Within each category of community schools that are not
internet- or computer-based community schools, the department
shall denote each school that is:

(a) Among the twenty per cent of all such community
schools statewide with the lowest total operating expenditure
per equivalent pupils;

(b) Among the twenty per cent of all such community
schools statewide with the highest performance index scores,
excluding such community schools to which section 3314.017 of
the Revised Code applies.

(4) Within the category of internet- or computer-based
community schools, the department shall denote each school that
is:

(a) Among the twenty per cent of all such community
schools statewide with the lowest total operating expenditure
per equivalent pupils;

(b) Among the twenty per cent of all such community

schools statewide with the highest performance index scores, 34744
excluding such community schools to which section 3314.017 of 34745
the Revised Code applies. 34746

(5) Within the category of STEM schools, the department 34747
shall denote each school that is: 34748

(a) Among the twenty per cent of all STEM schools 34749
statewide with the lowest total operating expenditure per 34750
equivalent pupils; 34751

(b) Among the twenty per cent of all STEM schools 34752
statewide with the highest performance index scores. 34753

For purposes of divisions (D) (3) (b) and (4) (b) of this 34754
section, the display shall note that, in accordance with section 34755
3314.017 of the Revised Code, a performance index score is not 34756
reported for some ~~community schools that serve primarily~~ 34757
~~students enrolled in dropout prevention and recovery~~ 34758
~~programs~~ community schools. 34759

(E) The department shall post in a prominent location on 34760
its web site the information prescribed by divisions (C) and (D) 34761
of this section. The department also shall include on each 34762
district's, community school's, and STEM school's annual report 34763
card issued under section 3302.03 or 3314.017 of the Revised 34764
Code the respective information computed for the district or 34765
school under divisions (C) (1) and (4) of this section, the 34766
statewide information computed under division (C) (2) of this 34767
section, and the information computed for the district's or 34768
school's category under division (C) (3) of this section. 34769

(F) As used in this section: 34770

(1) "Internet- or computer-based community school" has the 34771
same meaning as in section 3314.02 of the Revised Code. 34772

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code. 34773
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(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code. 34777
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(4) "Dropout prevention and recovery community school" has the same meaning as in section 3314.02 of the Revised Code. 34779
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Sec. 3310.033. (A) As used in this section: 34781

(1) "Foster child" means a child placed with a foster caregiver, as defined in section 5103.02 of the Revised Code. 34782
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(2) "Qualifying student" means a student who is not entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code. 34784
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(3) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code. 34789
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(4) "Sibling" means any of the following: 34791

(a) A brother, half-brother, sister, or half-sister by birth, marriage, or adoption; 34792
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(b) A cousin by birth, marriage, or adoption who is residing in the same household; 34794
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(c) A foster child who is residing in the same household, including a child who is subsequently adopted by the child's foster family; 34796
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(d) A child residing in the same household who is placed 34799

with a guardian or legal custodian; 34800

(e) A child who is residing in the same household and is 34801
being cared for by a kinship caregiver; 34802

(f) Any other child under eighteen years of age who has 34803
resided in the same household for at least forty-five 34804
consecutive days within the last calendar year. 34805

(5) "Caretaker" means the parent of a minor child or a 34806
relative acting in the parent's place. "Caretaker" also means 34807
another responsible adult who has care of the child and in whose 34808
household the child resides and, if not for residing in that 34809
household, the child would be homeless or likely to be homeless. 34810

(B) Notwithstanding anything in the Revised Code to the 34811
contrary, a qualifying student shall be eligible for an 34812
educational choice scholarship under section 3310.03 of the 34813
Revised Code, regardless of whether the student is enrolled in a 34814
school building described in division (A)(1) or (C) of that 34815
section, if any of the following apply: 34816

(1) The student's sibling received an educational choice 34817
scholarship under section 3310.03 of the Revised Code for the 34818
school year immediately prior to the school year for which the 34819
student is seeking a scholarship; 34820

(2) The student is a foster child; 34821

(3) The student is a child placed with a guardian, legal 34822
custodian, or kinship caregiver; 34823

(4) The student is not a child placed with a guardian, 34824
legal custodian, or kinship caregiver, but has resided in the 34825
same household as such a child for at least forty-five 34826
consecutive days within the last calendar year; 34827

(5) The student is not a foster child, but resides in a 34828
home that has received certification under section 5103.03 of 34829
the Revised Code; 34830

(6) The student satisfies all of the following conditions: 34831

(a) The student is not a foster child or a student 34832
described in division (B) (4) of this section. 34833

(b) The student has resided in the household of an 34834
individual who is not the student's parent or guardian for at 34835
least forty-five consecutive days within the last calendar year 34836
and, if not for residing in that household, the student would 34837
have been homeless. 34838

(c) The student's parent or guardian resides in this 34839
state. 34840

(7) The student is not a child described in division (B) 34841
(6) of this section, but has resided in the same household as a 34842
child described in that division for at least forty-five 34843
consecutive days within the last calendar year. 34844

(C) A student who receives an educational choice 34845
scholarship under this section remains eligible for that 34846
scholarship and may continue to receive a scholarship in 34847
subsequent school years until the student completes grade 34848
twelve, so long as the student satisfies the conditions 34849
specified in divisions (D) (2) and (3) of section 3310.03 of the 34850
Revised Code. 34851

(D) The department of education and workforce may request 34852
any individual applying for a scholarship under this section on 34853
behalf of a qualifying student to provide appropriate 34854
documentation, as defined by the department, that the student 34855
meets the eligibility qualifications prescribed under this 34856

section. In the case of a student who qualifies under division 34857
(B) (6) of this section, such documentation shall be provided by 34858
the student's parent, guardian, or caretaker. 34859

Sec. 3312.01. (A) As used in this chapter: 34860

(1) "Career-technical planning district" has the same 34861
meaning as in section 3317.023 of the Revised Code. 34862

(2) "Community college" has the same meaning as in section 34863
3333.168 of the Revised Code. 34864

(3) "Community school" means a community school 34865
established in Chapter 3314. of the Revised Code. 34866

(4) "Information technology center" means an information 34867
technology center established under section 3301.075 of the 34868
Revised Code. 34869

(5) "STEM school" means a STEM school established under 34870
Chapter 3326. of the Revised Code. 34871

(B) The educational regional service system is hereby 34872
established. The system shall support state and regional 34873
education and workforce development initiatives and efforts 34874
shall provide support and technical assistance to improve school 34875
effectiveness and student achievement. Services, including 34876
special education and related services, shall be provided under 34877
the system to school districts, community schools established 34878
under Chapter 3314. of the Revised Code, STEM schools, and 34879
chartered nonpublic schools. 34880

~~It is the intent of the general assembly that the~~ 34881
~~educational regional service system reduce the unnecessary~~ 34882
~~duplication of programs and services and provide for a more~~ 34883
~~streamlined and efficient delivery of educational services~~ 34884

~~without reducing the availability of the services needed by~~ 34885
~~school districts and schools.~~ 34886

~~(B)~~ (C) The educational regional service system shall 34887
consist of the following: 34888

~~(1) The advisory councils and subcommittees established~~ 34889
~~under sections 3312.03 and 3312.05 of the Revised Code;~~ 34890

~~(2) A fiscal agent for each of the regions as configured~~ 34891
~~established by the department of education and workforce under~~ 34892
~~section 3312.02 of the Revised Code;~~ 34893

~~(3)~~ (2) Educational service centers, information technology 34894
~~centers established under section 3301.075 of the Revised Code,~~ 34895
~~career-technical planning districts, county boards of~~ 34896
~~developmental disabilities, Ohio college tech prep regional~~ 34897
~~centers, community colleges, and other regional education~~ 34898
~~service providers as determined by the department.~~ 34899

~~(C) Educational service centers shall provide the services~~ 34900
~~that they are specifically required to provide by the Revised~~ 34901
~~Code and may enter into agreements pursuant to section 3313.843,~~ 34902
~~3313.844, or 3313.845 of the Revised Code for the provision of~~ 34903
~~other services, which may include any of the following:~~ 34904

~~(1) Assistance in improving student performance;~~ 34905

~~(2) Services to enable a school district or school to~~ 34906
~~operate more efficiently or economically;~~ 34907

~~(3) Professional development for teachers or~~ 34908
~~administrators;~~ 34909

~~(4) Assistance in the recruitment and retention of~~ 34910
~~teachers and administrators;~~ 34911

~~(5) Applying for any state or federal grant on behalf of a school district;~~ 34912
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~~(6) Any other educational, administrative, or operational services.~~ 34914
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~~In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education and workforce.~~ 34916
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~~Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.~~ 34922
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(D) An educational service center shall be considered a school district or a local education agency for the purposes of eligibility in applying for any state or competitive federal grant. 34926
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(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code. 34930
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(F) No school district, community school, STEM school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, ~~except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory~~ 34933
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~~the district is located.~~

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Sec. 3312.02. Not later than one hundred eighty days after
the effective date of this section, the department of education
and workforce shall establish not more than sixteen regions in
the educational regional service system and designate the
boundaries of each region. If the department plans to make any
subsequent changes to the number of regions or regional
boundaries, the department shall provide notice to the affected
regions at least ninety days prior to the first day of July of
the fiscal year in which those changes will take effect.

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Sec. 3312.07. (A) The department of education and
workforce shall select a school district~~or~~, educational service
center~~in~~, information technology center, career-technical
planning district, Ohio college tech prep regional center,
county board of developmental disabilities, or community college
for each region of the educational regional service system to be
the fiscal agent for the region. For this purpose, the
department shall issue a request for proposals from ~~districts~~
~~and service centers~~ entities interested in being a fiscal agent.
The department shall select each fiscal agent based upon the
following criteria:

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(1) Capability to serve as a fiscal agent as demonstrated
by a satisfactory audit record and prior experience serving as a
fiscal agent;

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(2) Adequate capacity in terms of facilities, personnel,
and other relevant resources;

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(3) Evidence that the ~~school district's or educational~~
~~service center's~~ entity's role as a fiscal agent would result in
minimal disruption to its other responsibilities ~~as a district~~

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~~or service center;~~ 34970

(4) ~~Demonstrated intent to~~ An assurance that the entity 34971
will limit the aggregate fees for administering a performance 34972
contract entered into under section 3312.08 of the Revised Code 34973
to not more than ~~seven~~ five per cent of the value of the 34974
contract. 34975

(B) If no ~~school district or educational service center~~ 34976
entity described in division (A) of this section in a region 34977
responds to the request for proposals issued by the department_ 34978
or meets the qualification established in the request for 34979
proposals, the department ~~shall select a district or service~~ 34980
~~center in the region~~ may select an entity described in that 34981
division that is located in another region and that meets the 34982
criteria in that ~~division (A) of this section~~ to be the fiscal 34983
agent for the region. 34984

Sec. 3312.08. Each fiscal agent selected by the department 34985
of education and workforce pursuant to section 3312.07 of the 34986
Revised Code shall do all of the following: 34987

(A) Enter into performance contracts with the department 34988
in accordance with section 3312.09 of the Revised Code for the 34989
implementation of state and regional education and workforce 34990
development initiatives and school improvement efforts; 34991

(B) Receive federal and state funds, including federal 34992
funds for the provision of special education and related 34993
services, as specified in the performance contracts, and 34994
disburse those funds as specified in the performance contracts 34995
to ~~educational service centers, information technology centers,~~ 34996
~~and other regional-identified~~ service providers. However, any 34997
funds owed to an educational service center in accordance with 34998

an agreement entered into under section 3313.843, 3313.844, or 34999
3313.845 of the Revised Code shall be paid directly to the 35000
service center by the department and any operating funds 35001
appropriated for an information technology center shall be paid 35002
directly to the information technology center by the department 35003
pursuant to section 3301.075 of the Revised Code. 35004

(C) Implement any expenditure of funds ~~recommended by the~~ 35005
~~advisory council for the region pursuant to section 3312.04 of~~ 35006
~~the Revised Code or~~ required by the terms of any performance 35007
contract, unless there are insufficient funds available to the 35008
region to pay for the expenditure or the expenditure violates a 35009
provision of the Revised Code, a rule of the department 35010
regarding such expenditure, or the terms of a performance 35011
contract; 35012

(D) Exercise fiscal oversight of the implementation of 35013
state and regional education and workforce development 35014
initiatives and school improvement efforts as directed by the 35015
department. 35016

Sec. 3312.09. (A) Each performance contract entered into 35017
by the department of education and workforce and the fiscal 35018
agent of a region for implementation of a state or regional 35019
education or workforce development initiative or school 35020
improvement effort shall include at least all of the following: 35021

(1) An explanation of how the regional needs and 35022
priorities for educational services have been identified ~~by the~~ 35023
~~advisory council of the region, the advisory council's~~ 35024
~~subcommittees, and the department;~~ 35025

(2) A definition of the services to be provided to school 35026
districts, community schools, STEM schools, and chartered 35027

nonpublic schools in the region, ~~including any services provided~~ 35028
~~pursuant to division (A) of section 3302.04 of the Revised Code;~~ 35029

(3) Expected outcomes from the provision of the services 35030
defined in the contract; 35031

(4) The method the department will use to evaluate whether 35032
the expected outcomes have been achieved; 35033

(5) A requirement that the fiscal agent develop and 35034
implement a corrective action plan if the results of the 35035
evaluation are unsatisfactory; 35036

(6) Data reporting requirements; 35037

(7) The aggregate fees to be charged by the fiscal agent 35038
and any entity with which it subcontracts to cover personnel and 35039
program costs associated with administering the contract, which 35040
fees shall be subject to controlling board approval if in excess 35041
of ~~four~~ three per cent of the value of the contract. 35042

(B) Upon completion of each evaluation described in a 35043
performance contract, the department shall post the results of 35044
that evaluation on its web site. 35045

Sec. 3312.10. The board of education of a city, exempted 35046
village, or local school district ~~or,~~ the governing authority 35047
of a community school, or the governing body of a STEM school 35048
may enter into an agreement, through the adoption of identical 35049
resolutions, with the governing authority of an information 35050
technology center, under which the information technology center 35051
will provide services to the ~~school-district or community-~~ 35052
school. Services provided under the agreement and the amount to 35053
be paid for such services shall be mutually agreed to by the 35054
parties to the agreement, and shall be specified in the 35055
agreement. Payment for services specified in the agreement shall 35056

be the sole responsibility of the board of education ~~or,~~ 35057
community school governing authority, or STEM school governing 35058
body and shall be made directly to the information technology 35059
center providing the services. 35060

Sec. 3312.13. The department of education and workforce 35061
shall consider the following when entering into performance 35062
contracts with the fiscal agent of each region of the 35063
educational regional service system and when allocating funds 35064
for the implementation of statewide education and workforce 35065
development initiatives by regional service providers; 35066

(A) The unique needs and circumstances of the region; 35067

(B) The regional needs and priorities for educational 35068
services identified ~~by the advisory council for~~ in the region; 35069

~~(C) Any services that will be provided to school districts~~ 35070
~~and schools within the region pursuant to division (A) of~~ 35071
~~section 3302.04 of the Revised Code.~~ 35072

Sec. 3313.411. (A) As used in this section: 35073

(1) "College-preparatory boarding school" means a college- 35074
preparatory boarding school established under Chapter 3328. of 35075
the Revised Code. 35076

(2) "Community school" means a community school 35077
established under Chapter 3314. of the Revised Code. 35078

(3) "High-performing community school" has the same 35079
meaning as in section 3313.413 of the Revised Code. 35080

(4) "STEM school" means a science, technology, 35081
engineering, and mathematics school established under Chapter 35082
3326. of the Revised Code. 35083

(5) "Unused school facilities" means either:	35084
(a) Any real property that has been used by a school	35085
district for school operations, including, but not limited to,	35086
academic instruction or administration, since July 1, 1998, but	35087
has not been used in that capacity for one year;	35088
(b) Any school building that has been used for direct	35089
academic instruction but <u>and the building's student enrollment</u>	35090
<u>is less than sixty per cent of either of the building was used</u>	35091
<u>for that purpose in the preceding school year. following:</u>	35092
(i) <u>The maximum student enrollment established for the</u>	35093
<u>building in its architectural specifications or master design</u>	35094
<u>plan approved by the Ohio facilities construction commission;</u>	35095
(ii) <u>The greatest student enrollment of the building in</u>	35096
<u>the ten most recent school years, including the current school</u>	35097
<u>year.</u>	35098
(B) (1) Except as provided in section 3313.412 of the	35099
Revised Code, on and after June 30, 2011, any school district	35100
board of education shall offer any unused school facilities it	35101
owns in its corporate capacity for lease or sale to the	35102
governing authorities of community schools, the boards of	35103
trustees of any college-preparatory boarding schools, and the	35104
governing bodies of any STEM schools, that are located within	35105
the territory of the district. Not later than sixty days after	35106
the district board makes the offer, interested governing	35107
authorities, boards of trustees, and governing bodies shall	35108
notify the district treasurer in writing of the intention to	35109
lease or purchase the property.	35110
The district board shall give priority to the governing	35111
authorities of high-performing community schools that are	35112

located within the territory of the district. 35113

(2) At the same time that a district board makes the offer 35114
required under division (B) (1) of this section, the board also 35115
may, but shall not be required to, offer that property for sale 35116
or lease to the governing authorities of community schools with 35117
plans, stipulated in their contracts entered into under section 35118
3314.03 of the Revised Code, either to relocate their operations 35119
to the territory of the district or to add facilities, as 35120
authorized by division (B) (3) or (4) of section 3314.05 of the 35121
Revised Code, to be located within the territory of the 35122
district. 35123

(C) (1) If, not later than sixty days after the district 35124
board makes the offer, only one governing authority of a high- 35125
performing community school offered the property under division 35126
(B) of this section notifies the district treasurer in writing 35127
of the intention to purchase the property pursuant to that 35128
division, the district board shall sell the property to that 35129
party for the appraised ~~fair market~~ value of the property for 35130
operation as an educational facility as determined in an 35131
appraisal of the property that is not more than one year old. 35132

If, not later than sixty days after the district board 35133
makes the offer, more than one governing authority of a high- 35134
performing community school offered the property under division 35135
(B) of this section notifies the district treasurer in writing 35136
of the intention to purchase the property pursuant to that 35137
division, the board shall conduct ~~a public auction in the manner~~ 35138
~~required for auctions of district property under division (A) of~~ 35139
~~section 3313.41 of the Revised Code. Only the governing~~ 35140
~~authorities of high-performing community schools that notified~~ 35141
~~the district treasurer of the intention to purchase the property~~ 35142

~~pursuant to division (B) of this section are eligible to bid at~~ 35143
~~the auction~~ lottery to select from among those governing 35144
authorities the one governing authority to which the board shall 35145
sell the property. The district board is not obligated to accept 35146
any ~~bid payment~~ for the property that is lower than the 35147
appraised ~~fair market~~ value of the property for operation as an 35148
educational facility, as determined in an appraisal that is not 35149
more than one year old. 35150

(2) If, not later than sixty days after the district board 35151
makes the offer, no governing authority of a high-performing 35152
community school notifies the district treasurer of its 35153
intention to purchase the property pursuant to division (B) of 35154
this section, the board shall then proceed to offer the property 35155
for sale or lease to the governing authorities of high 35156
performing community schools located outside of the district. 35157
If, not later than sixty days after the district board makes the 35158
offer, only one governing authority of a high-performing 35159
community school offered the property under division (C) (2) of 35160
this section notifies the district treasurer in writing of the 35161
intention to purchase the property, the district board shall 35162
sell the property to that entity for the appraised value of the 35163
property for operation as an educational facility, as determined 35164
in an appraisal of the property that is not more than one year 35165
old. 35166

If, not later than sixty days after the district board 35167
makes the offer, more than one governing authority of a high- 35168
performing community school offered the property under division 35169
(C) (2) of this section notifies the district treasurer in 35170
writing of the intention to purchase the property, the district 35171
board shall conduct a lottery to select from among those 35172
governing authorities the one governing authority to which the 35173

district board shall sell the property. The district board is 35174
not obligated to accept any payment for the property that is 35175
lower than the appraised value of the property for operation as 35176
an educational facility, as determined in an appraisal that is 35177
not more than one year old. 35178

(3) If, not later than sixty days after the district board 35179
makes the offer, no governing authority of a high-performing 35180
community school notifies the district treasurer of its 35181
intention to purchase the property pursuant to division (C) (2) 35182
of this section, the district board shall then proceed with the 35183
offers from all other start-up community schools, college- 35184
preparatory boarding schools, and STEM schools made pursuant to 35185
that divisionthis section. 35186

If more than one such entity notifies the district 35187
treasurer of its intention to purchase the property pursuant to 35188
division ~~(B)~~ (C) (3) of this section, the board shall conduct a 35189
~~public auction in the manner required for auctions of district~~ 35190
~~property under division (A) of section 3313.41 of the Revised~~ 35191
~~Code. Only the entities that notified the district treasurer~~ 35192
~~pursuant to division (B) of this section are eligible to bid at~~ 35193
~~the auction~~lottery to select from among those entities the one 35194
entity to which the district board shall sell the property. The 35195
district board is not obligated to accept any payment for the 35196
property that is lower than the appraised value of the property 35197
for operation as an educational facility, as determined in an 35198
appraisal that is not more than one year old. 35199

~~(3)~~ (4) If more than one governing authority of a high- 35200
performing community school notifies the district treasurer in 35201
writing of the intention to lease the property pursuant to 35202
division (B) or (C) of this section, the district board shall 35203

conduct a lottery to select from among those governing 35204
authorities the one qualified governing authority to which the 35205
district board shall lease the property. 35206

If no such governing authority of a high-performing 35207
community school notifies the district treasurer of its 35208
intention to lease the property pursuant to division (B) or (C) 35209
of this section, the board shall then proceed with the offers 35210
from all other start-up community schools, college-preparatory 35211
boarding schools, and STEM schools made pursuant to that 35212
division. If more than one other start-up community school, 35213
college-preparatory boarding school, or STEM school notified the 35214
district treasurer of its intention to lease the property 35215
pursuant to division (B) or (C) of this section, the district 35216
board shall conduct a lottery to select from among those parties 35217
the one qualified party to which the district board shall lease 35218
the property. 35219

~~+(4)~~(5) The lease price offered by a district board to a 35220
community school, college-preparatory boarding school, or STEM 35221
school under this section shall not be higher than the ~~fair-~~ 35222
~~market-~~value for such a leasehold for operation as an 35223
educational facility, as determined in an appraisal that is not 35224
more than one year old. 35225

~~+(5)~~(6) If no qualified party offered the property under 35226
division (B) or (C) of this section accepts the offer to lease 35227
or buy the property within sixty days after the offer is made, 35228
the district board may offer the property to any other entity in 35229
accordance with divisions (A) to (F) of section 3313.41 of the 35230
Revised Code. 35231

(D) Notwithstanding division (B) or (C) of this section, a 35232
school district board may renew any agreement it originally 35233

entered into prior to June 30, 2011, to lease real property to 35234
an entity other than a community school, college-preparatory 35235
boarding school, or STEM school. Nothing in this section shall 35236
affect the leasehold arrangements between the district board and 35237
that other entity. 35238

(E) (1) Except as provided in division (E) (2) of this 35239
section, the governing authority of a community school, board of 35240
trustees of a college-preparatory boarding school, or governing 35241
body of a STEM school shall not sell any property purchased 35242
under division (B) or (C) of this section within five years of 35243
purchasing that property. 35244

(2) The governing authority, board of trustees, or 35245
governing body may sell a property purchased under division (B) 35246
or (C) of this section within five years of the purchase, only 35247
if the governing authority, board of trustees, or governing body 35248
sells or transfers that property to another entity described in 35249
that division. 35250

(F) (1) Not later than November 30, 2025, and annually 35251
thereafter, each school district shall report to the department 35252
of education and workforce, in the manner determined by the 35253
department, both of the following: 35254

(a) Any real district property described in division (A) 35255
(5) (a) of this section; 35256

(b) The enrollment data specified in division (A) (5) (b) of 35257
this section and the current enrollment for each school building 35258
operated by the district. 35259

(2) Not later than December 31, 2025, and annually 35260
thereafter, the department shall publish on its web site a list 35261
of unused school facilities in each school district. 35262

Sec. 3313.413. (A) As used in this section, "high- 35263
performing community school" means ~~either a community school~~ 35264
~~established under Chapter 3314. of the Revised Code that meets~~ 35265
~~any of the following conditions:~~ 35266

~~(1) A community school established under Chapter 3314. of~~ 35267
~~the Revised Code that meets the following conditions:~~ 35268

~~(a) Except as provided in division (A) (1) (b) or (c) of~~ 35269
~~this section, the school both:~~ 35270

~~(i) Has received either a grade of "A," "B," or "C" for~~ 35271
~~the performance index score under division (C) (1) (b) of section~~ 35272
~~3302.03 of the Revised Code or a performance rating of three~~ 35273
~~stars or higher for achievement under division (D) (3) (b) of that~~ 35274
~~section; or has increased its performance index score under~~ 35275
~~division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the~~ 35276
~~Revised Code in each of the previous three years of operation;~~ 35277
~~and~~ 35278

~~(ii) Has received either a grade of "A" or "B" for the~~ 35279
~~value-added progress dimension under division (C) (1) (c) of~~ 35280
~~section 3302.03 of the Revised Code or a performance rating of~~ 35281
~~four stars or higher for progress under division (D) (3) (c) of~~ 35282
~~that section on its most recent report card rating issued under~~ 35283
~~that section~~ Except as provided for in division (A) (2) or (3) of 35284
this section, the community school does both of the following: 35285

(a) The school has a higher performance index score than 35286
the school district in which the school is located on the two 35287
most recent report cards issued under section 3302.03 of the 35288
Revised Code. 35289

(b) The school either has a performance rating of four 35290
stars or higher for progress on the most recent report card 35291

issued under section 3302.03 of the Revised Code or is a school 35292
described under division (B) (1) of section 3314.35 of the 35293
Revised Code and did not receive a rating for progress on the 35294
most recent report card. 35295

~~(b) (2) If the community school serves only grades~~ 35296
~~kindergarten through three, the school received either a grade~~ 35297
~~of "A" or "B" for making progress in improving literacy in~~ 35298
~~grades kindergarten through three under division (C) (1) (g) of~~ 35299
~~section 3302.03 of the Revised Code or a performance rating of~~ 35300
~~four stars or higher for early literacy under division (D) (3) (e)~~ 35301
~~of that section on its most recent report card issued under that~~ 35302
~~section 3302.03 of the Revised Code.~~ 35303

~~(c) If the school primarily serves students enrolled in a~~ 35304
~~dropout prevention and recovery program as described in division~~ 35305
~~(B) (1) of section 3314.35 of the Revised Code, the school~~ 35306
~~received a rating of "exceeds standards" on its most recent~~ 35307
~~report card issued under section 3314.017 of the Revised Code.~~ 35308

~~(2) A newly established community school that is~~ 35309
~~implementing a community school model that has a track record of~~ 35310
~~high-quality academic performance, as determined by the~~ 35311
~~department of education and workforce.~~ 35312
(3) If the community 35312
school has not commenced operations or has been in operation for 35313
less than one school year, the school meets the following 35314
conditions: 35315

(a) The school is replicating an operational and 35316
instructional model used by a community school described in 35317
division (A) (1) or (2) of this section. 35318

(b) The school either: 35319

(i) Has an operator that received an overall rating of 35320

three stars or higher, or a "C" or higher, on its most recent 35321
performance report published under section 3314.031 of the 35322
Revised Code; 35323

(ii) Does not have an operator and is sponsored by a 35324
sponsor that was rated "exemplary" or "effective" on its most 35325
recent evaluation conducted under section 3314.016 of the 35326
Revised Code. 35327

(B) When a school district board of education decides to 35328
dispose of real property it owns in its corporate capacity under 35329
section 3313.41 of the Revised Code, the board shall first offer 35330
that property to the governing authorities of all start-up 35331
community schools, the boards of trustees of any college- 35332
preparatory boarding schools, and the governing bodies of any 35333
STEM schools that are located within the territory of the 35334
district. Not later than sixty days after the district board 35335
makes the offer, interested governing authorities, boards of 35336
trustees, and governing bodies shall notify the district 35337
treasurer in writing of the intention to purchase the property. 35338

The district board shall give priority to the governing 35339
authorities of high-performing community schools that are 35340
located within the territory of the district. 35341

(1) If more than one governing authority of a high- 35342
performing community school notifies the district treasurer of 35343
its intention to purchase the property pursuant to division (B) 35344
of this section, the board shall conduct a public auction in the 35345
manner required for auctions of district property under division 35346
(A) of section 3313.41 of the Revised Code. Only the governing 35347
authorities of high-performing community schools that notified 35348
the district treasurer pursuant to division (B) of this section 35349
are eligible to bid at the auction. 35350

(2) If no governing authority of a high-performing 35351
community school notifies the district treasurer of its 35352
intention to purchase the property pursuant to division (B) of 35353
this section, the board shall then proceed with the offers from 35354
all other start-up community schools, college-preparatory 35355
boarding schools, and STEM schools made pursuant to that 35356
division. If more than one such entity notifies the district 35357
treasurer of its intention to purchase the property pursuant to 35358
division (B) of this section, the board shall conduct a public 35359
auction in the manner required for auctions of district property 35360
under division (A) of section 3313.41 of the Revised Code. Only 35361
the entities that notified the district treasurer pursuant to 35362
division (B) of this section are eligible to bid at the auction. 35363

(3) If no governing authority, board of trustees, or 35364
governing body notifies the district treasurer of its intention 35365
to purchase the property pursuant to division (B) of this 35366
section, the district may then offer the property for sale in 35367
the manner prescribed under divisions (A) to (F) of section 35368
3313.41 of the Revised Code. 35369

(C) Notwithstanding anything to the contrary in sections 35370
3313.41 and 3313.411 of the Revised Code, the purchase price of 35371
any real property sold to any of the entities in accordance with 35372
division (B) of this section shall not be more than the 35373
appraised fair market value of that property as determined in an 35374
appraisal of the property that is not more than one year old. 35375

(D) Not later than the first day of October of each year, 35376
the department of education and workforce shall post in a 35377
prominent location on its web site a list of schools that 35378
qualify as high-performing community schools for purposes of 35379
this section and section 3313.411 of the Revised Code. 35380

Sec. 3313.60. Notwithstanding division (D) of section 35381
3311.52 of the Revised Code, divisions (A) to (E) of this 35382
section do not apply to any cooperative education school 35383
district established pursuant to divisions (A) to (C) of section 35384
3311.52 of the Revised Code. 35385

(A) The board of education of each city, exempted village, 35386
and local school district and the board of each cooperative 35387
education school district established, pursuant to section 35388
3311.521 of the Revised Code, shall prescribe a curriculum for 35389
all schools under its control. Except as provided in division 35390
(E) of this section, in any such curriculum there shall be 35391
included the study of the following subjects: 35392

(1) The language arts, including reading, writing, 35393
spelling, oral and written English, and literature; 35394

(2) Geography, the history of the United States and of 35395
Ohio, and national, state, and local government in the United 35396
States, including a balanced presentation of the relevant 35397
contributions to society of men and women of African, Mexican, 35398
Puerto Rican, and American Indian descent as well as other 35399
ethnic and racial groups in Ohio and the United States; 35400

(3) Mathematics; 35401

(4) Natural science, including instruction in the 35402
conservation of natural resources; 35403

(5) Health education, which shall include instruction in: 35404

(a) The nutritive value of foods, including natural and 35405
organically produced foods, the relation of nutrition to health, 35406
and the use and effects of food additives; 35407

(b) The harmful effects of and legal restrictions against 35408

the use of drugs of abuse, alcoholic beverages, and tobacco, 35409
including electronic smoking devices; 35410

(c) Sexually transmitted infection education, except that 35411
upon written request of the student's parent or guardian, a 35412
student shall be excused from taking instruction in sexually 35413
transmitted infection education; 35414

(d) In grades kindergarten through six, annual 35415
developmentally appropriate instruction in child sexual abuse 35416
prevention, including information on available counseling and 35417
resources for children who are sexually abused. Such instruction 35418
and information provided shall not be connected in any way to 35419
any individual, entity, or organization that provides, promotes, 35420
counsels, or makes referrals for abortion or abortion-related 35421
services. Upon written request of the student's parent or 35422
guardian, a student shall be excused from taking instruction in 35423
child sexual abuse prevention. 35424

(e) In grades kindergarten through six, instruction in 35425
personal safety and assault prevention, except that upon written 35426
request of the student's parent or guardian, a student shall be 35427
excused from taking instruction in personal safety and assault 35428
prevention; 35429

(f) In grades seven through twelve, developmentally 35430
appropriate instruction in dating violence prevention education 35431
and sexual violence prevention education, which shall include 35432
instruction in recognizing dating violence warning signs and 35433
characteristics of healthy relationships, except that upon 35434
written request of the student's parent or guardian a student 35435
shall be excused from taking instruction in sexual violence 35436
prevention. 35437

In order to assist school districts in developing a dating 35438
violence prevention education and sexual violence prevention 35439
education curriculum, the department of education and workforce 35440
shall provide on its web site links to free curricula addressing 35441
dating violence prevention and sexual violence prevention 35442
education. Such instruction and information shall not be 35443
connected in any way to any individual, entity, or organization 35444
that provides, promotes, counsels, or makes referrals for 35445
abortion or abortion-related services. 35446

Each school district shall notify the parents and legal 35447
guardians of students who receive instruction related to child 35448
sexual abuse prevention and sexual violence prevention, as 35449
described under divisions (A) (5) (d) and (f) of this section, of 35450
all of the following: 35451

(i) That instruction in child sexual abuse prevention and 35452
sexual violence prevention is a required part of the district's 35453
curriculum; 35454

(ii) That upon request, parents and legal guardians may 35455
examine such instructional materials in accordance with this 35456
section; 35457

(iii) That upon written request of the student's parent or 35458
guardian, a student shall be excused from taking instruction in 35459
child sexual abuse prevention and sexual violence prevention. 35460

If the parent or legal guardian of a student less than 35461
eighteen years of age submits to the principal of the student's 35462
school a written request to examine the dating violence 35463
prevention and sexual violence prevention instruction materials 35464
used at that school, the principal, within forty-eight hours 35465
after the request is made, shall allow the parent or guardian to 35466

examine those materials at that school. 35467

(g) Prescription opioid abuse prevention, with an emphasis 35468
on the prescription drug epidemic and the connection between 35469
prescription opioid abuse and addiction to other drugs, such as 35470
heroin; 35471

(h) The process of making an anatomical gift under Chapter 35472
2108. of the Revised Code, with an emphasis on the life-saving 35473
and life-enhancing effects of organ and tissue donation; 35474

~~(i) Beginning with the first day of the next school year~~ 35475
~~that begins at least two years after March 24, 2021, in In~~ 35476
grades six through twelve, ~~at least one hour or one standard~~ 35477
~~class period per school year of annual developmentally~~ 35478
appropriate, evidence-based instruction in mental health 35479
promotion and suicide awareness and prevention and at least one 35480
~~hour or one standard class period per school year of safety~~ 35481
~~training and violence prevention, except that upon written~~ 35482
~~request of the student's parent or guardian, a student shall be~~ 35483
~~excused from taking instruction in suicide awareness and~~ 35484
~~prevention or safety training and violence prevention; , which~~ 35485
shall include information on the development and maintenance of 35486
positive mental health, stigma reduction, the signs and symptoms 35487
of depression, suicide, and self-harm, and seeking help for self 35488
and peers. 35489

~~(j) Beginning with the first day of the next school year~~ 35490
~~that begins at least two years after March 24, 2021, in In~~ 35491
grades ~~six~~ kindergarten through twelve, ~~at least one hour or one~~ 35492
~~standard class period per school year of annual evidence-based~~ 35493
~~social inclusion instruction, except that upon written request~~ 35494
~~of the student's parent or guardian, a student shall be excused~~ 35495
~~from taking instruction in social inclusion~~ universal prevention 35496

practices or programs that teach students the necessary 35497
knowledge and skills to improve health and wellness outcomes, 35498
which shall focus on enhancing interpersonal skills, encouraging 35499
healthy decision-making, and increasing resiliency. 35500

For the instruction required under divisions (A) (5) (i) and 35501
(j) of this section, the board shall use a training program or 35502
practice approved by the department of education and workforce 35503
under section 3301.221 of the Revised Code. 35504

~~Schools may use student assemblies, digital learning, and~~ 35505
~~homework to satisfy the instruction requirements under divisions~~ 35506
~~(A) (5) (i) and (j) of this section~~ Prior to providing the 35507
instruction, the board shall notify each student's parent or 35508
guardian of the instruction that will be provided. The 35509
notification shall indicate that the parent or guardian may 35510
review any related instructional materials prior to the 35511
instruction being provided and that, upon written request of the 35512
parent or guardian, the student shall be excused from receiving 35513
the instruction. 35514

(6) Physical education; 35515

(7) The fine arts, including music; 35516

(8) First aid, including a training program in 35517
cardiopulmonary resuscitation, which shall comply with section 35518
3313.6021 of the Revised Code when offered in any of grades nine 35519
through twelve, safety, and fire prevention. However, upon 35520
written request of the student's parent or guardian, a student 35521
shall be excused from taking instruction in cardiopulmonary 35522
resuscitation. 35523

(B) Except as provided in division (E) of this section, 35524
every school or school district shall include in the 35525

requirements for promotion from the eighth grade to the ninth 35526
grade one year's course of study of American history. A board 35527
may waive this requirement for academically accelerated students 35528
who, in accordance with procedures adopted by the board, are 35529
able to demonstrate mastery of essential concepts and skills of 35530
the eighth grade American history course of study. 35531

(C) As specified in divisions (B) (6) and (C) (6) of section 35532
3313.603 of the Revised Code, except as provided in division (E) 35533
of this section, every high school shall include in the 35534
requirements for graduation from any curriculum one-half unit 35535
each of American history and government. 35536

(D) Except as provided in division (E) of this section, 35537
basic instruction or demonstrated mastery in geography, United 35538
States history, the government of the United States, the 35539
government of the state of Ohio, local government in Ohio, the 35540
Declaration of Independence, the United States Constitution, and 35541
the Constitution of the state of Ohio shall be required before 35542
pupils may participate in courses involving the study of social 35543
problems, economics, foreign affairs, United Nations, world 35544
government, socialism, and communism. 35545

(E) For each cooperative education school district 35546
established pursuant to section 3311.521 of the Revised Code and 35547
each city, exempted village, and local school district that has 35548
territory within such a cooperative district, the curriculum 35549
adopted pursuant to divisions (A) to (D) of this section shall 35550
only include the study of the subjects that apply to the grades 35551
operated by each such school district. The curricula for such 35552
schools, when combined, shall provide to each student of these 35553
districts all of the subjects required under divisions (A) to 35554
(D) of this section. 35555

(F) The board of education of any cooperative education 35556
school district established pursuant to divisions (A) to (C) of 35557
section 3311.52 of the Revised Code shall prescribe a curriculum 35558
for the subject areas and grade levels offered in any school 35559
under its control. 35560

(G) Upon the request of any parent or legal guardian of a 35561
student, the board of education of any school district shall 35562
permit the parent or guardian to promptly examine, with respect 35563
to the parent's or guardian's own child: 35564

(1) Any survey or questionnaire, prior to its 35565
administration to the child; 35566

(2) Any textbook, workbook, software, video, or other 35567
instructional materials being used by the district in connection 35568
with the instruction of the child; 35569

(3) Any completed and graded test taken or survey or 35570
questionnaire filled out by the child; 35571

(4) Copies of the statewide academic standards and each 35572
model curriculum developed pursuant to section 3301.079 of the 35573
Revised Code, which copies shall be available at all times 35574
during school hours in each district school building. 35575

Sec. 3313.608. (A) (1) Beginning with students who enter 35576
third grade in the school year that starts July 1, 2009, and 35577
until June 30, 2013, unless the student is excused under 35578
division (C) of section 3301.0711 of the Revised Code from 35579
taking the assessment described in this section, for any student 35580
who does not attain at least the equivalent level of achievement 35581
designated under division (A) (3) of section 3301.0710 of the 35582
Revised Code on the assessment prescribed under that section to 35583
measure skill in English language arts expected at the end of 35584

third grade, each school district, in accordance with the policy 35585
adopted under section 3313.609 of the Revised Code, shall do one 35586
of the following: 35587

(a) Promote the student to fourth grade if the student's 35588
principal and reading teacher agree that other evaluations of 35589
the student's skill in reading demonstrate that the student is 35590
academically prepared to be promoted to fourth grade; 35591

(b) Promote the student to fourth grade but provide the 35592
student with intensive intervention services in fourth grade; 35593

(c) Retain the student in third grade. 35594

(2) Beginning with students who enter third grade in the 35595
2013-2014 school year, unless the student is excused under 35596
division (C) of section 3301.0711 of the Revised Code from 35597
taking the assessment described in this section, no school 35598
district shall promote to fourth grade any student who does not 35599
attain at least the equivalent level of achievement designated 35600
under division (A) (3) of section 3301.0710 of the Revised Code 35601
on the assessment prescribed under that section to measure skill 35602
in English language arts expected at the end of third grade, 35603
unless one of the following applies: 35604

(a) The student is an English learner who has been 35605
enrolled in United States schools for less than three full 35606
school years and has had less than three years of instruction in 35607
an English as a second language program. 35608

(b) The student is a child with a disability entitled to 35609
special education and related services under Chapter 3323. of 35610
the Revised Code and the student's individualized education 35611
program exempts the student from retention under this division. 35612

(c) The student demonstrates an acceptable level of 35613

performance on an alternative standardized reading assessment as 35614
determined by the department of education and workforce. 35615

(d) All of the following apply: 35616

(i) The student is a child with a disability entitled to 35617
special education and related services under Chapter 3323. of 35618
the Revised Code. 35619

(ii) The student has taken the third grade English 35620
language arts achievement assessment prescribed under section 35621
3301.0710 of the Revised Code. 35622

(iii) The student's individualized education program or 35623
plan under section 504 of the "Rehabilitation Act of 1973," 87 35624
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 35625
received intensive remediation in reading for two school years 35626
but still demonstrates a deficiency in reading. 35627

(iv) The student previously was retained in any of grades 35628
kindergarten to three. 35629

(e) (i) The student received intensive remediation for 35630
reading for two school years but still demonstrates a deficiency 35631
in reading and was previously retained in any of grades 35632
kindergarten to three. 35633

(ii) A student who is promoted under division (A) (2) (e) (i) 35634
of this section shall continue to receive intensive reading 35635
instruction in grade four. The instruction shall include an 35636
altered instructional day that includes specialized diagnostic 35637
information and specific research-based reading strategies for 35638
the student that have been successful in improving reading among 35639
low-performing readers. 35640

(f) A student's parent or guardian, in consultation with 35641

the student's reading teacher and building principal, requests 35642
that the student, regardless of if the student is reading at 35643
grade level, be promoted to the fourth grade. 35644

A student who is promoted under division (A)(2)(f) of this 35645
section shall continue to receive intensive reading instruction 35646
in the same manner as a student retained under this section 35647
until the student is able to read at grade level. 35648

(B)(1) Beginning in the 2012-2013 school year, to assist 35649
students in meeting the third grade guarantee established by 35650
this section, each school district board of education shall 35651
adopt policies and procedures with which it annually shall 35652
assess the reading skills of each student, ~~except those students~~ 35653
~~with significant cognitive disabilities or other disabilities as~~ 35654
~~authorized by the department on a case-by-case basis,~~ enrolled 35655
in kindergarten to third grade and shall identify students who 35656
are reading below their grade level. The reading skills 35657
assessment shall be completed by the thirtieth day of September 35658
~~for students in grades one to three, and by the twentieth day of~~ 35659
~~instruction of the school year for students in kindergarten.~~ 35660
Each district shall use the diagnostic assessment ~~to measure~~ 35661
~~reading ability~~ for the appropriate grade level adopted under 35662
section 3301.079 of the Revised Code, ~~or a comparable tool~~ 35663
~~approved by the department of education and workforce,~~ to 35664
identify such students. The policies and procedures shall 35665
require the students' classroom teachers to be involved in the 35666
assessment and the identification of students reading below 35667
grade level. The assessment may be administered electronically 35668
using live, two-way video and audio connections whereby the 35669
teacher administering the assessment may be in a separate 35670
location from the student. 35671

(2) For each student identified by the diagnostic 35672
assessment prescribed under this section as having reading 35673
skills below grade level, the district shall do both of the 35674
following: 35675

(a) Provide to the student's parent or guardian, in 35676
writing, all of the following: 35677

(i) Notification that the student has been identified as 35678
having a substantial deficiency in reading; 35679

(ii) A description of the current services that are 35680
provided to the student; 35681

(iii) A description of the proposed supplemental 35682
instructional services and supports that will be provided to the 35683
student that are designed to remediate the identified areas of 35684
reading deficiency; 35685

(iv) Notification that if the student attains a score in 35686
the range designated under division (A) (3) of section 3301.0710 35687
of the Revised Code on the assessment prescribed under that 35688
section to measure skill in English language arts expected at 35689
the end of third grade, the student shall be retained unless the 35690
student is exempt under division (A) of this section. The 35691
notification shall specify that the assessment under section 35692
3301.0710 of the Revised Code is not the sole determinant of 35693
promotion and that additional evaluations and assessments are 35694
available to the student to assist parents and the district in 35695
knowing when a student is reading at or above grade level and 35696
ready for promotion. 35697

(v) A statement that connects the child's proficiency 35698
level in reading to long-term outcomes of success related to 35699
proficiency in reading. 35700

(b) Provide intensive reading instruction services and 35701
regular diagnostic assessments to the student immediately 35702
following identification of a reading deficiency until the 35703
development of the reading improvement and monitoring plan 35704
required by division (C) of this section. These intervention 35705
services shall be aligned with the science of reading as defined 35706
under section 3313.6028 of the Revised Code and include 35707
research-based reading strategies that have been shown to be 35708
successful in improving reading among low-performing readers and 35709
instruction targeted at the student's identified reading 35710
deficiencies. 35711

(3) For each student retained under division (A) of this 35712
section, the district shall do all of the following: 35713

(a) Provide intense remediation services until the student 35714
is able to read at grade level. The remediation services shall 35715
include intensive interventions in reading that address the 35716
areas of deficiencies identified under this section including, 35717
but not limited to, not less than ninety minutes of reading 35718
instruction per day, and may include any of the following: 35719

- (i) Small group instruction; 35720
- (ii) Reduced teacher-student ratios; 35721
- (iii) More frequent progress monitoring; 35722
- (iv) Tutoring or mentoring; 35723
- (v) Transition classes containing third and fourth grade 35724
students; 35725
- (vi) Extended school day, week, or year; 35726
- (vii) Summer reading camps. 35727

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment ~~or comparable tool~~ administered under division (B)(1) of this section. The district shall involve the student's parent or

guardian and classroom teacher in developing the plan. The plan 35757
shall include all of the following: 35758

(1) Identification of the student's specific reading 35759
deficiencies; 35760

(2) A description of the additional instructional services 35761
and support that will be provided to the student to remediate 35762
the identified reading deficiencies; 35763

(3) Opportunities for the student's parent or guardian to 35764
be involved in the instructional services and support described 35765
in division (C) (2) of this section; 35766

(4) A process for monitoring the extent to which the 35767
student receives the instructional services and support 35768
described in division (C) (2) of this section; 35769

(5) A reading curriculum during regular school hours that 35770
does all of the following: 35771

(a) Assists students to read at grade level; 35772

(b) Provides scientifically based and reliable assessment; 35773

(c) Provides initial and ongoing analysis of each 35774
student's reading progress. 35775

(6) A statement that if the student does not attain at 35776
least the equivalent level of achievement designated under 35777
division (A) (3) of section 3301.0710 of the Revised Code on the 35778
assessment prescribed under that section to measure skill in 35779
English language arts expected by the end of third grade, the 35780
student may be retained in third grade. 35781

(7) ~~High-dosage~~ The provision of high-dosage tutoring 35782
~~opportunities~~ aligned with the student's classroom instruction 35783

through a state-approved vendor on the list of high-quality 35784
tutoring vendors under section 3301.136 of the Revised Code or a 35785
locally approved ~~opportunity program~~ that aligns with high- 35786
dosage tutoring best practices identified by the department. 35787
High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ 35788
instruction time of at least three days per week, or at least 35789
fifty hours over thirty-six weeks. High-dosage tutoring may be 35790
incorporated into a student's regular classroom instruction. 35791

The district shall continue to provide the plan developed 35792
under division (C) of this section until the student achieves 35793
the required level of skill in reading for the student's current 35794
grade level. 35795

Each student with a reading improvement and monitoring 35796
plan under this division who enters third grade after July 1, 35797
2013, shall be assigned to a teacher who satisfies one or more 35798
of the criteria set forth in division (H) of this section. 35799

The district shall report any information requested by the 35800
department about the reading improvement monitoring plans 35801
developed under this division in the manner required by the 35802
department. 35803

(D) Each school district shall report annually to the 35804
department on its implementation and compliance with this 35805
section using guidelines prescribed by the department. The 35806
director of education and workforce annually shall report to the 35807
governor and general assembly the number and percentage of 35808
students in grades kindergarten through four reading below grade 35809
level based on the diagnostic assessments administered under 35810
division (B) of this section and the achievement assessments 35811
administered under divisions (A) (1) (a) and (b) of section 35812
3301.0710 of the Revised Code in English language arts, 35813

aggregated by school district and building; the types of 35814
intervention services provided to students; and, if available, 35815
an evaluation of the efficacy of the intervention services 35816
provided. 35817

(E) Any summer remediation services funded in whole or in 35818
part by the state and offered by school districts to students 35819
under this section shall meet the following conditions: 35820

(1) The remediation methods are based on reliable 35821
educational research. 35822

(2) The school districts conduct assessment before and 35823
after students participate in the program to facilitate 35824
monitoring results of the remediation services. 35825

(3) The parents of participating students are involved in 35826
programming decisions. 35827

(F) Any intervention or remediation services required by 35828
this section shall include intensive, explicit, and systematic 35829
instruction. 35830

(G) This section does not create a new cause of action or 35831
a substantive legal right for any person. 35832

(H) (1) Except as provided under divisions (H) (2), (3), and 35833
(4) of this section, each student described in division (B) (3) 35834
or (C) of this section who enters third grade for the first time 35835
on or after July 1, 2013, shall be assigned a teacher who has at 35836
least one year of teaching experience and who satisfies one or 35837
more of the following criteria: 35838

(a) The teacher holds a reading endorsement on the 35839
teacher's license and has attained a passing score on the 35840
corresponding assessment for that endorsement, as applicable. 35841

(b) The teacher has completed a master's degree program 35842
with a major in reading. 35843

(c) The teacher was rated "most effective" for reading 35844
instruction consecutively for the most recent two years based on 35845
assessments of student growth measures developed by a vendor and 35846
that is on the list of student assessments approved by the 35847
department under division (B) (2) of section 3319.112 of the 35848
Revised Code. 35849

(d) The teacher was rated "above expected value added," in 35850
reading instruction, as determined by criteria established by 35851
the department, for the most recent, consecutive two years. 35852

(e) The teacher has earned a passing score on a rigorous 35853
test of principles of scientifically research-based reading 35854
instruction as approved by the department. 35855

(f) The teacher holds an educator license for teaching 35856
grades pre-kindergarten through three or four through nine 35857
issued on or after July 1, 2017. 35858

(2) Notwithstanding division (H) (1) of this section, a 35859
student described in division (B) (3) or (C) of this section who 35860
enters third grade for the first time on or after July 1, 2013, 35861
may be assigned to a teacher with less than one year of teaching 35862
experience provided that the teacher meets one or more of the 35863
criteria described in divisions (H) (1) (a) to (f) of this section 35864
and that teacher is assigned a teacher mentor who meets the 35865
qualifications of division (H) (1) of this section. 35866

(3) Notwithstanding division (H) (1) of this section, a 35867
student described in division (B) (3) or (C) of this section who 35868
enters third grade for the first time on or after July 1, 2013, 35869
but prior to July 1, 2016, may be assigned to a teacher who 35870

holds an alternative credential approved by the department or 35871
who has successfully completed training that is based on 35872
principles of scientifically research-based reading instruction 35873
that has been approved by the department. The alternative 35874
credentials and training described in division (H) (3) of this 35875
section shall be aligned with the reading competencies adopted 35876
by the department of education and workforce under section 35877
3301.077 of the Revised Code. 35878

(4) Notwithstanding division (H) (1) of this section, a 35879
student described in division (B) (3) or (C) of this section who 35880
enters third grade for the first time on or after July 1, 2013, 35881
may receive reading intervention or remediation services under 35882
this section from an individual employed as a speech-language 35883
pathologist who holds a license issued by the state speech and 35884
hearing professionals board under Chapter 4753. of the Revised 35885
Code and a registration under section 3319.221 of the Revised 35886
Code. 35887

(5) A teacher, other than a student's teacher of record, 35888
may provide any services required under this section, so long as 35889
that other teacher meets the requirements of division (H) of 35890
this section and the teacher of record and the school principal 35891
agree to the assignment. Any such assignment shall be documented 35892
in the student's reading improvement and monitoring plan. 35893

As used in this division, "teacher of record" means the 35894
classroom teacher to whom a student is assigned. 35895

(I) Notwithstanding division (H) of this section, a 35896
teacher may teach reading to any student who is an English 35897
language learner, and has been in the United States for three 35898
years or less, or to a student who has an individualized 35899
education program developed under Chapter 3323. of the Revised 35900

Code if that teacher holds an alternative credential approved by 35901
the department or has successfully completed training that is 35902
based on principles of scientifically research-based reading 35903
instruction that has been approved by the department. The 35904
alternative credentials and training described in this division 35905
shall be aligned with the reading competencies adopted by the 35906
department of education and workforce under section 3301.077 of 35907
the Revised Code. 35908

(J) If, on or after June 4, 2013, a school district or 35909
community school cannot furnish the number of teachers needed 35910
who satisfy one or more of the criteria set forth in division 35911
(H) of this section for the 2013-2014 school year, the school 35912
district or community school shall develop and submit a staffing 35913
plan by June 30, 2013. The staffing plan shall include criteria 35914
that will be used to assign a student described in division (B) 35915
(3) or (C) of this section to a teacher, credentials or training 35916
held by teachers currently teaching at the school, and how the 35917
school district or community school will meet the requirements 35918
of this section. The school district or community school shall 35919
post the staffing plan on its web site for the applicable school 35920
year. 35921

Not later than March 1, 2014, and on the first day of 35922
March in each year thereafter, a school district or community 35923
school that has submitted a plan under this division shall 35924
submit to the department a detailed report of the progress the 35925
district or school has made in meeting the requirements under 35926
this section. 35927

A school district or community school may request an 35928
extension of a staffing plan beyond the 2013-2014 school year. 35929
Extension requests must be submitted to the department not later 35930

than the thirtieth day of April prior to the start of the 35931
applicable school year. The department may grant extensions 35932
valid through the 2015-2016 school year. 35933

(K) The department of education and workforce shall 35934
designate one or more staff members to provide guidance and 35935
assistance to school districts and community schools in 35936
implementing the third grade guarantee established by this 35937
section, including any standards or requirements adopted to 35938
implement the guarantee and to provide information and support 35939
for reading instruction and achievement. 35940

Sec. 3313.609. (A) As used in this section:— 35941

~~(1) "Truant" means absent without excuse.~~ 35942

~~(2) "Academically prepared", "academically prepared"~~ 35943
means whatever educational standard the board of education of 35944
each city, exempted village, local, and joint vocational school 35945
district establishes as necessary for the promotion of a student 35946
to the next grade level pursuant to the policy adopted under 35947
division (B) of this section. 35948

(B) The board of education of each city, exempted village, 35949
local, and joint vocational school district shall adopt a grade 35950
promotion and retention policy for students that complies with 35951
this section and section 3313.608 of the Revised Code. The 35952
policy shall prohibit the promotion of a student to the next 35953
grade level if the student ~~has been truant for more than ten per~~ 35954
~~cent of the required attendance days of the current school year~~ 35955
~~and~~ has failed two or more of the required curriculum subject 35956
areas in the current grade unless the student's principal and 35957
the teachers of any failed subject areas agree that the student 35958
is academically prepared to be promoted to the next grade level. 35959

Sec. 3313.6013. (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

(1) The college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) International baccalaureate diploma courses;

(4) Early college high school programs;

(5) Courses that comply with the career-technical education credit transfer criteria, policies, and procedures established under section 3333.162 of the Revised Code.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B) (1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local,

or exempted village school district may offer any other advanced 35989
standing program, in addition to the college credit plus 35990
program, and each joint vocational school district shall offer 35991
at least one other advanced standing program, to students in 35992
good standing, as defined by the partnership for continued 35993
learning under section 3301.42 of the Revised Code as it existed 35994
prior to October 16, 2009, or as subsequently defined by the 35995
department of education and workforce. 35996

(2) A chartered nonpublic high school that elects to 35997
participate in the college credit plus program established under 35998
Chapter 3365. of the Revised Code meets the requirements of this 35999
division. Each chartered nonpublic high school that elects not 36000
to participate in the college credit plus program instead shall 36001
offer at least one other advanced standing program to students 36002
in good standing, as defined by the partnership for continued 36003
learning under section 3301.42 of the Revised Code as it existed 36004
prior to October 16, 2009, or as subsequently defined by the 36005
department of education and workforce. 36006

(C) Each school district and each chartered nonpublic high 36007
school, at least annually, shall provide information about the 36008
advanced standing programs offered by the district or school to 36009
all students enrolled in grades six through eleven. The district 36010
or school shall include information about all of the following: 36011

(1) The process colleges and universities use in awarding 36012
credit for advanced placement and international baccalaureate 36013
courses and examinations, including minimum scores required by 36014
state institutions of higher education, as defined in section 36015
3345.011 of the Revised Code, for a student to receive college 36016
credit; 36017

(2) The availability of tuition and fee waivers for 36018

advanced placement and international baccalaureate courses and 36019
examinations; 36020

(3) The availability of online advanced placement or 36021
international baccalaureate courses, including those that may be 36022
available at no cost; 36023

(4) The benefits of earning postsecondary credit through 36024
advanced placement or international baccalaureate courses; 36025

(5) The availability of advanced placement or 36026
international baccalaureate courses offered throughout the 36027
district. 36028

The district or school may include additional information 36029
as determined appropriate by the district or school. 36030

(D) Except as provided for in Chapter 3365. of the Revised 36031
Code, no city, local, exempted village, and joint vocational 36032
school district shall charge an enrolled student an additional 36033
fee or tuition for participation in any advanced standing 36034
program offered by the district. Students may be required to pay 36035
the costs associated with taking an advanced placement or 36036
international baccalaureate examination. 36037

(E) Any agreement between a school district or school and 36038
an associated college governing the operation of an early 36039
college high school program shall be exempt from the 36040
requirements of the college credit plus program, provided the 36041
program meets the definition set forth in division (F) (2) of 36042
this section and is approved by the director of education and 36043
workforce and the chancellor of higher education. 36044

The college credit plus program also shall not govern any 36045
advanced placement course or international baccalaureate diploma 36046
course as described under this section. 36047

(F) As used in this section: 36048

(1) "Associated college" means a public or private 36049
college, as defined in section 3365.01 of the Revised Code, 36050
which has entered into an agreement with a school district or 36051
school to establish an early college high school program, as 36052
described in division (F)(2) of this section, and awards 36053
transcripted credit, as defined in section 3365.01 of the 36054
Revised Code, to students through that program. 36055

(2) "Early college high school program" means a 36056
partnership between at least one school district or school and 36057
at least one institution of higher education that allows 36058
participants to simultaneously complete requirements toward 36059
earning a regular high school diploma and have the opportunity 36060
to earn not less than twenty-four credits that are transferable 36061
to the institutions of higher education in the partnership as 36062
part of an organized course of study toward a post-secondary 36063
degree or credential at no cost to the participant or 36064
participant's family. The program also shall prioritize the 36065
following students: 36066

(a) Students who are underrepresented in regard to 36067
completing post-secondary education; 36068

(b) Students who are economically disadvantaged, as 36069
defined by the department of education and workforce; 36070

(c) Students whose parents did not earn a college degree. 36071

Sec. 3313.6020. (A)(1) Beginning in the 2015-2016 school 36072
year, the board of education of each city, local, exempted 36073
village, and joint vocational school district shall adopt a 36074
policy on career advising that complies with this section. 36075
Thereafter, the policy shall be updated at least once every two 36076

years. 36077

(2) The board shall make the policy publicly available to 36078
students, parents, guardians, or custodians, local post- 36079
secondary institutions, and residents of the district. The 36080
district shall post the policy in a prominent location on its 36081
web site, if it has one. 36082

(B) The policy on career advising shall specify how the 36083
district will do all of the following: 36084

(1) Provide students with grade-level examples that link 36085
their schoolwork to one or more career fields. A district may 36086
use career connections developed under division (B) (2) of 36087
section 3301.079 of the Revised Code for this purpose. 36088

(2) Create a plan to provide career advising to students 36089
in grades six through twelve; 36090

(3) Beginning in the 2015-2016 school year, provide 36091
additional interventions and career advising for students who 36092
are identified as at risk of dropping out of school in 36093
accordance with division (C) of this section; 36094

(4) Train its employees on how to advise students on 36095
career pathways, including training on advising students using 36096
online tools; 36097

(5) Develop multiple, clear academic pathways through high 36098
school that students may choose in order to earn a high school 36099
diploma; 36100

(6) Identify and publicize courses that can award students 36101
both traditional academic and career-technical credit; 36102

(7) Document the career advising provided to each student 36103
for review by the student, the student's parent, guardian, or 36104

custodian, and future schools that the student may attend. A 36105
district shall not otherwise release this information without 36106
the written consent of the student's parent, guardian, or 36107
custodian, if the student is less than eighteen years old, or 36108
the written consent of the student, if the student is at least 36109
eighteen years old. 36110

(8) Prepare students for their transition from high school 36111
to their post-secondary destinations, including any special 36112
interventions that are necessary for students in need of 36113
remediation in mathematics or English language arts; 36114

(9) Include information regarding career fields that 36115
require an industry-recognized credential, certificate, 36116
associate's degree, bachelor's degree, graduate degree, or 36117
professional degree; 36118

(10) Provide students with information about ways a 36119
student may offset the costs of a post-secondary education, 36120
including programs such as all of the following: 36121

(a) The reserve officer training corps; 36122

(b) The college credit plus program established under 36123
Chapter 3365. of the Revised Code; 36124

(c) The Ohio guaranteed transfer pathways initiative 36125
established under section 3333.168 of the Revised Code; 36126

(d) Joint academic programming or dual enrollment 36127
opportunities required under section 3333.168 of the Revised 36128
Code. 36129

The chancellor of higher education shall develop 36130
informational materials that illustrate cost saving estimates 36131
for each of the options listed under division (B)(10) of this 36132

section. The chancellor shall develop a list of individual 36133
college courses that are transferable under section 3333.16 of 36134
the Revised Code. 36135

(C) (1) Beginning in the 2015-2016 school year, each 36136
district shall identify students who are at risk of dropping out 36137
of school using a method that is both research-based and 36138
locally-based and that is developed with input from the 36139
district's classroom teachers and guidance counselors. If a 36140
student is identified as at risk of dropping out of school, the 36141
district shall develop a student success plan that addresses the 36142
student's academic pathway to a successful graduation and the 36143
role of career-technical education, competency-based education, 36144
and experiential learning, as appropriate, in that pathway. 36145

(2) Prior to developing a student success plan for a 36146
student, the district shall invite the student's parent, 36147
guardian, or custodian to assist in developing the plan. If the 36148
student's parent, guardian, or custodian does not participate in 36149
the development of the plan, the district shall provide to the 36150
parent, guardian, or custodian a copy of the student's success 36151
plan and a statement of the importance of a high school diploma 36152
and the academic pathways available to the student in order to 36153
successfully graduate. 36154

(3) Following the development of a student success plan 36155
for a student, the district shall provide career advising to the 36156
student that is aligned with the plan and, beginning in the 36157
2015-2016 school year, the district's plan to provide career 36158
advising created under division (B) (2) of this section. 36159

(D) (1) The department of education and workforce shall 36160
develop and post on its web site model policies on career 36161
advising and model student success plans. 36162

(2) The department shall create an online clearinghouse of research related to proven practices for policies on career advising and student success plans that districts may access when fulfilling the requirements of this section.

(3) The department shall develop and make available informational materials for students in grades seven and eight about career opportunities available to them, including in-demand jobs as defined in section 3333.94 of the Revised Code, and how a career-technical education may help them satisfy graduation conditions under section 3313.618 of the Revised Code.

(4) The department, in consultation with the governor's office of workforce transformation, shall develop a career pathways resource for students. Each school district shall distribute the resource, at least annually and in the manner prescribed by the department, to all students in grades six to twelve.

Sec. 3313.6028. (A) (1) As used in Title XXXIII of the Revised Code, "science of reading" means an interdisciplinary body of scientific evidence that:

(a) Informs how students learn to read and write proficiently;

(b) Explains why some students have difficulty with reading and writing;

(c) Indicates that all students benefit from explicit and systematic instruction in phonemic awareness, phonics, vocabulary, fluency, comprehension, and writing to become effective readers;

(d) Does not rely on any model of teaching students to

read based on meaning, structure and syntax, and visual cues, 36192
including a three-cueing approach. 36193

(2) As used in this section, "three-cueing approach" means 36194
any model of teaching students to read based on meaning, 36195
structure and syntax, and visual cues. 36196

(B) The department of education and workforce shall 36197
establish a list of high-quality core curriculum and 36198
instructional materials in English language arts, and a list of 36199
evidence-based reading intervention programs, that are aligned 36200
with the science of reading and strategies for effective 36201
literacy instruction. 36202

(C) Beginning not later than the 2024-2025 school year, 36203
each school district, community school established under Chapter 36204
3314. of the Revised Code, and STEM school established under 36205
Chapter 3326. of the Revised Code, shall use core curriculum and 36206
instructional materials in English language arts in each of 36207
grades pre-kindergarten to five and evidence-based reading 36208
intervention programs in each of grades pre-kindergarten to 36209
twelve only from the lists established under division (B) of 36210
this section. Except as provided in division (D) of this 36211
section, no district or school shall use any core curriculum, 36212
instructional materials, or intervention program in grades pre- 36213
kindergarten to five that use the three-cueing approach to teach 36214
students to read. 36215

(D) A district or school may apply to the department for a 36216
waiver on an individual student basis to use curriculum, 36217
instructional materials, or an intervention program in grades 36218
pre-kindergarten through five that uses the three-cueing 36219
approach to teach students to read, except as follows: 36220

(1) No student for whom a reading improvement and 36221
monitoring plan has been developed under division (C) of section 36222
3313.608 of the Revised Code shall be eligible for a waiver. 36223

(2) If a student has an individualized education program 36224
that explicitly indicates the three-cueing approach is 36225
appropriate for the student's learning needs, the student shall 36226
not be required to have a waiver. 36227

In determining whether to approve a waiver requested under 36228
this section, the department shall consider the performance of 36229
the student's district or school on the state report card issued 36230
under section 3302.03 of the Revised Code, including on the 36231
early literacy component prescribed under division (D)(3)(e) of 36232
that section. 36233

(E)(1) The department shall identify vendors that provide 36234
professional development to educators, including pre-service 36235
teachers and faculty employed by educator preparation programs, 36236
on the use of high-quality core curriculum and instructional 36237
materials and reading intervention programs on the lists 36238
established under division (B) of this section. 36239

(2) A professional development committee established under 36240
section 3319.22 of the Revised Code shall qualify any completed 36241
professional development coursework provided by a vendor 36242
described in division (E)(1) of this section to count towards 36243
professional development coursework requirements for teacher 36244
licensure renewal. 36245

(3) A professional development committee shall permit a 36246
teacher to apply any hours earned over the minimum amount of 36247
hours required for professional development coursework for 36248
teacher licensure renewal under division (E)(2) of this section 36249

to the next renewal period for that license. 36250

Sec. 3313.6031. (A) As used in this section, "other high 36251
school" means any of the following that offers any of grades 36252
nine through twelve: 36253

(1) A community school established under Chapter 3314. of 36254
the Revised Code; 36255

(2) A STEM school established under Chapter 3326. of the 36256
Revised Code; 36257

(3) A chartered nonpublic school. 36258

(B) Each city, local, exempted village, and joint 36259
vocational school district and other high school that has 36260
students enrolled in courses that comply with the career- 36261
technical education credit transfer criteria, policies, and 36262
procedures established under section 3333.162 of the Revised 36263
Code shall adopt and implement a policy for the awarding of 36264
grades and the calculation of class standing for those courses. 36265

A district's or school's policy under this section shall 36266
be equivalent to the district's or school's policy for courses 36267
taken under the advanced standing programs described in 36268
divisions (A) (1) to (3) of section 3313.6013 of the Revised Code 36269
or for other courses designated as honors courses by the 36270
district or school, including procedures for awarding a weighted 36271
grade or enhancing a student's class standing for those courses. 36272

Sec. 3313.6032. (A) As used in this section, "advanced 36273
learning opportunities in mathematics" or "advanced mathematics 36274
course" means learning opportunities or a course that provides 36275
academic content or rigor that exceeds the standard mathematics 36276
curriculum for the student's grade level, as determined by the 36277
district. 36278

(B) Except as otherwise provided in division (C) of this 36279
section, each city, local, exempted village, and joint- 36280
vocational school district shall provide each student that 36281
achieves an advanced level of skill on a mathematics achievement 36282
assessment as prescribed under section 3301.0710 or end-of- 36283
course examination under section 3301.0712 of the Revised Code 36284
with advanced learning opportunities in mathematics including 36285
advanced mathematics courses in the following school year. Each 36286
student shall take any corresponding required achievement 36287
assessment or end-of-course examination for any mathematics 36288
course the student takes under those sections. 36289

(C) (1) No school district is subject to division (B) of 36290
this section if it does not offer the advanced learning 36291
opportunities in mathematics or an advanced mathematics course 36292
for the grade level in which the student is enrolled for the 36293
next school year. 36294

(2) Each school district shall notify the parent or 36295
guardian of a student who qualifies for advanced learning 36296
opportunities in mathematics under division (B) of this section 36297
of that determination. The parent or guardian of any such 36298
student may submit a written request for that student to not 36299
receive the advanced learning opportunities in mathematics or to 36300
not be enrolled in the advanced mathematics course. In which 36301
case, the district shall not be required to provide that student 36302
with advanced mathematics instruction under division (B) of this 36303
section. 36304

Sec. 3313.617. ~~Not later than June 30, 2020, each~~ (A) Each 36305
board of education of a school district and governing authority 36306
of a chartered nonpublic school shall adopt a policy regarding 36307
students who are at risk of not qualifying for a high school 36308

diploma. The policy shall require the district or school to do 36309
all of the following: 36310

~~(A)~~ (1) Develop criteria for identifying at-risk students, 36311
which shall include a student's lack of adequate progress in 36312
meeting the terms of a graduation and career plan developed or 36313
updated under division ~~(E)~~ (A) (5) of this section. The criteria 36314
also may include other factors, such as if a student has issues 36315
regarding excessive absences or misconduct. 36316

~~(B)~~ (2) Develop procedures for identifying at-risk 36317
students. The procedures shall include a method for determining 36318
if a student is not making adequate progress in meeting the 36319
terms of a graduation and career plan developed or updated under 36320
division ~~(E)~~ (A) (5) of this section. The procedures shall allow 36321
for a student to be identified as at risk in each of grades nine 36322
through twelve. The procedures also may include the 36323
identification of students in other grades. 36324

~~(C)~~ (3) Develop a notification process in which the 36325
district or school shall notify an at-risk student's parent, 36326
guardian, or custodian in each year in which the student has 36327
been identified as at risk. The notification process shall at 36328
least include providing a written notification to the at-risk 36329
student's parent, guardian, or custodian, which shall include 36330
all of the following: 36331

~~(1)~~ (a) A statement that the student is at risk of not 36332
qualifying for a high school diploma; 36333

~~(2)~~ (b) A description of the district's or school's 36334
curriculum requirements, or the student's individualized 36335
education program, and, as appropriate, the graduation 36336
conditions prescribed under section 3313.618 or 3313.619 of the 36337

Revised Code; 36338

~~(3)~~ (c) A description of any additional instructional or 36339
support services available to the at-risk student through the 36340
district or school. 36341

~~(D)~~ (4) Assist at-risk students with additional 36342
instructional or support services to help the students qualify 36343
for a high school diploma. The instructional and support 36344
services may include any of the following: 36345

~~(1)~~ (a) Mentoring programs; 36346

~~(2)~~ (b) Tutoring programs; 36347

~~(3)~~ (c) High school credit through demonstrations of 36348
subject area competency under division (J) of section 3313.603 36349
of the Revised Code; 36350

~~(4)~~ (d) Adjusted curriculum options; 36351

~~(5)~~ (e) Career-technical programs; 36352

~~(6)~~ (f) Mental health services; 36353

~~(7)~~ (g) Physical health care services; 36354

~~(8)~~ (h) Family engagement and support services. 36355

~~(E)~~ ~~(1)~~ (5) Develop a graduation and career plan for each 36356
student enrolled in grades nine through twelve in the district 36357
or school. The graduation and career plan shall address the 36358
student's ~~academic~~ pathway to ~~meet~~ both of the following: 36359

(a) Meeting the curriculum requirements specified by the 36360
district or school and ~~satisfy~~ satisfying the graduation 36361
conditions, as appropriate, under section 3313.618 or 3313.619 36362
of the Revised Code; 36363

(b) Identifying post-graduation career goals and aligning 36364
the student's high school experience to those goals. 36365

~~(2) The~~ (6) Ensure the graduation and career plan shall be 36366
is developed jointly by the student and a representative of the 36367
district or school and/or a representative of an organization the 36368
district or school partners with for career planning and 36369
advising supports. The plan shall be updated each school year in 36370
which the student is enrolled in the district or school, until 36371
the student qualifies for a high school diploma. The district or 36372
school shall invite a student's parent, guardian, or custodian 36373
to assist in developing and updating the graduation and career 36374
plan. 36375

~~(3) A district or school shall include~~ (7) Include a 36376
student's lack of progress in meeting the terms of a graduation 36377
and career plan developed or updated under this division section 36378
as both a criterion for identifying at-risk students under 36379
division (A) (A) (1) of this section and a procedure for 36380
identifying at-risk students under division (B) (A) (2) of this 36381
section.; 36382

~~(4) A~~ (8) Ensure that a graduation and career plan 36383
developed under this section shall supplement conforms to a 36384
school district's policy on career advising adopted under 36385
section 3313.6020 of the Revised Code.; 36386

~~(5) A~~ (9) Permit a school district may to use the 36387
individualized education program developed for a student 36388
pursuant to section 3323.08 of the Revised Code in lieu of 36389
developing a graduation and career plan under this division 36390
section, if the individualized education program contains 36391
academic goals substantively similar to a graduation and career 36392
plan.; 36393

(10) Ensure that a graduation and career plan aligns to 36394
any student success plan developed for the student under 36395
division (C) of section 3313.6020 of the Revised Code. 36396

(B) The department of education and workforce shall adopt 36397
rules regarding the content of graduation and career plans. 36398

Sec. 3313.618. (A) In addition to the curriculum 36399
requirements specified by the board of education of a school 36400
district or governing authority of a chartered nonpublic school, 36401
each student entering ninth grade for the first time on or after 36402
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 36403
one of the following conditions or the conditions prescribed 36404
under division (B) of this section in order to qualify for a 36405
high school diploma: 36406

(1) Be remediation-free, in accordance with standards 36407
adopted under division (F) of section 3345.061 of the Revised 36408
Code, on each of the nationally standardized assessments in 36409
English, mathematics, and reading; 36410

(2) Attain a score specified under division (B) (5) (c) of 36411
section 3301.0712 of the Revised Code on the end-of-course 36412
examinations prescribed under division (B) of section 3301.0712 36413
of the Revised Code. 36414

(3) Attain a score that demonstrates workforce readiness 36415
and employability on a nationally recognized job skills 36416
assessment selected by the department of education and workforce 36417
under division (F) of section 3301.0712 of the Revised Code and 36418
obtain either an industry-recognized credential or a license 36419
issued by a state agency or board for practice in a vocation 36420
that requires an examination for issuance of that license. 36421

For the purposes of this division, the industry-recognized 36422

credentials and licenses shall be as approved under section 36423
3313.6113 of the Revised Code. 36424

A student may choose to qualify for a high school diploma 36425
by satisfying any of the separate requirements prescribed by 36426
divisions (A) (1) to (3) of this section. If the student's school 36427
district or school does not administer the examination 36428
prescribed by one of those divisions that the student chooses to 36429
take to satisfy the requirements of this section, the school 36430
district or school may require that student to arrange for the 36431
applicable scores to be sent directly to the district or school 36432
by the company or organization that administers the examination. 36433

(B) In addition to the curriculum requirements specified 36434
by the district board or school governing authority, each 36435
student entering ninth grade for the first time on or after July 36436
1, 2019, shall satisfy the following conditions in order to 36437
qualify for a high school diploma: 36438

(1) Attain a competency score as determined under division 36439
(B) (10) of section 3301.0712 of the Revised Code on each of the 36440
Algebra I and English language arts II end-of-course 36441
examinations prescribed under division (B) (2) of section 36442
3301.0712 of the Revised Code. 36443

School districts and chartered nonpublic schools shall 36444
offer remedial support to any student who fails to attain a 36445
competency score on one or both of the Algebra I and English 36446
language arts II end-of-course examinations. 36447

Following the first administration of the exam, if a 36448
student fails to attain a competency score on one or both of the 36449
Algebra I and English language arts II end-of-course 36450
examinations that student must retake the respective examination 36451

at least once. 36452

If a student fails to attain a competency score on a 36453
retake examination, the student may demonstrate competency in 36454
the failed subject area through one of the following options: 36455

(a) Earn course credit taken through the college credit 36456
plus program established under Chapter 3365. of the Revised Code 36457
in the failed subject area; 36458

(b) Complete two of the following options, one of which 36459
must be foundational: 36460

(i) Foundational options to demonstrate competency, which 36461
include completing two hundred fifty hours of a work-based 36462
learning experience with evidence of positive evaluations, 36463
earning a cumulative score of proficient or higher on three or 36464
more state technical assessments aligned with section 3313.903 36465
of the Revised Code in a single career pathway, obtaining an 36466
industry-recognized credential, or group of credentials, 36467
approved under section 3313.6113 of the Revised Code that ~~is at~~ 36468
~~least equal to the total number of points~~ meet the criteria 36469
established under that section to qualify for a high school 36470
diploma, obtaining a license approved under section 3313.6113 of 36471
the Revised Code that is issued by a state agency or board for 36472
practice in a vocation that requires an examination for issuance 36473
of that license, completing a pre-apprenticeship aligned with 36474
options established under section 3313.904 of the Revised Code 36475
in the student's chosen career field, completing an 36476
apprenticeship registered with the apprenticeship council 36477
established under section 4139.02 of the Revised Code in the 36478
student's chosen career field, or providing evidence of 36479
acceptance into an apprenticeship program after high school that 36480
is restricted to participants eighteen years of age or older; 36481

(ii) Supporting options to demonstrate competency, which 36482
~~include completing two hundred fifty hours of a work-based~~ 36483
~~learning experience with evidence of positive evaluations,~~ 36484
obtaining an OhioMeansJobs-readiness seal under section 36485
3313.6112 of the Revised Code, or attaining a workforce 36486
readiness score, as determined by the department, on the 36487
nationally recognized job skills assessment selected by the 36488
department under division (F) of section 3301.0712 of the 36489
Revised Code. 36490

(c) Provide evidence that the student has enlisted in a 36491
branch of the armed services of the United States as defined in 36492
section 5910.01 of the Revised Code. 36493

(d) Be remediation-free, in accordance with standards 36494
adopted under division (F) of section 3345.061 of the Revised 36495
Code, in the failed subject area on a nationally standardized 36496
assessment prescribed under division (B)(1) of section 3301.0712 36497
of the Revised Code. For English language arts II, a student 36498
must be remediation-free in the subjects of English and reading 36499
on the nationally standardized assessment. 36500

Subject to division (L)(2) of section 3313.61 of the 36501
Revised Code, for any students receiving special education and 36502
related services under Chapter 3323. of the Revised Code, the 36503
individualized education program developed for the student under 36504
that chapter shall specify the manner in which the student will 36505
participate in the assessments administered under this division 36506
or an alternate assessment in accordance with division (C)(1) of 36507
section 3301.0711 of the Revised Code. 36508

(2) Earn at least two of the state diploma seals 36509
prescribed under division (A) of section 3313.6114 of the 36510
Revised Code, at least one of which shall be any of the 36511

following: 36512

(a) The state seal of biliteracy established under section 36513
3313.6111 of the Revised Code; 36514

(b) The OhioMeansJobs-readiness seal established under 36515
section 3313.6112 of the Revised Code; 36516

(c) One of the state diploma seals established under 36517
divisions (C) (1) to (7) of section 3313.6114 of the Revised 36518
Code. 36519

(C) (1) A student who transfers into an Ohio public or 36520
chartered nonpublic high school from another state or enrolls in 36521
such a high school after receiving home education or attending a 36522
nonchartered, nontax-supported school in the previous school 36523
year shall meet the requirements of division (B) or (D) of this 36524
section, as applicable, in order to qualify for a high school 36525
diploma. However, any student subject to division (B) of this 36526
section who transfers or enrolls after the start of the 36527
student's twelfth grade year and fails to attain a competency 36528
score on the Algebra I or English language arts II end-of-course 36529
examination shall not be required to retake the applicable 36530
examination prior to demonstrating competency in the failed 36531
subject area under the options prescribed in divisions (B) (1) (a) 36532
to (d) of this section. 36533

(2) The department shall prescribe standards that allow a 36534
transfer student who, prior to the student's transfer, took an 36535
assessment described in division (B) (1) or (2) of section 36536
3301.0712 or section 3313.619 of the Revised Code to apply the 36537
score from that assessment towards graduation requirements at 36538
the student's new public or chartered nonpublic school. 36539

(D) Notwithstanding division (B) of this section, in 36540

addition to the curriculum requirements specified by the school 36541
governing authority, a chartered nonpublic school student 36542
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 36543
Revised Code entering ninth grade for the first time on or after 36544
July 1, 2019, shall qualify for a high school diploma if the 36545
student earns a remediation-free score in the areas of English, 36546
mathematics, and reading, in accordance with standards adopted 36547
under division (F) of section 3345.061 of the Revised Code, on a 36548
nationally standardized assessment prescribed under division (B) 36549
(1) of section 3301.0712 of the Revised Code. No such student 36550
shall be required to take the Algebra I or English language arts 36551
II end-of-course examination or earn diploma seals under this 36552
section. 36553

(E) The department shall not create or require any 36554
additional assessment for the granting of any type of high 36555
school diploma other than as prescribed by this section. Except 36556
as provided in sections 3313.6111, 3313.6112, and 3313.6114 of 36557
the Revised Code, the department or the director of education 36558
and workforce shall not create any endorsement or designation 36559
that may be affiliated with a high school diploma. 36560

Sec. 3313.6113. (A) The director of education and 36561
workforce, in collaboration with the governor's office of 36562
workforce transformation and representatives of business 36563
organizations, shall establish a committee to develop a list of 36564
industry-recognized credentials and licenses that may be used to 36565
qualify for a high school diploma under section 3313.618 of the 36566
Revised Code and shall be used for state report card purposes 36567
under section 3302.03 of the Revised Code. 36568

(B) The committee shall do the following: 36569

(1) Establish criteria for acceptable industry-recognized 36570

credentials and licenses aligned with the in-demand jobs list 36571
published by the department of job and family services and other 36572
relevant demand data; 36573

~~(2) Review the list of industry-recognized credentials and 36574~~
~~licenses that was in existence on January 1, 2018, and update 36575~~
~~the list as it considers necessary; 36576~~

~~(3)~~ Review and update the list of industry-recognized 36577
credentials and licenses at least biennially; 36578

~~(4) Assign a point value for each industry-recognized 36579~~
~~credential and establish the total number of points for 36580~~
~~industry-recognized credentials that~~ (3) Establish the criteria 36581
under which a student must earn to may use industry-recognized 36582
credentials to help qualify for a high school diploma under 36583
sections 3313.618 and 3313.6114 of the Revised Code; 36584

~~(5)~~ (4) Update the list of industry-recognized credentials 36585
to include a driver's license obtained by a student through a 36586
driver education course offered by a school district in 36587
accordance with section 3301.17 of the Revised Code. 36588

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 36589
~~(D) (1) (j) (v)~~ (D) (1) (i) (v) of section 3302.03 of the Revised Code, 36590
the department of education and workforce shall include only 36591
those students who earn an industry-recognized credential, or 36592
group of credentials, ~~at least equal to the total number of~~ 36593
~~points~~ that meet the criteria established by the committee under 36594
this section to qualify for a high school diploma. 36595

Sec. 3313.6114. (A) The department of education and 36596
workforce shall establish a system of state diploma seals for 36597
the purposes of allowing a student to qualify for graduation 36598
under section 3313.618 of the Revised Code. State diploma seals 36599

may be attached or affixed to the high school diploma of a 36600
student enrolled in a public or chartered nonpublic school. The 36601
system of state diploma seals shall consist of all of the 36602
following: 36603

(1) The state seal of biliteracy established under section 36604
3313.6111 of the Revised Code; 36605

(2) The OhioMeansJobs-readiness seal established under 36606
section 3313.6112 of the Revised Code; 36607

(3) The state diploma seals prescribed under division (C) 36608
of this section. 36609

(B) A school district, community school established under 36610
Chapter 3314. of the Revised Code, STEM school established under 36611
Chapter 3326. of the Revised Code, college-preparatory boarding 36612
school established under Chapter 3328. of the Revised Code, or 36613
chartered nonpublic school shall attach or affix the state seals 36614
prescribed under division (C) of this section to the diploma and 36615
transcript of a student enrolled in the district or school who 36616
meets the requirements established under that division. 36617

(C) The department shall establish all of the following 36618
state diploma seals: 36619

(1) An industry-recognized credential seal. A student 36620
shall meet the requirement for this seal by doing either of the 36621
following: 36622

(a) Earning an industry-recognized credential, or group of 36623
credentials, approved under section 3313.6113 of the Revised 36624
Code that ~~is both of the following:~~ 36625

~~(i) At least equal to the total number of points~~ meets the 36626
criteria established under that section ~~3313.6113 of the Revised~~ 36627

~~Code to qualify for a high school diploma.~~ 36628

~~(ii) Aligned and aligns to a job that is determined to be~~ 36629
in demand in this state and its regions under section 6301.11 of 36630
the Revised Code. 36631

(b) Obtaining a license approved under section 3313.6113 36632
of the Revised Code that is issued by a state agency or board 36633
for practice in a vocation that requires an examination for 36634
issuance of that license. 36635

(2) A college-ready seal. A student shall meet the 36636
requirement for this seal by attaining a score that is 36637
remediation-free, in accordance with standards adopted under 36638
division (F) of section 3345.061 of the Revised Code, on a 36639
nationally standardized assessment prescribed under division (B) 36640
(1) of section 3301.0712 of the Revised Code. 36641

(3) A military seal. A student shall meet the requirement 36642
for this seal by doing one of the following: 36643

(a) Providing evidence that the student has enlisted in a 36644
branch of the armed services of the United States as defined in 36645
section 5910.01 of the Revised Code; 36646

(b) Participating in a junior reserve officer training 36647
program approved by the congress of the United States under 36648
title 10 of the United States Code; 36649

(c) Providing evidence that the student has accepted a 36650
scholarship to enter the reserve officer training corps; 36651

(d) Providing evidence that the student has been appointed 36652
to a United States military service academy. 36653

(4) A citizenship seal. A student shall meet the 36654
requirement for this seal by doing any of the following: 36655

(a) Demonstrating at least a proficient level of skill as 36656
prescribed under division (B) (5) (a) of section 3301.0712 of the 36657
Revised Code on both the American history and American 36658
government end-of-course examinations prescribed under division 36659
(B) (2) of section 3301.0712 of the Revised Code; 36660

(b) Attaining a score level prescribed under division (B) 36661
(5) (d) of section 3301.0712 of the Revised Code that is at least 36662
the equivalent of a proficient level of skill in appropriate 36663
advanced placement or international baccalaureate examinations 36664
in lieu of the American history and American government end-of- 36665
course examinations; 36666

(c) In lieu of the American history and American 36667
government end-of-course examinations, attaining a final course 36668
grade that is the equivalent of a "B" or higher in either: 36669

(i) An American history course and an American government 36670
course that are offered by the student's high school; 36671

(ii) Appropriate courses taken through the college credit 36672
plus program established under Chapter 3365. of the Revised 36673
Code. 36674

(d) In the case of a student who takes an alternate 36675
assessment in accordance with division (C) (1) of section 36676
3301.0711 of the Revised Code, attaining a score established by 36677
the department on the alternate assessment in social studies; 36678

(e) In the case of a student who transfers into an Ohio 36679
public or chartered nonpublic high school from another state or 36680
who enrolls in an Ohio public or chartered nonpublic high school 36681
after receiving home education or attending a nonchartered, 36682
nontax-supported school in the previous school year, attaining a 36683
final course grade that is the equivalent of a "B" or higher in 36684

courses that correspond with the American history and American 36685
government end-of-course examinations and that the student 36686
completed in the state from which the student transferred or 36687
completed while receiving home education or attending a 36688
nonchartered, nontax-supported school. Division (C) (4) (e) of 36689
this section does not apply to any such student with respect to 36690
an American history or American government course for which an 36691
end-of-course examination is associated that the student takes 36692
after enrolling in the high school. 36693

(5) A science seal. A student shall meet the requirement 36694
for this seal by doing any of the following: 36695

(a) Demonstrating at least a proficient level of skill as 36696
prescribed under division (B) (5) (a) of section 3301.0712 of the 36697
Revised Code on the science end-of-course examination prescribed 36698
under division (B) (2) of section 3301.0712 of the Revised Code; 36699

(b) Attaining a score level prescribed under division (B) 36700
(5) (d) of section 3301.0712 of the Revised Code that is at least 36701
the equivalent of a proficient level of skill in an appropriate 36702
advanced placement or international baccalaureate examination in 36703
lieu of the science end-of-course examination; 36704

(c) In lieu of the science end-of-course examination, 36705
attaining a final course grade that is the equivalent of a "B" 36706
or higher in either: 36707

(i) A science course listed in divisions (C) (5) (c) (i) to 36708
(iii) of section 3313.603 of the Revised Code that is offered by 36709
the student's high school; 36710

(ii) An appropriate course taken through the college 36711
credit plus program established under Chapter 3365. of the 36712
Revised Code. 36713

(d) In the case of a student who takes an alternate 36714
assessment in accordance with division (C)(1) of section 36715
3301.0711 of the Revised Code, attaining a score established by 36716
the department on the alternate assessment in science; 36717

(e) In the case of a student who transfers into an Ohio 36718
public or chartered nonpublic high school from another state or 36719
enrolls in an Ohio public or chartered nonpublic high school 36720
after receiving home education or attending a nonchartered, 36721
nontax-supported school in the previous school year, attaining a 36722
final course grade that is the equivalent of a "B" or higher in 36723
a course that corresponds with the science end-of-course 36724
examination and that the student completed in the state from 36725
which the student transferred or completed while receiving home 36726
instruction or attending a nonchartered, nontax-supported 36727
school. Division (C)(5)(e) of this section does not apply to any 36728
such student who takes a science course for which an end-of- 36729
course examination is associated after enrolling in the high 36730
school. 36731

(6) An honors diploma seal. A student shall meet the 36732
requirement for this seal by meeting the additional criteria for 36733
an honors diploma under division (B) of section 3313.61 of the 36734
Revised Code. 36735

(7) A technology seal. A student shall meet the 36736
requirement for this seal by doing any of the following: 36737

(a) Subject to division (B)(5)(d) of section 3301.0712 of 36738
the Revised Code, attaining a score level that is at least the 36739
equivalent of a proficient level of skill in an appropriate 36740
advanced placement or international baccalaureate examination; 36741

(b) Attaining a final course grade that is the equivalent 36742

of a "B" or higher in an appropriate course taken through the 36743
college credit plus program established under Chapter 3365. of 36744
the Revised Code; 36745

(c) Completing a course offered through the student's 36746
district or school that meets guidelines developed by the 36747
department. However, a district or school shall not be required 36748
to offer a course that meets those guidelines. 36749

(d) In the case of a student who transfers into an Ohio 36750
public or chartered nonpublic high school from another state or 36751
enrolls in an Ohio public or chartered nonpublic high school 36752
after receiving home education or attending a nonchartered, 36753
nontax-supported school in the previous school year, attaining a 36754
final course grade that is the equivalent of a "B" or higher in 36755
an appropriate course, as determined by the district or school, 36756
that the student completed in the state from which the student 36757
transferred or completed while receiving home education or 36758
attending a nonchartered, nontax-supported school. 36759

(8) A community service seal. A student shall meet the 36760
requirement for this seal by completing a community service 36761
project that is aligned with guidelines adopted by the student's 36762
district board or school governing authority. 36763

(9) A fine and performing arts seal. A student shall meet 36764
the requirement for this seal by demonstrating skill in the fine 36765
or performing arts according to an evaluation that is aligned 36766
with guidelines adopted by the student's district board or 36767
school governing authority. 36768

(10) A student engagement seal. A student shall meet the 36769
requirement for this seal by participating in extracurricular 36770
activities such as athletics, clubs, or student government to a 36771

meaningful extent, as determined by guidelines adopted by the 36772
student's district board or school governing authority. 36773

(D) (1) Each district or school shall develop guidelines 36774
for at least one of the state seals prescribed under divisions 36775
(C) (8) to (10) of this section. 36776

(2) For the purposes of determining whether a student who 36777
transfers to a district or school has satisfied the state 36778
diploma seal requirement under division (B) (2) of section 36779
3313.618 of the Revised Code, each district or school shall 36780
recognize a state diploma seal prescribed under divisions (C) (8) 36781
to (10) of this section and earned by a student at another 36782
district or a different public or chartered nonpublic school 36783
regardless of whether the district or school to which the 36784
student transfers has developed guidelines under this section 36785
for that state seal. 36786

(3) In guidelines developed for a state diploma seal 36787
prescribed under divisions (C) (8) to (10) of this section, each 36788
district or school shall include a method to give, to the extent 36789
feasible, a student who transfers into the district or school a 36790
proportional amount of credit for any progress the student was 36791
making toward earning that state seal at the school district or 36792
different public or chartered nonpublic school from which the 36793
student transfers. 36794

(E) Each district or school shall maintain appropriate 36795
records to identify students who have met the requirements 36796
prescribed under division (C) of this section for earning the 36797
state seals established under that division. 36798

(F) The department shall prepare and deliver to each 36799
district or school an appropriate mechanism for assigning a 36800

state diploma seal established under division (C) of this 36801
section. 36802

(G) A student shall not be charged a fee to be assigned a 36803
state seal prescribed under division (C) of this section on the 36804
student's diploma and transcript. 36805

Sec. 3313.64. (A) As used in this section and in section 36806
3313.65 of the Revised Code: 36807

(1) (a) Except as provided in division (A) (1) (b) of this 36808
section, "parent" means either parent, unless the parents are 36809
separated or divorced or their marriage has been dissolved or 36810
annulled, in which case "parent" means the parent who is the 36811
residential parent and legal custodian of the child. When a 36812
child is in the legal custody of a government agency or a person 36813
other than the child's natural or adoptive parent, "parent" 36814
means the parent with residual parental rights, privileges, and 36815
responsibilities. When a child is in the permanent custody of a 36816
government agency or a person other than the child's natural or 36817
adoptive parent, "parent" means the parent who was divested of 36818
parental rights and responsibilities for the care of the child 36819
and the right to have the child live with the parent and be the 36820
legal custodian of the child and all residual parental rights, 36821
privileges, and responsibilities. 36822

(b) When a child is the subject of a power of attorney 36823
executed under sections 3109.51 to 3109.62 of the Revised Code, 36824
"parent" means the grandparent designated as attorney in fact 36825
under the power of attorney. When a child is the subject of a 36826
caretaker authorization affidavit executed under sections 36827
3109.64 to 3109.73 of the Revised Code, "parent" means the 36828
grandparent that executed the affidavit. 36829

(2) "Legal custody," "permanent custody," and "residual
parental rights, privileges, and responsibilities" have the same
meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local,
or exempted village school district and excludes any school
operated in an institution maintained by the department of youth
services.

(4) Except as used in division (C) (2) of this section,
"home" means a home, institution, foster home, group home, or
other residential facility in this state that receives and cares
for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such
purpose by the state or is maintained by the department of youth
services.

(b) The home is operated by a person who is licensed,
certified, or approved by the state to operate the home for such
purpose.

(c) The home accepted the child through a placement by a
person licensed, certified, or approved to place a child in such
a home by the state.

(d) The home is a children's home created under section
5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the
department of children and youth in accordance with the
requirements of section 5103.03 of the Revised Code and assumes
temporary or permanent custody of children through commitment,

agreement, or surrender, and places children in family homes for 36858
the purpose of adoption; 36859

(c) Comparable agencies of other states or countries that 36860
have complied with applicable requirements of section 2151.39 of 36861
the Revised Code or as applicable, sections 5103.20 to 5103.22 36862
or 5103.23 to 5103.237 of the Revised Code. 36863

(6) A child is placed for adoption if either of the 36864
following occurs: 36865

(a) An agency to which the child has been permanently 36866
committed or surrendered enters into an agreement with a person 36867
pursuant to section 5103.16 of the Revised Code for the care and 36868
adoption of the child. 36869

(b) The child's natural parent places the child pursuant 36870
to section 5103.16 of the Revised Code with a person who will 36871
care for and adopt the child. 36872

(7) "Preschool child with a disability" has the same 36873
meaning as in section 3323.01 of the Revised Code. 36874

(8) "Child," unless otherwise indicated, includes 36875
preschool children with disabilities. 36876

(9) "Active duty" means active duty pursuant to an 36877
executive order of the president of the United States, an act of 36878
the congress of the United States, or section 5919.29 or 5923.21 36879
of the Revised Code. 36880

(B) Except as otherwise provided in section 3321.01 of the 36881
Revised Code for admittance to kindergarten and first grade, a 36882
child who is at least five but under twenty-two years of age and 36883
any preschool child with a disability shall be admitted to 36884
school as provided in this division. 36885

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 36886
36887

(2) Except as provided in division (B) (4) of this section 36888
or division (B) of section 2151.362 and section 3317.30 of the 36889
Revised Code, a child who does not reside in the district where 36890
the child's parent resides shall be admitted to the schools of 36891
the district in which the child resides if any of the following 36892
applies: 36893

(a) The child is in the legal or permanent custody of a 36894
government agency or a person other than the child's natural or 36895
adoptive parent. 36896

(b) The child resides in a home. 36897

(c) The child requires special education. 36898

(3) A child who is not entitled under division (B) (2) of 36899
this section to be admitted to the schools of the district where 36900
the child resides and who is residing with a resident of this 36901
state with whom the child has been placed for adoption shall be 36902
admitted to the schools of the district where the child resides 36903
unless either of the following applies: 36904

(a) The placement for adoption has been terminated. 36905

(b) Another school district is required to admit the child 36906
under division (B) (1) of this section. 36907

(4) (a) A child who does not reside in the district where 36908
the child's parent resides is not required to be admitted to the 36909
schools of the district in which the child resides if both of 36910
the following apply: 36911

(i) The child resides in a home, or in a facility 36912
similarly licensed in another state, and the child was placed in 36913

the home or facility by the child's parent in consultation with, 36914
and upon the recommendation of, the Ohio resilience through 36915
integrated systems and excellence program for children and youth 36916
involved in multiple state systems. 36917

(ii) The home provides education services that meet the 36918
minimum education standards under division (D) (2) of section 36919
3301.07 of the Revised Code or, in the case of a facility 36920
located in another state, meets substantially similar 36921
requirements of the jurisdiction where the facility is located, 36922
except that the home or facility may provide the child with less 36923
than the minimum number of instructional hours required only as 36924
necessary to accommodate the child's treatment program. 36925

(b) Upon a child's admission to a home pursuant to 36926
division (B) (4) (a) of this section, the home shall notify the 36927
district where the child's parent resides and the district where 36928
the home is located that the home is providing educational 36929
services to the child until the child is discharged. Upon a 36930
child's admission to a facility located in another state 36931
pursuant to division (B) (4) (a) of this section, the facility 36932
shall notify the district where the child's parent resides that 36933
the facility is providing educational services to the child 36934
until the child is discharged. In either case, the district 36935
where the child's parent resides shall continue to enroll the 36936
student as provided in division (C) (5) of this section and shall 36937
excuse the child from attendance until the child is discharged 36938
from the home or facility. 36939

(c) Upon a child's discharge from a home or facility, the 36940
home or facility shall notify the district where the child's 36941
parent resides. The home or facility and the district shall 36942
collaborate on a supportive reentry plan into school for the 36943

child. 36944

Division (B) of this section does not prohibit the board 36945
of education of a school district from placing a child with a 36946
disability who resides in the district in a special education 36947
program outside of the district or its schools in compliance 36948
with Chapter 3323. of the Revised Code. 36949

(C) A district shall not charge tuition for children 36950
admitted under division (B)(1) or (3) of this section. If the 36951
district admits a child under division (B)(2) of this section, 36952
tuition shall be paid to the district that admits the child as 36953
provided in divisions (C)(1) to (3) of this section, unless 36954
division (C)(4) of this section applies to the child: 36955

(1) If the child receives special education in accordance 36956
with Chapter 3323. of the Revised Code, the school district of 36957
residence, as defined in section 3323.01 of the Revised Code, 36958
shall pay tuition for the child in accordance with section 36959
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 36960
regardless of who has custody of the child or whether the child 36961
resides in a home. 36962

(2) For a child that does not receive special education in 36963
accordance with Chapter 3323. of the Revised Code, except as 36964
otherwise provided in division (C)(2)(d) of this section, if the 36965
child is in the permanent or legal custody of a government 36966
agency or person other than the child's parent, tuition shall be 36967
paid by: 36968

(a) The district in which the child's parent resided at 36969
the time the court removed the child from home or at the time 36970
the court vested legal or permanent custody of the child in the 36971
person or government agency, whichever occurred first; 36972

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C) (2) (a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education and workforce has determined, pursuant to division (A) (2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent

and the child resides in a home, tuition shall be paid by one of 37003
the following: 37004

(a) The school district in which the child's parent 37005
resides; 37006

(b) If the child's parent is not a resident of this state, 37007
the home in which the child resides. 37008

(4) Division (C)(4) of this section applies to any child 37009
who is admitted to a school district under division (B)(2) of 37010
this section, resides in a home that is not a foster home, a 37011
home maintained by the department of youth services, a detention 37012
facility established under section 2152.41 of the Revised Code, 37013
or a juvenile facility established under section 2151.65 of the 37014
Revised Code, and receives educational services at the home or 37015
facility in which the child resides pursuant to a contract 37016
between the home or facility and the school district providing 37017
those services. 37018

If a child to whom division (C)(4) of this section applies 37019
is a special education student, a district may choose whether to 37020
receive a tuition payment for that child under division (C)(4) 37021
of this section or to receive a payment for that child under 37022
section 3323.14 of the Revised Code. If a district chooses to 37023
receive a payment for that child under section 3323.14 of the 37024
Revised Code, it shall not receive a tuition payment for that 37025
child under division (C)(4) of this section. 37026

If a child to whom division (C)(4) of this section applies 37027
is not a special education student, a district shall receive a 37028
tuition payment for that child under division (C)(4) of this 37029
section. 37030

In the case of a child to which division (C)(4) of this 37031

section applies, the total educational cost to be paid for the 37032
child shall be determined by a formula approved by the 37033
department of education and workforce, which formula shall be 37034
designed to calculate a per diem cost for the educational 37035
services provided to the child for each day the child is served 37036
and shall reflect the total actual cost incurred in providing 37037
those services. The department shall certify the total 37038
educational cost to be paid for the child to both the school 37039
district providing the educational services and, if different, 37040
the school district that is responsible to pay tuition for the 37041
child. The department shall deduct the certified amount from the 37042
state basic aid funds payable under Chapter 3317. of the Revised 37043
Code to the district responsible to pay tuition and shall pay 37044
that amount to the district providing the educational services 37045
to the child. 37046

(5) In the case of a child to whom division (B) (4) of this 37047
section applies, and except as otherwise provided in division 37048
(C) (5) (f) of this section, tuition shall be paid to the home or 37049
facility for educational services provided to the child by the 37050
school district in which the child's parent resides according to 37051
the following: 37052

(a) The total educational cost to be paid for the child 37053
shall be determined by a formula approved by the department of 37054
education and workforce. The department shall design the formula 37055
to calculate a per diem cost for the educational services 37056
provided to the child for each day the child is served and shall 37057
reflect the total actual cost incurred in providing those 37058
services. The department shall certify the total educational 37059
cost to be paid for the child to both the home or facility 37060
providing the educational services and the district that is 37061
responsible to pay the tuition for the child. The department 37062

shall deduct the certified amount from the state basic aid funds 37063
payable under Chapter 3317. of the Revised Code to the district 37064
responsible to pay tuition and shall pay that amount to the home 37065
or facility providing the educational services to the child. 37066

(b) The district responsible to pay tuition shall continue 37067
to report the child in its enrollment for purposes of section 37068
3317.03 of the Revised Code. 37069

(c) If the parent's residence changes to a different 37070
school district while the child resides in the home or facility, 37071
the department of education and workforce may re-determine the 37072
school district responsible for tuition based on evidence 37073
provided by the district currently responsible for tuition. 37074

(d) Upon a child's discharge from the home or facility, 37075
the home or facility shall immediately notify the district where 37076
the child's parent resides and the department of education and 37077
workforce. The notification shall include a certified transcript 37078
of all coursework completed by the child while residing in the 37079
home or facility. The district where the child's parent resides 37080
shall accept all coursework completed by the child while in the 37081
home or facility and shall award credit for that coursework in 37082
accordance with district policy. 37083

(e) Following discharge from the home or facility and 37084
return to the parent's residence, high school students shall 37085
meet requirements under section 3313.618 of the Revised Code in 37086
order to qualify for a high school diploma that are no more 37087
stringent than those that apply to students who enroll into an 37088
Ohio public or chartered nonpublic high school after receiving a 37089
home education under section 3321.042 of the Revised Code. 37090

(f) If the child is provided educational services by a 37091

chartered nonpublic school while residing in a home and the 37092
child has been awarded a scholarship under a state scholarship 37093
program, as defined in section 3301.0711 of the Revised Code, no 37094
school district shall be responsible for paying tuition under 37095
division (C) (5) of this section. 37096

(D) Tuition required to be paid under divisions (C) (2) and 37097
(3) (a) of this section shall be computed in accordance with 37098
section 3317.08 of the Revised Code. Tuition required to be paid 37099
under division (C) (3) (b) of this section shall be computed in 37100
accordance with section 3317.081 of the Revised Code. If a home 37101
fails to pay the tuition required by division (C) (3) (b) of this 37102
section, the board of education providing the education may 37103
recover in a civil action the tuition and the expenses incurred 37104
in prosecuting the action, including court costs and reasonable 37105
attorney's fees. If the prosecuting attorney or city director of 37106
law represents the board in such action, costs and reasonable 37107
attorney's fees awarded by the court, based upon the prosecuting 37108
attorney's, director's, or one of their designee's time spent 37109
preparing and presenting the case, shall be deposited in the 37110
county or city general fund. 37111

(E) A board of education may enroll a child free of any 37112
tuition obligation for a period not to exceed sixty days, on the 37113
sworn statement of an adult resident of the district that the 37114
resident has initiated legal proceedings for custody of the 37115
child. 37116

(F) In the case of any individual entitled to attend 37117
school under this division, no tuition shall be charged by the 37118
school district of attendance and no other school district shall 37119
be required to pay tuition for the individual's attendance. 37120
Notwithstanding division (B), (C), or (E) of this section: 37121

(1) All persons at least eighteen but under twenty-two 37122
years of age who live apart from their parents, support 37123
themselves by their own labor, and have not successfully 37124
completed the high school curriculum or the individualized 37125
education program developed for the person by the high school 37126
pursuant to section 3323.08 of the Revised Code, are entitled to 37127
attend school in the district in which they reside. 37128

(2) Any child under eighteen years of age who is married 37129
is entitled to attend school in the child's district of 37130
residence. 37131

(3) A child is entitled to attend school in the district 37132
in which either of the child's parents is employed if the child 37133
has a medical condition that may require emergency medical 37134
attention. The parent of a child entitled to attend school under 37135
division (F) (3) of this section shall submit to the board of 37136
education of the district in which the parent is employed a 37137
statement from the child's physician, certified nurse-midwife, 37138
clinical nurse specialist, or certified nurse practitioner 37139
certifying that the child's medical condition may require 37140
emergency medical attention. The statement shall be supported by 37141
such other evidence as the board may require. 37142

(4) Any child residing with a person other than the 37143
child's parent is entitled, for a period not to exceed twelve 37144
months, to attend school in the district in which that person 37145
resides if the child's parent files an affidavit with the 37146
superintendent of the district in which the person with whom the 37147
child is living resides stating all of the following: 37148

(a) That the parent is serving outside of the state in the 37149
armed services of the United States; 37150

- (b) That the parent intends to reside in the district upon returning to this state; 37151
37152
- (c) The name and address of the person with whom the child is living while the parent is outside the state. 37153
37154
- (5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board. 37155
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- (6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following: 37162
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- (a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion; 37169
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- (b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement. 37172
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- (7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a 37175
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period of time in the district where the house is being 37180
purchased. In order to be entitled to such attendance, the 37181
parent shall provide the district superintendent with the 37182
following: 37183

(a) A sworn statement explaining the situation, revealing 37184
the location of the house being purchased, and stating the 37185
parent's intent to reside there; 37186

(b) A statement from a real estate broker or bank officer 37187
confirming that the parent has a contract to purchase the house, 37188
that the parent is waiting upon the date of closing of the 37189
mortgage loan, and that the house is at the location indicated 37190
in the parent's statement. 37191

The district superintendent shall establish a period of 37192
time not to exceed ninety days during which the child entitled 37193
to attend school under division (F) (6) or (7) of this section 37194
may attend without tuition obligation. A student attending a 37195
school under division (F) (6) or (7) of this section shall be 37196
eligible to participate in interscholastic athletics under the 37197
auspices of that school, provided the board of education of the 37198
school district where the student's parent resides, by a formal 37199
action, releases the student to participate in interscholastic 37200
athletics at the school where the student is attending, and 37201
provided the student receives any authorization required by a 37202
public agency or private organization of which the school 37203
district is a member exercising authority over interscholastic 37204
sports. 37205

(8) A child whose parent is a full-time employee of a 37206
city, local, or exempted village school district, or of an 37207
educational service center, may be admitted to the schools of 37208
the district where the child's parent is employed, or in the 37209

case of a child whose parent is employed by an educational 37210
service center, in the district that serves the location where 37211
the parent's job is primarily located, provided the district 37212
board of education establishes such an admission policy by 37213
resolution adopted by a majority of its members. Any such policy 37214
shall take effect on the first day of the school year and the 37215
effective date of any amendment or repeal may not be prior to 37216
the first day of the subsequent school year. The policy shall be 37217
uniformly applied to all such children and shall provide for the 37218
admission of any such child upon request of the parent. No child 37219
may be admitted under this policy after the first day of classes 37220
of any school year. 37221

(9) A child who is with the child's parent under the care 37222
of a shelter for victims of domestic violence, as defined in 37223
section 3113.33 of the Revised Code, is entitled to attend 37224
school free in the district in which the child is with the 37225
child's parent, and no other school district shall be required 37226
to pay tuition for the child's attendance in that school 37227
district. 37228

The enrollment of a child in a school district under this 37229
division shall not be denied due to a delay in the school 37230
district's receipt of any records required under section 37231
3313.672 of the Revised Code or any other records required for 37232
enrollment. Any days of attendance and any credits earned by a 37233
child while enrolled in a school district under this division 37234
shall be transferred to and accepted by any school district in 37235
which the child subsequently enrolls. The department of 37236
education and workforce shall adopt rules to ensure compliance 37237
with this division. 37238

(10) Any child under the age of twenty-two years whose 37239

parent has moved out of the school district after the 37240
commencement of classes in the child's senior year of high 37241
school is entitled, subject to the approval of that district 37242
board, to attend school in the district in which the child 37243
attended school at the time of the parental move for the 37244
remainder of the school year and for one additional semester or 37245
equivalent term. A district board may also adopt a policy 37246
specifying extenuating circumstances under which a student may 37247
continue to attend school under division (F)(10) of this section 37248
for an additional period of time in order to successfully 37249
complete the high school curriculum for the individualized 37250
education program developed for the student by the high school 37251
pursuant to section 3323.08 of the Revised Code. 37252

(11) As used in this division, "grandparent" means a 37253
parent of a parent of a child. A child under the age of twenty- 37254
two years who is in the custody of the child's parent, resides 37255
with a grandparent, and does not require special education is 37256
entitled to attend the schools of the district in which the 37257
child's grandparent resides, provided that, prior to such 37258
attendance in any school year, the board of education of the 37259
school district in which the child's grandparent resides and the 37260
board of education of the school district in which the child's 37261
parent resides enter into a written agreement specifying that 37262
good cause exists for such attendance, describing the nature of 37263
this good cause, and consenting to such attendance. 37264

In lieu of a consent form signed by a parent, a board of 37265
education may request the grandparent of a child attending 37266
school in the district in which the grandparent resides pursuant 37267
to division (F)(11) of this section to complete any consent form 37268
required by the district, including any authorization required 37269
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 37270

Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F) (11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of

the Revised Code, the board of education of neither school 37300
district involved in the agreement is required to provide 37301
transportation for the student to and from the school where the 37302
student attends. 37303

A student attending a school of a district pursuant to 37304
this division shall be allowed to participate in all student 37305
activities, including interscholastic athletics, at the school 37306
where the student is attending on the same basis as any student 37307
who has always attended the schools of that district while of 37308
compulsory school age. 37309

(13) All school districts shall comply with the "McKinney- 37310
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 37311
the education of homeless children. Each city, local, and 37312
exempted village school district shall comply with the 37313
requirements of that act governing the provision of a free, 37314
appropriate public education, including public preschool, to 37315
each homeless child. 37316

When a child loses permanent housing and becomes a 37317
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 37318
child who is such a homeless person changes temporary living 37319
arrangements, the child's parent or guardian shall have the 37320
option of enrolling the child in either of the following: 37321

(a) The child's school of origin, as defined in 42 37322
U.S.C.A. 11432(g) (3) (C); 37323

(b) The school that is operated by the school district in 37324
which the shelter where the child currently resides is located 37325
and that serves the geographic area in which the shelter is 37326
located. 37327

(14) A child under the age of twenty-two years who resides 37328

with a person other than the child's parent is entitled to 37329
attend school in the school district in which that person 37330
resides if both of the following apply: 37331

(a) That person has been appointed, through a military 37332
power of attorney executed under section 574(a) of the "National 37333
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 37334
(1993), 10 U.S.C. 1044b, or through a comparable document 37335
necessary to complete a family care plan, as the parent's agent 37336
for the care, custody, and control of the child while the parent 37337
is on active duty as a member of the national guard or a reserve 37338
unit of the armed forces of the United States or because the 37339
parent is a member of the armed forces of the United States and 37340
is on a duty assignment away from the parent's residence. 37341

(b) The military power of attorney or comparable document 37342
includes at least the authority to enroll the child in school. 37343

The entitlement to attend school in the district in which 37344
the parent's agent under the military power of attorney or 37345
comparable document resides applies until the end of the school 37346
year in which the military power of attorney or comparable 37347
document expires. 37348

(G) A board of education, after approving admission, may 37349
waive tuition for students who will temporarily reside in the 37350
district and who are either of the following: 37351

(1) Residents or domiciliaries of a foreign nation who 37352
request admission as foreign exchange students; 37353

(2) Residents or domiciliaries of the United States but 37354
not of Ohio who request admission as participants in an exchange 37355
program operated by a student exchange organization. 37356

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 37357

3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 37358
attend school or participate in a special education program in a 37359
school district other than in the district where the child is 37360
entitled to attend school under division (B) of this section. 37361

(I) (1) Notwithstanding anything to the contrary in this 37362
section or section 3313.65 of the Revised Code, a child under 37363
twenty-two years of age may attend school in the school district 37364
in which the child, at the end of the first full week of October 37365
of the school year, was entitled to attend school as otherwise 37366
provided under this section or section 3313.65 of the Revised 37367
Code, if at that time the child was enrolled in the schools of 37368
the district but since that time the child or the child's parent 37369
has relocated to a new address located outside of that school 37370
district and within the same county as the child's or parent's 37371
address immediately prior to the relocation. The child may 37372
continue to attend school in the district, and at the school to 37373
which the child was assigned at the end of the first full week 37374
of October of the current school year, for the balance of the 37375
school year. Division (I) (1) of this section applies only if 37376
both of the following conditions are satisfied: 37377

(a) The board of education of the school district in which 37378
the child was entitled to attend school at the end of the first 37379
full week in October and of the district to which the child or 37380
child's parent has relocated each has adopted a policy to enroll 37381
children described in division (I) (1) of this section. 37382

(b) The child's parent provides written notification of 37383
the relocation outside of the school district to the 37384
superintendent of each of the two school districts. 37385

(2) At the beginning of the school year following the 37386
school year in which the child or the child's parent relocated 37387

outside of the school district as described in division (I)(1) 37388
of this section, the child is not entitled to attend school in 37389
the school district under that division. 37390

(3) Any person or entity owing tuition to the school 37391
district on behalf of the child at the end of the first full 37392
week in October, as provided in division (C) of this section, 37393
shall continue to owe such tuition to the district for the 37394
child's attendance under division (I)(1) of this section for the 37395
lesser of the balance of the school year or the balance of the 37396
time that the child attends school in the district under 37397
division (I)(1) of this section. 37398

(4) A pupil who may attend school in the district under 37399
division (I)(1) of this section shall be entitled to 37400
transportation services pursuant to an agreement between the 37401
district and the district in which the child or child's parent 37402
has relocated unless the districts have not entered into such 37403
agreement, in which case the child shall be entitled to 37404
transportation services in the same manner as a pupil attending 37405
school in the district under interdistrict open enrollment as 37406
described in division (E) of section 3313.981 of the Revised 37407
Code, regardless of whether the district has adopted an open 37408
enrollment policy as described in division (B)(1)(b) or (c) of 37409
section 3313.98 of the Revised Code. 37410

(J) This division does not apply to a child receiving 37411
special education. 37412

A school district required to pay tuition pursuant to 37413
division (C)(2) or (3) of this section or section 3313.65 of the 37414
Revised Code shall have an amount deducted under division (C) of 37415
section 3317.023 of the Revised Code equal to its own tuition 37416
rate for the same period of attendance. A school district 37417

entitled to receive tuition pursuant to division (C) (2) or (3) 37418
of this section or section 3313.65 of the Revised Code shall 37419
have an amount credited under division (C) of section 3317.023 37420
of the Revised Code equal to its own tuition rate for the same 37421
period of attendance. If the tuition rate credited to the 37422
district of attendance exceeds the rate deducted from the 37423
district required to pay tuition, the department of education 37424
and workforce shall pay the district of attendance the 37425
difference from amounts deducted from all districts' payments 37426
under division (C) of section 3317.023 of the Revised Code but 37427
not credited to other school districts under such division and 37428
from appropriations made for such purpose. The treasurer of each 37429
school district shall, by the fifteenth day of January and July, 37430
furnish the director of education and workforce a report of the 37431
names of each child who attended the district's schools under 37432
divisions (C) (2) and (3) of this section or section 3313.65 of 37433
the Revised Code during the preceding six calendar months, the 37434
duration of the attendance of those children, the school 37435
district responsible for tuition on behalf of the child, and any 37436
other information that the director requires. 37437

Upon receipt of the report the director, pursuant to 37438
division (C) of section 3317.023 of the Revised Code, shall 37439
deduct each district's tuition obligations under divisions (C) 37440
(2) and (3) of this section or section 3313.65 of the Revised 37441
Code and pay to the district of attendance that amount plus any 37442
amount required to be paid by the state. 37443

(K) In the event of a disagreement, the director of 37444
education and workforce shall determine the school district in 37445
which the parent resides. 37446

(L) Nothing in this section requires or authorizes, or 37447

shall be construed to require or authorize, the admission to a 37448
public school in this state of a pupil who has been permanently 37449
excluded from public school attendance by the director pursuant 37450
to sections 3301.121 and 3313.662 of the Revised Code. 37451

(M) In accordance with division (B)(1) of this section, a 37452
child whose parent is a member of the national guard or a 37453
reserve unit of the armed forces of the United States and is 37454
called to active duty, or a child whose parent is a member of 37455
the armed forces of the United States and is ordered to a 37456
temporary duty assignment outside of the district, may continue 37457
to attend school in the district in which the child's parent 37458
lived before being called to active duty or ordered to a 37459
temporary duty assignment outside of the district, as long as 37460
the child's parent continues to be a resident of that district, 37461
and regardless of where the child lives as a result of the 37462
parent's active duty status or temporary duty assignment. 37463
However, the district is not responsible for providing 37464
transportation for the child if the child lives outside of the 37465
district as a result of the parent's active duty status or 37466
temporary duty assignment. 37467

Sec. 3313.6611. Each local, city, exempted village, joint 37468
vocational school district, community school established under 37469
Chapter 3314., STEM school established under Chapter 3326., and 37470
college-preparatory boarding school established under Chapter 37471
3328. of the Revised Code may ~~designate a student-led violence-~~ 37472
~~prevention club~~ provide youth peer-led programming based on 37473
relational connections and youth empowerment models for each 37474
school building in the district or school serving grades six 37475
through twelve. ~~If created, each club shall do the~~ 37476
~~following~~ Youth peer-led programming shall do the following: 37477

(A) Be open to all members of the student body;	37478
(B) Have at least one identified adult advisor;	37479
(C) Implement and sustain suicide and violence prevention	37480
and social inclusion training and awareness activities in a	37481
manner consistent with section 3301.221 of the Revised Code;	37482
(D) Foster opportunities for student leadership	37483
development;	37484
<u>(D) Promote help-seeking behaviors;</u>	37485
<u>(E) Encourage students to individually assess and develop</u>	37486
<u>strengths in their lives.</u>	37487
Sec. 3313.753. (A) As used in this section:	37488
(1) "Electronic communications device" means any device	37489
that is powered by batteries or electricity and that is capable	37490
of receiving, transmitting, or receiving and transmitting	37491
communications between two or more persons or a communication	37492
from or to a person.	37493
(2) "School" means any school that is operated by a board	37494
of education of a city, local, exempted village, or joint	37495
vocational school district.	37496
(3) "School building" means any building in which any of	37497
the instruction, extracurricular activities, or training	37498
provided by a school is conducted.	37499
(4) "School grounds or premises" means either of the	37500
following:	37501
(a) The parcel of real property on which any school	37502
building is situated;	37503
(b) Any other parcel of real property that is owned or	37504

leased by a board of education and on which some of the 37505
instruction, extracurricular activities, or training of the 37506
school is conducted. 37507

(B) The board of education of any city, exempted village, 37508
local, joint vocational, or cooperative education school 37509
district may adopt a policy prohibiting students from carrying 37510
an electronic communications device in any school building or on 37511
any school grounds or premises of the district. The policy may 37512
provide for exceptions to this prohibition as specified in the 37513
policy. The policy shall specify any disciplinary measures that 37514
will be taken for violation of this prohibition. 37515

If a board of education adopts a policy under this 37516
division, the board shall post the policy in a central location 37517
in each school building and make it available to students and 37518
parents upon request. 37519

~~(C)~~ (C) (1) Not later than the first day of ~~July~~ January 37520
that immediately follows ~~the effective date of this amendment~~ the 37521
effective date of this amendment, each school district board of 37522
education shall adopt a policy governing the use of cellular 37523
telephones by students during school hours. The policy shall ~~do~~ 37524
~~all of the following:~~ 37525

~~(1) Emphasize that student cellular telephone use be as~~ 37526
~~limited as possible during school hours;~~ 37527

~~(2) Reduce cellular telephone-related distractions in~~ 37528
~~classroom settings;~~ 37529

~~(3)~~ prohibit all cellular telephone use by students during 37530
the instructional day, except as described in division (C) (2) of 37531
this section. 37532

(2) If determined appropriate by the district board, or if 37533

included in a student's individualized education program 37534
developed under Chapter 3323. of the Revised Code or plan 37535
developed under section 504 of the "Rehabilitation Act of 1973," 37536
29 U.S.C. 794, ~~permit~~ students to may use cellular telephones or 37537
other electronic communications devices for student learning or 37538
to monitor or address a health concern. 37539

~~(D) Division (C) of this section shall not be construed to~~ 37540
~~require a district board to adopt a policy that prohibits all~~ 37541
~~cellular telephone use by students. Nonetheless, any~~ Any 37542
district board that adopts a policy that prohibits all cellular 37543
telephone use by students shall be considered to have met the 37544
requirements in division (C) of this section. 37545

(E) Any district board that adopts a policy that meets the 37546
requirements prescribed in division (C) of this section prior to 37547
~~the effective date of this amendment~~ the effective date of this 37548
amendment, shall be considered to have met the requirement to 37549
adopt a policy under this section. 37550

(F) Each district board that adopts a policy under this 37551
section after ~~the effective date of this amendment~~ the effective 37552
date of this amendment, shall do so at a public meeting of the 37553
board. 37554

(G) Each district board shall make any policy it adopts 37555
under this section publicly available and post it prominently on 37556
its publicly accessible web site, if it has one. 37557

(H) Not later than sixty days after ~~the effective date of~~ 37558
~~this amendment~~ the effective date of this amendment, the 37559
department of education and workforce shall develop a model 37560
policy that meets the requirements prescribed in division (C) of 37561
this section. To the extent possible, the model policy shall 37562

take into account available research concerning the effect of 37563
the use of cellular telephones by students in school settings. 37564
The model policy may be utilized by districts and schools. 37565

Sec. 3313.8110. (A) As used in this section: 37566

(1) "National school breakfast program" means the federal 37567
school breakfast program created under 42 U.S.C. 1773. 37568

(2) "National school lunch program" means the federal 37569
school lunch program created under 42 U.S.C. 1751. 37570

(3) "Identified student percentage" means the percentage 37571
of a school district's student enrollment certified as 37572
categorically eligible for free meals as described in 7 C.F.R. 37573
245.6 or successor regulations. 37574

(4) "Community eligibility provision" means the federal 37575
program created under 42 U.S.C. 1759a(a)(1)(F). 37576

(B) Each school district that participates in the national 37577
school breakfast program and has an identified student 37578
percentage of at least twenty-five per cent shall participate in 37579
the federal community eligibility provision and provide a 37580
breakfast at no cost to each enrolled student. 37581

(C) Each school district that participates in the national 37582
school lunch program and has an identified student percentage of 37583
at least twenty-five per cent shall participate in the federal 37584
community eligibility provision and provide a lunch at no cost 37585
to each enrolled student. 37586

(D) If a district or school determines that, for financial 37587
reasons, it cannot comply with division (B) or (C) of this 37588
section, the district or school may choose not to comply with 37589
either or both divisions. The district or school publicly shall 37590

communicate to the residents of the district, in the manner it 37591
determines appropriate, its decision not to comply. 37592

Sec. 3313.90. As used in this section, "formula ADM" has 37593
the same meaning as in section 3317.02 of the Revised Code. 37594
Notwithstanding division (D) of section 3311.19 and division (D) 37595
of section 3311.52 of the Revised Code, the provisions of this 37596
section that apply to a city school district do not apply to any 37597
joint vocational or cooperative education school district. 37598

(A) Except as provided in division (B) of this section, 37599
each city, local, and exempted village school district shall, by 37600
one of the following means, provide to students enrolled in 37601
grades seven through twelve career-technical education adequate 37602
to prepare a student enrolled therein for an occupation: 37603

(1) Establishing and maintaining a career-technical 37604
education program that meets standards adopted by the department 37605
of education and workforce; 37606

(2) Being a member of a joint vocational school district 37607
that meets standards adopted by the department; 37608

(3) Contracting for career-technical education with a 37609
joint vocational school district or another school district that 37610
meets the standards adopted by the department. 37611

The standards of the department shall include criteria for 37612
the participation by nonpublic students in career-technical 37613
education programs without financial assessment, charge, or 37614
tuition to such student except such assessments, charges, or 37615
tuition paid by resident public school students in such 37616
programs. Such nonpublic school students shall be included in 37617
the formula ADM of the school district maintaining the career- 37618
technical education program as part-time students in proportion 37619

to the time spent in the career-technical education program. 37620

By the thirtieth day of October of each year, the director 37621
of education and workforce shall determine and certify to the 37622
superintendent of each school district subject to this section 37623
either that the district is in compliance with the requirements 37624
of this section for the current school year or that the district 37625
is not in compliance. If the director certifies that the 37626
district is not in compliance, the director shall notify the 37627
board of education of the district of the actions necessary to 37628
bring the district into compliance with this section. 37629

In meeting standards established by the department, school 37630
districts, where practicable, shall provide career-technical 37631
education programs in high schools. A minimum enrollment of 37632
~~fifteen hundred students in grades nine through twelve is~~ 37633
~~established as a base for comprehensive career-technical~~ 37634
~~education course offerings. Beginning with the 2015-2016 school~~ 37635
~~year, this base shall increase to a minimum enrollment of two~~ 37636
thousand two hundred fifty students in grades seven through 37637
twelve is the base for comprehensive career-technical education 37638
course offerings. A school district may meet this requirement 37639
alone, through a cooperative arrangement pursuant to section 37640
3313.92 of the Revised Code, through school district 37641
consolidation, by membership in a joint vocational school 37642
district, by contract with a school district, by contract with a 37643
school licensed by any state agency established by the Revised 37644
Code which school operates its courses offered for contracting 37645
with public schools under standards as to staffing and 37646
facilities comparable to those prescribed by the department for 37647
public schools provided no instructor in such courses shall be 37648
required to be certificated by the department, or in a 37649
combination of such ways. Exceptions to the minimum enrollment 37650

prescribed by this section may be made by the department based 37651
on sparsity of population or other factors indicating that 37652
comprehensive educational and career-technical education 37653
programs as required by this section can be provided through an 37654
alternate plan. 37655

(B) ~~If~~ Until July 1, 2026, the department shall waive the 37656
requirement for a city, local, or exempted village school 37657
district to provide career-technical education to students 37658
enrolled in grades seven and eight for that particular school 37659
year, if the board of education of a city, local, or exempted 37660
village school that district adopts a resolution that specifies 37661
the district's intent not to provide career-technical education 37662
to students enrolled in grades seven and eight for a particular 37663
school year and submits that resolution to the department by the 37664
thirtieth day of September of that school year, ~~the department~~ 37665
~~shall waive the requirement for that district to provide career-~~ 37666
~~technical education to students enrolled in grades seven and~~ 37667
~~eight for that particular school year.~~ 37668

Sec. 3313.902. (A) As used in this section: 37669

(1) "Competency-based educational program" means any 37670
system of academic instruction, assessment, grading, and 37671
reporting in which individuals receive credit based on 37672
demonstrations and assessments of their learning rather than the 37673
amount of time they spend studying a subject. A competency-based 37674
educational program shall encourage accelerated learning among 37675
individuals who master academic materials quickly while 37676
providing additional instructional support time for individuals 37677
who need it. 37678

(2) "Eligible individual" means an individual who 37679
satisfies all of the following criteria: 37680

- (a) The individual is at least eighteen years of age. 37681
- (b) The individual is officially withdrawn from school. 37682
- (c) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code. 37683
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- (3) "Eligible provider" means a city, local, or exempted village school district that operates a dropout prevention and recovery program or a joint vocational school district that operates an adult education program. 37686
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- (4) "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code. 37690
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- (B) An eligible provider may establish a competency-based educational program that complies with standards adopted by the department of education and workforce and may enroll eligible individuals in the program for up to three consecutive school years for the purpose of earning a high school diploma. The provider shall establish a career plan for each individual enrolled in the program that specifies the individual's career goals and describes how the individual will demonstrate competency or earn course credits under division (C) of this section to earn a diploma and attain the individual's career goals. 37692
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- (C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the department shall award a high school diploma to an individual enrolled in a program under division (B) of this section who meets either of the following conditions: 37703
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- (1) The individual demonstrates competency by completing at least three of the following activities, at least one of 37708
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which shall be the activity described in division (C) (1) (a) or 37710
(b) of this section: 37711

(a) Attaining a competency score as determined under 37712
division (B) (10) of section 3301.0712 of the Revised Code on 37713
each of the Algebra I and English language arts II end-of-course 37714
examinations prescribed under division (B) (2) of that section; 37715

(b) Attaining a workforce readiness score, as determined 37716
by the department, on the nationally recognized job skills 37717
assessment selected by the department under division (F) of 37718
section 3301.0712 of the Revised Code; 37719

(c) Obtaining an industry-recognized credential, or group 37720
of credentials, in a single career field approved under section 37721
3313.6113 of the Revised Code that is at least equal to the 37722
total number of points established under that section to qualify 37723
for a high school diploma or earning an industry-recognized 37724
credential that is aligned to a technical education program 37725
provided by an Ohio technical center; 37726

(d) Earning a cumulative score of proficient or higher on 37727
three or more state technical assessments aligned with section 37728
3313.903 of the Revised Code in a single career pathway; 37729

(e) Doing either of the following: 37730

(i) Completing a pre-apprenticeship program aligned with 37731
options established under section 3313.904 of the Revised Code 37732
in the individual's chosen career field and providing evidence 37733
of acceptance into a registered apprenticeship program in that 37734
career field; 37735

(ii) Completing an apprenticeship registered with the 37736
apprenticeship council established under section 4139.02 of the 37737
Revised Code in the individual's chosen career field. 37738

<u>(f) Completing two hundred fifty hours of a work-based</u>	37739
<u>learning experience with evidence of positive evaluations;</u>	37740
<u>(g) Obtaining an OhioMeansJobs-readiness seal under</u>	37741
<u>section 3313.6112 of the Revised Code.</u>	37742
<u>(2) The individual demonstrates competency by completing</u>	37743
<u>at least two of the activities described in divisions (C) (1) (a)</u>	37744
<u>to (g) of this section and earns course credits distributed as</u>	37745
<u>follows:</u>	37746
<u>(a) English language arts, four credits;</u>	37747
<u>(b) Mathematics, four credits. One credit may be a career-</u>	37748
<u>based mathematics course aligned to the individual's career plan</u>	37749
<u>developed under division (B) of this section.</u>	37750
<u>(c) Science, three credits;</u>	37751
<u>(d) Social studies, three credits;</u>	37752
<u>(e) Financial literacy, one-half credit. The one-half</u>	37753
<u>credit of financial literacy may be applied toward the number of</u>	37754
<u>mathematics or social studies credits required under division</u>	37755
<u>(C) (2) of this section.</u>	37756
<u>(D) An eligible provider shall report each individual</u>	37757
<u>enrolled in a program under division (B) of this section to the</u>	37758
<u>department. The department annually shall certify the enrollment</u>	37759
<u>and attendance of each individual reported under this division</u>	37760
<u>and shall pay the provider up to \$7,500 per school year, as</u>	37761
<u>determined by the department based on the extent of the</u>	37762
<u>individual's successful completion of the diploma requirements</u>	37763
<u>prescribed in division (C) of this section.</u>	37764
<u>(E) Notwithstanding anything in this section to the</u>	37765
<u>contrary, an eligible provider may request that the department</u>	37766

allow an eligible individual to enroll in a program under 37767
division (B) of this section for more than three consecutive 37768
school years due to a hardship experienced by the individual 37769
that necessitates additional time to meet the diploma 37770
requirements prescribed in division (C) of this section. 37771

(F) An eligible individual shall not be assigned to 37772
classes or settings with individuals who are younger than 37773
eighteen years of age. 37774

(G) Each eligible provider shall contact each individual 37775
to whom a diploma is awarded under this section to collect data 37776
on the individual's career and educational outcomes at six 37777
months, twelve months, and eighteen months after the awarding of 37778
the diploma. At each time of contact, the provider shall request 37779
information regarding whether the individual is gainfully 37780
employed, participating in an apprenticeship, enrolled in 37781
postsecondary education, or serving in the military. The 37782
provider shall report the data collected to the department in 37783
the manner determined by the department. 37784

(H) The department shall adopt rules as necessary to 37785
administer this section. The rules may include all of the 37786
following: 37787

(1) Standards for competency-based educational programs; 37788

(2) Standards for applying an individual's work or life 37789
experiences toward the requirements of division (C) of this 37790
section; 37791

(3) Requirements for determining the amount paid to 37792
providers under division (D) of this section; 37793

(4) Guidelines for approving or denying a hardship request 37794
made under division (E) of this section. 37795

Sec. 3314.013. (A) Until May 22, 2013, no internet- or 37796
computer-based community school shall operate unless the school 37797
was open for instruction as of May 1, 2005. No entity described 37798
in division (C) (1) of section 3314.02 of the Revised Code shall 37799
enter into a contract to sponsor an internet- or computer-based 37800
community school, including a conversion school, between May 1, 37801
2005, and May 22, 2013, except as follows: 37802

(1) The entity may renew a contract that the entity 37803
entered into with an internet- or computer-based community 37804
school prior to May 1, 2005, if the school was open for 37805
operation as of that date. 37806

(2) The entity may assume sponsorship of an existing 37807
internet- or computer-based community school that was formerly 37808
sponsored by another entity and may enter into a contract with 37809
that community school in accordance with section 3314.03 of the 37810
Revised Code. 37811

If a sponsor entered into a contract with an internet- or 37812
computer-based community school, including a conversion school, 37813
but the school was not open for operation as of May 1, 2005, the 37814
contract shall be void and the entity shall not enter into 37815
another contract with the school until May 22, 2013. 37816

(B) (1) Beginning on July 1, 2013, up to five new internet- 37817
or computer-based community schools may open each year, subject 37818
to approval of the director of education and workforce under 37819
division (B) (2) of this section. 37820

(2) The director shall approve applications for new 37821
internet- or computer-based community schools from only those 37822
applicants demonstrating experience and quality. 37823

The department of education and workforce shall adopt 37824

rules prescribing measures to determine experience and quality 37825
of applicants in accordance with Chapter 119. of the Revised 37826
Code. The measures shall include, but not be limited to, the 37827
following considerations: 37828

- (a) The sponsor's experience with online schools; 37829
- (b) The operator's experience with online schools; 37830
- (c) The sponsor's and operator's previous record for 37831
student performance; 37832
- (d) A preference for operators with previous experience in 37833
Ohio. 37834

(3) The department shall notify any new internet- or 37835
computer-based community school governed by division (B) of this 37836
section of whether the director has approved or disapproved the 37837
school's application to open for the 2013-2014 school year not 37838
later than July 1, 2013. Notwithstanding the dates prescribed 37839
for adoption and signing on sponsor contracts in division (D) of 37840
section 3314.02 of the Revised Code, or the date for opening a 37841
school for instruction required by division (A) (25) of section 37842
3314.03 of the Revised Code, a new internet- or computer-based 37843
community school approved for opening for the 2013-2014 school 37844
year under division (B) of this section may open and operate in 37845
that school year regardless of whether it has complied with 37846
those contract and opening dates. For each school year 37847
thereafter, the school shall comply with all applicable 37848
provisions of this chapter. 37849

(4) Notwithstanding divisions (B) (1) and (2) of this 37850
section, a sponsor rated "exemplary" on its most recent 37851
evaluation conducted under section 3314.016 of the Revised Code 37852
is permitted to open up to two new internet- or computer-based 37853

community schools that ~~will primarily serve students enrolled in~~ 37854
~~a~~ are dropout prevention and recovery program ~~community schools~~ 37855
each year, not to exceed six new schools in a five-year period. 37856

(C) Nothing in division (A) or (B) of this section 37857
prohibits an internet- or computer-based community school from 37858
increasing the number of grade levels it offers. 37859

Sec. 3314.016. This section applies to any entity that 37860
sponsors a community school, regardless of whether section 37861
3314.021 or 3314.027 of the Revised Code exempts the entity from 37862
the requirement to be approved for sponsorship under divisions 37863
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 37864
office of Ohio school sponsorship established under section 37865
3314.029 of the Revised Code shall be rated under division (B) 37866
of this section, but divisions (A) and (C) of this section do 37867
not apply to the office. 37868

(A) An entity that sponsors a community school shall be 37869
permitted to enter into contracts under section 3314.03 of the 37870
Revised Code to sponsor additional community schools only if the 37871
entity meets all of the following criteria: 37872

(1) The entity is in compliance with all provisions of 37873
this chapter requiring sponsors of community schools to report 37874
data or information to the department of education and 37875
workforce. 37876

(2) The entity is not rated as "ineffective" under 37877
division (B) (6) of this section. 37878

(3) Except as set forth in sections 3314.021 and 3314.027 37879
of the Revised Code, the entity has received approval from and 37880
entered into an agreement with the department pursuant to 37881
section 3314.015 of the Revised Code. 37882

(B) (1) The department shall develop and implement an evaluation system that annually rates and assigns an overall rating to each entity that sponsors a community school. The department, not later than the first day of February of each year, shall post on the department's web site the framework for the evaluation system, including technical documentation that the department intends to use to rate sponsors for the next school year. The department shall solicit public comment on the evaluation system for thirty consecutive days. Not later than the first day of April of each year, the department shall compile and post on the department's web site all public comments that were received during the public comment period. The evaluation system shall be posted on the department's web site by the fifteenth day of July of each school year. Any changes to the evaluation system after that date shall take effect the following year. The evaluation system shall be based on the following components:

(a) Academic performance of students enrolled in community schools sponsored by the same entity. The academic performance component shall be derived from the performance measures prescribed for the state report cards under section 3302.03 or 3314.017 of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year, the academic performance component shall also include year-to-year changes in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use nonreport card performance measures specified in the contract between the community school and the sponsor under division (A) (4) of section 3314.03 of the Revised Code.

(b) Adherence by a sponsor to the quality practices 37914
prescribed by the department under division (B) (3) of this 37915
section. For a sponsor that was rated "effective" or "exemplary" 37916
on its most recent rating, the department may evaluate that 37917
sponsor's adherence to quality practices once over a period of 37918
three years. If the department elects to evaluate a sponsor once 37919
over a period of three years, the most recent rating for a 37920
sponsor's adherence to quality practices shall be used when 37921
determining an annual overall rating conducted under this 37922
section. 37923

(c) Compliance with all applicable laws and administrative 37924
rules by an entity that sponsors a community school. 37925

Under the evaluation system prescribed under division (B) 37926
(1) of this section, the department shall not assign an overall 37927
rating of "ineffective" or lower to an entity that sponsors a 37928
community school solely because that entity received no points 37929
on one of the components prescribed under that division. 37930

(2) In calculating an academic performance component, the 37931
department shall exclude all community schools that have been in 37932
operation for not more than two full school years and all 37933
community schools described in division (B) (2) of section 37934
3314.35 of the Revised Code. However, the academic performance 37935
of the community schools described in division (B) (2) of section 37936
3314.35 of the Revised Code shall be reported, but shall not be 37937
used as a factor when determining a sponsoring entity's rating 37938
under this section. 37939

(3) The department, in consultation with entities that 37940
sponsor community schools, shall prescribe quality practices for 37941
community school sponsors and develop an instrument to measure 37942
adherence to those quality practices. The quality practices 37943

shall be based on standards developed by the national 37944
association of charter school authorizers or any other 37945
nationally organized community school organization. 37946

(4) (a) The department may permit peer review of a 37947
sponsor's adherence to the quality practices prescribed under 37948
division (B) (3) of this section. Peer reviewers shall be limited 37949
to individuals employed by sponsors rated "effective" or 37950
"exemplary" on the most recent ratings conducted under this 37951
section. 37952

(b) The department shall require individuals participating 37953
in peer review under division (B) (4) (a) of this section to 37954
complete training approved or established by the department. 37955

(c) The department may enter into an agreement with 37956
another entity to provide training to individuals conducting 37957
peer review of sponsors. Prior to entering into an agreement 37958
with an entity, the department shall review and approve of the 37959
entity's training program. 37960

(5) The director of education and workforce shall adopt 37961
rules in accordance with Chapter 119. of the Revised Code 37962
prescribing standards for measuring compliance with applicable 37963
laws and rules under division (B) (1) (c) of this section. 37964

(6) The department annually shall rate all entities that 37965
sponsor community schools as either "exemplary," "effective," 37966
"ineffective," or "poor," based on the components prescribed by 37967
division (B) of this section, where each component is weighted 37968
equally. A separate rating shall be given by the department for 37969
each component of the evaluation system. 37970

The department shall publish the ratings between the first 37971
day of October and the fifteenth day of November. 37972

Prior to the publication of the final ratings, the
department shall designate and provide notice of a period of at
least ten business days during which each sponsor may review the
information used by the department to determine the sponsor's
rating on the components prescribed by division (B)(1) of this
section. If the sponsor believes there is an error in the
department's evaluation, the sponsor may request adjustments to
the rating of any of those components based on documentation
previously submitted as part of an evaluation. The sponsor shall
provide to the department any necessary evidence or information
to support the requested adjustments. The department shall
review the evidence and information, determine whether an
adjustment is valid, and promptly notify the sponsor of its
determination and reasons. If any adjustments to the data could
result in a change to the rating on the applicable component or
to the overall rating, the department shall recalculate the
ratings prior to publication.

The department shall provide training on an annual basis
regarding the evaluation system prescribed under this section.
The training shall, at a minimum, describe methodology,
timelines, and data required for the evaluation system. The
first training session shall occur not later than March 2, 2016.
Beginning in 2018, the training shall be made available to each
entity that sponsors a community school by the fifteenth day of
July of each year and shall include guidance on any changes made
to the evaluation system.

(7)(a) Entities with an overall rating of "exemplary" for
the two most recent years in which the entity was evaluated may
take advantage of the following incentives:

(i) Renewal of the written agreement with the department,

not to exceed ten years, provided that the entity consents to 38003
continued evaluation of adherence to quality practices as 38004
described in division (B) (1) (b) of this section; 38005

(ii) The ability to extend the term of the contract 38006
between the sponsoring entity and the community school beyond 38007
the term described in the written agreement with the department; 38008

(iii) An exemption from the preliminary agreement and 38009
contract adoption and execution deadline requirements prescribed 38010
in division (D) of section 3314.02 of the Revised Code; 38011

(iv) An exemption from the automatic contract expiration 38012
requirement, should a new community school fail to open by the 38013
thirtieth day of September of the calendar year in which the 38014
community school contract is executed; 38015

(v) No limit on the number of community schools the entity 38016
may sponsor; 38017

(vi) No territorial restrictions on sponsorship. 38018

An entity may continue to sponsor any community schools 38019
with which it entered into agreements under division (B) (7) (a) 38020
(v) or (vi) of this section while rated "exemplary," 38021
notwithstanding the fact that the entity later receives a lower 38022
overall rating. 38023

(b) Entities with an overall rating of "exemplary" or 38024
"effective" for the three most recent years in which the entity 38025
was evaluated shall be evaluated by the department once every 38026
three years. 38027

(c) (i) Entities that receive an overall rating of 38028
"ineffective" shall be prohibited from sponsoring any new or 38029
additional community schools during the time in which the 38030

sponsor is rated as "ineffective" and shall be subject to a 38031
quality improvement plan based on correcting the deficiencies 38032
that led to the "ineffective" rating, with timelines and 38033
benchmarks that have been established by the department. 38034

(ii) Entities that receive an overall rating of 38035
"ineffective" on their three most recent ratings shall have all 38036
sponsorship authority revoked. Within thirty days after 38037
receiving its third rating of "ineffective," the entity may 38038
appeal the revocation of its sponsorship authority to the 38039
director, who shall appoint an independent hearing officer to 38040
conduct a hearing in accordance with Chapter 119. of the Revised 38041
Code. The hearing shall be conducted within thirty days after 38042
receipt of the notice of appeal. Within forty-five days after 38043
the hearing is completed, the director shall determine whether 38044
the revocation is appropriate based on the hearing conducted by 38045
the independent hearing officer, and if determined appropriate, 38046
the revocation shall be confirmed. 38047

(d) Entities that receive an overall rating of "poor" 38048
shall have all sponsorship authority revoked. Within thirty days 38049
after receiving a rating of "poor," the entity may appeal the 38050
revocation of its sponsorship authority to the director, who 38051
shall appoint an independent hearing officer to conduct a 38052
hearing in accordance with Chapter 119. of the Revised Code. The 38053
hearing shall be conducted within thirty days after receipt of 38054
the notice of appeal. Within forty-five days after the hearing 38055
is completed, the director shall determine whether the 38056
revocation is appropriate based on the hearing conducted by the 38057
independent hearing officer, and if determined appropriate, the 38058
revocation shall be confirmed. 38059

(8) For the 2014-2015 school year and each school year 38060

thereafter, student academic performance prescribed under 38061
division (B) (1) (a) of this section shall include student 38062
academic performance data from dropout prevention and recovery 38063
~~community schools that primarily serve students enrolled in a~~ 38064
~~dropout prevention and recovery program.~~ 38065

(C) If the governing authority of a community school 38066
enters into a contract with a sponsor prior to the date on which 38067
the sponsor is prohibited from sponsoring additional schools 38068
under division (A) of this section and the school has not opened 38069
for operation as of that date, that contract shall be void and 38070
the school shall not open until the governing authority secures 38071
a new sponsor by entering into a contract with the new sponsor 38072
under section 3314.03 of the Revised Code. However, the 38073
department's office of Ohio school sponsorship, established 38074
under section 3314.029 of the Revised Code, may assume the 38075
sponsorship of the school until the earlier of the expiration of 38076
two school years or until a new sponsor is secured by the 38077
school's governing authority. A community school sponsored by 38078
the department under this division shall not be included when 38079
calculating the maximum number of directly authorized community 38080
schools permitted under division (A) (3) of section 3314.029 of 38081
the Revised Code. 38082

(D) When an entity's authority to sponsor schools is 38083
revoked pursuant to division (B) (7) (c) or (d) of this section, 38084
the office of Ohio school sponsorship shall assume sponsorship 38085
of any schools with which the original sponsor has contracted 38086
for the remainder of that school year. The office may continue 38087
sponsoring those schools until the earlier of: 38088

(1) The expiration of two school years from the time that 38089
sponsorship is revoked; 38090

(2) When a new sponsor is secured by the governing 38091
authority pursuant to division (C) (1) of section 3314.02 of the 38092
Revised Code. 38093

Any community school sponsored under this division shall 38094
not be counted for purposes of directly authorized community 38095
schools under division (A) (3) of section 3314.029 of the Revised 38096
Code. 38097

(E) The department shall recalculate the rating for the 38098
2017-2018 school year for each sponsor of a community school 38099
that receives recalculated ratings pursuant to division (I) of 38100
section 3314.017 of the Revised Code. 38101

Sec. 3314.017. (A) The department of education and 38102
workforce shall prescribe by rules, adopted in accordance with 38103
Chapter 119. of the Revised Code, an academic performance rating 38104
and report card system that satisfies the requirements of this 38105
section for dropout prevention and recovery community schools 38106
~~that primarily serve students enrolled in dropout prevention and~~ 38107
~~recovery programs as described in division (B) (1) of section~~ 38108
~~3314.35 of the Revised Code,~~ to be used in lieu of the system 38109
prescribed under sections 3302.03 and 3314.012 of the Revised 38110
Code beginning with the 2012-2013 school year. Each such school 38111
shall comply with the testing and reporting requirements of the 38112
system as prescribed by the department. 38113

(B) Nothing in this section shall at any time relieve a 38114
school from its obligations under the "No Child Left Behind Act 38115
of 2001" to make "adequate yearly progress," as both that act 38116
and that term are defined in section 3302.01 of the Revised 38117
Code, or a school's amenability to the provisions of section 38118
3302.04 or 3302.041 of the Revised Code. The department shall 38119
continue to report each school's performance as required by the 38120

act and to enforce applicable sanctions under section 3302.04 or	38121
3302.041 of the Revised Code.	38122
(C) The rules adopted by the department shall prescribe	38123
the following performance indicators for the rating and report	38124
card system required by this section:	38125
(1) Graduation rate for each of the following student	38126
cohorts:	38127
(a) The number of students who graduate in four years or	38128
less with a regular high school diploma divided by the number of	38129
students who form the adjusted cohort for the graduating class;	38130
(b) The number of students who graduate in five years with	38131
a regular high school diploma divided by the number of students	38132
who form the adjusted cohort for the four-year graduation rate;	38133
(c) The number of students who graduate in six years with	38134
a regular high school diploma divided by the number of students	38135
who form the adjusted cohort for the four-year graduation rate;	38136
(d) The number of students who graduate in seven years	38137
with a regular high school diploma divided by the number of	38138
students who form the adjusted cohort for the four-year	38139
graduation rate;	38140
(e) The number of students who graduate in eight years	38141
with a regular high school diploma divided by the number of	38142
students who form the adjusted cohort for the four-year	38143
graduation rate.	38144
(2) The percentage of twelfth-grade students currently	38145
enrolled in the school who have attained the designated passing	38146
score on all of the state high school achievement assessments	38147
required under division (B)(1) of section 3301.0710 of the	38148

Revised Code or the cumulative performance score on the end-of- 38149
course examinations prescribed under division (B) (2) of section 38150
3301.0712 of the Revised Code, whichever applies, and other 38151
students enrolled in the school, regardless of grade level, who 38152
are within three months of their twenty-second birthday and have 38153
attained the designated passing score on all of the state high 38154
school achievement assessments or the cumulative performance 38155
score on the end-of-course examinations, whichever applies, by 38156
their twenty-second birthday; 38157

(3) Annual measurable objectives as defined in section 38158
3302.01 of the Revised Code; 38159

(4) Growth in student achievement in reading, or 38160
mathematics, or both as measured by separate nationally norm- 38161
referenced assessments that have developed appropriate standards 38162
for students enrolled in dropout prevention and recovery 38163
programs, adopted or approved by the department. 38164

(D) (1) The department's rules shall prescribe the expected 38165
performance levels and benchmarks for each of the indicators 38166
prescribed by division (C) of this section based on the data 38167
gathered by the department under division (G) of this section 38168
and simulations created by the department. Based on a school's 38169
level of attainment or nonattainment of the expected performance 38170
levels and benchmarks for each of the indicators, the department 38171
shall rate each school in one of the following categories: 38172

(a) Exceeds standards; 38173

(b) Meets standards; 38174

(c) Does not meet standards. 38175

(2) The department's rules shall establish all of the 38176
following: 38177

(a) Performance levels and benchmarks for the indicators 38178
described in divisions (C) (1) to (3) of this section; 38179

(b) Both of the following: 38180

(i) Performance levels and benchmarks for the indicator 38181
described in division (C) (4) of this section; 38182

(ii) Standards for awarding a dropout prevention and 38183
recovery community school ~~described in division (B) (1) of~~ 38184
~~section 3314.35 of the Revised Code~~ an overall designation, 38185
which shall be calculated as follows: 38186

(I) Thirty per cent of the score shall be based on the 38187
indicators described in division (C) (1) of this section that are 38188
applicable to the school year for which the overall designation 38189
is granted. 38190

(II) Thirty per cent of the score shall be based on the 38191
indicators described in division (C) (4) of this section. 38192

(III) Twenty per cent of the score shall be based on the 38193
indicators described in division (C) (2) of this section. 38194

(IV) Twenty per cent of the score shall be based on the 38195
indicators described in division (C) (3) of this section. 38196

(3) If both of the indicators described in divisions (C) 38197
(1) and (2) of this section improve by ten per cent for two 38198
consecutive years, a school shall be rated not less than "meets 38199
standards." 38200

The rating and the relevant performance data for each 38201
school shall be posted on the department's web site, and a copy 38202
of the rating and data shall be provided to the governing 38203
authority of the community school. 38204

~~(E) (1) For the 2012-2013 school year, the department shall
issue a report card including the following performance
measures, but without a performance rating as described in
divisions (D) (1) (a) to (c) of this section, for each community
school described in division (B) (1) of section 3314.35 of the
Revised Code:—~~

~~(a) The graduation rates as described in divisions (C) (1)
(a) to (c) of this section;—~~

~~(b) The percentage of twelfth-grade students and other
students who have attained a designated passing score on high-
school achievement assessments as described in division (C) (2)—
of this section;—~~

~~(c) The statewide average for the graduation rates and
assessment passage rates described in divisions (C) (1) (a) to (c)
and (C) (2) of this section;—~~

~~(d) Annual measurable objectives described in division (C)
(3) of this section.—~~

~~(2) For the 2013-2014 school year, the department shall
issue a report card including the following performance measures
for each community school described in division (B) (1) of—
section 3314.35 of the Revised Code:—~~

~~(a) The graduation rates described in divisions (C) (1) (a)—
to (d) of this section, including a performance rating as—
described in divisions (D) (1) (a) to (c) of this section;—~~

~~(b) The percentage of twelfth-grade students and other
students who have attained a designated passing score on high-
school achievement assessments as described in division (C) (2)—
of this section, including a performance rating as described in
divisions (D) (1) (a) to (c) of this section;—~~

~~(c) Annual measurable objectives described in division (C)~~ 38234
~~(3) of this section, including a performance rating as described~~ 38235
~~in divisions (D) (1) (a) to (c) of this section;~~ 38236

~~(d) Both of the following without an assigned rating:~~ 38237

~~(i) Growth in annual student achievement in reading and~~ 38238
~~mathematics described in division (C) (4) of this section, if~~ 38239
~~available;~~ 38240

~~(ii) Student outcome data, including postsecondary credit~~ 38241
~~earned, nationally recognized career or technical certification,~~ 38242
~~military enlistment, job placement, and attendance rate.~~ 38243

~~(3) Beginning with the 2014-2015 school year, and annually~~ 38244
~~thereafter, the~~ (E) The department annually shall issue a report 38245
card for each dropout prevention and recovery community school 38246
~~described in division (B) (1) of section 3314.35 of the Revised~~ 38247
~~Code~~ that includes all of the following performance measures, 38248
including a performance rating for each measure as described in 38249
divisions (D) (1) (a) to (c) of this section: 38250

~~(a)~~ (1) The graduation rates as described in division (C) 38251
(1) of this section; 38252

~~(b)~~ (2) The percentage of twelfth-grade students and other 38253
students who have attained a designated passing score on high 38254
school achievement assessments as described in division (C) (2) 38255
of this section; 38256

~~(c)~~ (3) Annual measurable objectives described in division 38257
(C) (3) of this section, including a performance rating as 38258
described in divisions (D) (1) (a) to (c) of this section; 38259

~~(d)~~ (4) Growth in annual student achievement in reading and 38260
mathematics as described in division (C) (4) of this section; 38261

~~(e)~~ (5) An overall performance designation for the school
calculated under rules adopted under division (D) (2) of this
section.

The department shall also include student outcome data,
including postsecondary credit earned, nationally recognized
career or technical certification, military enlistment, job
placement, attendance rate, and progress on closing achievement
gaps for each school. This information shall not be included in
the calculation of a school's performance rating.

(F) Not later than the thirty-first day of July of each
year, the department shall submit preliminary report card data
for overall academic performance for each performance measure
prescribed in division ~~(E) (3)~~ (E) of this section for each
community school to which this section applies.

(G) For the purposes of prescribing performance levels and
benchmarks under division (D) of this section, the department
shall gather and analyze data from prior school years for each
dropout prevention and recovery community school ~~described in~~
~~division (E) (1) of section 3314.35 of the Revised Code~~. Each
such school shall cooperate with the department. The department
shall consult with stakeholder groups in performing its duties
under this division.

(H) The department shall review the performance levels and
benchmarks for performance indicators in the report card issued
under this section and may revise them based on the data
collected under division (G) of this section.

(I) For the purposes of division (F) of section 3314.351
of the Revised Code, the department shall recalculate the
ratings for each school under division (E) (3) of this section

for the 2017-2018 school year and calculate the ratings under 38291
that division for the 2018-2019 school year using the indicators 38292
prescribed by division (C) of this section, as it exists on and 38293
after July 18, 2019. 38294

Sec. 3314.02. (A) As used in this chapter: 38295

(1) "Sponsor" means the board of education of a school 38296
district or the governing board of an educational service center 38297
that agrees to the conversion of all or part of a school or 38298
building under division (B) of this section, or an entity listed 38299
in division (C) (1) of this section, which has been approved by 38300
the department of education and workforce to sponsor community 38301
schools or is exempted by section 3314.021 or 3314.027 of the 38302
Revised Code from obtaining approval, and with which the 38303
governing authority of a community school enters into a contract 38304
under section 3314.03 of the Revised Code. 38305

(2) "Pilot project area" means the school districts 38306
included in the territory of the former community school pilot 38307
project established by former Section 50.52 of Am. Sub. H.B. No. 38308
215 of the 122nd general assembly. 38309

(3) "Challenged school district" means any of the 38310
following: 38311

(a) A school district that is part of the pilot project 38312
area; 38313

(b) A school district that meets one of the following 38314
conditions: 38315

(i) On March 22, 2013, the district was in a state of 38316
academic emergency or in a state of academic watch under section 38317
3302.03 of the Revised Code, as that section existed prior to 38318
March 22, 2013; 38319

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section;

(iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D) (3) (c) of that section.

(c) A big eight school district;

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve

thousand, as reported pursuant to former division (A) of section 38349
3317.03 of the Revised Code. 38350

(5) "New start-up school" means a community school other 38351
than one created by converting all or part of an existing public 38352
school or educational service center building, as designated in 38353
the school's contract pursuant to division (A)(17) of section 38354
3314.03 of the Revised Code. 38355

(6) "Urban school district" means one of the state's 38356
twenty-one urban school districts as defined in division (O) of 38357
section 3317.02 of the Revised Code as that section existed 38358
prior to July 1, 1998. 38359

(7) "Internet- or computer-based community school" means a 38360
community school established under this chapter in which the 38361
enrolled students work primarily from their residences on 38362
assignments in nonclassroom-based learning opportunities 38363
provided via an internet- or other computer-based instructional 38364
method that does not rely on regular classroom instruction or 38365
via comprehensive instructional methods that include internet- 38366
based, other computer-based, and noncomputer-based learning 38367
opportunities unless a student receives career-technical 38368
education under section 3314.086 of the Revised Code. 38369

A community school that operates mainly as an internet- or 38370
computer-based community school and provides career-technical 38371
education under section 3314.086 of the Revised Code shall be 38372
considered an internet- or computer-based community school, even 38373
if it provides some classroom-based instruction, so long as it 38374
provides instruction via the methods described in this division. 38375

(8) "Operator" or "management company" means either of the 38376
following: 38377

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator or management company and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(10) "Dropout prevention and recovery community school" means a community school that enrolls only students who are at least fourteen years of age and not older than twenty-one years of age and who, at the time of their initial enrollment, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional educational programs.

(B) (1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing

board of the service center. 38407

On or after July 1, 2017, except as provided in section 38408
3314.027 of the Revised Code, any educational service center 38409
that sponsors a community school shall be approved by and enter 38410
into a written agreement with the department as described in 38411
section 3314.015 of the Revised Code. 38412

(3) Upon receipt of a proposal, and after an agreement has 38413
been entered into pursuant to section 3314.015 of the Revised 38414
Code, a board may enter into a preliminary agreement with the 38415
person or group proposing the conversion of the public school or 38416
service center building, indicating the intention of the board 38417
to support the conversion to a community school. A proposing 38418
person or group that has a preliminary agreement under this 38419
division may proceed to finalize plans for the school, establish 38420
a governing authority for the school, and negotiate a contract 38421
with the board. Provided the proposing person or group adheres 38422
to the preliminary agreement and all provisions of this chapter, 38423
the board shall negotiate in good faith to enter into a contract 38424
in accordance with section 3314.03 of the Revised Code and 38425
division (C) of this section. 38426

(4) The sponsor of a conversion community school proposed 38427
to open in an alliance municipal school district shall be 38428
subject to approval by the department of education and workforce 38429
for sponsorship of that school using the criteria established 38430
under division (A) of section 3311.87 of the Revised Code. 38431

Division (B) (4) of this section does not apply to a 38432
sponsor that, on or before September 29, 2015, was exempted 38433
under section 3314.021 or 3314.027 of the Revised Code from the 38434
requirement to be approved for sponsorship under divisions (A) 38435
(2) and (B) (1) of section 3314.015 of the Revised Code. 38436

(5) A school established in accordance with division (B) 38437
of this section that later enters into a sponsorship contract 38438
with an entity that is not a school district or educational 38439
service center shall, at the time of entering into the new 38440
contract, be deemed a community school established in accordance 38441
with division (C) of this section. 38442

(C) (1) Provided all other conditions of sponsorship and 38443
governance are satisfied, any person or group of individuals may 38444
propose under this division the establishment of a new start-up 38445
school regardless of the school's proposed location. The 38446
proposal may be made to any of the following entities: 38447

(a) The board of education of the district in which the 38448
school is proposed to be located; 38449

(b) The board of education of any joint vocational school 38450
district with territory in the county in which is located the 38451
majority of the territory of the district in which the school is 38452
proposed to be located; 38453

(c) The board of education of any other city, local, or 38454
exempted village school district having territory in the same 38455
county where the district in which the school is proposed to be 38456
located has the major portion of its territory; 38457

(d) The governing board of any educational service center, 38458
regardless of the location of the proposed school, may sponsor a 38459
new start-up school if all of the following are satisfied: 38460

(i) If applicable, it satisfies the requirements of 38461
division (E) of section 3311.86 of the Revised Code; 38462

(ii) It is approved to do so by the department; 38463

(iii) It enters into an agreement with the department 38464

under section 3314.015 of the Revised Code. 38465

(e) A sponsoring authority designated by the board of 38466
trustees of any of the thirteen state universities listed in 38467
section 3345.011 of the Revised Code or the board of trustees 38468
itself as long as a mission of the proposed school to be 38469
specified in the contract under division (A) (2) of section 38470
3314.03 of the Revised Code and as approved by the department 38471
under division (B) (3) of section 3314.015 of the Revised Code 38472
will be the practical demonstration of teaching methods, 38473
educational technology, or other teaching practices that are 38474
included in the curriculum of the university's teacher 38475
preparation program approved by the chancellor of higher 38476
education; 38477

(f) Any qualified tax-exempt entity under section 501(c) 38478
(3) of the Internal Revenue Code as long as all of the following 38479
conditions are satisfied: 38480

(i) The entity has been in operation for at least five 38481
years prior to applying to be a community school sponsor. 38482

(ii) The entity has assets of at least five hundred 38483
thousand dollars and a demonstrated record of financial 38484
responsibility. 38485

(iii) The department has determined that the entity is an 38486
education-oriented entity under division (B) (4) of section 38487
3314.015 of the Revised Code and the entity has a demonstrated 38488
record of successful implementation of educational programs. 38489

(iv) The entity is not a community school. 38490

(g) The mayor of a city in which the majority of the 38491
territory of a school district to which section 3311.60 of the 38492
Revised Code applies is located, regardless of whether that 38493

district has created the position of independent auditor as 38494
prescribed by that section. The mayor's sponsorship authority 38495
under this division is limited to community schools that are 38496
located in that school district. Such mayor may sponsor 38497
community schools only with the approval of the city council of 38498
that city, after establishing standards with which community 38499
schools sponsored by the mayor must comply, and after entering 38500
into a sponsor agreement with the department as prescribed under 38501
section 3314.015 of the Revised Code. The mayor shall establish 38502
the standards for community schools sponsored by the mayor not 38503
later than one hundred eighty days after July 15, 2013, and 38504
shall submit them to the department upon their establishment. 38505
The department shall approve the mayor to sponsor community 38506
schools in the district, upon receipt of an application by the 38507
mayor to do so. Not later than ninety days after the 38508
department's approval of the mayor as a community school 38509
sponsor, the department shall enter into the sponsor agreement 38510
with the mayor. 38511

Any entity described in division (C) (1) of this section 38512
may enter into a preliminary agreement pursuant to division (C) 38513
(2) of this section with the proposing person or group, provided 38514
that entity has been approved by and entered into a written 38515
agreement with the department pursuant to section 3314.015 of 38516
the Revised Code. 38517

(2) A preliminary agreement indicates the intention of an 38518
entity described in division (C) (1) of this section to sponsor 38519
the community school. A proposing person or group that has such 38520
a preliminary agreement may proceed to finalize plans for the 38521
school, establish a governing authority as described in division 38522
(E) of this section for the school, and negotiate a contract 38523
with the entity. Provided the proposing person or group adheres 38524

to the preliminary agreement and all provisions of this chapter, 38525
the entity shall negotiate in good faith to enter into a 38526
contract in accordance with section 3314.03 of the Revised Code. 38527

(3) A new start-up school that is established in a school 38528
district described in either division (A) (3) (b) or (d) of this 38529
section may continue in existence once the school district no 38530
longer meets the conditions described in either division, 38531
provided there is a valid contract between the school and a 38532
sponsor. 38533

(4) A copy of every preliminary agreement entered into 38534
under this division shall be filed with the director of 38535
education and workforce. 38536

(D) A majority vote of the board of a sponsoring entity 38537
and a majority vote of the members of the governing authority of 38538
a community school shall be required to adopt a contract and 38539
convert the public school or educational service center building 38540
to a community school or establish the new start-up school. 38541
Beginning September 29, 2005, adoption of the contract shall 38542
occur not later than the fifteenth day of March, and signing of 38543
the contract shall occur not later than the fifteenth day of 38544
May, prior to the school year in which the school will open. The 38545
governing authority shall notify the department of education and 38546
workforce when the contract has been signed. Subject to sections 38547
3314.013 and 3314.016 of the Revised Code, an unlimited number 38548
of community schools may be established in any school district 38549
provided that a contract is entered into for each community 38550
school pursuant to this chapter. 38551

(E) (1) As used in this division, "immediate relatives" are 38552
limited to spouses, children, parents, grandparents, and 38553
siblings, as well as in-laws residing in the same household as 38554

the person serving on the governing authority. 38555

Each new start-up community school established under this 38556
chapter shall be under the direction of a governing authority 38557
which shall consist of a board of not less than five 38558
individuals. 38559

(2) (a) No person shall serve on the governing authority or 38560
operate the community school under contract with the governing 38561
authority under any of the following circumstances: 38562

(i) The person owes the state any money or is in a dispute 38563
over whether the person owes the state any money concerning the 38564
operation of a community school that has closed. 38565

(ii) The person would otherwise be subject to division (B) 38566
of section 3319.31 of the Revised Code with respect to refusal, 38567
limitation, or revocation of a license to teach, if the person 38568
were a licensed educator. 38569

(iii) The person has pleaded guilty to or been convicted 38570
of theft in office under section 2921.41 of the Revised Code, or 38571
has pleaded guilty to or been convicted of a substantially 38572
similar offense in another state. 38573

(b) No person shall serve on the governing authority or 38574
engage in the financial day-to-day management of the community 38575
school under contract with the governing authority unless and 38576
until that person has submitted to a criminal records check in 38577
the manner prescribed by section 3319.39 of the Revised Code. 38578

(c) Each sponsor of a community school shall annually 38579
verify that a finding for recovery has not been issued by the 38580
auditor of state against any individual or individuals who 38581
propose to create a community school or any member of the 38582
governing authority, the operator, or any employee of each 38583

community school with responsibility for fiscal operations or 38584
authorization to expend money on behalf of the school. 38585

(3) No person shall serve on the governing authorities of 38586
more than five start-up community schools at the same time 38587
unless both of the following apply: 38588

(a) The person serves in a volunteer capacity and receives 38589
no compensation under division (E) (5) of this section from any 38590
governing authority on which the person serves. 38591

(b) For any school that has an operator, the operator is a 38592
nonprofit organization. 38593

(4) (a) For a community school established under this 38594
chapter that is not sponsored by a school district or an 38595
educational service center, no present or former member, or 38596
immediate relative of a present or former member, of the 38597
governing authority shall be an owner, employee, or consultant 38598
of the community school's sponsor or operator, unless at least 38599
one year has elapsed since the conclusion of the person's 38600
membership on the governing authority. 38601

(b) For a community school established under this chapter 38602
that is sponsored by a school district or an educational service 38603
center, no present or former member, or immediate relative of a 38604
present or former member, of the governing authority shall: 38605

(i) Be an officer of the district board or service center 38606
governing board that serves as the community school's sponsor, 38607
unless at least one year has elapsed since the conclusion of the 38608
person's membership on the governing authority; 38609

(ii) Serve as an employee of, or a consultant for, the 38610
department, division, or section of the sponsoring district or 38611
service center that is directly responsible for sponsoring 38612

community schools, or have supervisory authority over such a 38613
department, division, or section, unless at least one year has 38614
elapsed since the conclusion of the person's membership on the 38615
governing authority. 38616

(5) The governing authority of a start-up or conversion 38617
community school may provide by resolution for the compensation 38618
of its members. However, no individual who serves on the 38619
governing authority of a start-up or conversion community school 38620
shall be compensated more than one hundred twenty-five dollars 38621
per meeting of that governing authority and no such individual 38622
shall be compensated more than a total amount of five thousand 38623
dollars per year for all governing authorities upon which the 38624
individual serves. Each member of the governing authority may be 38625
paid compensation for attendance at an approved training 38626
program, provided that such compensation shall not exceed sixty 38627
dollars a day for attendance at a training program three hours 38628
or less in length and one hundred twenty-five dollars a day for 38629
attendance at a training program longer than three hours in 38630
length. 38631

(6) No person who is the employee of a school district or 38632
educational service center shall serve on the governing 38633
authority of any community school sponsored by that school 38634
district or service center. 38635

(7) Each member of the governing authority of a community 38636
school shall annually file a disclosure statement setting forth 38637
the names of any immediate relatives or business associates 38638
employed by any of the following within the previous three 38639
years: 38640

(a) The sponsor or operator of that community school; 38641

(b) A school district or educational service center that 38642
has contracted with that community school; 38643

(c) A vendor that is or has engaged in business with that 38644
community school. 38645

(8) No person who is a member of a school district board 38646
of education shall serve on the governing authority of any 38647
community school. 38648

(F) (1) A new start-up school that is established prior to 38649
August 15, 2003, in an urban school district that is not also a 38650
big-eight school district may continue to operate after that 38651
date and the contract between the school's governing authority 38652
and the school's sponsor may be renewed, as provided under this 38653
chapter, after that date. 38654

(2) A community school that was established prior to June 38655
29, 1999, and is located in a county contiguous to the pilot 38656
project area and in a school district that was not a challenged 38657
school district may continue to operate after that date, 38658
provided the school complies with all provisions of this 38659
chapter. The contract between the school's governing authority 38660
and the school's sponsor may be renewed. 38661

(3) Any educational service center that, on June 30, 2007, 38662
sponsors a community school that is not located in a county 38663
within the territory of the service center or in a county 38664
contiguous to such county may continue to sponsor that community 38665
school on and after June 30, 2007, and may renew its contract 38666
with the school. 38667

(4) The department of education and workforce shall not 38668
restrict the establishment of a new start-up community school to 38669
those located in a challenged school district as was required by 38670

this section prior to September 30, 2021. 38671

Sec. 3314.03. A copy of every contract entered into under 38672
this section shall be filed with the director of education and 38673
workforce. The department of education and workforce shall make 38674
available on its web site a copy of every approved, executed 38675
contract filed with the director under this section. 38676

(A) Each contract entered into between a sponsor and the 38677
governing authority of a community school shall specify the 38678
following: 38679

(1) That the school shall be established as either of the 38680
following: 38681

(a) A nonprofit corporation established under Chapter 38682
1702. of the Revised Code, if established prior to April 8, 38683
2003; 38684

(b) A public benefit corporation established under Chapter 38685
1702. of the Revised Code, if established after April 8, 2003. 38686

(2) The education program of the school, including the 38687
school's mission, the characteristics of the students the school 38688
is expected to attract, the ages and grades of students, and the 38689
focus of the curriculum; 38690

(3) The academic goals to be achieved and the method of 38691
measurement that will be used to determine progress toward those 38692
goals, which shall include the statewide achievement 38693
assessments; 38694

(4) Performance standards, including but not limited to 38695
all applicable report card measures set forth in section 3302.03 38696
or 3314.017 of the Revised Code, by which the success of the 38697
school will be evaluated by the sponsor; 38698

(5) The admission standards of section 3314.06 of the 38699
Revised Code and, if applicable, section 3314.061 of the Revised 38700
Code; 38701

(6) (a) Dismissal procedures; 38702

(b) A requirement that the governing authority adopt an 38703
attendance policy that includes a procedure for automatically 38704
withdrawing a student from the school if the student without a 38705
legitimate excuse fails to participate in seventy-two 38706
consecutive hours of the learning opportunities offered to the 38707
student. 38708

(7) The ways by which the school will achieve racial and 38709
ethnic balance reflective of the community it serves; 38710

(8) Requirements for financial audits by the auditor of 38711
state. The contract shall require financial records of the 38712
school to be maintained in the same manner as are financial 38713
records of school districts, pursuant to rules of the auditor of 38714
state. Audits shall be conducted in accordance with section 38715
117.10 of the Revised Code. 38716

(9) An addendum to the contract outlining the facilities 38717
to be used that contains at least the following information: 38718

(a) A detailed description of each facility used for 38719
instructional purposes; 38720

(b) The annual costs associated with leasing each facility 38721
that are paid by or on behalf of the school; 38722

(c) The annual mortgage principal and interest payments 38723
that are paid by the school; 38724

(d) The name of the lender or landlord, identified as 38725
such, and the lender's or landlord's relationship to the 38726

operator, if any. 38727

(10) Qualifications of employees, including both of the 38728
following: 38729

(a) A requirement that the school's classroom teachers be 38730
licensed in accordance with sections 3319.22 to 3319.31 of the 38731
Revised Code, except that a community school may engage 38732
noncertificated persons to teach up to twelve hours or forty 38733
hours per week pursuant to section 3319.301 of the Revised Code; 38734

(b) A prohibition against the school employing an 38735
individual described in section 3314.104 of the Revised Code in 38736
any position. 38737

(11) That the school will comply with the following 38738
requirements: 38739

(a) The school will provide learning opportunities to a 38740
minimum of twenty-five students for a minimum of nine hundred 38741
twenty hours per school year. 38742

(b) The governing authority will purchase liability 38743
insurance, or otherwise provide for the potential liability of 38744
the school. 38745

(c) The school will be nonsectarian in its programs, 38746
admission policies, employment practices, and all other 38747
operations, and will not be operated by a sectarian school or 38748
religious institution. 38749

(d) The school will comply with sections 9.90, 9.91, 38750
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 38751
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 38752
3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 38753
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 38754

3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 38755
3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648, 3313.6411, 38756
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 38757
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 38758
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 38759
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 38760
3313.816, 3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 38761
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 38762
3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 38763
3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 38764
3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 38765
3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 38766
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 38767
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 38768
of the Revised Code as if it were a school district and will 38769
comply with section 3301.0714 of the Revised Code in the manner 38770
specified in section 3314.17 of the Revised Code. 38771

(e) The school shall comply with Chapter 102. and section 38772
2921.42 of the Revised Code. 38773

(f) The school will comply with sections 3313.61, 38774
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 38775
Revised Code, except that for students who enter ninth grade for 38776
the first time before July 1, 2010, the requirement in sections 38777
3313.61 and 3313.611 of the Revised Code that a person must 38778
successfully complete the curriculum in any high school prior to 38779
receiving a high school diploma may be met by completing the 38780
curriculum adopted by the governing authority of the community 38781
school rather than the curriculum specified in Title XXXIII of 38782
the Revised Code or any rules of the department. Beginning with 38783
students who enter ninth grade for the first time on or after 38784
July 1, 2010, the requirement in sections 3313.61 and 3313.611 38785

of the Revised Code that a person must successfully complete the 38786
curriculum of a high school prior to receiving a high school 38787
diploma shall be met by completing the requirements prescribed 38788
in section 3313.6027 and division (C) of section 3313.603 of the 38789
Revised Code, unless the person qualifies under division (D) or 38790
(F) of that section. Each school shall comply with the plan for 38791
awarding high school credit based on demonstration of subject 38792
area competency, and beginning with the 2017-2018 school year, 38793
with the updated plan that permits students enrolled in seventh 38794
and eighth grade to meet curriculum requirements based on 38795
subject area competency adopted by the department under 38796
divisions (J) (1) and (2) of section 3313.603 of the Revised 38797
Code. Beginning with the 2018-2019 school year, the school shall 38798
comply with the framework for granting units of high school 38799
credit to students who demonstrate subject area competency 38800
through work-based learning experiences, internships, or 38801
cooperative education developed by the department under division 38802
(J) (3) of section 3313.603 of the Revised Code. 38803

(g) The school governing authority will submit within four 38804
months after the end of each school year a report of its 38805
activities and progress in meeting the goals and standards of 38806
divisions (A) (3) and (4) of this section and its financial 38807
status to the sponsor and the parents of all students enrolled 38808
in the school. 38809

(h) The school, unless it is an internet- or computer- 38810
based community school, will comply with section 3313.801 of the 38811
Revised Code as if it were a school district. 38812

(i) If the school is the recipient of moneys from a grant 38813
awarded under the federal race to the top program, Division (A), 38814
Title XIV, Sections 14005 and 14006 of the "American Recovery 38815

and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 38816
the school will pay teachers based upon performance in 38817
accordance with section 3317.141 and will comply with section 38818
3319.111 of the Revised Code as if it were a school district. 38819

(j) If the school operates a preschool program that is 38820
licensed by the department under sections 3301.52 to 3301.59 of 38821
the Revised Code, the school shall comply with sections 3301.50 38822
to 3301.59 of the Revised Code and the minimum standards for 38823
preschool programs prescribed in rules adopted by the department 38824
of children and youth under section 3301.53 of the Revised Code. 38825

(k) The school will comply with sections 3313.6021 and 38826
3313.6023 of the Revised Code as if it were a school district 38827
unless it is either of the following: 38828

(i) An internet- or computer-based community school; 38829

(ii) A community school in which a majority of the 38830
enrolled students are children with disabilities as described in 38831
division (B) (2) of section 3314.35 of the Revised Code. 38832

(l) The school will comply with section 3321.191 of the 38833
Revised Code, unless it is an internet- or computer-based 38834
community school that is subject to section 3314.261 of the 38835
Revised Code. 38836

(12) Arrangements for providing health and other benefits 38837
to employees; 38838

(13) The length of the contract, which shall begin at the 38839
beginning of an academic year. No contract shall exceed five 38840
years unless such contract has been renewed pursuant to division 38841
(E) of this section. 38842

(14) The governing authority of the school, which shall be 38843

responsible for carrying out the provisions of the contract; 38844

(15) A financial plan detailing an estimated school budget 38845
for each year of the period of the contract and specifying the 38846
total estimated per pupil expenditure amount for each such year. 38847

(16) Requirements and procedures regarding the disposition 38848
of employees of the school in the event the contract is 38849
terminated or not renewed pursuant to section 3314.07 of the 38850
Revised Code; 38851

(17) Whether the school is to be created by converting all 38852
or part of an existing public school or educational service 38853
center building or is to be a new start-up school, and if it is 38854
a converted public school or service center building, 38855
specification of any duties or responsibilities of an employer 38856
that the board of education or service center governing board 38857
that operated the school or building before conversion is 38858
delegating to the governing authority of the community school 38859
with respect to all or any specified group of employees provided 38860
the delegation is not prohibited by a collective bargaining 38861
agreement applicable to such employees; 38862

(18) Provisions establishing procedures for resolving 38863
disputes or differences of opinion between the sponsor and the 38864
governing authority of the community school; 38865

(19) A provision requiring the governing authority to 38866
adopt a policy regarding the admission of students who reside 38867
outside the district in which the school is located. That policy 38868
shall comply with the admissions procedures specified in 38869
sections 3314.06 and 3314.061 of the Revised Code and, at the 38870
sole discretion of the authority, shall do one of the following: 38871

(a) Prohibit the enrollment of students who reside outside 38872

the district in which the school is located; 38873

(b) Permit the enrollment of students who reside in 38874
districts adjacent to the district in which the school is 38875
located; 38876

(c) Permit the enrollment of students who reside in any 38877
other district in the state. 38878

(20) A provision recognizing the authority of the 38879
department to take over the sponsorship of the school in 38880
accordance with the provisions of division (C) of section 38881
3314.015 of the Revised Code; 38882

(21) A provision recognizing the sponsor's authority to 38883
assume the operation of a school under the conditions specified 38884
in division (B) of section 3314.073 of the Revised Code; 38885

(22) A provision recognizing both of the following: 38886

(a) The authority of public health and safety officials to 38887
inspect the facilities of the school and to order the facilities 38888
closed if those officials find that the facilities are not in 38889
compliance with health and safety laws and regulations; 38890

(b) The authority of the department as the community 38891
school oversight body to suspend the operation of the school 38892
under section 3314.072 of the Revised Code if the department has 38893
evidence of conditions or violations of law at the school that 38894
pose an imminent danger to the health and safety of the school's 38895
students and employees and the sponsor refuses to take such 38896
action. 38897

(23) A description of the learning opportunities that will 38898
be offered to students including both classroom-based and non- 38899
classroom-based learning opportunities that is in compliance 38900

with criteria for student participation established by the 38901
department under division (H) (2) of section 3314.08 of the 38902
Revised Code; 38903

(24) The school will comply with sections 3302.04 and 38904
3302.041 of the Revised Code, except that any action required to 38905
be taken by a school district pursuant to those sections shall 38906
be taken by the sponsor of the school. 38907

(25) Beginning in the 2006-2007 school year, the school 38908
will open for operation not later than the thirtieth day of 38909
September each school year, unless the mission of the school as 38910
specified under division (A) (2) of this section is solely to 38911
serve dropouts. In its initial year of operation, if the school 38912
fails to open by the thirtieth day of September, or within one 38913
year after the adoption of the contract pursuant to division (D) 38914
of section 3314.02 of the Revised Code if the mission of the 38915
school is solely to serve dropouts, the contract shall be void. 38916

(26) Whether the school's governing authority is planning 38917
to seek designation for the school as a STEM school equivalent 38918
under section 3326.032 of the Revised Code; 38919

(27) That the school's attendance and participation 38920
policies will be available for public inspection; 38921

(28) That the school's attendance and participation 38922
records shall be made available to the department, auditor of 38923
state, and school's sponsor to the extent permitted under and in 38924
accordance with the "Family Educational Rights and Privacy Act 38925
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 38926
regulations promulgated under that act, and section 3319.321 of 38927
the Revised Code; 38928

(29) If a school operates using the blended learning 38929

model, as defined in section 3301.079 of the Revised Code, all	38930
of the following information:	38931
(a) An indication of what blended learning model or models	38932
will be used;	38933
(b) A description of how student instructional needs will	38934
be determined and documented;	38935
(c) The method to be used for determining competency,	38936
granting credit, and promoting students to a higher grade level;	38937
(d) The school's attendance requirements, including how	38938
the school will document participation in learning	38939
opportunities;	38940
(e) A statement describing how student progress will be	38941
monitored;	38942
(f) A statement describing how private student data will	38943
be protected;	38944
(g) A description of the professional development	38945
activities that will be offered to teachers.	38946
(30) A provision requiring that all moneys the school's	38947
operator loans to the school, including facilities loans or cash	38948
flow assistance, must be accounted for, documented, and bear	38949
interest at a fair market rate;	38950
(31) A provision requiring that, if the governing	38951
authority contracts with an attorney, accountant, or entity	38952
specializing in audits, the attorney, accountant, or entity	38953
shall be independent from the operator with which the school has	38954
contracted.	38955
(32) A provision requiring the governing authority to	38956

adopt an enrollment and attendance policy that requires a 38957
student's parent to notify the community school in which the 38958
student is enrolled when there is a change in the location of 38959
the parent's or student's primary residence. 38960

(33) A provision requiring the governing authority to 38961
adopt a student residence and address verification policy for 38962
students enrolling in or attending the school. 38963

(B) The community school shall also submit to the sponsor 38964
a comprehensive plan for the school. The plan shall specify the 38965
following: 38966

(1) The process by which the governing authority of the 38967
school will be selected in the future; 38968

(2) The management and administration of the school; 38969

(3) If the community school is a currently existing public 38970
school or educational service center building, alternative 38971
arrangements for current public school students who choose not 38972
to attend the converted school and for teachers who choose not 38973
to teach in the school or building after conversion; 38974

(4) The instructional program and educational philosophy 38975
of the school; 38976

(5) Internal financial controls. 38977

When submitting the plan under this division, the school 38978
shall also submit copies of all policies and procedures 38979
regarding internal financial controls adopted by the governing 38980
authority of the school. 38981

(C) A contract entered into under section 3314.02 of the 38982
Revised Code between a sponsor and the governing authority of a 38983
community school may provide for the community school governing 38984

authority to make payments to the sponsor, which is hereby 38985
authorized to receive such payments as set forth in the contract 38986
between the governing authority and the sponsor. The total 38987
amount of such payments for monitoring, oversight, and technical 38988
assistance of the school shall not exceed three per cent of the 38989
total amount of payments for operating expenses that the school 38990
receives from the state. 38991

(D) The contract shall specify the duties of the sponsor 38992
which shall be in accordance with the written agreement entered 38993
into with the department under division (B) of section 3314.015 38994
of the Revised Code and shall include the following: 38995

(1) Monitor the community school's compliance with all 38996
laws applicable to the school and with the terms of the 38997
contract; 38998

(2) Monitor and evaluate the academic and fiscal 38999
performance and the organization and operation of the community 39000
school on at least an annual basis; 39001

(3) Provide technical assistance to the community school 39002
in complying with laws applicable to the school and terms of the 39003
contract; 39004

(4) Take steps to intervene in the school's operation to 39005
correct problems in the school's overall performance, declare 39006
the school to be on probationary status pursuant to section 39007
3314.073 of the Revised Code, suspend the operation of the 39008
school pursuant to section 3314.072 of the Revised Code, or 39009
terminate the contract of the school pursuant to section 3314.07 39010
of the Revised Code as determined necessary by the sponsor; 39011

(5) Have in place a plan of action to be undertaken in the 39012
event the community school experiences financial difficulties or 39013

closes prior to the end of a school year. 39014

(E) Upon the expiration of a contract entered into under 39015
this section, the sponsor of a community school may, with the 39016
approval of the governing authority of the school, renew that 39017
contract for a period of time determined by the sponsor, but not 39018
ending earlier than the end of any school year, if the sponsor 39019
finds that the school's compliance with applicable laws and 39020
terms of the contract and the school's progress in meeting the 39021
academic goals prescribed in the contract have been 39022
satisfactory. Any contract that is renewed under this division 39023
remains subject to the provisions of sections 3314.07, 3314.072, 39024
and 3314.073 of the Revised Code. 39025

(F) If a community school fails to open for operation 39026
within one year after the contract entered into under this 39027
section is adopted pursuant to division (D) of section 3314.02 39028
of the Revised Code or permanently closes prior to the 39029
expiration of the contract, the contract shall be void and the 39030
school shall not enter into a contract with any other sponsor. A 39031
school shall not be considered permanently closed because the 39032
operations of the school have been suspended pursuant to section 39033
3314.072 of the Revised Code. 39034

Sec. 3314.034. (A) Subject to division (B) of this 39035
section, and except as described in division (E) of this 39036
section, any community school to which either of the following 39037
conditions apply shall be prohibited from entering into a 39038
contract with a new sponsor: 39039

(1) The community school has received, on the most recent 39040
report card issued for that school under section 3302.03 of the 39041
Revised Code, either of the following: 39042

(a) A grade of "D" or "F" for the performance index score, 39043
under division (C) (1) (b) of section 3302.03 of the Revised Code, 39044
and an overall grade of "D" or "F" for the value-added progress 39045
dimension or another measure of student academic progress if 39046
adopted by the department of education and workforce, under 39047
division (C) (1) (e) of that section; 39048

(b) A performance rating of less than three stars for 39049
achievement under division (D) (3) (b) of section 3302.03 of the 39050
Revised Code and a performance rating of less than three stars 39051
for progress under division (D) (3) (c) of that section. 39052

(2) The community school is ~~one in which a majority of the~~ 39053
~~students are enrolled in a dropout prevention and recovery-~~ 39054
~~program~~ community school, and it has received a rating of "does 39055
not meet standards" for the annual student growth measure and 39056
combined graduation rates on the most recent report card issued 39057
for the school under section 3314.017 of the Revised Code. 39058

(B) A community school to which division (A) of this 39059
section applies may enter into a contract with a new sponsor if 39060
all of the following conditions are satisfied: 39061

(1) The proposed sponsor received a rating of "effective" 39062
or higher pursuant to division (B) (6) of section 3314.016 of the 39063
Revised Code on its most recent evaluation conducted according 39064
to that section, or the proposed sponsor is the office of Ohio 39065
school sponsorship established in section 3314.029 of the 39066
Revised Code. 39067

(2) The community school submits a request to enter into a 39068
new contract with a sponsor. 39069

(3) The community school has not submitted a prior request 39070
that was granted. 39071

(4) The department grants the school's request pursuant to 39072
division (C) of this section. 39073

(C) (1) A school shall submit a request to change sponsors 39074
under this section not later than on the fifteenth day of 39075
February of the year in which the school wishes to do so. If a 39076
community school to which division (A) (1) of this section 39077
applies submits a request to the department to enter into a 39078
contract with a new sponsor and a majority of the school's 39079
students are children with disabilities receiving special 39080
education and related services under Chapter 3323. of the 39081
Revised Code, the department shall at least consider the 39082
school's performance as measured against the average performance 39083
of all other community schools that primarily serve children 39084
with disabilities. 39085

(2) The department shall grant or deny the request not 39086
later than thirty days after the department receives it. If the 39087
department denies the request, the community school may submit 39088
an appeal to the director of education and workforce who shall 39089
hold a hearing in accordance with Chapter 119. of the Revised 39090
Code. The community school shall file its notice of appeal to 39091
the director not later than ten days after receiving the 39092
decision from the department. The director shall conduct the 39093
hearing not later than thirty days after receiving the school's 39094
notice of appeal and act upon the determination of the hearing 39095
officer not later than the twenty-fifth day of June of the year 39096
in which the school wishes to change sponsors. 39097

(D) Factors to be considered during a hearing held 39098
pursuant to division (C) of this section include, but are not 39099
limited to, the following: 39100

(1) The school's impact on the students and the community 39101

or communities it serves; 39102

(2) The quality and quantity of academic and 39103
administrative support the school receives from its current 39104
sponsor to help the school to improve; 39105

(3) The sponsor's annual evaluations of the community 39106
school under division (D) (2) of section 3314.03 of the Revised 39107
Code for the previous three years; 39108

(4) The academic performance of the school, taking into 39109
account the demographic information of the students enrolled in 39110
the school; 39111

(5) The academic performance of alternative schools that 39112
serve comparable populations of students as those served by the 39113
community school; 39114

(6) The fiscal stability of the school; 39115

(7) The results of any audits of the school by the auditor 39116
of state; 39117

(8) The length of time the school has been under the 39118
oversight of its current sponsor; 39119

(9) The number of times the school has changed sponsors 39120
prior to the current request; 39121

(10) Parent and student satisfaction rates as demonstrated 39122
by surveys, if available. 39123

(E) Notwithstanding anything to the contrary in this 39124
section, if a community school in which a majority of the 39125
enrolled students are children with disabilities receiving 39126
special education and related services in accordance with 39127
Chapter 3323. of the Revised Code meets both of the following 39128

criteria, the school may enter into a contract with a new 39129
sponsor, provided that the new sponsor satisfies the criteria in 39130
division (B) (1) of this section: 39131

(1) The school received, on its most recent report card 39132
issued under section 3302.03 of the Revised Code, a performance 39133
rating of at least three stars for progress under division (D) 39134
(3) (c) of that section. 39135

(2) As calculated for the most recent school year under 39136
section 3302.035 of the Revised Code, the school's performance 39137
index score for students with disabilities was higher than the 39138
performance index score for students with disabilities of the 39139
school district in which the school is located. 39140

Sec. 3314.0311. (A) Each community school that serves 39141
students in grades six through twelve shall include in its 39142
curriculum annual developmentally appropriate, evidence-based 39143
instruction in mental health promotion and suicide prevention. 39144
Such instruction shall include information on the development 39145
and maintenance of positive mental health, stigma reduction, the 39146
signs and symptoms of depression, suicide, and self-harm, and 39147
seeking help for self and peers. 39148

(B) For the instruction required under division (A) of 39149
this section, each community school shall select an evidence- 39150
based program approved by the department of education and 39151
workforce under section 3301.221 of the Revised Code. Prior to 39152
providing the instruction, the school shall notify each 39153
student's parent or guardian of the instruction that will be 39154
provided. The notification shall indicate that the parent or 39155
guardian may review any related instructional materials prior to 39156
the instruction being provided and that, upon written request of 39157
the parent or guardian, the student shall be excused from 39158

receiving the instruction. 39159

Sec. 3314.0312. (A) Each community school annually shall 39160
provide an evidence-based universal prevention program or 39161
practice in grades kindergarten through twelve that teaches 39162
students the necessary knowledge and skills to enhance health 39163
and wellness outcomes. Such instruction must focus on enhancing 39164
interpersonal skills, encouraging healthy decision-making, and 39165
increasing resiliency. 39166

(B) For the instruction required under division (A) of 39167
this section, the community school shall select an evidence- 39168
based program or practice approved by the department of 39169
education and workforce under section 3301.221 of the Revised 39170
Code. Prior to providing the instruction, the school shall 39171
notify each student's parent or guardian of the instruction that 39172
will be provided. The notification shall indicate that the 39173
parent or guardian may review any related instructional 39174
materials prior to the instruction being provided and that, upon 39175
written request of the parent or guardian, the student shall be 39176
excused from receiving the instruction. 39177

Sec. 3314.05. (A) The contract between the community 39178
school and the sponsor shall specify the facilities to be used 39179
for the community school and the method of acquisition. Except 39180
as provided in divisions (B) (3) and (4) of this section, no 39181
community school shall be established in more than one school 39182
district under the same contract. 39183

(B) Division (B) of this section shall not apply to 39184
internet- or computer-based community schools. 39185

(1) A community school may be located in multiple 39186
facilities under the same contract only if the limitations on 39187

availability of space prohibit serving all the grade levels 39188
specified in the contract in a single facility or division (B) 39189
(2), (3), or (4) of this section applies to the school. The 39190
school shall not offer the same grade level classrooms in more 39191
than one facility. 39192

(2) A community school may be located in multiple 39193
facilities under the same contract and, notwithstanding division 39194
(B) (1) of this section, may assign students in the same grade 39195
level to multiple facilities, as long as all of the following 39196
apply: 39197

(a) The governing authority has entered into and maintains 39198
a contract with an operator of the type described in division 39199
(A) (8) (b) of section 3314.02 of the Revised Code. 39200

(b) The contract with that operator qualified the school 39201
to be established pursuant to division (A) of former section 39202
3314.016 of the Revised Code. 39203

~~(c) The school's rating under section 3302.03 of the 39204~~
~~Revised Code does not fall below a combination of any of the 39205~~
~~following for two or more consecutive years: 39206~~

~~(i) A rating of "in need of continuous improvement" under 39207~~
~~section 3302.03 of the Revised Code, as that section existed 39208~~
~~prior to March 22, 2013; 39209~~

~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 39210~~
~~2016 school years, a rating of "C" for both the performance 39211~~
~~index score under division (A) (1) (b) or (B) (1) (b) and the value- 39212~~
~~added dimension under division (A) (1) (c) or (B) (1) (c) of section 39213~~
~~3302.03 of the Revised Code; or if the building serves only 39214~~
~~grades ten through twelve, the building received a grade of "C" 39215~~
~~for the performance index score under division (A) (1) (b) or (B) 39216~~

~~(1) (b) of section 3302.03 of the Revised Code;~~ 39217

~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020,~~ 39218

~~2020-2021 school years, an overall grade of "C" under division~~ 39219

~~(C) (3) of section 3302.03 of the Revised Code or an overall~~ 39220

~~performance designation of "meets standards" under division (E)~~ 39221

~~(3) (e) of section 3314.017 of the Revised Code;~~ 39222

~~(iv) For the 2021-2022 school year and any school year~~ 39223

~~thereafter, school does not receive~~ an overall performance 39224

rating of fewer than three stars under division (D) (3) of 39225

section 3302.03 of the Revised Code or an overall performance 39226

designation of less than "meets standards" under division ~~(E) (3)~~ 39227

~~(e) (E) (5) of section 3314.017 of the Revised Code~~ for two or 39228

more consecutive years. 39229

(3) On and after September 30, 2021, a new start-up 39230

community school may be established in two school districts 39231

under the same contract regardless of the proposed location of 39232

either district if both of the following apply: 39233

(a) The school operates not more than one facility in each 39234

school district and, in accordance with division (B) (1) of this 39235

section, the school does not offer the same grade level 39236

classrooms in both facilities; and 39237

(b) Transportation between the two facilities does not 39238

require more than thirty minutes of direct travel time as 39239

measured by school bus. 39240

(4) A community school may be located in multiple 39241

facilities under the same contract and, notwithstanding division 39242

(B) (1) of this section, may assign students in the same grade 39243

level to multiple facilities, as long as both of the following 39244

apply: 39245

(a) The facilities are all located in the same county or 39246
in any county adjacent to the county in which the community 39247
school's primary facility is located. 39248

(b) Either of the following conditions are satisfied: 39249

(i) The community school is sponsored by a board of 39250
education of a city, local, or exempted village school district 39251
having territory in the same county where the facilities of the 39252
community school are located or in any county adjacent to the 39253
county in which the community school's primary facility is 39254
located; 39255

(ii) The community school is managed by an operator. 39256

In the case of a community school to which division (B) (4) 39257
of this section applies and that maintains facilities in more 39258
than one school district, the school's governing authority shall 39259
designate one of those districts to be considered the school's 39260
primary location and the district in which the school is located 39261
for the purposes of division (A) (19) of section 3314.03 and 39262
divisions (C) and (H) of section 3314.06 of the Revised Code and 39263
for all other purposes of this chapter and shall notify the 39264
department of that designation. 39265

(5) Any facility used for a community school shall meet 39266
all health and safety standards established by law for school 39267
buildings. 39268

(C) In the case where a community school is proposed to be 39269
located in a facility owned by a school district or educational 39270
service center, the facility may not be used for such community 39271
school unless the district or service center board owning the 39272
facility enters into an agreement for the community school to 39273
utilize the facility. Use of the facility may be under any terms 39274

and conditions agreed to by the district or service center board 39275
and the school. 39276

(D) Two or more separate community schools may be located 39277
in the same facility. 39278

(E) In the case of a community school that is located in 39279
multiple facilities, beginning July 1, 2012, the department 39280
shall assign a unique identification number to the school and to 39281
each facility maintained by the school. Each number shall be 39282
used for identification purposes only. Nothing in this division 39283
shall be construed to require the department to calculate the 39284
amount of funds paid under this chapter, or to compute any data 39285
required for the report cards issued under section 3314.012 of 39286
the Revised Code, for each facility separately. The department 39287
shall make all such calculations or computations for the school 39288
as a whole. 39289

(F) (1) In the case of a community school that exists prior 39290
to September 30, 2021, to which division (B) (3) of this section 39291
applies, if only one of the school districts in which the school 39292
is established was located in a challenged school district prior 39293
to September 30, 2021, that district continues to be considered 39294
the school's primary location and the district in which the 39295
school is located for the purposes of division (A) (19) of 39296
section 3314.03 and divisions (C) and (H) of section 3314.06 of 39297
the Revised Code and for all other purposes of this chapter 39298
unless and until the school's governing authority designates a 39299
different school district as the school's primary location in 39300
accordance with division (F) (2) of this section. If both of the 39301
school districts in which the school is established were 39302
challenged school districts on that date, and the primary 39303
location was already designated by the school's governing 39304

authority pursuant to the requirements of this section as it 39305
existed prior to September 30, 2021, that designation remains 39306
unless and until the school's governing authority designates a 39307
different primary location. 39308

(2) (a) On and after September 30, 2021, when a new start- 39309
up community school is established in two school districts under 39310
the same contract, the school's governing authority shall 39311
designate one of those districts to be considered the school's 39312
primary location and the district in which the school is located 39313
for the purposes of division (A) (19) of section 3314.03 and 39314
divisions (C) and (H) of section 3314.06 of the Revised Code and 39315
for all other purposes of this chapter and shall notify the 39316
department of education and workforce of that designation. 39317

(b) A community school governing authority that elects to 39318
modify a community school's primary location, whether in 39319
accordance with division (F) (1) of this section or otherwise, 39320
shall notify the department of that modification. 39321

Sec. 3314.08. (A) As used in this section: 39322

(1) "IEP" has the same meaning as in section 3323.01 of 39323
the Revised Code. 39324

(2) "Resident district" means the school district in which 39325
a student is entitled to attend school under section 3313.64 or 39326
3313.65 of the Revised Code. 39327

(B) The department of education and workforce shall adopt 39328
rules requiring the governing authority of each community school 39329
established under this chapter to annually report all of the 39330
following: 39331

(1) The number of students enrolled in grades one through 39332
twelve and the full-time equivalent number of students enrolled 39333

in kindergarten in the school who are not receiving special 39334
education and related services pursuant to an IEP; 39335

(2) The number of enrolled students in grades one through 39336
twelve and the full-time equivalent number of enrolled students 39337
in kindergarten, who are receiving special education and related 39338
services pursuant to an IEP; 39339

(3) The number of students reported under division (B) (2) 39340
of this section receiving special education and related services 39341
pursuant to an IEP for a disability described in each of 39342
divisions (A) to (F) of section 3317.013 of the Revised Code; 39343

(4) The full-time equivalent number of students reported 39344
under divisions (B) (1) and (2) of this section who are enrolled 39345
in career-technical education programs or classes described in 39346
each of divisions (A) (1) to (5) of section 3317.014 of the 39347
Revised Code that are provided by the community school; 39348

(5) The number of students reported under divisions (B) (1) 39349
and (2) of this section who are not reported under division (B) 39350
(4) of this section but who are enrolled in career-technical 39351
education programs or classes described in each of divisions (A) 39352
(1) to (5) of section 3317.014 of the Revised Code at a joint 39353
vocational school district or another district in the career- 39354
technical planning district to which the school is assigned; 39355

(6) The number of students reported under divisions (B) (1) 39356
and (2) of this section who are category one to three English 39357
learners described in each of divisions (A) to (C) of section 39358
3317.016 of the Revised Code; 39359

(7) The number of students reported under divisions (B) (1) 39360
and (2) of this section who are economically disadvantaged, as 39361
defined by the department. A student shall not be categorically 39362

excluded from the number reported under division (B) (7) of this 39363
section based on anything other than family income. 39364

(8) For each student, the city, exempted village, or local 39365
school district in which the student is entitled to attend 39366
school under section 3313.64 or 3313.65 of the Revised Code. 39367

(9) The number of students enrolled in a preschool program 39368
operated by the school that is licensed under sections 3301.52 39369
to 3301.59 of the Revised Code who are not receiving special 39370
education and related services pursuant to an IEP. 39371

A school district board and a community school governing 39372
authority shall include in their respective reports under 39373
division (B) of this section any child admitted in accordance 39374
with division (A) (2) of section 3321.01 of the Revised Code. 39375

A governing authority of a community school shall not 39376
include in its report under divisions (B) (1) to (9) of this 39377
section any student for whom tuition is charged under division 39378
(F) of this section. 39379

(C) (1) (a) If a community school's costs for a fiscal year 39380
for a student receiving special education and related services 39381
pursuant to an IEP for a disability described in divisions (B) 39382
to (F) of section 3317.013 of the Revised Code exceed the 39383
threshold cost for serving the student as specified in division 39384
(B) of section 3317.0214 of the Revised Code, the school may 39385
submit to the director of education and workforce documentation, 39386
as prescribed by the director, of all its costs for that 39387
student. Upon submission of documentation for a student of the 39388
type and in the manner prescribed, the department shall pay to 39389
the community school an amount equal to the school's costs for 39390
the student in excess of the threshold costs. 39391

(b) The community school shall report under division (C) 39392
(1) (a) of this section, and the department shall pay for, only 39393
the costs of educational expenses and the related services 39394
provided to the student in accordance with the student's 39395
individualized education program. Any legal fees, court costs, 39396
or other costs associated with any cause of action relating to 39397
the student may not be included in the amount. 39398

(2) In any fiscal year, a community school receiving funds 39399
under division (A) (7) of section 3317.022 of the Revised Code 39400
shall spend those funds only for the purposes that the 39401
department designates as approved for career-technical education 39402
expenses. Career-technical education expenses approved by the 39403
department shall include only expenses connected to the delivery 39404
of career-technical programming to career-technical students. 39405
The department shall require the school to report data annually 39406
so that the department may monitor the school's compliance with 39407
the requirements regarding the manner in which funding received 39408
under division (A) (7) of section 3317.022 of the Revised Code 39409
may be spent. 39410

(3) Notwithstanding anything to the contrary in section 39411
3313.90 of the Revised Code, except as provided in division (C) 39412
(5) of this section, all funds received under division (A) (7) of 39413
section 3317.022 of the Revised Code shall be spent in the 39414
following manner: 39415

(a) At least seventy-five per cent of the funds shall be 39416
spent on curriculum development, purchase, and implementation; 39417
instructional resources and supplies; industry-based program 39418
certification; student assessment, credentialing, and placement; 39419
curriculum specific equipment purchases and leases; career- 39420
technical student organization fees and expenses; home and 39421

agency linkages; work-based learning experiences; professional 39422
development; and other costs directly associated with career- 39423
technical education programs including development of new 39424
programs. 39425

(b) Not more than twenty-five per cent of the funds shall 39426
be used for personnel expenditures. 39427

(4) A community school shall spend the funds it receives 39428
under division (A) (4) of section 3317.022 of the Revised Code in 39429
accordance with section 3317.25 of the Revised Code. 39430

(5) The department may waive the requirement in division 39431
(C) (3) of this section for any community school that exclusively 39432
provides one or more career-technical workforce development 39433
programs in arts and communications that are not equipment- 39434
intensive, as determined by the department. 39435

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a community 39436
school shall spend the funds it receives under division (A) (5) 39437
of section 3317.022 of the Revised Code only for services for 39438
English learners. 39439

(D) A board of education sponsoring a community school may 39440
utilize local funds to make enhancement grants to the school or 39441
may agree, either as part of the contract or separately, to 39442
provide any specific services to the community school at no cost 39443
to the school. 39444

(E) A community school may not levy taxes or issue bonds 39445
secured by tax revenues. 39446

(F) No community school shall charge tuition for the 39447
enrollment of any student who is a resident of this state. A 39448
community school may charge tuition for the enrollment of any 39449
student who is not a resident of this state. 39450

(G) (1) (a) A community school may borrow money to pay any 39451
necessary and actual expenses of the school in anticipation of 39452
the receipt of any portion of the payments to be received by the 39453
school pursuant to section 3317.022 of the Revised Code. The 39454
school may issue notes to evidence such borrowing. The proceeds 39455
of the notes shall be used only for the purposes for which the 39456
anticipated receipts may be lawfully expended by the school. 39457

(b) A school may also borrow money for a term not to 39458
exceed fifteen years for the purpose of acquiring facilities. 39459

(2) The state is not liable for debt incurred by the 39460
governing authority of a community school. 39461

(H) The department shall adjust the amounts paid under 39462
section 3317.022 of the Revised Code to reflect any enrollment 39463
of students in community schools for less than the equivalent of 39464
a full school year. The department shall adopt in accordance 39465
with Chapter 119. of the Revised Code rules governing the 39466
payments to community schools under section 3317.022 of the 39467
Revised Code including initial payments in a school year and 39468
adjustments and reductions made in subsequent periodic payments 39469
to community schools as provided under section 3317.022 of the 39470
Revised Code. For purposes of this division: 39471

(1) A student shall be considered enrolled in the 39472
community school for any portion of the school year the student 39473
is participating at a college under Chapter 3365. of the Revised 39474
Code. 39475

(2) A student shall be considered to be enrolled in a 39476
community school for the period of time beginning on the later 39477
of the date on which the school both has received documentation 39478
of the student's enrollment from a parent and the student has 39479

commenced participation in learning opportunities as defined in 39480
the contract with the sponsor, or thirty days prior to the date 39481
on which the student is entered into the education management 39482
information system established under section 3301.0714 of the 39483
Revised Code. For purposes of applying this division and 39484
divisions (H) (3) and (4) of this section to a community school 39485
student, "learning opportunities" shall be defined in the 39486
contract, which shall describe both classroom-based and non- 39487
classroom-based learning opportunities and shall be in 39488
compliance with criteria and documentation requirements for 39489
student participation which shall be established by the 39490
department. Any student's instruction time in non-classroom- 39491
based learning opportunities shall be certified by an employee 39492
of the community school. A student's enrollment shall be 39493
considered to cease on the date on which any of the following 39494
occur: 39495

(a) The community school receives documentation from a 39496
parent terminating enrollment of the student. 39497

(b) The community school is provided documentation of a 39498
student's enrollment in another public or private school. 39499

(c) The community school ceases to offer learning 39500
opportunities to the student pursuant to the terms of the 39501
contract with the sponsor or the operation of any provision of 39502
this chapter. 39503

Except as otherwise specified in this paragraph, beginning 39504
in the 2011-2012 school year, any student who completed the 39505
prior school year in an internet- or computer-based community 39506
school shall be considered to be enrolled in the same school in 39507
the subsequent school year until the student's enrollment has 39508
ceased as specified in division (H) (2) of this section. The 39509

department shall continue paying amounts for the student under 39510
section 3317.022 of the Revised Code without interruption at the 39511
start of the subsequent school year. However, if the student 39512
without a legitimate excuse fails to participate in the first 39513
seventy-two consecutive hours of learning opportunities offered 39514
to the student in that subsequent school year, the student shall 39515
be considered not to have re-enrolled in the school for that 39516
school year and the department shall recalculate the payments to 39517
the school for that school year to account for the fact that the 39518
student is not enrolled. 39519

(3) The department shall determine each community school 39520
student's percentage of full-time equivalency based on the 39521
percentage of learning opportunities offered by the community 39522
school to that student, reported either as number of hours or 39523
number of days, is of the total learning opportunities offered 39524
by the community school to a student who attends for the 39525
school's entire school year. However, no internet- or computer- 39526
based community school shall be credited for any time a student 39527
spends participating in learning opportunities beyond ten hours 39528
within any period of twenty-four consecutive hours. Whether it 39529
reports hours or days of learning opportunities, each community 39530
school shall offer not less than nine hundred twenty hours of 39531
learning opportunities during the school year. 39532

(4) With respect to the calculation of full-time 39533
equivalency under division (H) (3) of this section, the 39534
department shall waive the number of hours or days of learning 39535
opportunities not offered to a student because the community 39536
school was closed during the school year due to disease 39537
epidemic, hazardous weather conditions, law enforcement 39538
emergencies, inoperability of school buses or other equipment 39539
necessary to the school's operation, damage to a school 39540

building, or other temporary circumstances due to utility 39541
failure rendering the school building unfit for school use, so 39542
long as the school was actually open for instruction with 39543
students in attendance during that school year for not less than 39544
the minimum number of hours required by this chapter. The 39545
department shall treat the school as if it were open for 39546
instruction with students in attendance during the hours or days 39547
waived under this division. 39548

(I) The department of education and workforce shall reduce 39549
the amounts paid under section 3317.022 of the Revised Code to 39550
reflect payments made to colleges under section 3365.07 of the 39551
Revised Code. 39552

(J) (1) No student shall be considered enrolled in any 39553
internet- or computer-based community school or, if applicable 39554
to the student, in any community school that is required to 39555
provide the student with a computer pursuant to division (C) of 39556
section 3314.22 of the Revised Code, unless both of the 39557
following conditions are satisfied: 39558

(a) The student possesses or has been provided with all 39559
required hardware and software materials and all such materials 39560
are operational so that the student is capable of fully 39561
participating in the learning opportunities specified in the 39562
contract between the school and the school's sponsor as required 39563
by division (A) (23) of section 3314.03 of the Revised Code; 39564

(b) The school is in compliance with division (A) of 39565
section 3314.22 of the Revised Code, relative to such student. 39566

(2) In accordance with policies adopted by the department 39567
of education and workforce, in consultation with the auditor of 39568
state, the department shall reduce the amounts otherwise payable 39569

under section 3317.022 of the Revised Code to any community 39570
school that includes in its program the provision of computer 39571
hardware and software materials to any student, if such hardware 39572
and software materials have not been delivered, installed, and 39573
activated for each such student in a timely manner or other 39574
educational materials or services have not been provided 39575
according to the contract between the individual community 39576
school and its sponsor. 39577

The director and the auditor of state shall jointly 39578
establish a method for auditing any community school to which 39579
this division pertains to ensure compliance with this section. 39580

The director, auditor of state, and the governor shall 39581
jointly make recommendations to the general assembly for 39582
legislative changes that may be required to assure fiscal and 39583
academic accountability for such schools. 39584

(K) (1) If the department determines that a review of a 39585
community school's enrollment is necessary, such review shall be 39586
completed and written notice of the findings shall be provided 39587
to the governing authority of the community school and its 39588
sponsor within ninety days of the end of the community school's 39589
fiscal year, unless extended for a period not to exceed thirty 39590
additional days for one of the following reasons: 39591

(a) The department and the community school mutually agree 39592
to the extension. 39593

(b) Delays in data submission caused by either a community 39594
school or its sponsor. 39595

(2) If the review results in a finding that additional 39596
funding is owed to the school, such payment shall be made within 39597
thirty days of the written notice. If the review results in a 39598

finding that the community school owes moneys to the state, the 39599
following procedure shall apply: 39600

(a) Within ten business days of the receipt of the notice 39601
of findings, the community school may appeal the department's 39602
determination to the director. 39603

(b) The director shall conduct an informal hearing on the 39604
matter within thirty days of receipt of such an appeal and shall 39605
issue a decision within fifteen days of the conclusion of the 39606
hearing. 39607

(c) Any decision made by the director under this division 39608
is final. 39609

(3) If it is decided that the community school owes moneys 39610
to the state, the department shall deduct such amount from the 39611
school's future payments in accordance with guidelines issued by 39612
the director. 39613

(L) The department shall not pay to a community school 39614
under section 3317.022 of the Revised Code any amount for any of 39615
the following: 39616

(1) Any student who has graduated from the twelfth grade 39617
of a public or nonpublic high school; 39618

(2) Any student who is not a resident of the state; 39619

(3) Any student who was enrolled in the community school 39620
during the previous school year when assessments were 39621
administered under section 3301.0711 of the Revised Code but did 39622
not take one or more of the assessments required by that section 39623
and was not excused pursuant to division (C)(1) or (3) of that 39624
section, unless the director grants the student a waiver from 39625
the requirement to take the assessment and a parent is not 39626

paying tuition for the student pursuant to section 3314.26 of 39627
the Revised Code. The director may grant a waiver only for good 39628
cause in accordance with rules adopted by the department. 39629

(4) Any student who has attained the age of twenty-two 39630
years, except for veterans of the armed services whose 39631
attendance was interrupted before completing the recognized 39632
twelve-year course of the public schools by reason of induction 39633
or enlistment in the armed forces and who apply for enrollment 39634
in a community school not later than four years after 39635
termination of war or their honorable discharge. If, however, 39636
any such veteran elects to enroll in special courses organized 39637
for veterans for whom tuition is paid under federal law, or 39638
otherwise, the department shall not pay to a community school 39639
under section 3317.022 of the Revised Code any amount for that 39640
veteran. 39641

Sec. 3314.261. This section shall not apply to an 39642
internet- or computer-based community school ~~in which a majority~~ 39643
~~of the students are enrolled in a dropout prevention and~~ 39644
~~recovery program~~ that is a dropout prevention and recovery 39645
community school. 39646

(A) For purposes of this section, "instructional 39647
activities" means the following classroom-based or nonclassroom- 39648
based activities that a student is expected to complete, 39649
participate in, or attend during any given school day: 39650

(1) Online logins to curriculum or programs; 39651

(2) Offline activities; 39652

(3) Completed assignments within a particular program, 39653
curriculum, or class; 39654

(4) Testing; 39655

(5) Face-to-face communications or meetings with school staff or service providers; 39656
39657

(6) Telephone or video conferences with school staff or service providers; 39658
39659

(7) Other documented communication with school staff or service providers related to school curriculum or programs. 39660
39661

(B) (1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions: 39662
39663
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39665
39666

(a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year; 39667
39668
39669

(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B) (1) (b) of this section. 39670
39671
39672
39673

(2) If a student is not considered in attendance under division (B) (1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not participate. 39674
39675
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(3) In the event that a student has thirty or more hours of unexcused absences in any semester, the internet- or computer-based community school in which the student is enrolled shall submit a written report to the student's parent, guardian, or custodian. 39679
39680
39681
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39683

(C) Notwithstanding section 3321.191 of the Revised Code, 39684
each internet- or computer-based community school shall develop 39685
and adopt a policy regarding failure to participate in 39686
instructional activities. The policy shall state that a student 39687
shall become subject to certain consequences, including 39688
disenrollment from the school, if both of the following 39689
conditions are satisfied: 39690

(1) After the student's parent, guardian, or custodian 39691
receives a written report under division (B) (2) of this section, 39692
the student fails to comply with the policy adopted under 39693
division (C) of this section within a reasonable period of time 39694
specified by the school; 39695

(2) Other intervention strategies contained in the policy 39696
adopted under division (C) of this section fail to cause a 39697
student's attendance to comply with the policy. 39698

(D) If an internet- or computer-based community school 39699
disenrolled a student pursuant to a policy adopted under 39700
division (C) of this section, the student shall not be eligible 39701
to re-enroll in that school for the remainder of the school year 39702
in which the student is disenrolled. This division does not 39703
prohibit a disenrolled student from enrolling in another 39704
internet- or computer-based community school. 39705

(E) If an internet- or computer-based community school 39706
disenrolls a student pursuant to a policy adopted under division 39707
(C) of this section, the school shall do both of the following: 39708

(1) Provide the student's parent, guardian, or custodian 39709
with a list of alternative educational options available to the 39710
student; 39711

(2) Within forty-eight hours of the student's 39712

disenrollment, notify the student's resident school district in 39713
writing. 39714

(F) Nothing in this section shall be construed to affect 39715
the procedure for automatically withdrawing a student from 39716
school that must be adopted as part of a school's attendance 39717
policy in accordance with division (A)(6)(b) of section 3314.03 39718
of the Revised Code. 39719

Sec. 3314.29. (A) This section applies to any internet- or 39720
computer-based community school that meets all of the following 39721
conditions: 39722

(1) Serves all of grades kindergarten through twelve; 39723
(2) Has an enrollment of at least two thousand students; 39724
(3) Has a sponsor that was not rated ineffective or poor 39725
on its most recent evaluation under section 3314.016 of the 39726
Revised Code. 39727

(B) Beginning with the 2018-2019 school year, the 39728
governing authority of a community school to which this section 39729
applies may adopt a resolution to divide the school into two or 39730
three separate schools as follows: 39731

(1) If the school is divided into two schools, one school 39732
shall serve grades kindergarten through eight and one school 39733
shall serve grades nine through twelve. 39734

(2) If the school is divided into three schools, one 39735
school shall serve grades kindergarten through five, one school 39736
shall serve grades six through eight, and one school shall serve 39737
grades nine through twelve. 39738

(C) The resolution adopted by the governing authority 39739
shall not be effective unless approved by the school's sponsor. 39740

Following approval of the resolution by the sponsor, and by the 39741
fifteenth day of March prior to the school year in which it will 39742
take effect, the governing authority shall file the resolution 39743
with the department of education and workforce. The division of 39744
the schools shall be effective on the first day of July 39745
succeeding the date the resolution is filed with the department. 39746

(D) All of the following shall apply to each new school 39747
created as a result of the resolution authorized by this section 39748
and to the school that is divided as a result of the resolution: 39749

(1) Each school shall have the same governing authority. 39750

(2) The sponsor and governing authority shall enter into a 39751
separate contract under section 3314.03 of the Revised Code for 39752
each school. 39753

(3) No school shall ~~primarily serve students enrolled in~~ 39754
~~be a dropout prevention and recovery program operated by the~~ 39755
~~school~~ community school. 39756

(4) No school shall be permitted to divide again under 39757
this section. 39758

(5) Notwithstanding anything to the contrary in division 39759
(B) (2) of section 3314.016 of the Revised Code, each school 39760
shall be included in the calculation of the academic performance 39761
component for purposes of rating the schools' sponsor under the 39762
evaluation system prescribed by that section. 39763

(6) Each school shall be subject to the laws contained in 39764
Chapter 3314. of the Revised Code, except as otherwise specified 39765
in this section. 39766

(E) The department shall issue a report card under section 39767
3314.012 of the Revised Code for each new school created as a 39768

result of the resolution authorized by this section and for the 39769
school that is divided as a result of the resolution. For 39770
purposes of the report cards and other reporting requirements 39771
under this chapter, the department shall assign the school that 39772
serves the highest grades the same internal retrieval number 39773
previously used by the school that is divided under this 39774
section. The department shall assign a new internal retrieval 39775
number to each other school resulting from the division. 39776

Notwithstanding division (A) of section 3314.012 of the 39777
Revised Code, the ratings a school receives on its report card 39778
for the first two full school years after the division under 39779
this section shall count toward closure of the school under 39780
section 3314.35 of the Revised Code and any other matter that is 39781
based on report card ratings or measures. 39782

Sec. 3314.35. (A) Except as provided in division (B) of 39783
this section and section 3314.355 of the Revised Code, this 39784
section applies to any community school that meets one of the 39785
following criteria: 39786

(1) The school does not offer a grade level higher than 39787
three and, for the three most recent school years, satisfies 39788
either of the following criteria: 39789

(a) The school has received a performance rating of one 39790
star for early literacy under division (D)(3)(e) of section 39791
3302.03 of the Revised Code; 39792

(b) The school has received an overall performance rating 39793
of less than two stars under division (D)(3) of section 3302.03 39794
of the Revised Code. 39795

(2) The school offers any of grade levels four to eight 39796
but does not offer a grade level higher than nine and, for the 39797

three most recent school years, satisfies either of the 39798
following criteria: 39799

(a) The school has received a performance rating of one 39800
star for both achievement under division (D) (3) (b) of section 39801
3302.03 of the Revised Code and progress under division (D) (3) 39802
(c) of that section; 39803

(b) The school has received an overall performance rating 39804
of less than two stars under division (D) of section 3302.03 of 39805
the Revised Code and a performance rating of one star for 39806
progress under division (D) (3) (c) of that section. 39807

(3) The school offers any of grade levels ten to twelve 39808
and, for the three most recent school years, satisfies either of 39809
the following criteria: 39810

(a) The school has received a performance rating of "one 39811
star" for achievement under division (D) (3) (b) of section 39812
3302.03 of the Revised Code and has not met annual measurable 39813
objectives for gap closing under division (D) (3) (a) of that 39814
section, as determined by the department of education and 39815
workforce; 39816

(b) The school has received an overall performance rating 39817
of less than two stars under division (D) of section 3302.03 of 39818
the Revised Code and a performance rating of one star for 39819
progress under division (D) (1) (b) of that section. 39820

For purposes of division (A) of this section only, the 39821
department shall calculate the value-added progress dimension 39822
for a community school using assessment scores for only those 39823
students to whom the school has administered the achievement 39824
assessments prescribed by section 3301.0710 of the Revised Code 39825
for at least the two most recent school years but using value- 39826

added data from only the most recent school year. 39827

(B) This section does not apply to either of the 39828
following: 39829

(1) Any dropout prevention and recovery community school 39830
~~in which a majority of the students are enrolled in a dropout~~ 39831
~~prevention and recovery program that is operated by the school.~~ 39832
Rather, such schools shall be subject to closure only as 39833
provided in section 3314.351 of the Revised Code. However, prior 39834
to July 1, 2014, a community school in which a majority of the 39835
students are enrolled in a dropout prevention and recovery 39836
program shall be exempt from this section only if it has been 39837
granted a waiver under section 3314.36 of the Revised Code. 39838

(2) Any community school in which a majority of the 39839
enrolled students are children with disabilities receiving 39840
special education and related services in accordance with 39841
Chapter 3323. of the Revised Code. 39842

(C) Any community school to which this section applies 39843
shall permanently close at the conclusion of the school year in 39844
which the school first becomes subject to this section. The 39845
sponsor and governing authority of the school shall comply with 39846
all procedures for closing a community school adopted by the 39847
department under division (E) of section 3314.015 of the Revised 39848
Code. The governing authority of the school shall not enter into 39849
a contract with any other sponsor under section 3314.03 of the 39850
Revised Code after the school closes. 39851

(D) Nothing in this section or in any other provision of 39852
the Revised Code prohibits the sponsor of a community school 39853
from exercising its option not to renew a contract for any 39854
reason or from terminating a contract prior to its expiration 39855

for any of the reasons set forth in section 3314.07 of the Revised Code.

Sec. 3314.351. (A) This section applies to any dropout prevention and recovery community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program~~. Except as provided in division (F) of this section, any such community school that has received a designation of "does not meet standards," as described in division (D)(1) of section 3314.017 of the Revised Code on the report card issued under that section, for the three most recent school years shall be subject to closure in accordance with this section.

(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(E) Nothing in this section or in any other provision of

the Revised Code prohibits the sponsor of a community school 39885
from exercising its option not to renew a contract for any 39886
reason or from terminating a contract prior to its expiration 39887
for any of the reasons set forth in section 3314.07 of the 39888
Revised Code. 39889

(F) Beginning in the 2019-2020 school year, no school 39890
shall be subject to closure under this section based on the 39891
report card issued for that school for the 2017-2018 or 2018- 39892
2019 school year if the school received an overall rating of 39893
"meets standards" or "exceeds standards" for the 2017-2018 or 39894
2018-2019 school year pursuant to division (I) of section 39895
3314.017 of the Revised Code. However, no school permanently 39896
closed under this section prior to the 2019-2020 school year 39897
shall be eligible to reopen based on the calculated or 39898
recalculated ratings under division (I) of section 3314.017 of 39899
the Revised Code. 39900

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 39901
not apply to any dropout prevention and recovery community 39902
~~school in which a majority of the students are enrolled in a~~ 39903
~~dropout prevention and recovery program that is operated by the~~ 39904
~~school and that~~ has been granted a waiver by the former 39905
department of education prior to July 1, 2014. 39906

(B) All dropout prevention and recovery community schools 39907
~~in which a majority of the students are enrolled in a dropout~~ 39908
~~prevention and recovery program~~ are subject to the provisions of 39909
section 3314.351 of the Revised Code, regardless of whether a 39910
waiver has been granted under this section prior to July 1, 39911
2014. Thereafter, no waivers shall be granted under this 39912
section. 39913

Sec. 3314.361. ~~Notwithstanding anything to the contrary in~~ 39914

~~this chapter, a~~ A community school that operates a drug recovery 39915
program in cooperation with a court shall be considered a 39916
dropout prevention and recovery program ~~community school for~~ 39917
~~purposes of this chapter, regardless of the ages of students or~~ 39918
~~grade levels served by the school~~ and shall comply with all 39919
enrollment restrictions applicable to such a school. 39920

Sec. 3314.362. Notwithstanding division (A)(10) of section 39921
3314.02 of the Revised Code, a community school that primarily 39922
serves students enrolled in a dropout prevention and recovery 39923
program may continue to operate in the 2025-2026 and 2026-2027 39924
school years without complying with that division and shall be 39925
considered a dropout prevention and recovery community school 39926
for the purposes of Title XXXIII of the Revised Code for those 39927
school years. 39928

Notwithstanding anything in the Revised Code to the 39929
contrary, beginning July 1, 2027, any community school that 39930
primarily serves students enrolled in a dropout prevention and 39931
recovery program is a dropout prevention and recovery community 39932
school, as defined in division (A)(10) of section 3314.02 of the 39933
Revised Code. Prior to that date, the school, upon approval of 39934
the school's sponsor, shall do one or both of the following with 39935
any grades that do not comply with division (A)(10) of section 39936
3314.02 of the Revised Code: 39937

(A) Transfer those grades to a separate community school. 39938
The department of education and workforce shall assign the 39939
separate community school its own internal retrieval number. 39940

(B) Cease offering those grades. 39941

The school shall assist students who are not eligible to 39942
enroll in the dropout prevention and recovery community school 39943

to transfer to a separate community school or enroll in a 39944
different school, as applicable. 39945

Sec. 3314.38. (A) As used in this section: 39946

(1) "Competency-based educational program" and "eligible 39947
individual" have the same meanings as in section 3313.902 of the 39948
Revised Code. 39949

(2) "Eligible provider" means a community school that 39950
operates a dropout prevention and recovery program. 39951

(B) An eligible provider may establish a competency-based 39952
educational program that complies with standards adopted by the 39953
department of education and workforce and may enroll eligible 39954
individuals in the program for up to three consecutive school 39955
years for the purpose of earning a high school diploma. The 39956
provider shall establish a career plan for each individual 39957
enrolled in the program that specifies the individual's career 39958
goals and describes how the individual will demonstrate 39959
competency or earn course credits under division (C) of section 39960
3313.902 of the Revised Code to earn a diploma and attain the 39961
individual's career goals. Notwithstanding sections 3313.61, 39962
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 39963
Revised Code, the department shall award a high school diploma 39964
to an individual enrolled in a program who satisfies one of the 39965
conditions specified in division (C) of section 3313.902 of the 39966
Revised Code. 39967

(C) An eligible provider shall report each individual 39968
enrolled in a program under division (B) of this section to the 39969
department. This report shall be in addition to the report 39970
required under division (B) of section 3314.08 of the Revised 39971
Code. The department annually shall certify the enrollment and 39972

attendance of each individual reported under this division and 39973
shall pay the provider up to \$7,500 per school year, as 39974
determined by the department based on the extent of the 39975
individual's successful completion of the diploma requirements 39976
prescribed in division (C) of section 3313.902 of the Revised 39977
Code. 39978

(D) An eligible provider that enrolls individuals under 39979
division (B) of this section is subject to the requirements of 39980
section 3313.902 of the Revised Code, as applicable. 39981

Sec. 3314.381. ~~(A) As used in this section, "dropout~~ 39982
~~recovery community school" has the same meaning as in section~~ 39983
~~3319.301 of the Revised Code.~~ 39984

~~(B)~~ The department of education and workforce shall 39985
establish the dropout prevention and recovery advisory council. 39986
The council shall provide a forum for communication and 39987
collaboration between the department and parties involved in the 39988
establishment and operation of dropout prevention and recovery 39989
community schools, including sponsors and operators. 39990

~~(C)~~ (B) The advisory council shall consist of the following 39991
members appointed by the director of education and workforce: 39992

(1) Two members of the state board of education; 39993

(2) One employee of the department who works directly with 39994
dropout prevention and recovery community schools, including any 39995
employee who works as a liaison with such schools; 39996

(3) Seven individuals with experience in dropout 39997
prevention and recovery community schools, their operators, and 39998
their sponsors. In appointing these individuals, the director 39999
shall ensure they represent a diverse array of schools in terms 40000
of enrollment, programs, learning models, and methods of 40001

instruction. 40002

~~(D)~~ (C) The advisory council shall, in collaboration with 40003
the director, review all existing rules and guidance previously 40004
developed or adopted by the department pursuant to division ~~(D)~~ 40005
(C) of section 3314.382 of the Revised Code. 40006

Sec. 3314.382. (A) ~~As used in this section, "dropout~~ 40007
~~recovery community school" has the same meaning as in section~~ 40008
~~3319.301 of the Revised Code.~~ 40009

~~(B)~~ Notwithstanding anything to the contrary in the 40010
Revised Code, the department of education and workforce shall 40011
only adopt rules in accordance with Chapter 119. of the Revised 40012
Code for any requirement to be imposed on a dropout prevention 40013
and recovery community school. The department shall not develop 40014
guidelines that impose requirements on the general and uniform 40015
operation of a dropout prevention and recovery community school. 40016

~~(C)~~ (B) Pursuant to section 119.035 of the Revised Code, 40017
prior to adoption, the dropout prevention and recovery advisory 40018
council established under section 3314.381 of the Revised Code 40019
shall review any proposed rule described in division ~~(B)~~ (A) of 40020
this section. 40021

~~(D)~~ (C) Any guidance document previously developed by the 40022
department that establishes general and uniform operations 40023
regarding a dropout recovery community school in effect on ~~the~~ 40024
~~effective date of this section~~ October 3, 2023, is void after 40025
that date. 40026

Sec. 3317.01. As used in this section, "school district," 40027
unless otherwise specified, means any city, local, exempted 40028
village, joint vocational, or cooperative education school 40029
district and any educational service center. 40030

This chapter shall be administered by the department of 40031
education and workforce. The department of education and 40032
workforce shall calculate the amounts payable to each school 40033
district and shall certify the amounts payable to each eligible 40034
district to the treasurer of the district as provided by this 40035
chapter. Certification of moneys pursuant to this section shall 40036
include the amounts payable to each school building, at a 40037
frequency determined by the department, for each subgroup of 40038
students, as defined in section 3317.40 of the Revised Code, 40039
receiving services, provided for by state funding, from the 40040
district or school. No moneys shall be distributed pursuant to 40041
this chapter without the approval of the controlling board. 40042

The department shall, in accordance with appropriations 40043
made by the general assembly, meet the financial obligations of 40044
this chapter. 40045

Moneys distributed to school districts pursuant to this 40046
chapter shall be calculated based on the annual enrollment 40047
calculated from the three reports required under ~~sections~~ 40048
section 3317.03 ~~and 3317.036~~ of the Revised Code and paid on a 40049
fiscal year basis, beginning with the first day of July and 40050
extending through the thirtieth day of June. In any given fiscal 40051
year, prior to school districts submitting the first report 40052
required under section 3317.03 of the Revised Code, enrollment 40053
for the districts shall be calculated based on the third report 40054
submitted by the districts for the previous fiscal year. The 40055
moneys appropriated for each fiscal year shall be distributed 40056
periodically to each school district unless otherwise provided 40057
for. The department, in June of each year, shall submit to the 40058
controlling board the department's year-end distributions 40059
pursuant to this chapter. 40060

Except as otherwise provided, payments under this chapter 40061
shall be made only to those school districts in which: 40062

(A) The school district, except for any educational 40063
service center and any joint vocational or cooperative education 40064
school district, levies for current operating expenses at least 40065
twenty mills. Levies for joint vocational or cooperative 40066
education school districts or county school financing districts, 40067
limited to or to the extent apportioned to current expenses, 40068
shall be included in this qualification requirement. School 40069
district income tax levies under Chapter 5748. of the Revised 40070
Code, limited to or to the extent apportioned to current 40071
operating expenses, shall be included in this qualification 40072
requirement to the extent determined by the tax commissioner 40073
under division (C) of section 3317.021 of the Revised Code. 40074

(B) The school year next preceding the fiscal year for 40075
which such payments are authorized meets the requirement of 40076
section 3313.48 of the Revised Code, with regard to the minimum 40077
number of hours school must be open for instruction with pupils 40078
in attendance, for individualized parent-teacher conference and 40079
reporting periods, and for professional meetings of teachers. 40080

A school district shall not be considered to have failed 40081
to comply with this division because schools were open for 40082
instruction but either twelfth grade students were excused from 40083
attendance for up to the equivalent of three school days or only 40084
a portion of the kindergarten students were in attendance for up 40085
to the equivalent of three school days in order to allow for the 40086
gradual orientation to school of such students. 40087

A board of education or governing board of an educational 40088
service center which has not conformed with other law and the 40089
rules pursuant thereto, shall not participate in the 40090

distribution of funds authorized by this chapter, except for 40091
good and sufficient reason established to the satisfaction of 40092
the department and the state controlling board. 40093

All funds allocated to school districts under this 40094
chapter, except those specifically allocated for other purposes, 40095
shall be used to pay current operating expenses only. 40096

Sec. 3317.011. This section shall apply only for fiscal 40097
years ~~2024~~2026 and ~~2025~~2027. 40098

(A) As used in this section: 40099

(1) "Average administrative assistant salary" means the 40100
average salary of administrative assistants employed by city, 40101
local, and exempted village school districts in this state with 40102
salaries greater than \$20,000 but less than \$65,000, using 40103
fiscal year 2022 data, as determined by the department of 40104
education and workforce. 40105

(2) "Average bookkeeping and accounting employee salary" 40106
means the average salary of bookkeeping employees and accounting 40107
employees employed by city, local, and exempted village school 40108
districts in this state with salaries greater than \$20,000 but 40109
less than \$80,000, using fiscal year 2022 data, as determined by 40110
the department. 40111

(3) "Average clerical staff salary" means the average 40112
salary of clerical staff employed by city, local, and exempted 40113
village school districts in this state with salaries greater 40114
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 40115
as determined by the department. 40116

(4) "Average counselor salary" means the average salary of 40117
counselors employed by city, local, and exempted village school 40118
districts in this state with salaries greater than \$30,000 but 40119

less than \$95,000, using fiscal year 2022 data, as determined by 40120
the department. 40121

(5) "Average education management information system 40122
support employee salary" means the average salary of accounting 40123
employees employed by city, local, and exempted village school 40124
districts in this state with salaries greater than \$30,000 but 40125
less than \$90,000, using fiscal year 2022 data, as determined by 40126
the department. 40127

(6) "Average librarian and media staff salary" means the 40128
average salary of librarians and media staff employed by city, 40129
local, and exempted village school districts in this state with 40130
salaries greater than \$30,000 but less than \$95,000, using 40131
fiscal year 2022 data, as determined by the department. 40132

(7) "Average other district administrator salary" means 40133
the average salary of all assistant superintendents and 40134
directors employed by city, local, and exempted village school 40135
districts in this state with salaries greater than \$50,000 but 40136
less than \$135,000, using fiscal year 2022 data, as determined 40137
by the department. 40138

(8) "Average principal salary" means the average salary of 40139
all principals employed by city, local, and exempted village 40140
school districts in this state with salaries greater than 40141
\$50,000 but less than \$120,000, using fiscal year 2022 data, as 40142
determined by the department. 40143

(9) "Average superintendent salary" means the average 40144
salary of all superintendents employed by city, local, and 40145
exempted village school districts in this state with salaries 40146
greater than \$60,000 but less than \$180,000, using fiscal year 40147
2022 data, as determined by the department. 40148

(10) "Average teacher cost" for a fiscal year is equal to 40149
the sum of the following: 40150

(a) The average salary of teachers employed by city, 40151
local, and exempted village school districts in this state with 40152
salaries greater than \$30,000 but less than \$95,000, using 40153
fiscal year 2022 data, as determined by the department; 40154

(b) An amount for teacher benefits equal to 0.16 times the 40155
average salary calculated under division (A) (10) (a) of this 40156
section; 40157

(c) An amount for district-paid insurance costs equal to 40158
the following product: 40159

The statewide weighted average employer-paid monthly premium 40160
based on data reported by city, local, and exempted village 40161
school districts to the state employment relations board for the 40162
health insurance survey conducted in accordance with divisions 40163
(K) (5) and (6) of section 4117.02 of the Revised Code using 40164
fiscal year 2022 data X 12 40165

(11) "Eligible school district" means a city, local, or 40166
exempted village school district that satisfies one of the 40167
following: 40168

(a) The district is a member of an organization that 40169
regulates interscholastic athletics. 40170

(b) The district has teams in at least three different 40171
sports that participate in an interscholastic league. 40172

(B) When calculating a district's aggregate base cost 40173
under this section, the department shall use data from fiscal 40174
year 2022 for all of the following: 40175

(1) The average salaries determined under divisions (A) 40176

(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this section; 40177
40178

(2) The amount for teacher benefits determined under division (A) (10) (b) of this section; 40179
40180

(3) The district-paid insurance costs determined under division (A) (10) (c) of this section; 40181
40182

(4) The spending determined under divisions (E) (4) (a), (E) (5) (a), (E) (6) (a), and (H) (1) of this section and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section; 40183
40184
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40186

(5) The information determined under division (G) (3) of this section. 40187
40188

(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum: 40189
40190
40191

(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district) 40192
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(D) The department shall compute a district's teacher base cost for a fiscal year as follows: 40203
40204

(1) Calculate the district's classroom teacher cost for	40205
that fiscal year as follows:	40206
(a) Determine the full-time equivalency of students in the	40207
district's base cost enrolled ADM for that fiscal year that are	40208
enrolled in kindergarten and divide that number by 20;	40209
(b) Determine the full-time equivalency of students in the	40210
district's base cost enrolled ADM for that fiscal year that are	40211
enrolled in grades one through three and divide that number by	40212
23;	40213
(c) Determine the full-time equivalency of students in the	40214
district's base cost enrolled ADM for that fiscal year that are	40215
enrolled in grades four through eight but are not enrolled in a	40216
career-technical education program or class described under	40217
section 3317.014 of the Revised Code and divide that number by	40218
25;	40219
(d) Determine the full-time equivalency of students in the	40220
district's base cost enrolled ADM for that fiscal year that are	40221
enrolled in grades nine through twelve but are not enrolled in a	40222
career-technical education program or class described under	40223
section 3317.014 of the Revised Code and divide that number by	40224
27;	40225
(e) Determine the full-time equivalency of students in the	40226
district's base cost enrolled ADM for that fiscal year that are	40227
enrolled in a career-technical education program or class, as	40228
certified under divisions (B) (11), (12), (13), (14), and (15) of	40229
section 3317.03 of the Revised Code, and divide that number by	40230
18;	40231
(f) Compute the sum of the quotients obtained under	40232
divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	40233

(g) Compute the classroom teacher cost by multiplying the
average teacher cost for that fiscal year by the sum computed
under division (D) (1) (f) of this section.

(2) Calculate the district's special teacher cost for that
fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that
fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of
this section is greater than 6, the special teacher cost shall
be equal to that quotient multiplied by the average teacher cost
for that fiscal year.

(c) If the quotient obtained under division (D) (2) (a) of
this section is less than or equal to 6, the special teacher
cost shall be equal to 6 multiplied by the average teacher cost
for that fiscal year.

(3) Calculate the district's substitute teacher cost for
that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with
benefits by multiplying the substitute teacher daily rate of \$90
by 1.16;

(b) Compute the substitute teacher cost in accordance with
the following formula:

[The sum computed under division (D) (1) (f) of this section +
(the greater of the quotient obtained under division (D) (2) (a)
of this section and 6)] X the amount computed under division (D)
(3) (a) of this section X 5

(4) Calculate the district's professional development cost
for that fiscal year in accordance with the following formula:

[The sum computed under division (D) (1) (f) of this section + 40262
(the greater of the quotient obtained under division (D) (2) (a) 40263
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 40264
(b) of this section for that fiscal year)/180] X 4 40265

(5) Calculate the district's teacher base cost for that 40266
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 40267
and (4) of this section. 40268

(E) The department shall compute a district's student 40269
support base cost for a fiscal year as follows: 40270

(1) Calculate the district's guidance counselor cost for 40271
that fiscal year as follows: 40272

(a) Determine the number of students in the district's 40273
base cost enrolled ADM for that fiscal year that are enrolled in 40274
grades nine through twelve and divide that number by 360; 40275

(b) Compute the counselor cost in accordance with the 40276
following formula: 40277

(The greater of the quotient obtained under division (E) (1) (a) 40278
of this section and 1) X [(the average counselor salary for that 40279
fiscal year X 1.16) + the amount specified under division (A) 40280
(10) (c) of this section for that fiscal year] 40281

(2) Calculate the district's librarian and media staff 40282
cost for that fiscal year as follows: 40283

(a) Divide the district's base cost enrolled ADM for that 40284
fiscal year by 1,000; 40285

(b) Compute the librarian and media staff cost in 40286
accordance with the following formula: 40287

The quotient obtained under division (E) (2) (a) of this section X 40288

[(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;

(b) Compute the staffing cost for student wellness and success in accordance with the following formula:

(The greater of the quotient obtained under division (E) (3) (a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]

(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:

(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;

(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2022 data as specified under division (E) (4) (a) of this section;

(c) Compute the academic co-curricular activities cost in accordance with the following formula:

(The amount determined under division (E) (4) (a) of this section / the sum determined under division (E) (4) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed

(5) Calculate the district's building safety and security cost for that fiscal year as follows: 40317
40318

(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2022 data; 40319
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(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E) (5) (a) of this section using fiscal year 2022 data; 40323
40324
40325

(c) Compute the building safety and security cost in accordance with the following formula: 40326
40327

(The amount determined under division (E) (5) (a) of this section / the sum determined under division (E) (5) (a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed 40328
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(6) Calculate the district's supplies and academic content cost for that fiscal year as follows: 40332
40333

(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department using fiscal year 2022 data; 40334
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(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2022 data as specified under division (E) (6) (a) of this section; 40338
40339
40340

(c) Compute the supplies and academic content cost in accordance with the following formula: 40341
40342

(The amount determined under division (E) (6) (a) of this section / the sum determined under division (E) (6) (b) of this section) X 40343
40344

the district's base cost enrolled ADM for the fiscal year for 40345
which the supplies and academic content cost is computed 40346

(7) Calculate the district's technology cost for that 40347
fiscal year in accordance with the following formula: 40348

\$37.50 X the district's base cost enrolled ADM for that fiscal 40349
year 40350

(8) Calculate the district's student support base cost for 40351
that fiscal year, which equals the sum of divisions (E) (1), (2), 40352
(3), (4), (5), (6), and (7) of this section. 40353

(F) The department shall compute a district's leadership 40354
and accountability base cost for a fiscal year as follows: 40355

(1) Calculate the district's superintendent cost for that 40356
fiscal year as follows: 40357

(a) If the district's base cost enrolled ADM for that 40358
fiscal year is greater than 4,000, then the district's 40359
superintendent cost shall be equal to $[(\$160,000 \times 1.16) + \text{the}$ 40360
amount specified under division (A) (10) (c) of this section for 40361
that fiscal year]. 40362

(b) If the district's base cost enrolled ADM for that 40363
fiscal year is less than or equal to 4,000 but greater than or 40364
equal to 500, the district's superintendent cost shall be equal 40365
to the sum of the following: 40366

(i) $(\text{The district's base cost enrolled ADM for that fiscal}$ 40367
 $\text{year} - 500) \times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 40368

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under}$ 40369
division (A) (10) (c) of this section for that fiscal year. 40370

(c) If the district's base cost enrolled ADM is less than 40371

500, then the district's superintendent cost shall be equal to 40372
[$(\$80,000 \times 1.16)$ + the amount specified under division (A) (10) 40373
(c) of this section for that fiscal year]. 40374

(2) Calculate the district's treasurer cost for that 40375
fiscal year as follows: 40376

(a) If the district's base cost enrolled ADM for that 40377
fiscal year is greater than 4,000, then the district's treasurer 40378
cost shall be equal to [$(\$130,000 \times 1.16)$ + the amount specified 40379
under division (A) (10) (c) of this section for that fiscal year]. 40380

(b) If the district's base cost enrolled ADM for that 40381
fiscal year is less than or equal to 4,000 but greater than or 40382
equal to 500, the district's treasurer cost shall be equal to 40383
the sum of the following: 40384

(i) (The district's base cost enrolled ADM for that fiscal 40385
year - 500) $\times \{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 40386

(ii) $(\$60,000 \times 1.16)$ + the amount specified under 40387
division (A) (10) (c) of this section for that fiscal year. 40388

(c) If the district's base cost enrolled ADM is less than 40389
500, then the district's treasurer cost shall be equal to 40390
[$(\$60,000 \times 1.16)$ + the amount specified under division (A) (10) 40391
(c) of this section for that fiscal year]. 40392

(3) Calculate the district's other district administrator 40393
cost for that fiscal year as follows: 40394

(a) Divide the average other district administrator salary 40395
for that fiscal year by the average superintendent salary for 40396
that fiscal year; 40397

(b) Divide the district's base cost enrolled ADM for that 40398
fiscal year by 750; 40399

(c) Compute the other district administrator cost in 40400
accordance with the following formula: 40401

{[(The district's superintendent cost for that fiscal year 40402
calculated under division (F) (1) of this section - the amount 40403
specified under division (A) (10) (c) of this section for that 40404
fiscal year) X the quotient obtained under division (F) (3) (a) of 40405
this section] + the amount specified under division (A) (10) (c) 40406
of this section} X (the greater of the quotient obtained under 40407
division (F) (3) (b) of this section and 2) 40408

(4) Calculate the district's fiscal support cost for that 40409
fiscal year as follows: 40410

(a) Divide the district's base cost enrolled ADM for that 40411
fiscal year by 850; 40412

(b) Determine the lesser of the following: 40413

(i) The maximum of the quotient obtained under division 40414
(F) (4) (a) of this section and 2; 40415

(ii) 35. 40416

(c) Compute the fiscal support cost in accordance with the 40417
following formula: 40418

The number obtained under division (F) (4) (b) of this section X 40419
[(the average bookkeeping and accounting employee salary for 40420
that fiscal year X 1.16) + the amount specified under division 40421
(A) (10) (c) of this section for that fiscal year] 40422

(5) Calculate the district's education management 40423
information system support cost for that fiscal year as follows: 40424

(a) Divide the district's base cost enrolled ADM for that 40425
fiscal year by 5,000; 40426

(b) Compute the education management information system support cost in accordance with the following formula: 40427
40428

(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 40429
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(6) Calculate the district's leadership support cost for that fiscal year as follows: 40434
40435

(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that number; 40436
40437
40438

(b) Divide the number obtained under division (F) (6) (a) of this section by 3; 40439
40440

(c) Compute the leadership support cost in accordance with the following formula: 40441
40442

(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 40443
40444
40445
40446

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula: 40447
40448
40449

\$31 X the district's base cost enrolled ADM for that fiscal year 40450

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section. 40451
40452
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40454

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 40455
40456
40457

(1) Calculate the district's building leadership cost for that fiscal year as follows: 40458
40459

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 40460
40461

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 40462
40463

(c) Compute the building leadership cost in accordance with the following formula: 40464
40465

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of this section for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section 40466
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(2) Calculate the district's building leadership support cost for that fiscal year as follows: 40473
40474

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 40475
40476

(b) Determine the number of school buildings in the district for ~~that~~ the preceding fiscal year; 40477
40478

(c) Compute the building leadership support cost in accordance with the following formula: 40479
40480

(i) If the quotient obtained under division (G) (2) (a) of 40481

this section is less than the number obtained under division (G) 40482
(2) (b) of this section, then the district's building leadership 40483
support cost shall be equal to {the number obtained under 40484
division (G) (2) (b) of this section for that fiscal year X [(the 40485
average clerical staff salary for that fiscal year X 1.16) + the 40486
amount specified under division (A) (10) (c) of this section for 40487
that fiscal year]}.

(ii) If the quotient obtained under division (G) (2) (a) of 40489
this section is greater than or equal to the number obtained 40490
under division (G) (2) (b) of this section, then the district's 40491
building leadership support cost shall be equal to {[the lesser 40492
of (the number obtained under division (G) (2) (b) of this section 40493
X 3) and the quotient obtained under division (G) (2) (a) of this 40494
section] X [(the average clerical staff salary for that fiscal 40495
year X 1.16) + the amount specified under division (A) (10) (c) of 40496
this section for that fiscal year]}.

(3) Calculate the district's building operations cost for 40498
that fiscal year as follows: 40499

(a) Determine both of the following: 40500

(i) The average building square feet per pupil for all 40501
city, local, and exempted village school district buildings in 40502
the state; 40503

(ii) The average cost per square foot for all city, local, 40504
and exempted village school district buildings in the state. 40505

(b) Compute the building operations cost in accordance 40506
with the following formula: 40507

The district's base cost enrolled ADM for that fiscal year X 40508
[(the number determined under division (G) (3) (a) (i) of this 40509
section X the number determined under division (G) (3) (a) (ii) of 40510

this section) - (the amount determined under division (E) (5) (a) 40511
of this section for that fiscal year/ the sum determined under 40512
division (E) (5) (b) of this section for that fiscal year)] 40513

(4) Calculate the district's building leadership and 40514
operations base cost for that fiscal year, which equals the sum 40515
of divisions (G) (1), (2), and (3) of this section. 40516

(H) If a district is an eligible school district, the 40517
department shall compute the district's athletic co-curricular 40518
activities base cost for a fiscal year as follows: 40519

(1) Determine the total amount of spending for athletic 40520
co-curricular activities reported by city, local, and exempted 40521
village school districts to the department for that fiscal year; 40522

(2) Determine the sum of the enrolled ADM of every school 40523
district in the state for that fiscal year; 40524

(3) Compute the district's athletic co-curricular 40525
activities base cost in accordance with the following formula: 40526

(The amount determined under division (H) (1) of this section / 40527
the sum determined under division (H) (2) of this section) X the 40528
district's base cost enrolled ADM for the fiscal year for which 40529
the funds for athletic co-curricular activities are computed 40530

Sec. 3317.012. This section shall apply only for fiscal 40531
years ~~2024-2026~~ and ~~2025~~2027. 40532

(A) As used in this section, "average administrative 40533
assistant salary," "average bookkeeping and accounting employee 40534
salary," "average clerical staff salary," "average counselor 40535
salary," "average education management information system 40536
support employee salary," "average librarian and media staff 40537
salary," "average other district administrator salary," "average 40538

principal salary," "average superintendent salary," and "average
teacher cost" have the same meanings as in section 3317.011 of
the Revised Code.

(B) When calculating a district's aggregate base cost
under this section, the department shall use data from fiscal
year 2022 for all of the following:

(1) The average salaries determined under divisions (A)
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of
section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under
division (A) (10) (b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under
division (A) (10) (c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E) (4) (a), (E) (5)
(a), and (H) (1) of section 3317.011 of the Revised Code and the
corresponding student counts determined under divisions (E) (4)
(b), (E) (5) (b), and (H) (2) of that section;

(5) The information determined under division (G) (3) of
section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base
cost for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed
under division (D) of this section + the district's student
support base cost for that fiscal year computed under division
(E) of this section + the district's leadership and
accountability base cost for that fiscal year computed under
division (F) of this section + the district's building
leadership and operations base cost for that fiscal year

computed under division (G) of this section 40567

(D) The department of education and workforce shall 40568
compute a district's teacher base cost for a fiscal year as 40569
follows: 40570

(1) Calculate the district's classroom teacher cost for 40571
that fiscal year as follows: 40572

(a) Determine the full-time equivalency of students in the 40573
district's base cost enrolled ADM for that fiscal year that are 40574
enrolled in a career-technical education program or class, as 40575
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of 40576
section 3317.03 of the Revised Code, and divide that number by 40577
18; 40578

(b) Determine the full-time equivalency of students in the 40579
district's base cost enrolled ADM for that fiscal year that are 40580
enrolled in grades six through eight but are not enrolled in a 40581
career-technical education program or class described under 40582
section 3317.014 of the Revised Code and divide that number by 40583
25; 40584

(c) Determine the full-time equivalency of students in the 40585
district's base cost enrolled ADM for that fiscal year that are 40586
enrolled in grades nine through twelve but are not enrolled in a 40587
career-technical education program or class described under 40588
section 3317.014 of the Revised Code and divide that number by 40589
27; 40590

(d) Compute the sum of the quotients obtained under 40591
divisions (D) (1) (a), (b), and (c) of this section; 40592

(e) Compute the classroom teacher base cost by multiplying 40593
the average teacher cost for that fiscal year by the sum 40594
computed under division (D) (1) (d) of this section. 40595

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D) (1) (d) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D)

(3) (a) of this section X 5

(4) Calculate the district's professional development cost 40624
for that fiscal year in accordance with the following formula: 40625

[The sum computed under division (D) (1) (d) of this section + 40626
(the greater of the quotient obtained under division (D) (2) (a) 40627
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 40628
(b) of section 3317.011 of the Revised Code for that fiscal 40629
year)/180] X 4 40630

(5) Calculate the district's teacher base cost for that 40631
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 40632
and (4) of this section. 40633

(E) The department shall compute a district's student 40634
support base cost for a fiscal year as follows: 40635

(1) Calculate the district's guidance counselor cost for 40636
that fiscal year as follows: 40637

(a) Determine the number of students in the district's 40638
base cost enrolled ADM for that fiscal year that are enrolled in 40639
grades nine through twelve and divide that number by 360; 40640

(b) Compute the counselor cost in accordance with the 40641
following formula: 40642

(The greater of the quotient obtained under division (E) (1) (a) 40643
of this section and 1) X [(the average counselor salary for that 40644
fiscal year X 1.16) + the amount specified under division (A) 40645
(10) (c) of section 3317.011 of the Revised Code for that fiscal 40646
year] 40647

(2) Calculate the district's librarian and media staff 40648
cost for that fiscal year as follows: 40649

(a) Divide the district's base cost enrolled ADM for that 40650
fiscal year by 1,000; 40651

(b) Compute the librarian and media staff cost in 40652
accordance with the following formula: 40653

The quotient obtained under division (E) (2) (a) of this section X 40654
[(the average librarian and media staff salary for that fiscal 40655
year X 1.16) + the amount specified under division (A) (10) (c) of 40656
section 3317.011 of the Revised Code for that fiscal year] 40657

(3) Calculate the district's staffing cost for student 40658
wellness and success for that fiscal year as follows: 40659

(a) Divide the district's base cost enrolled ADM for that 40660
fiscal year by 250; 40661

(b) Compute the staffing cost for student wellness and 40662
success in accordance with the following formula: 40663

The quotient obtained under division (E) (3) (a) of this section X 40664
[(the average counselor salary for that fiscal year X 1.16) + 40665
the amount specified under division (A) (10) (c) of section 40666
3317.011 of the Revised Code for that fiscal year] 40667

(4) Calculate the district's cost for that fiscal year for 40668
career-technical curriculum specialists and coordinators, career 40669
assessment and program placement, recruitment and orientation, 40670
student success coordination, analysis of test results, 40671
development of intervention and remediation plans and monitoring 40672
of those plans, and satellite program coordination in accordance 40673
with the following formula: 40674

[(The amount determined under division (E) (4) (a) of section 40675
3317.011 of the Revised Code for that fiscal year / the sum 40676
determined under division (E) (4) (b) of section 3317.011 of the 40677
Revised Code) + (the amount determined under division (H) (1) of 40678
section 3317.011 of the Revised Code for that fiscal year / the 40679
sum determined under division (H) (2) of section 3317.011 of the 40680

Revised Code)] X the district's base cost enrolled ADM for the 40681
fiscal year for which the district's cost under this division is 40682
computed 40683

(5) Compute the district's building safety and security 40684
cost for that fiscal year in accordance with the following 40685
formula: 40686

(The amount determined under division (E) (5) (a) of section 40687
3317.011 of the Revised Code for that fiscal year / the sum 40688
determined under division (E) (5) (b) of section 3317.011 of the 40689
Revised Code) X the district's base cost enrolled ADM for the 40690
fiscal year for which the building safety and security cost is 40691
computed 40692

(6) Compute the district's supplies and academic content 40693
cost for that fiscal year in accordance with the following 40694
formula: 40695

(The amount determined under division (E) (6) (a) of section 40696
3317.011 of the Revised Code for that fiscal year / the sum 40697
determined under division (E) (6) (b) of section 3317.011 of the 40698
Revised Code) X the district's base cost enrolled ADM for the 40699
fiscal year for which the supplies and academic content cost is 40700
computed 40701

(7) Calculate the district's technology cost for that 40702
fiscal year in accordance with the following formula: 40703

\$37.50 X the district's base cost enrolled ADM for that fiscal 40704
year 40705

(8) Calculate the district's student support base cost for 40706
that fiscal year, which equals the sum of divisions (E) (1), (2), 40707
(3), (4), (5), (6), and (7) of this section. 40708

(F) The department shall compute a district's leadership 40709
and accountability base cost for a fiscal year as follows: 40710

(1) Calculate the district's superintendent cost for that 40711
fiscal year as follows: 40712

(a) If the district's base cost enrolled ADM for that 40713
fiscal year is greater than 4,000, then the district's 40714
superintendent cost shall be equal to $[(\$160,000 \times 1.16) + \text{the}$ 40715
amount specified under division (A)(10)(c) of section 3317.011 40716
of the Revised Code for that fiscal year]. 40717

(b) If the district's base cost enrolled ADM for that 40718
fiscal year is less than or equal to 4,000 but greater than or 40719
equal to 500, the district's superintendent cost shall be equal 40720
to the sum of the following: 40721

(i) (The district's base cost enrolled ADM for that fiscal 40722
year - 500) $\times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 40723

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under division}$ 40724
(A)(10)(c) of section 3317.011 of the Revised Code for that 40725
fiscal year. 40726

(c) If the district's base cost enrolled ADM is less than 40727
500, then the district's superintendent cost shall be equal to 40728
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)}$ 40729
(c) of section 3317.011 of the Revised Code for that fiscal 40730
year]. 40731

(2) Calculate the district's treasurer cost for that 40732
fiscal year as follows: 40733

(a) If the district's base cost enrolled ADM for that 40734
fiscal year is greater than 4,000, then the district's treasurer 40735
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}$ 40736

under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$;

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to $(\$60,000 \times 1.16)$ + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year].

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the following formula:

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section} - \text{the amount specified under division (A) (10) (c) of section 3317.011 of the$

Revised Code for that fiscal year) X the quotient obtained under 40765
division (F) (3) (a) of this section] + the amount specified under 40766
division (A) (10) (c) of section 3317.011 of the Revised Code} X 40767
(the greater of the quotient obtained under division (F) (3) (b) 40768
of this section and 2) 40769

(4) Calculate the district's fiscal support cost for that 40770
fiscal year as follows: 40771

(a) Divide the district's base cost enrolled ADM for that 40772
fiscal year by 850; 40773

(b) Determine the lesser of the following: 40774

(i) The maximum of the quotient obtained under division 40775
(F) (4) (a) of this section and 2; 40776

(ii) 35. 40777

(c) Compute the fiscal support cost in accordance with the 40778
following formula: 40779

The number obtained under division (F) (4) (b) of this section X 40780
[(the average bookkeeping and accounting employee salary for 40781
that fiscal year X 1.16) + the amount specified under division 40782
(A) (10) (c) of section 3317.011 of the Revised Code for that 40783
fiscal year] 40784

(5) Calculate the district's education management 40785
information system support cost for that fiscal year as follows: 40786

(a) Divide the district's base cost enrolled ADM for that 40787
fiscal year by 5,000; 40788

(b) Compute the education management information system 40789
support cost in accordance with the following formula: 40790

(The greater of the quotient obtained under division (F) (5) (a) 40791

of this section and 1) X [(the average education management
information system support employee salary for that fiscal year
X 1.16) + the amount specified under division (A) (10) (c) of
section 3317.011 of the Revised Code for that fiscal year]

(6) Calculate the district's leadership support cost for
that fiscal year as follows:

(a) Determine the greater of the quotient obtained under
division (F) (3) (b) of this section and 2 and add 1 to that
number;

(b) Divide the number obtained under division (F) (6) (a) of
this section by 3;

(c) Compute the leadership support cost in accordance with
the following formula:

(The greater of the quotient obtained under division (F) (6) (b)
of this section and 1) X [(the average administrative assistant
salary for that fiscal year X 1.16) + the amount specified under
division (A) (10) (c) of section 3317.011 of the Revised Code for
that fiscal year]

(7) Calculate the district's information technology center
support cost for that fiscal year in accordance with the
following formula:

\$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and
accountability base cost for that fiscal year, which equals the
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of
this section;

(G) The department shall compute a district's building
leadership and operations base cost for a fiscal year as

follows: 40820

(1) Calculate the district's building leadership cost for 40821
that fiscal year as follows: 40822

(a) Divide the average principal salary for that fiscal 40823
year by the average superintendent salary for that fiscal year; 40824

(b) Divide the district's base cost enrolled ADM for that 40825
fiscal year by 450; 40826

(c) Compute the building leadership cost in accordance 40827
with the following formula: 40828

{[(The district's superintendent cost for that fiscal year 40829
calculated under division (F) (1) of this section - the amount 40830
specified under division (A) (10) (c) of section 3317.011 of the 40831
Revised Code for that fiscal year) X the quotient obtained under 40832
division (G) (1) (a) of this section] + the amount specified under 40833
division (A) (10) (c) of section 3317.011 of the Revised Code for 40834
that fiscal year} X the quotient obtained under division (G) (1) 40835
(b) of this section 40836

(2) Calculate the district's building leadership support 40837
cost for that fiscal year as follows: 40838

(a) Divide the district's base cost enrolled ADM for that 40839
fiscal year by 400; 40840

(b) Determine the number of school buildings in the 40841
district for ~~that~~ the preceding fiscal year; 40842

(c) Compute the building leadership support cost in 40843
accordance with the following formula: 40844

(i) If the quotient obtained under division (G) (2) (a) of 40845
this section is less than the number obtained under division (G) 40846

(2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of section 3317.011 of the Revised Code X the number determined under division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (5) (b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

Sec. 3317.014. (A) The multiples for the following

categories of career-technical education programs approved by 40876
the department of education and workforce under section 3317.161 40877
of the Revised Code shall be as follows: 40878

(1) A multiple of 0.6230 for students enrolled in career- 40879
technical education workforce development programs in 40880
agricultural and environmental systems, construction 40881
technologies, engineering and science technologies, finance, 40882
health science, information technology, and manufacturing 40883
technologies, each of which shall be defined by the department 40884
in consultation with the governor's office of workforce 40885
transformation; 40886

(2) A multiple of 0.5905 for students enrolled in 40887
workforce development programs in business and administration, 40888
hospitality and tourism, human services, law and public safety, 40889
transportation systems, and arts and communications, each of 40890
which shall be defined by the department in consultation with 40891
the governor's office of workforce transformation; 40892

(3) A multiple of 0.2154 for students enrolled in career- 40893
based intervention programs, which shall be defined by the 40894
department in consultation with the governor's office of 40895
workforce transformation; 40896

(4) A multiple of 0.1830 for students enrolled in 40897
workforce development programs in education and training, 40898
marketing, workforce development academics, public 40899
administration, and career development, each of which shall be 40900
defined by the department in consultation with the governor's 40901
office of workforce transformation; 40902

(5) A multiple of 0.1570 for students enrolled in family 40903
and consumer science programs, which shall be defined by the 40904

department in consultation with the governor's office of 40905
workforce transformation. 40906

(B) The multiple for career-technical education associated 40907
services, as defined by the department, shall be 0.0294. 40908

(C) The department shall calculate career-technical 40909
education funds for each funding unit that is a city, local, 40910
exempted village, or joint vocational school district or the 40911
community and STEM school unit as follows: 40912

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 40913
the following: 40914

(a) The funding unit's category one career-technical 40915
education ADM X the multiple specified in division (A) (1) of 40916
this section X the statewide average career-technical base cost 40917
per pupil for that fiscal year X if the funding unit is a city, 40918
local, exempted village, or joint vocational school district, 40919
the district's state share percentage; 40920

(b) The funding unit's category two career-technical 40921
education ADM X the multiple specified in division (A) (2) of 40922
this section X the statewide average career-technical base cost 40923
per pupil for that fiscal year X if the funding unit is a city, 40924
local, exempted village, or joint vocational school district, 40925
the district's state share percentage; 40926

(c) The funding unit's category three career-technical 40927
education ADM X the multiple specified in division (A) (3) of 40928
this section X the statewide average career-technical base cost 40929
per pupil for that fiscal year X if the funding unit is a city, 40930
local, exempted village, or joint vocational school district, 40931
the district's state share percentage; 40932

(d) The funding unit's category four career-technical 40933

education ADM X the multiple specified in division (A) (4) of 40934
this section X the statewide average career-technical base cost 40935
per pupil for that fiscal year X if the funding unit is a city, 40936
local, exempted village, or joint vocational school district, 40937
the district's state share percentage; 40938

(e) The funding unit's category five career-technical 40939
education ADM X the multiple specified in division (A) (5) of 40940
this section X the statewide average career-technical base cost 40941
per pupil for that fiscal year X if the funding unit is a city, 40942
local, exempted village, or joint vocational school district, 40943
the district's state share percentage. 40944

(2) For fiscal year ~~2026~~–2028 and each fiscal year 40945
thereafter, the sum of the following: 40946

(a) An amount calculated in a manner determined by the 40947
general assembly times the funding unit's category one career- 40948
technical education ADM; 40949

(b) An amount calculated in a manner determined by the 40950
general assembly times the funding unit's category two career- 40951
technical education ADM; 40952

(c) An amount calculated in a manner determined by the 40953
general assembly times the funding unit's category three career- 40954
technical education ADM; 40955

(d) An amount calculated in a manner determined by the 40956
general assembly times the funding unit's category four career- 40957
technical education ADM; 40958

(e) An amount calculated in a manner determined by the 40959
general assembly times the funding unit's category five career- 40960
technical education ADM. 40961

(3) Payment of funds calculated under division (C) of this 40962
section is subject to approval under section 3317.161 of the 40963
Revised Code. 40964

(D) Subject to division (I) of section 3317.023 of the 40965
Revised Code, the department shall calculate career-technical 40966
associated services funds for each funding unit that is a city, 40967
local, exempted village, or joint vocational school district or 40968
the community and STEM school unit as follows: 40969

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 40970
product: 40971

(If the funding unit is a city, local, exempted village, or 40972
joint vocational school district, the funding unit's state share 40973
percentage) X the multiple for career-technical education 40974
associated services specified under division (B) of this section 40975
X the statewide average career-technical base cost per pupil for 40976
that fiscal year X the sum of the funding unit's categories one 40977
through five career-technical education ADM 40978

(2) For fiscal year ~~2026-2028~~ and each fiscal year 40979
thereafter, an amount calculated in a manner determined by the 40980
general assembly times the funding unit's categories one through 40981
five career-technical education ADM. 40982

(E) (1) In accordance with division (I) of section 3317.023 40983
of the Revised Code, the department shall compute career 40984
awareness and exploration funds for each city, local, exempted 40985
village, and joint vocational school district, community school 40986
established under Chapter 3314. of the Revised Code, and STEM 40987
school established under Chapter 3326. of the Revised Code that 40988
is part of a career technical planning district. The department 40989
shall pay the lead district in each career technical planning 40990

district as follows: 40991

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 40992
equal to the following product: 40993

The sum of enrolled ADM for all districts and schools within the 40994
career technical planning district X ~~\$7.50, for fiscal year~~ 40995
~~2024, or \$10, for fiscal year 2025~~ 40996

(b) For fiscal year ~~2026-2028~~ and each fiscal year 40997
thereafter, an amount calculated in a manner determined by the 40998
general assembly, if the general assembly authorizes such a 40999
payment to city, local, exempted village, and joint vocational 41000
school districts, community schools, and STEM schools. 41001

(2) The lead district of a career technical planning 41002
district shall use career awareness and exploration funds in 41003
accordance with division (H) of this section. 41004

(F) (1) In any fiscal year, a school district receiving 41005
funds calculated under division (C) of this section shall spend 41006
those funds only for the purposes that the department designates 41007
as approved for career-technical education expenses. Career- 41008
technical education expenses approved by the department shall 41009
include only expenses connected to the delivery of career- 41010
technical programming to career-technical students. The 41011
department shall require the school district to report data 41012
annually so that the department may monitor the district's 41013
compliance with the requirements regarding the manner in which 41014
funding calculated under division (C) of this section may be 41015
spent. 41016

(2) All funds received under division (C) of this section 41017
shall be spent in the following manner: 41018

(a) At least seventy-five per cent of the funds shall be 41019

spent on curriculum development, purchase, and implementation; 41020
instructional resources and supplies; industry-based program 41021
certification; student assessment, credentialing, and placement; 41022
curriculum specific equipment purchases and leases; career- 41023
technical student organization fees and expenses; home and 41024
agency linkages; work-based learning experiences; professional 41025
development; and other costs directly associated with career- 41026
technical education programs including development of new 41027
programs. 41028

(b) Not more than twenty-five per cent of the funds shall 41029
be used for personnel expenditures. 41030

(G) In any fiscal year, a school district receiving funds 41031
calculated under division (D) of this section, or through a 41032
transfer of funds pursuant to division (I) of section 3317.023 41033
of the Revised Code, shall spend those funds only for the 41034
purposes that the department designates as approved for career- 41035
technical education associated services expenses, which may 41036
include ~~such all of the following purposes as apprenticeship~~ 41037
~~coordinators, coordinators for other career-technical education~~ 41038
~~services, career-technical evaluation, and other purposes~~ 41039
~~designated by the department.:~~ 41040

(1) Engaging and collaborating with education and 41041
workforce stakeholders in the service area; 41042

(2) Developing and maintaining a comprehensive plan to 41043
increase career-focused education activities; 41044

(3) Ensuring that plans are informed by quality data and 41045
using data to expand access to career-focused activities for all 41046
students; 41047

(4) Planning and allocating resources for the growth, 41048

sustainability, and enhancement of career-focused activities in 41049
the long term; 41050

(5) Establishing continuous improvement and program 41051
approval processes. 41052

The department may deny payment of funds calculated under 41053
division (D) of this section to any district that the department 41054
determines is not operating those services or is using funds 41055
calculated under division (D) of this section, or through a 41056
transfer of funds pursuant to division (I) of section 3317.023 41057
of the Revised Code, for other purposes. 41058

(H) In any fiscal year, a lead district of a career- 41059
technical planning district receiving funds under division (E) 41060
of this section, shall utilize those funds to deliver relevant 41061
career awareness and exploration programs to all students within 41062
its career technical planning district in a manner that is 41063
consistent with the career-technical planning district's plan 41064
that is on file with the department. The lead district that 41065
receives funds under this division shall spend those funds only 41066
for the following purposes: 41067

(1) Delivery of career awareness programs to students 41068
enrolled in grades kindergarten through twelve; 41069

(2) Provision of a common, consistent curriculum to 41070
students throughout their primary and secondary education; 41071

(3) Assistance to teachers in providing a career 41072
development curriculum to students; 41073

(4) Development of a career development plan for each 41074
student that stays with that student for the duration of the 41075
student's primary and secondary education; 41076

(5) Provision of opportunities for students to engage in 41077
activities, such as career fairs, hands-on experiences, and job 41078
shadowing, across all career pathways at each grade level; 41079

(6) Provision of mentorship opportunities through which 41080
students may learn about careers and workforce skills. 41081

The lead district that receives funds under division (E) 41082
of this section shall report on the use of those funds to the 41083
department in a manner prescribed by the department. 41084

The department may deny payment under this division to any 41085
district or school that the department determines is using funds 41086
paid under this division for other purposes. 41087

Sec. 3317.016. As used in this section, "English learner" 41088
has the same meaning as in section 3301.0731 of the Revised 41089
Code. 41090

The multiples for English learners shall be as follows: 41091

(A) A multiple of 0.2104 for each student who has been 41092
identified as an English learner following the state's 41093
standardized identification process enrolled in schools in the 41094
United States for 180 school days or less. 41095

(B) A multiple of 0.1577 for each student who, for fiscal 41096
years ~~2024-2026~~ and ~~2025-2027~~ has been identified as an English 41097
learner following the state's standardized identification 41098
process and enrolled in schools in the United States for more 41099
than 180 school days until the student achieves a proficient 41100
score on the spring administration of the state's English 41101
language proficiency assessments prescribed by division (C) (3) 41102
of section 3301.0711 of the Revised Code or who, for fiscal year 41103
~~2026-2028~~ and each fiscal year thereafter, satisfies criteria 41104
specified by the general assembly for purposes of this division. 41105

(C) A multiple of 0.1053 for each student who, for fiscal years ~~2024-2026~~ and ~~2025-2027~~, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division (C) (3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2026-2028~~ and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years ~~2024-2026~~ and ~~2025-2027~~.

(A) The department of education and workforce shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A) (1) (a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(2) Calculate the district's local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine the minimum of the following:

(i) The average of the total federal adjusted gross income of the district's residents for the three most recent tax years

for which data is available, as certified under section 3317.021	41134
of the Revised Code;	41135
(ii) The total federal adjusted gross income of the	41136
district's residents for the most recent tax year for which data	41137
is available, as certified under section 3317.021 of the Revised	41138
Code.	41139
(b) Divide the amount determined under division (A) (2) (a)	41140
of this section by the district's base cost enrolled ADM for the	41141
fiscal year for which the calculation is made.	41142
(3) Calculate the district's adjusted local share federal	41143
adjusted gross income per pupil for that fiscal year as follows:	41144
(a) Determine both of the following:	41145
(i) The median federal adjusted gross income of the	41146
district's residents for the most recent tax year for which data	41147
is available, as certified under section 3317.021 of the Revised	41148
Code;	41149
(ii) The number of state tax returns filed by taxpayers	41150
residing in the district for the most recent tax year for which	41151
data is available, as certified under section 3317.021 of the	41152
Revised Code.	41153
(b) Compute the product of divisions (A) (3) (a) (i) and (ii)	41154
of this section;	41155
(c) Divide the amount determined under division (A) (3) (b)	41156
of this section by the district's base cost enrolled ADM for the	41157
fiscal year for which the calculation is made.	41158
(4) Calculate the district's per-pupil local capacity	41159
percentage as follows:	41160

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A) (3) (a) (i) of this section for that fiscal year;

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A) (3) (a) (i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A) (4) (a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the district with the highest ratio calculated under division (A) (4) (b) of this section to the district with the lowest ratio calculated under division (A) (4) (b) of this section;

(d) Determine the district's per-pupil local capacity percentage as follows:

(i) If the ratio calculated for the district under division (A) (4) (b) of this section is greater than or equal to the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025.

(ii) If the ratio calculated for the district under division (A) (4) (b) of this section is less than the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

{[(The ratio calculated for the district under division (A) (4)

(b) of this section - 1) X 0.0025]/ (the ratio calculated under 41190
division (A) (4) (b) of this section for the district with the 41191
fortieth highest ratio as determined under division (A) (4) (c) of 41192
this section - 1)) + 0.0225 41193

(iii) If the ratio calculated for the district under 41194
division (A) (4) (b) of this section is less than or equal to 1.0, 41195
the district's per-pupil local capacity percentage shall be 41196
equal to the amount calculated under division (A) (4) (b) of this 41197
section times 0.0225. 41198

(5) Calculate the district's per-pupil local capacity 41199
amount for that fiscal year as follows: 41200

(The district's valuation per pupil calculated under division 41201
(A) (1) of this section for that fiscal year X the district's 41202
per-pupil local capacity percentage calculated under division 41203
(A) (4) of this section X 0.60) + (the district's local share 41204
federal adjusted gross income per pupil calculated under 41205
division (A) (2) of this section for that fiscal year X the 41206
district's per-pupil local capacity percentage calculated under 41207
division (A) (4) of this section X 0.20) + (the district's 41208
adjusted local share federal adjusted gross income per pupil 41209
calculated under division (A) (3) of this section for that fiscal 41210
year X the district's per-pupil local capacity percentage 41211
calculated under division (A) (4) of this section X 0.20) 41212

(B) The department shall compute a city, local, or 41213
exempted village school district's state share for a fiscal year 41214
as follows: 41215

(1) If the district's per-pupil local capacity amount for 41216
that fiscal year divided by the district's base cost per pupil 41217
for that fiscal year is greater than 0.90, then the district's 41218

state share shall be equal to (the district's base cost per 41219
pupil for that fiscal year X 0.10 X the district's enrolled ADM 41220
for that fiscal year). 41221

(2) If the district's per-pupil local capacity amount for 41222
that fiscal year divided by the district's base cost per pupil 41223
for that fiscal year is less than or equal to 0.90, then the 41224
district's state share for that fiscal year shall be equal to 41225
[(the district's base cost per pupil for that fiscal year - the 41226
district's per-pupil local capacity amount for that fiscal year) 41227
X the district's enrolled ADM for that fiscal year]. 41228

(C) The department shall compute a city, local, or 41229
exempted village school district's state share percentage for a 41230
fiscal year as follows: 41231

(the district's base cost per pupil amount for that fiscal year 41232
- the district's per pupil local capacity amount for that fiscal 41233
year)/(the district's base cost per pupil amount for that fiscal 41234
year). 41235

If the result is less than 0.10, the state share 41236
percentage shall be 0.10. 41237

Sec. 3317.018. (A) The statewide average base cost per 41238
pupil shall be determined as follows: 41239

(1) For fiscal year 2024, the statewide average base cost 41240
per pupil shall be equal to the sum of the aggregate base cost 41241
calculated for all city, local, and exempted village school 41242
districts in the state for that fiscal year under section 41243
3317.011 of the Revised Code divided by the sum of the base cost 41244
enrolled ADMs of all of the city, local, and exempted village 41245
school districts in the state for that fiscal year. 41246

(2) For fiscal ~~year~~years 2025, 2026, and 2027, the 41247

statewide average base cost per pupil shall be equal to the 41248
amount calculated under division (A) (1) of this section. 41249

(B) The statewide average career-technical base cost per 41250
pupil shall be determined as follows: 41251

(1) For fiscal year 2024, the statewide average career- 41252
technical base cost per pupil shall be equal to the sum of the 41253
aggregate base cost calculated for all joint vocational school 41254
districts in the state for that fiscal year under section 41255
3317.012 of the Revised Code divided by the sum of the base cost 41256
enrolled ADMs of all of the joint vocational school districts in 41257
the state for that fiscal year. 41258

(2) For fiscal ~~year-years~~ 2025, 2026, and 2027, the 41259
statewide average career-technical base cost per pupil shall be 41260
equal to the amount calculated under division (B) (1) of this 41261
section. 41262

Sec. 3317.019. (A) (1) Subject to division (C) of this 41263
section, for fiscal years ~~2024-2026~~ and ~~2025~~2027, the department 41264
of education and workforce shall pay temporary transitional aid 41265
to each city, local, and exempted village school district 41266
according to the following formula: 41267

(The district's funding base, as that term is defined in section 41268
3317.02 of the Revised Code, X 0.95 for fiscal year 2026 or 0.90 41269
for fiscal year 2027) - (the district's payment under section 41270
3317.022 of the Revised Code - the district's payment for 41271
supplemental targeted assistance under section 3317.0218 of the 41272
Revised Code for the fiscal year for which each payment is 41273
computed) 41274

If the computation made under division (A) (1) of this 41275
section results in a negative number, the district's funding 41276

under division (A) (1) of this section shall be zero. 41277

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 41278
department shall pay temporary transitional transportation aid 41279
to that district according to the following formula: 41280

[{(The amount calculated for the district for fiscal year 2020 41281
under division (A) (2) of Section 265.220 of H.B. 166 of the 41282
133rd general assembly, prior to any funding reductions 41283
authorized by Executive Order 2020-19D, "Implementing Additional 41284
Spending Controls to Balance the State Budget" issued on May 7, 41285
2020) - (the district's payment for fiscal year 2019 under 41286
division (D) (2) of section 3314.091 of the Revised Code as that 41287
division existed prior to September 30, 2021)} X 0.95 for fiscal 41288
year 2026 or 0.90 for fiscal year 2027] - (the district's 41289
payment under section 3317.0212 of the Revised Code for the 41290
fiscal year for which the payment is computed) 41291

If the computation made under division (A) (2) of this 41292
section results in a negative number, the district's funding 41293
under division (A) (2) of this section shall be zero. 41294

(B) If a local school district participates in the 41295
establishment of a joint vocational school district that begins 41296
receiving payments under section 3317.16 of the Revised Code for 41297
fiscal year ~~2024-2026~~ or fiscal year ~~2025~~2027, but does not 41298
receive payments for the fiscal year immediately preceding that 41299
fiscal year, the department shall adjust, as necessary, the 41300
district's funding base, as that term is defined in section 41301
3317.02 of the Revised Code, according to the amounts received 41302
by the district in the immediately preceding fiscal year for 41303
career-technical education students who attend the newly 41304
established joint vocational school district. 41305

(C) (1) For purposes of division (C) of this section, a district's "decrease threshold" for a fiscal year is the greater of the following:

(a) Twenty;

(b) Ten per cent of the number of the district's students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for the previous fiscal year.

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, if a district has fewer students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive difference between the number of the district's students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district under division (A) of this section be less than zero.

Sec. 3317.0110. This section shall apply only for fiscal years ~~2024-2026~~ and ~~2025~~2027.

(A) As used in this section:

(1) "Average teacher cost" for a fiscal year has the same meaning as in section 3317.011 of the Revised Code.

(2) "Eligible community or STEM school" means a community 41334
or STEM school that satisfies one of the following: 41335

(a) The school is a member of an organization that 41336
regulates interscholastic athletics. 41337

(b) The school has teams in at least three different 41338
sports that participate in an interscholastic league. 41339

(B) When calculating a community or STEM school's 41340
aggregate base cost under this section, the department shall use 41341
data from fiscal year 2022 for the average teacher cost. 41342

(C) A community or STEM school's aggregate base cost for a 41343
fiscal year shall be equal to the following sum: 41344

(The school's teacher base cost for that fiscal year computed 41345
under division (D) of this section) + (the school's student 41346
support base cost for that fiscal year computed under division 41347
(E) of this section) + (the school's leadership and 41348
accountability base cost for that fiscal year computed under 41349
division (F) of this section) + (the school's building 41350
leadership and operations base cost for that fiscal year 41351
computed under division (G) of this section) + (the school's 41352
athletic co-curricular activities base cost for that fiscal year 41353
computed under division (H) of this section, if the school is an 41354
eligible community or STEM school) 41355

(D) The department of education shall compute a community 41356
or STEM school's teacher base cost for a fiscal year as follows: 41357

(1) Calculate the school's classroom teacher cost for that 41358
fiscal year as follows: 41359

(a) Determine the full-time equivalency of students 41360
enrolled in the school for that fiscal year that are enrolled in 41361

kindergarten and divide that number by 20; 41362

(b) Determine the full-time equivalency of students 41363
enrolled in the school for that fiscal year that are enrolled in 41364
grades one through three and divide that number by 23; 41365

(c) Determine the full-time equivalency of students 41366
enrolled in the school for that fiscal year that are enrolled in 41367
grades four through eight but are not enrolled in a career- 41368
technical education program or class described under section 41369
3317.014 of the Revised Code and divide that number by 25; 41370

(d) Determine the full-time equivalency of students 41371
enrolled in the school for that fiscal year that are enrolled in 41372
grades nine through twelve but are not enrolled in a career- 41373
technical education program or class described under section 41374
3317.014 of the Revised Code and divide that number by 27; 41375

(e) Determine the full-time equivalency of students 41376
enrolled in the school for that fiscal year that are enrolled in 41377
a career-technical education program or class, as reported under 41378
division (B) (4) of section 3314.08 of the Revised Code, and 41379
divide that number by 18; 41380

(f) Compute the sum of the quotients obtained under 41381
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 41382

(g) Compute the classroom teacher cost by multiplying the 41383
average teacher cost for that fiscal year by the sum computed 41384
under division (D) (1) (f) of this section. 41385

(2) Calculate the school's special teacher cost for that 41386
fiscal year as follows: 41387

(a) Divide the number of students enrolled in the school 41388
for that fiscal year by 150; 41389

(b) Compute the special teacher cost by multiplying the
quotient obtained under division (D) (2) (a) of this section by
the average teacher cost for that fiscal year.

(3) Calculate the school's substitute teacher cost for
that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with
benefits by multiplying the substitute teacher daily rate of \$90
by 1.16;

(b) Compute the substitute teacher cost in accordance with
the following formula:

(The sum computed under division (D) (1) (f) of this section + the
quotient obtained under division (D) (2) (a) of this section) X
the amount computed under division (D) (3) (a) of this section X 5

(4) Calculate the school's professional development cost
for that fiscal year in accordance with the following formula:

(The sum computed under division (D) (1) (f) of this section + the
quotient obtained under division (D) (2) (a) of this section) X
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of
the Revised Code for that fiscal year)/180] X 4

(5) Calculate the school's teacher base cost for that
fiscal year, which equals the sum of divisions (D) (1), (2), (3),
and (4) of this section.

(E) The department shall compute a community or STEM
school's student support base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal
year X [(the sum of the student support base cost calculated for
all city, local, and exempted village school districts in the
state for that fiscal year under division (E) of section

3317.011 of the Revised Code) / the sum of the base cost 41418
enrolled ADMs of all of the city, local, and exempted village 41419
school districts in the state for that fiscal year] 41420

(F) The department shall compute a community or STEM 41421
school's leadership and accountability base cost for a fiscal 41422
year as follows: 41423

The number of students enrolled in the school for that fiscal 41424
year X (the sum of the leadership and accountability base cost 41425
calculated for all city, local, and exempted village school 41426
districts in the state for that fiscal year under division (F) 41427
of section 3317.011 of the Revised Code / the sum of the base 41428
cost enrolled ADMs of all of the city, local, and exempted 41429
village school districts in the state for that fiscal year) 41430

(G) The department shall compute a community or STEM 41431
school's building leadership and operations base cost for a 41432
fiscal year as follows: 41433

The number of students enrolled in the school for that fiscal 41434
year X (the sum of the building leadership and accountability 41435
base cost calculated for all city, local, and exempted village 41436
school districts in the state for that fiscal year under 41437
division (G) of section 3317.011 of the Revised Code / the sum 41438
of the base cost enrolled ADMs of all of the city, local, and 41439
exempted village school districts in the state for that fiscal 41440
year) 41441

(H) If a community or STEM school is an eligible community 41442
or STEM school, the department shall compute the school's 41443
athletic co-curricular activities base cost for a fiscal year as 41444
follows: 41445

The number of students enrolled in the school for that fiscal 41446

year X (the amount determined under division (H) (1) of section 41447
3317.011 of the Revised Code / the sum determined under division 41448
(H) (2) of section 3317.011 of the Revised Code) 41449

Sec. 3317.02. As used in this chapter: 41450

(A) "Alternative school" has the same meaning as in 41451
section 3313.974 of the Revised Code. 41452

(B) "Autism scholarship unit" means a unit that consists 41453
of all of the students for whom autism scholarships are awarded 41454
under section 3310.41 of the Revised Code. 41455

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a district's 41456
"base cost enrolled ADM" for a fiscal year means the greater of 41457
the following: 41458

(1) The district's enrolled ADM for the previous fiscal 41459
year; 41460

(2) The average of the district's enrolled ADM for the 41461
previous three fiscal years. 41462

(D) (1) "Base cost per pupil" means the following for a 41463
city, local, or exempted village school district: 41464

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the aggregate 41465
base cost calculated for that district for that fiscal year 41466
under section 3317.011 of the Revised Code divided by the 41467
district's base cost enrolled ADM for that fiscal year; 41468

(b) For fiscal year ~~2026-2028~~ and each fiscal year 41469
thereafter, an amount calculated in a manner determined by the 41470
general assembly. 41471

(2) "Base cost per pupil" means the following for a joint 41472
vocational school district: 41473

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the aggregate 41474
base cost calculated for that district for that fiscal year 41475
under section 3317.012 of the Revised Code divided by the 41476
district's base cost enrolled ADM for that fiscal year; 41477

(b) For fiscal year ~~2026-2028~~ and each fiscal year 41478
thereafter, an amount calculated in a manner determined by the 41479
general assembly. 41480

(E) (1) "Category one career-technical education ADM" means 41481
the enrollment of students during the school year on a full-time 41482
equivalency basis in career-technical education programs 41483
described in division (A) (1) of section 3317.014 of the Revised 41484
Code and, in the case of a funding unit that is a city, local, 41485
exempted village, or joint vocational school district, certified 41486
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 41487
Revised Code or, in the case of the community and STEM school 41488
unit, reported by all community and STEM schools statewide under 41489
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 41490
and division (D) of section 3326.32 of the Revised Code. 41491

(2) "Category two career-technical education ADM" means 41492
the enrollment of students during the school year on a full-time 41493
equivalency basis in career-technical education programs 41494
described in division (A) (2) of section 3317.014 of the Revised 41495
Code and, in the case of a funding unit that is a city, local, 41496
exempted village, or joint vocational school district, certified 41497
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 41498
Revised Code or, in the case of the community and STEM school 41499
unit, reported by all community and STEM schools statewide under 41500
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 41501
and division (D) of section 3326.32 of the Revised Code. 41502

(3) "Category three career-technical education ADM" means 41503

the enrollment of students during the school year on a full-time 41504
equivalency basis in career-technical education programs 41505
described in division (A) (3) of section 3317.014 of the Revised 41506
Code and, in the case of a funding unit that is a city, local, 41507
exempted village, or joint vocational school district, certified 41508
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 41509
Revised Code or, in the case of the community and STEM school 41510
unit, reported by all community and STEM schools statewide under 41511
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 41512
and division (D) of section 3326.32 of the Revised Code. 41513

(4) "Category four career-technical education ADM" means 41514
the enrollment of students during the school year on a full-time 41515
equivalency basis in career-technical education programs 41516
described in division (A) (4) of section 3317.014 of the Revised 41517
Code and, in the case of a funding unit that is a city, local, 41518
exempted village, or joint vocational school district, certified 41519
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 41520
Revised Code or, in the case of the community and STEM school 41521
unit, reported by all community and STEM schools statewide under 41522
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 41523
and division (D) of section 3326.32 of the Revised Code. 41524

(5) "Category five career-technical education ADM" means 41525
the enrollment of students during the school year on a full-time 41526
equivalency basis in career-technical education programs 41527
described in division (A) (5) of section 3317.014 of the Revised 41528
Code and, in the case of a funding unit that is a city, local, 41529
exempted village, or joint vocational school district, certified 41530
under division (B) (15) or (D) (2) (l) of section 3317.03 of the 41531
Revised Code or, in the case of the community and STEM school 41532
unit, reported by all community and STEM schools statewide under 41533
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 41534

and division (D) of section 3326.32 of the Revised Code. 41535

(F) (1) "Category one English learner ADM" means the full- 41536
time equivalent number of English learners described in division 41537
(A) of section 3317.016 of the Revised Code and, in the case of 41538
a funding unit that is a city, local, exempted village, or joint 41539
vocational school district, certified under division (B) (16) or 41540
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 41541
of the community and STEM school unit, reported by all community 41542
and STEM schools statewide under division (B) (6) of section 41543
3314.08 of the Revised Code and division (E) of section 3326.32 41544
of the Revised Code. 41545

(2) "Category two English learner ADM" means the full-time 41546
equivalent number of English learners described in division (B) 41547
of section 3317.016 of the Revised Code and, in the case of a 41548
funding unit that is a city, local, exempted village, or joint 41549
vocational school district, certified under division (B) (17) or 41550
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 41551
of the community and STEM school unit, reported by all community 41552
and STEM schools statewide under division (B) (6) of section 41553
3314.08 of the Revised Code and division (E) of section 3326.32 41554
of the Revised Code. 41555

(3) "Category three English learner ADM" means the full- 41556
time equivalent number of English learners described in division 41557
(C) of section 3317.016 of the Revised Code and, in the case of 41558
a funding unit that is a city, local, exempted village, or joint 41559
vocational school district, certified under division (B) (18) or 41560
(D) (2) (o) of section 3317.03 of the Revised Code or, in the case 41561
of the community and STEM school unit, reported by all community 41562
and STEM schools statewide under division (B) (6) of section 41563
3314.08 of the Revised Code and division (E) of section 3326.32 41564

of the Revised Code. 41565

(G) (1) "Category one special education ADM" means the 41566
full-time equivalent number of children with disabilities 41567
receiving special education services for the disability 41568
specified in division (A) of section 3317.013 of the Revised 41569
Code and, in the case of a funding unit that is a city, local, 41570
exempted village, or joint vocational school district, certified 41571
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 41572
Revised Code or, in the case of the community and STEM school 41573
unit, reported by all community and STEM schools statewide under 41574
division (B) (3) of section 3314.08 of the Revised Code and 41575
division (C) of section 3326.32 of the Revised Code. 41576

(2) "Category two special education ADM" means the full- 41577
time equivalent number of children with disabilities receiving 41578
special education services for those disabilities specified in 41579
division (B) of section 3317.013 of the Revised Code and, in the 41580
case of a funding unit that is a city, local, exempted village, 41581
or joint vocational school district, certified under division 41582
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 41583
in the case of the community and STEM school unit, reported by 41584
all community and STEM schools statewide under division (B) (3) 41585
of section 3314.08 of the Revised Code and division (C) of 41586
section 3326.32 of the Revised Code. 41587

(3) "Category three special education ADM" means the full- 41588
time equivalent number of students receiving special education 41589
services for those disabilities specified in division (C) of 41590
section 3317.013 of the Revised Code, and, in the case of a 41591
funding unit that is a city, local, exempted village, or joint 41592
vocational school district, certified under division (B) (7) or 41593
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 41594

of the community and STEM school unit, reported by all community 41595
and STEM schools statewide under division (B) (3) of section 41596
3314.08 of the Revised Code and division (C) of section 3326.32 41597
of the Revised Code. 41598

(4) "Category four special education ADM" means the full- 41599
time equivalent number of students receiving special education 41600
services for those disabilities specified in division (D) of 41601
section 3317.013 of the Revised Code and, in the case of a 41602
funding unit that is a city, local, exempted village, or joint 41603
vocational school district, certified under division (B) (8) or 41604
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 41605
of the community and STEM school unit, reported by all community 41606
and STEM schools statewide under division (B) (3) of section 41607
3314.08 of the Revised Code and division (C) of section 3326.32 41608
of the Revised Code. 41609

(5) "Category five special education ADM" means the full- 41610
time equivalent number of students receiving special education 41611
services for the disabilities specified in division (E) of 41612
section 3317.013 of the Revised Code and, in the case of a 41613
funding unit that is a city, local, exempted village, or joint 41614
vocational school district, certified under division (B) (9) or 41615
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 41616
of the community and STEM school unit, reported by all community 41617
and STEM schools statewide under division (B) (3) of section 41618
3314.08 of the Revised Code and division (C) of section 3326.32 41619
of the Revised Code. 41620

(6) "Category six special education ADM" means the full- 41621
time equivalent number of students receiving special education 41622
services for the disabilities specified in division (F) of 41623
section 3317.013 of the Revised Code and, in the case of a 41624

funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B) (10) or (D) (2) (g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(I) (1) "Economically disadvantaged index for a school district" means the following:

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the square of the quotient of that district's percentage of students in its enrolled ADM who are identified as economically disadvantaged as defined by the department of education and workforce, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation:

(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following:

(I) The enrolled ADM for all city, local, and exempted village school districts combined;

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code;

(III) The statewide enrollment of students in science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(ii) For a joint vocational school district, the 41654
"statewide ADM" equals the sum of the enrolled ADM for all joint 41655
vocational school districts combined. 41656

(b) For fiscal year ~~2026~~2028 and each fiscal year 41657
thereafter, an index calculated in a manner determined by the 41658
general assembly. 41659

(2) "Economically disadvantaged index for a community or 41660
STEM school" means the following: 41661

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the square of 41662
the quotient of the percentage of students enrolled in the 41663
school who are identified as economically disadvantaged as 41664
defined by the department, divided by the percentage of students 41665
in the statewide ADM identified as economically disadvantaged. 41666
For purposes of this calculation, the "statewide ADM" equals the 41667
"statewide ADM" for city, local, and exempted village school 41668
districts described in division (I)(1)(a)(i) of this section. 41669

(b) For fiscal year ~~2026~~2028 and each fiscal year 41670
thereafter, an index calculated in a manner determined by the 41671
general assembly. 41672

(J) "Educational choice scholarship unit" means a unit 41673
that consists of all of the students for whom educational choice 41674
scholarships are awarded under sections 3310.03 and 3310.032 of 41675
the Revised Code. 41676

(K) "Enrolled ADM" means the following: 41677

(1) For a city, local, or exempted village school 41678
district, the enrollment reported under division (A) of section 41679
3317.03 of the Revised Code, as verified by the department and 41680
adjusted if so ordered under division (K) of that section, and 41681
as further adjusted by the department, as follows: 41682

(a) Add the students described in division (A) (1) (b) of	41683
section 3317.03 of the Revised Code;	41684
(b) Subtract the students counted under divisions (A) (2)	41685
(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the	41686
Revised Code;	41687
(c) Count only twenty per cent of the number of joint	41688
vocational school district students counted under division (A)	41689
(3) of section 3317.03 of the Revised Code;	41690
(d) Add twenty per cent of the number of students who are	41691
entitled to attend school in the district under section 3313.64	41692
or 3313.65 of the Revised Code and are enrolled in another	41693
school district under a career-technical education compact;	41694
(e) Add twenty per cent of the number of students	41695
described in division (A) (1) (b) of section 3317.03 of the	41696
Revised Code who enroll in a joint vocational school district or	41697
under a career-technical education compact.	41698
(2) For a joint vocational school district, the final	41699
number verified by the department, based on the enrollment	41700
reported and certified under division (D) of section 3317.03 of	41701
the Revised Code, as adjusted, if so ordered, under division (K)	41702
of that section, and as further adjusted by the department by	41703
adding the students described in division (D) (1) (b) of section	41704
3317.03 of the Revised Code;	41705
(3) For the community and STEM school unit, the sum of the	41706
number of students reported as enrolled in community schools	41707
under divisions (B) (1) and (2) of section 3314.08 of the Revised	41708
Code and the number of students reported as enrolled in STEM	41709
schools under division (A) of section 3326.32 of the Revised	41710
Code;	41711

(4) For the educational choice scholarship unit, the 41712
number of students for whom educational choice scholarships are 41713
awarded under sections 3310.03 and 3310.032 of the Revised Code 41714
as reported under division (A) (2) (g) of section 3317.03 of the 41715
Revised Code; 41716

(5) For the pilot project scholarship unit, the number of 41717
students for whom pilot project scholarships are awarded under 41718
sections 3313.974 to 3313.979 of the Revised Code as reported 41719
under division (A) (2) (b) of section 3317.03 of the Revised Code; 41720

(6) For the autism scholarship unit, the number of 41721
students for whom autism scholarships are awarded under section 41722
3310.41 of the Revised Code as reported under division (A) (2) (h) 41723
of section 3317.03 of the Revised Code; 41724

(7) For the Jon Peterson special needs scholarship unit, 41725
the number of students for whom Jon Peterson special needs 41726
scholarships are awarded under sections 3310.51 to 3310.64 of 41727
the Revised Code as reported under division (A) (2) (h) of section 41728
3317.03 of the Revised Code. 41729

(L) (1) "Formula ADM" means, for a city, local, or exempted 41730
village school district, the enrollment reported under division 41731
(A) of section 3317.03 of the Revised Code, as verified by the 41732
department and adjusted if so ordered under division (K) of that 41733
section, and as further adjusted by the department, as follows: 41734

(a) Count only twenty per cent of the number of joint 41735
vocational school district students counted under division (A) 41736
(3) of section 3317.03 of the Revised Code; 41737

(b) Add twenty per cent of the number of students who are 41738
entitled to attend school in the district under section 3313.64 41739
or 3313.65 of the Revised Code and are enrolled in another 41740

school district under a career-technical education compact. 41741

(2) "Formula ADM" means, for a joint vocational school 41742
district, the final number verified by the department, based on 41743
the enrollment reported and certified under division (D) of 41744
section 3317.03 of the Revised Code, as adjusted, if so ordered, 41745
under division (K) of that section. 41746

(M) "FTE basis" means a count of students based on full- 41747
time equivalency, in accordance with rules adopted by the 41748
department pursuant to section 3317.03 of the Revised Code. In 41749
adopting its rules under this division, the department shall 41750
provide for counting any student in category one, two, three, 41751
four, five, or six special education ADM or in category one, 41752
two, three, four, or five career-technical education ADM in the 41753
same proportion the student is counted in enrolled ADM and 41754
formula ADM. 41755

(N) For fiscal years 2024-2026 and 20252027, "funding 41756
base" means, for a city, local, or exempted village school 41757
district, the sum of the following as calculated by the 41758
department: 41759

(1) The district's "general funding base," which equals 41760
the amount calculated as follows: 41761

(a) Compute the sum of the following: 41762

(i) The amount calculated for the district for fiscal year 41763
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 41764
133rd general assembly after any adjustments required under 41765
Section 265.227 of H.B. 166 of the 133rd general assembly and 41766
prior to any funding reductions authorized by Executive Order 41767
2020-19D, "Implementing Additional Spending Controls to Balance 41768
the State Budget" issued on May 7, 2020; 41769

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 41770
district's payments for fiscal year 2020 under divisions (C) (1), 41771
(3), and (4) of section 3313.981 of the Revised Code as those 41772
divisions existed prior to September 30, 2021. 41773

(b) Subtract from the amount calculated in division (N) (1) 41774
(a) of this section the sum of the following: 41775

(i) The following difference: 41776

(The amount paid to the district under division (A) (5) of 41777
section 3317.022 of the Revised Code, as that division existed 41778
prior to September 30, 2021, for fiscal year 2019) - (the 41779
amounts deducted from the district and paid to a community 41780
school under division (C) (1) (e) of section 3314.08 of the 41781
Revised Code or a science, technology, engineering, and 41782
mathematics school under division (E) of section 3326.33 of the 41783
Revised Code as those divisions existed prior to September 30, 41784
2021, for fiscal year 2020 in accordance with division (A) of 41785
Section 265.235 of H.B. 166 of the 133rd general assembly) 41786

(ii) The payments deducted from the district and paid to a 41787
community school for fiscal year 2020 under divisions (C) (1) (a), 41788
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 41789
Revised Code as those divisions existed prior to September 30, 41790
2021, in accordance with division (A) of Section 265.230 of H.B. 41791
166 of the 133rd general assembly; 41792

(iii) The payments deducted from the district and paid to 41793
a science, technology, engineering, and mathematics school for 41794
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 41795
and (G) of section 3326.33 of the Revised Code as those 41796
divisions existed prior to September 30, 2021, in accordance 41797
with division (A) of Section 265.235 of H.B. 166 of the 133rd 41798

general assembly; 41799

(iv) The payments deducted from the district under 41800
division (C) of section 3310.08 of the Revised Code as that 41801
division existed prior to September 30, 2021, division (C)(2) of 41802
section 3310.41 of the Revised Code as that division existed 41803
prior to September 30, 2021, and former section 3310.55 of the 41804
Revised Code for fiscal year 2020 and, in the case of a pilot 41805
project school district as defined in section 3313.975 of the 41806
Revised Code, the funds deducted from the district under Section 41807
265.210 of H.B. 166 of the 133rd general assembly to operate the 41808
pilot project scholarship program for fiscal year 2020 under 41809
sections 3313.974 to 3313.979 of the Revised Code; 41810

(v) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the payments 41811
subtracted from the district for fiscal year 2020 under 41812
divisions (B)(1) and (3) of section 3313.981 of the Revised Code 41813
as those divisions existed prior to September 30, 2021. 41814

(2) The district's "disadvantaged pupil impact aid funding 41815
base," which equals the following difference: 41816

(The amount paid to the district under division (A)(5) of 41817
section 3317.022 of the Revised Code, as that division existed 41818
prior to September 30, 2021, for fiscal year 2019) - (the 41819
amounts deducted from the district and paid to a community 41820
school under division (C)(1)(e) of section 3314.08 of the 41821
Revised Code or a science, technology, engineering, and 41822
mathematics school under division (E) of section 3326.33 of the 41823
Revised Code as those divisions existed prior to September 30, 41824
2021, for fiscal year 2020 in accordance with division (A) of 41825
Section 265.235 of H.B. 166 of the 133rd general assembly) 41826

(O) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 41827

base" means, for a joint vocational school district, the sum of 41828
the following as calculated by the department: 41829

(1) The district's "general funding base," which equals 41830
the amount calculated as follows: 41831

(a) Compute the sum of the following: 41832

(i) The district's payments for fiscal year 2020 under 41833
Section 265.225 of H.B. 166 of the 133rd general assembly after 41834
any adjustments required under Section 265.227 of H.B. 166 of 41835
the 133rd general assembly; 41836

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 41837
district's payments for fiscal year 2020 under divisions (D) (1) 41838
and (2) of section 3313.981 of the Revised Code as those 41839
divisions existed prior to September 30, 2021. 41840

(b) Subtract from the amount paid to the district under 41841
division (A) (3) of section 3317.16 of the Revised Code, as that 41842
division existed prior to September 30, 2021, for fiscal year 41843
2019. 41844

(2) The district's "disadvantaged pupil impact aid funding 41845
base," which equals the amount paid to the district under 41846
division (A) (3) of section 3317.16 of the Revised Code, as that 41847
division existed prior to September 30, 2021, for fiscal year 41848
2019. 41849

(P) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 41850
base" for a community school means the following: 41851

(1) For a community school that was in operation for the 41852
entirety of fiscal year 2020, the amount paid to the school for 41853
that fiscal year under division (C) (1) of section 3314.08 of the 41854
Revised Code as that division existed prior to September 30, 41855

2021, in accordance with division (A) of Section 265.230 of H.B. 41856
166 of the 133rd general assembly and the amount, if any, paid 41857
to the school for that fiscal year under section 3314.085 of the 41858
Revised Code in accordance with division (B) of Section 265.230 41859
of H.B. 166 of the 133rd general assembly; 41860

(2) For a community school that was in operation for part 41861
of fiscal year 2020, the amount that would have been paid to the 41862
school for that fiscal year under division (C)(1) of section 41863
3314.08 of the Revised Code as that division existed prior to 41864
September 30, 2021, in accordance with division (A) of Section 41865
265.230 of H.B. 166 of the 133rd general assembly if the school 41866
had been in operation for the entirety of that fiscal year, as 41867
calculated by the department, and the amount that would have 41868
been paid to the school for that fiscal year under section 41869
3314.085 of the Revised Code in accordance with division (B) of 41870
Section 265.230 of H.B. 166 of the 133rd general assembly, if 41871
any, if the school had been in operation for the entirety of 41872
that fiscal year, as calculated by the department; 41873

(3) For a community school that was not in operation for 41874
fiscal year 2020, the amount that would have been paid to the 41875
school if it was in operation for that school year under 41876
division (C)(1) of section 3314.08 of the Revised Code as that 41877
division existed prior to September 30, 2021, in accordance with 41878
division (A) of Section 265.230 of H.B. 166 of the 133rd general 41879
assembly if the school had been in operation for the entirety of 41880
that fiscal year, as calculated by the department, and the 41881
amount that would have been paid to the school for that fiscal 41882
year under section 3314.085 of the Revised Code in accordance 41883
with division (B) of Section 265.230 of H.B. 166 of the 133rd 41884
general assembly, if any, if the school had been in operation 41885
for the entirety of that fiscal year, as calculated by the 41886

department. 41887

(Q) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 41888
base" for a STEM school means the following: 41889

(1) For a science, technology, engineering, and 41890
mathematics school that was in operation for the entirety of 41891
fiscal year 2020, the amount paid to the school for that fiscal 41892
year under section 3326.33 of the Revised Code as that section 41893
existed prior to September 30, 2021, in accordance with division 41894
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 41895
and the amount, if any, paid to the school for that fiscal year 41896
under section 3326.41 of the Revised Code in accordance with 41897
division (B) of Section 265.235 of H.B. 166 of the 133rd general 41898
assembly; 41899

(2) For a science, technology, engineering, and 41900
mathematics school that was in operation for part of fiscal year 41901
2020, the amount that would have been paid to the school for 41902
that fiscal year under section 3326.33 of the Revised Code as 41903
that section existed prior to September 30, 2021, in accordance 41904
with division (A) of Section 265.235 of H.B. 166 of the 133rd 41905
general assembly if the school had been in operation for the 41906
entirety of that fiscal year, as calculated by the department, 41907
and the amount that would have been paid to the school for that 41908
fiscal year under section 3326.41 of the Revised Code in 41909
accordance with division (B) of Section 265.235 of H.B. 166 of 41910
the 133rd general assembly, if any, if the school had been in 41911
operation for the entirety of that fiscal year, as calculated by 41912
the department; 41913

(3) For a science, technology, engineering, and 41914
mathematics school that was not in operation for fiscal year 41915
2020, the amount that would have been paid to the school if it 41916

was in operation for that school year under section 3326.33 of 41917
the Revised Code as that section existed prior to September 30, 41918
2021, in accordance with division (A) of Section 265.235 of H.B. 41919
166 of the 133rd general assembly if the school had been in 41920
operation for the entirety of that fiscal year, as calculated by 41921
the department, and the amount that would have been paid to the 41922
school for that fiscal year under section 3326.41 of the Revised 41923
Code in accordance with division (B) of Section 265.235 of H.B. 41924
166 of the 133rd general assembly, if any, if the school had 41925
been in operation for the entirety of that fiscal year, as 41926
calculated by the department. 41927

(R) "Funding unit" means any of the following: 41928

(1) A city, local, exempted village, or joint vocational 41929
school district; 41930

(2) The community and STEM school unit; 41931

(3) The educational choice scholarship unit; 41932

(4) The pilot project scholarship unit; 41933

(5) The autism scholarship unit; 41934

(6) The Jon Peterson special needs scholarship unit. 41935

(S) "Jon Peterson special needs scholarship unit" means a 41936
unit that consists of all of the students for whom Jon Peterson 41937
scholarships are awarded under sections 3310.51 to 3310.64 of 41938
the Revised Code. 41939

(T) "Internet- or computer-based community school" has the 41940
same meaning as in section 3314.02 of the Revised Code. 41941

(U) "LRE student with a disability" means a child with a 41942
disability who has an individualized education program providing 41943

for the student to spend more than half of each school day in a 41944
regular school setting with nondisabled students. For purposes 41945
of this division, "individualized education program" and "child 41946
with a disability" have the same meanings as in section 3323.01 41947
of the Revised Code, and "LRE" is an abbreviation for "least 41948
restrictive environment." 41949

(V) "Medically fragile child" means a child to whom all of 41950
the following apply: 41951

(1) The child requires the services of a doctor of 41952
medicine or osteopathic medicine at least once a week due to the 41953
instability of the child's medical condition. 41954

(2) The child requires the services of a registered nurse 41955
on a daily basis. 41956

(3) The child is at risk of institutionalization in a 41957
hospital, skilled nursing facility, or intermediate care 41958
facility for individuals with intellectual disabilities. 41959

(W) (1) A child may be identified as having an "other 41960
health impairment-major" if the child's condition meets the 41961
definition of "other health impaired" established in rules 41962
previously adopted by the department and if either of the 41963
following apply: 41964

(a) The child is identified as having a medical condition 41965
that is among those listed by the department as conditions where 41966
a substantial majority of cases fall within the definition of 41967
"medically fragile child." 41968

(b) The child is determined by the department to be a 41969
medically fragile child. A school district superintendent may 41970
petition the department for a determination that a child is a 41971
medically fragile child. 41972

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the department but the child's condition does not meet either of the conditions specified in division (W) (1) (a) or (b) of this section.

(X) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in percentage" is equal to the percentage for that fiscal year that is determined by the general assembly.

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's "phase-in percentage for disadvantaged pupil impact aid" is equal to the percentage for that fiscal year that is determined by the general assembly.

(Y) "Pilot project scholarship unit" means a unit that consists of all of the students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code.

(Z) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(AA) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher

assistants for children with disabilities whose disabilities are 42002
described in division (B) of section 3317.013 or division (G) (3) 42003
of this section, behavioral intervention, interpreter services, 42004
work study, nursing services, and specialized integrative 42005
services as those terms are defined by the department; 42006

(2) Speech and language services provided to any student 42007
with a disability, including any student whose primary or only 42008
disability is a speech and language disability; 42009

(3) Any related service not specifically covered by other 42010
state funds but specified in federal law, including but not 42011
limited to, audiology and school psychological services; 42012

(4) Any service included in units funded under former 42013
division (O) (1) of section 3317.024 of the Revised Code; 42014

(5) Any other related service needed by children with 42015
disabilities in accordance with their individualized education 42016
programs. 42017

(BB) "School district," unless otherwise specified, means 42018
city, local, and exempted village school districts. 42019

(CC) "Separately educated student with a disability" has 42020
the same meaning as in section 3313.974 of the Revised Code. 42021

(DD) "State education aid" has the same meaning as in 42022
section 5751.20 of the Revised Code. 42023

(EE) (1) "State share percentage" means the following for a 42024
city, local, or exempted village school district: 42025

(a) For fiscal years 2024-2026 and 20252027, the state 42026
share percentage calculated under section 3317.017 of the 42027
Revised Code; 42028

(b) For fiscal year ~~2026-2028~~ and each fiscal year 42029
thereafter, a percentage calculated in a manner determined by 42030
the general assembly. 42031

(2) "State share percentage" means ~~the following,~~ for a 42032
joint vocational school district:— 42033

~~(a) For fiscal years 2024 and 2025, the percentage~~ 42034
~~calculated in accordance with the following formula:—~~ 42035

~~The amount computed for the district under division (A) (1)~~ 42036
~~of section 3317.16 of the Revised Code for that fiscal year /~~ 42037
~~the aggregate base cost calculated for the district for that~~ 42038
~~fiscal year under section 3317.012 of the Revised Code~~ 42039

~~(b) For fiscal year 2026 and each fiscal year thereafter,~~ 42040
~~a percentage calculated in a manner determined by the general~~ 42041
~~assembly, the district's state share percentage calculated under~~ 42042
~~section 3317.165 of the Revised Code.~~ 42043

(FF) "Statewide average base cost per pupil" means the 42044
following: 42045

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 42046
average base cost per pupil calculated under division (A) of 42047
section 3317.018 of the Revised Code; 42048

(2) For fiscal year ~~2026-2028~~ and each fiscal year 42049
thereafter, an amount calculated in a manner determined by the 42050
general assembly. 42051

(GG) "Statewide average career-technical base cost per 42052
pupil" means the following: 42053

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 42054
average career-technical base cost per pupil calculated under 42055
division (B) of section 3317.018 of the Revised Code; 42056

(2) For fiscal year ~~2026~~2028 and each fiscal year 42057
thereafter, an amount calculated in a manner determined by the 42058
general assembly. 42059

(HH) "STEM school" means a science, technology, 42060
engineering, and mathematics school established under Chapter 42061
3326. of the Revised Code. 42062

(II) "Taxes charged and payable" means the taxes charged 42063
and payable against real and public utility property after 42064
making the reduction required by section 319.301 of the Revised 42065
Code, plus the taxes levied against tangible personal property. 42066

(JJ) For purposes of sections 3317.017 and 3317.16 of the 42067
Revised Code, "three-year average valuation" for a fiscal year 42068
means the average of total taxable value for the three most 42069
recent tax years for which data is available, as certified under 42070
section 3317.021 of the Revised Code. 42071

(KK) "Total ADM" means, for a city, local, or exempted 42072
village school district, the enrollment reported under division 42073
(A) of section 3317.03 of the Revised Code minus the enrollment 42074
reported under divisions (A) (2) (a), (b), (g), (h), and (i) of 42075
that section, as verified by the department and adjusted if so 42076
ordered under division (K) of that section. 42077

(LL) "Total special education ADM" means the sum of 42078
categories one through six special education ADM. 42079

(MM) "Total taxable value" means the sum of the amounts 42080
certified for a city, local, exempted village, or joint 42081
vocational school district under divisions (A) (1) and (2) of 42082
section 3317.021 of the Revised Code. 42083

(NN) "Tuition discount" means any deduction from the base 42084
tuition amount per student charged by a chartered nonpublic 42085

school, to which the student's family is entitled due to one or 42086
more of the following conditions: 42087

(1) The student's family has multiple children enrolled in 42088
the same school. 42089

(2) The student's family is a member of or affiliated with 42090
a religious or secular organization that provides oversight of 42091
the school or from which the school has agreed to enroll 42092
students. 42093

(3) The student's parent is an employee of the school. 42094

(4) Some other qualification not based on the income of 42095
the student's family or the student's athletic or academic 42096
ability and for which all students in the school may qualify. 42097

Sec. 3317.021. (A) On or before the first day of June of 42098
each year, the tax commissioner shall certify to the department 42099
of education and workforce and the office of budget and 42100
management the information described in divisions (A)(1) to (5) 42101
of this section for each city, exempted village, and local 42102
school district, and the information required by divisions (A) 42103
(1) and (2) of this section for each joint vocational school 42104
district, and it shall be used, along with the information 42105
certified under division (B) of this section, in making the 42106
computations for the district under this chapter. 42107

(1) The taxable value of real and public utility real 42108
property in the school district subject to taxation in the 42109
preceding tax year, by class and by county of location. 42110

(2) The taxable value of tangible personal property, 42111
including public utility personal property, subject to taxation 42112
by the district for the preceding tax year. 42113

(3) (a) The total property tax rate and total taxes charged 42114
and payable for the current expenses for the preceding tax year 42115
and the total property tax rate and the total taxes charged and 42116
payable to a joint vocational district for the preceding tax 42117
year that are limited to or to the extent apportioned to current 42118
expenses. 42119

(b) The portion of the amount of taxes charged and payable 42120
reported for each city, local, and exempted village school 42121
district under division (A) (3) (a) of this section attributable 42122
to a joint vocational school district. 42123

(4) The value of all real and public utility real property 42124
in the school district exempted from taxation minus both of the 42125
following: 42126

(a) The value of real and public utility real property in 42127
the district owned by the United States government and used 42128
exclusively for a public purpose; 42129

(b) The value of real and public utility real property in 42130
the district exempted from taxation under Chapter 725. or 1728. 42131
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 42132
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 42133

(5) The ~~total~~median federal adjusted gross income of the 42134
residents of the school district, based on tax returns filed by 42135
the residents of the district, for the most recent year for 42136
which this information is available, and the median Ohio 42137
adjusted gross income of the residents of the school district 42138
determined on the basis of tax returns filed for the second 42139
preceding tax year by the residents of the district. 42140

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the number of 42141
state tax returns filed by the residents of the district for the 42142

most recent year for which this information is available. 42143

(B) On or before the first day of May each year, the tax 42144
commissioner shall certify to the department of education and 42145
workforce and the office of budget and management the total 42146
taxable real property value of railroads and, separately, the 42147
total taxable tangible personal property value of all public 42148
utilities for the preceding tax year, by school district and by 42149
county of location. 42150

(C) If on the basis of the information certified under 42151
division (A) of this section, the department determines that any 42152
district fails in any year to meet the qualification requirement 42153
specified in division (A) of section 3317.01 of the Revised 42154
Code, the department shall immediately request the tax 42155
commissioner to determine the extent to which any school 42156
district income tax levied by the district under Chapter 5748. 42157
of the Revised Code shall be included in meeting that 42158
requirement. Within five days of receiving such a request from 42159
the department, the tax commissioner shall make the 42160
determination required by this division and report the quotient 42161
obtained under division (C) (3) of this section to the department 42162
and the office of budget and management. This quotient 42163
represents the number of mills that the department shall include 42164
in determining whether the district meets the qualification 42165
requirement of division (A) of section 3317.01 of the Revised 42166
Code. 42167

The tax commissioner shall make the determination required 42168
by this division as follows: 42169

(1) Multiply one mill times the total taxable value of the 42170
district as determined in divisions (A) (1) and (2) of this 42171
section; 42172

(2) Estimate the total amount of tax liability for the 42173
current tax year under taxes levied by Chapter 5748. of the 42174
Revised Code that are apportioned to current operating expenses 42175
of the district, excluding any income tax receipts allocated for 42176
the project cost, debt service, or maintenance set-aside 42177
associated with a state-assisted classroom facilities project as 42178
authorized by section 3318.052 of the Revised Code; 42179

(3) Divide the amount estimated under division (C) (2) of 42180
this section by the product obtained under division (C) (1) of 42181
this section. 42182

Sec. 3317.022. The department of education and workforce 42183
shall compute and distribute state core foundation funding to 42184
each eligible funding unit that is a city, local, or exempted 42185
village school district, the community and STEM school unit, the 42186
educational choice scholarship unit, the pilot project 42187
scholarship unit, the autism scholarship unit, and the Jon 42188
Peterson special needs scholarship unit for the fiscal year, 42189
using the information obtained under section 3317.021 of the 42190
Revised Code in the calendar year in which the fiscal year 42191
begins in accordance with the following: 42192

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for a funding 42193
unit that is a city, local, or exempted village school district: 42194

The district's funding base + [(the district's state core 42195
foundation funding components for that fiscal year calculated 42196
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 42197
section - the district's general funding base calculated in 42198
accordance with division (N) (1) of section 3317.02 of the 42199
Revised Code) X the district's general phase-in percentage for 42200
that fiscal year] + [(the district's disadvantaged pupil impact 42201
aid for that fiscal year calculated under division (A) (4) of 42202

this section - the district's disadvantaged pupil impact aid
funding base calculated in accordance with division (N) (2) of
section 3317.02 of the Revised Code) X the district's phase-in
percentage for disadvantaged pupil impact aid for that fiscal
year] + the district's supplemental targeted assistance funds
calculated under section 3317.0218 of the Revised Code

For fiscal year ~~2026~~2028 and each fiscal year thereafter,
for a funding unit that is a city, local, or exempted village
school district, the sum of the district's state core foundation
funding components for that fiscal year calculated under
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this
section and the district's supplemental targeted assistance
funds calculated under section 3317.0218 of the Revised Code, if
the general assembly authorizes such payments to these funding
units.

For fiscal years ~~2024~~2026 and ~~2025~~2027, for the community
and STEM school unit, an amount calculated in accordance with
section 3317.026 of the Revised Code.

For fiscal ~~years 2026~~year 2028 and each fiscal year
thereafter, for the community and STEM school unit, an amount
calculated in accordance with divisions (A) (1), (3), (4), (5),
(7), (8), ~~and (9)~~, and (14) of this section, if the general
assembly authorizes such payments to these funding units.

For the educational choice scholarship unit, the amount
calculated under division (A) (10) of this section.

For the pilot project scholarship unit, the amount
calculated under division (A) (11) of this section.

For the autism scholarship unit, the amount calculated
under division (A) (12) of this section.

For the Jon Peterson special needs scholarship unit, the 42232
amount calculated under division (A)(13) of this section. 42233

(A) A funding unit's state core foundation funding 42234
components shall be the following: 42235

(1)(a) If the funding unit is a city, local, or exempted 42236
village school district, the district's state share, which is 42237
equal to the following: 42238

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 42239
calculated under division (B) of section 3317.017 of the Revised 42240
Code; 42241

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 42242
thereafter, an amount calculated in a manner determined by the 42243
general assembly. 42244

(b) If the funding unit is the community and STEM school 42245
unit, the aggregate base cost for all schools in that unit, 42246
which is equal to the following: 42247

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 42248
calculated under section 3317.0110 of the Revised Code; 42249

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 42250
thereafter, an amount calculated in a manner determined by the 42251
general assembly. 42252

(2) If the funding unit is a city, local, or exempted 42253
village school district, targeted assistance funds equal to the 42254
following: 42255

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 42256
calculated under section 3317.0217 of the Revised Code; 42257

(b) For fiscal year ~~2026-2028~~ and each fiscal year 42258

thereafter, an amount calculated in a manner determined by the 42259
general assembly. 42260

(3) If the funding unit is a city, local, or exempted 42261
village school district or the community and STEM school unit, 42262
additional state aid for special education and related services 42263
provided under Chapter 3323. of the Revised Code calculated as 42264
follows: 42265

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 42266
the following: 42267

(i) The funding unit's category one special education ADM 42268
X the multiple specified in division (A) of section 3317.013 of 42269
the Revised Code X the statewide average base cost per pupil for 42270
that fiscal year X if the funding unit is a city, local, or 42271
exempted village school district, the district's state share 42272
percentage; 42273

(ii) The funding unit's category two special education ADM 42274
X the multiple specified in division (B) of section 3317.013 of 42275
the Revised Code X the statewide average base cost per pupil for 42276
that fiscal year X if the funding unit is a city, local, or 42277
exempted village school district, the district's state share 42278
percentage; 42279

(iii) The funding unit's category three special education 42280
ADM X the multiple specified in division (C) of section 3317.013 42281
of the Revised Code X the statewide average base cost per pupil 42282
for that fiscal year X if the funding unit is a city, local, or 42283
exempted village school district, the district's state share 42284
percentage; 42285

(iv) The funding unit's category four special education 42286
ADM X the multiple specified in division (D) of section 3317.013 42287

of the Revised Code X the statewide average base cost per pupil 42288
for that fiscal year X if the funding unit is a city, local, or 42289
exempted village school district, the district's state share 42290
percentage; 42291

(v) The funding unit's category five special education ADM 42292
X the multiple specified in division (E) of section 3317.013 of 42293
the Revised Code X the statewide average base cost per pupil for 42294
that fiscal year X if the funding unit is a city, local, or 42295
exempted village school district, the district's state share 42296
percentage; 42297

(vi) The funding unit's category six special education ADM 42298
X the multiple specified in division (F) of section 3317.013 of 42299
the Revised Code X the statewide average base cost per pupil for 42300
that fiscal year X if the funding unit is a city, local, or 42301
exempted village school district, the district's state share 42302
percentage. 42303

(b) For fiscal year ~~2026~~2028 and each fiscal year 42304
thereafter, the sum of the following: 42305

(i) An amount calculated in a manner determined by the 42306
general assembly times the funding unit's category one special 42307
education ADM; 42308

(ii) An amount calculated in a manner determined by the 42309
general assembly times the funding unit's category two special 42310
education ADM; 42311

(iii) An amount calculated in a manner determined by the 42312
general assembly times the funding unit's category three special 42313
education ADM; 42314

(iv) An amount calculated in a manner determined by the 42315
general assembly times the funding unit's category four special 42316

education ADM; 42317

(v) An amount calculated in a manner determined by the 42318
general assembly times the funding unit's category five special 42319
education ADM; 42320

(vi) An amount calculated in a manner determined by the 42321
general assembly times the funding unit's category six special 42322
education ADM. 42323

(4) If the funding unit is a city, local, or exempted 42324
village school district or the community and STEM school unit, 42325
disadvantaged pupil impact aid calculated according to the 42326
following formula: 42327

(a) If the funding unit is a city, local, or exempted 42328
village school district, an amount equal to the following: 42329

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 42330
product: 42331

\$422 X (the district's economically disadvantaged index) X the 42332
number of students who are economically disadvantaged as 42333
certified under division (B) (21) of section 3317.03 of the 42334
Revised Code 42335

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 42336
thereafter, an amount calculated in a manner determined by the 42337
general assembly. 42338

(b) If the funding unit is the community and STEM school 42339
unit, an amount equal to the following: 42340

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 42341
calculated as follows: 42342

(I) For each student in the funding unit's enrolled ADM 42343

who is economically disadvantaged and is not enrolled in an 42344
internet- or computer-based community school, multiply \$422 by 42345
the economically disadvantaged index of the school in which the 42346
student is enrolled; 42347

(II) Compute the funding unit's disadvantaged pupil impact 42348
aid by calculating the sum of the amounts determined under 42349
division (A) (4) (b) (i) (I) of this section. 42350

(ii) For fiscal year ~~2026~~2028 and each fiscal year 42351
thereafter, an amount calculated as follows: 42352

(I) For each student in the funding unit's enrolled ADM 42353
who is economically disadvantaged and is not enrolled in an 42354
internet- or computer-based community school, calculate an 42355
amount in the manner determined by the general assembly; 42356

(II) Compute the funding unit's disadvantaged pupil impact 42357
aid by calculating the sum of the amounts determined under 42358
division (A) (4) (b) (ii) (I) of this section. 42359

(5) If the funding unit is a city, local, or exempted 42360
village school district or the community and STEM school unit, 42361
English learner funds calculated as follows: 42362

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 42363
the following: 42364

(i) The funding unit's category one English learner ADM X 42365
the multiple specified in division (A) of section 3317.016 of 42366
the Revised Code X the statewide average base cost per pupil for 42367
that fiscal year X if the funding unit is a city, local, or 42368
exempted village school district, the district's state share 42369
percentage; 42370

(ii) The funding unit's category two English learner ADM X 42371

the multiple specified in division (B) of section 3317.016 of 42372
the Revised Code X the statewide average base cost per pupil for 42373
that fiscal year X if the funding unit is a city, local, or 42374
exempted village school district, the district's state share 42375
percentage; 42376

(iii) The funding unit's category three English learner 42377
ADM X the multiple specified in division (C) of section 3317.016 42378
of the Revised Code X the statewide average base cost per pupil 42379
for that fiscal year X if the funding unit is a city, local, or 42380
exempted village school district, the district's state share 42381
percentage. 42382

(b) For fiscal year ~~2026~~2028 and each fiscal year 42383
thereafter, the sum of the following: 42384

(i) An amount calculated in a manner determined by the 42385
general assembly times the funding unit's category one English 42386
learner ADM; 42387

(ii) An amount calculated in a manner determined by the 42388
general assembly times the funding unit's category two English 42389
learner ADM; 42390

(iii) An amount calculated in a manner determined by the 42391
general assembly times the funding unit's category three English 42392
learner ADM. 42393

(6) (a) For fiscal years ~~2024~~2026 and ~~2025~~2027, if the 42394
funding unit is a city, local, or exempted village school 42395
district, all of the following: 42396

(i) Gifted identification funds calculated according to 42397
the following formula: 42398

\$24 X the district's enrolled ADM for grades kindergarten 42399

through six X the district's state share percentage 42400

(ii) Gifted referral funds calculated according to the 42401
following formula: 42402

\$2.50 X the district's enrolled ADM X the district's state share 42403
percentage 42404

~~(iii) Gifted professional development funds calculated 42405
according to the following formula: 42406~~

~~(The greater of the number of gifted students enrolled in the 42407
district as certified under division (B) (22) of section 3317.03 42408
of the Revised Code and ten per cent of the district's enrolled 42409
ADM) X the district's state share percentage X \$21, for fiscal 42410
year 2024, or \$28, for fiscal year 2025 42411~~

~~(iv) Gifted unit funding calculated under section 3317.051 42412
of the Revised Code. 42413~~

(b) For fiscal year 2026-2028 and each fiscal year 42414
thereafter, all of the following: 42415

(i) Gifted identification funds calculated in a manner 42416
determined by the general assembly; 42417

(ii) Gifted referral funds calculated in a manner 42418
determined by the general assembly, if the general assembly 42419
authorizes such a payment; 42420

~~(iii) Gifted professional development funds calculated in 42421
a manner determined by the general assembly, if the general 42422
assembly authorizes such a payment; 42423~~

~~(iv) Gifted unit funding calculated in an amount 42424
determined by the general assembly. 42425~~

(7) If the funding unit is a city, local, or exempted 42426

village school district or the community and STEM school unit, 42427
career-technical education funds calculated under division (C) 42428
of section 3317.014 of the Revised Code. 42429

(8) If the funding unit is a city, local, or exempted 42430
village school district or the community and STEM school unit, 42431
career-technical education associated services funds calculated 42432
under division (D) of section 3317.014 of the Revised Code. 42433

(9) If the funding unit is the community and STEM school 42434
unit, an amount calculated as follows: 42435

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 42436
equal to the following: 42437

[The number of students in the funding unit's enrolled ADM who 42438
are reported under division (B) (5) of section 3314.08 of the 42439
Revised Code X (the aggregate base cost calculated for all 42440
schools in the funding unit for that fiscal year under section 42441
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 42442
X.20] 42443

(b) For fiscal year ~~2026-2028~~ and each fiscal year 42444
thereafter, an amount calculated in a manner determined by the 42445
general assembly. 42446

(10) If the funding unit is the educational choice 42447
scholarship unit, an amount calculated as follows: 42448

(a) For each student in the funding unit's enrolled ADM, 42449
determine the lesser of the following: 42450

(i) The base tuition of the chartered nonpublic school in 42451
which the student is enrolled minus the total amount of any 42452
applicable tuition discounts for which the student qualifies; 42453

(ii) (I) If the student receives a scholarship under 42454

section 3310.03 of the Revised Code, or received a scholarship 42455
for the first time under section 3310.032 of the Revised Code 42456
prior to ~~the effective date of this amendment~~ October 3, 2023, 42457
and the student's parent does not elect to receive a scholarship 42458
amount under division (A)(10)(a)(ii)(II) of this section, 42459
\$5,500, if the student is in grades kindergarten through eight, 42460
or \$7,500, if the student is in grades nine through twelve. 42461

(II) If the student receives a scholarship for the first 42462
time under section 3310.032 of the Revised Code on and after ~~the~~ 42463
~~effective date of this amendment~~ October 3, 2023, or if a 42464
student who received a scholarship for the first time under that 42465
section prior to that date and the student's parent elects to 42466
receive a scholarship amount under division (A)(10)(a)(ii)(II) 42467
of this section, an amount calculated in accordance with section 42468
3310.08 of the Revised Code. The department shall provide an 42469
opportunity each fiscal year for a parent to elect to receive a 42470
scholarship amount under division (A)(10)(a)(ii)(II) of this 42471
section. 42472

The amounts specified in division (A)(10)(a)(ii)(I) of 42473
this section shall increase in future fiscal years by the same 42474
percentage that the statewide average base cost per pupil 42475
increases in future fiscal years. 42476

(b) Compute the sum of the amounts calculated under 42477
division (A)(10)(a) of this section. 42478

(11) If the funding unit is the pilot project scholarship 42479
unit, an amount calculated as follows: 42480

(a) For each student in the funding unit's enrolled ADM, 42481
determine the lesser of the following: 42482

(i) The net tuition charges of the student's alternative 42483

school; 42484

(ii) \$5,500, if the student is in grades kindergarten 42485
through eight, or \$7,500, if the student is in grades nine 42486
through twelve. 42487

The amounts specified in division (A) (11) (a) (ii) of this 42488
section shall increase in future fiscal years by the same 42489
percentage that the statewide average base cost per pupil 42490
increases in future fiscal years. 42491

For purposes of division (A) (11) (a) of this section, the 42492
net tuition and fees charged to a student shall be the tuition 42493
amount specified by the alternative school minus all other 42494
financial aid, discounts, and adjustments received for the 42495
student. In cases where discounts are offered for multiple 42496
students from the same family, and not all students in the same 42497
family are scholarship recipients, the net tuition amount 42498
attributable to the scholarship recipient shall be the lowest 42499
net tuition to which the family is entitled. 42500

The department shall provide for an increase in the amount 42501
determined for any student who is an LRE student with a 42502
disability and shall further increase such amount in the case of 42503
any separately educated student with a disability, as that term 42504
is defined in section 3313.974 of the Revised Code. Such 42505
increases shall take into account the instruction, related 42506
services, and transportation costs of educating such students. 42507

(b) Compute the sum of the amounts calculated under 42508
division (A) (17) (a) of this section. 42509

(12) If the funding unit is the autism scholarship unit, 42510
an amount calculated as follows: 42511

(a) For each student in the funding unit's enrolled ADM, 42512

determine the lesser of the following: 42513

(i) The tuition charged for the student's special 42514
education program, as that term is defined in section 3310.41 of 42515
the Revised Code; 42516

(ii) \$32,445. 42517

(b) Compute the sum of the amounts calculated under 42518
division (A)(12)(a) of this section. 42519

(13) If the funding unit is the Jon Peterson special needs 42520
scholarship unit, an amount calculated as follows: 42521

(a) For each student in the funding unit's enrolled ADM, 42522
determine the least of the following: 42523

(i) The amount of fees charged for that school year by the 42524
student's alternative public provider or registered private 42525
provider, as those terms are defined in section 3310.51 of the 42526
Revised Code; 42527

(ii) \$7,190 plus an amount determined as follows: 42528

(I) If the student is receiving special education services 42529
for a disability specified in division (A) of section 3317.013 42530
of the Revised Code, ~~\$1,751, for fiscal year 2024, and \$2,395-~~ 42531
~~for fiscal year 2025;~~ 42532

(II) If the student is receiving special education 42533
services for a disability specified in division (B) of section 42534
3317.013 of the Revised Code, ~~\$4,442, for fiscal year 2024, and-~~ 42535
~~\$5,280 for fiscal year 2025;~~ 42536

(III) If the student is receiving special education 42537
services for a disability specified in division (C) of section 42538
3317.013 of the Revised Code, ~~\$10,673, for fiscal year 2024, and~~ 42539

~~\$11,960 for fiscal year 2025;~~ 42540

(IV) If the student is receiving special education 42541
services for a disability specified in division (D) of section 42542
3317.013 of the Revised Code, ~~\$14,243, for fiscal year 2024, and~~ 42543
~~\$15,787 for fiscal year 2025;~~ 42544

(V) If the student is receiving special education services 42545
for a disability specified in division (E) of section 3317.013 42546
of the Revised Code, ~~\$19,290, for fiscal year 2024, and \$21,197-~~ 42547
~~for fiscal year 2025;~~ 42548

(VI) If the student is receiving special education 42549
services for a disability specified in division (F) of section 42550
3317.013 of the Revised Code, ~~\$28,438, for fiscal year 2024, and~~ 42551
~~\$30,469 for fiscal year 2025.~~ 42552

(iii) ~~\$30,000, for fiscal year 2024, and \$32,445 for~~ 42553
~~fiscal year 2025.~~ 42554

The amount specified in division (A) (13) (a) (ii) of this 42555
section shall increase in future fiscal years by the same 42556
percentage that the statewide average base cost per pupil 42557
increases in future fiscal years. 42558

The amounts specified in divisions (A) (13) (a) (ii) (I) to 42559
(VI) of this section shall increase in future fiscal years by 42560
the same percentage that the amounts calculated by the general 42561
assembly for those categories of special education services 42562
under division (A) (3) of this section increase in future fiscal 42563
years. 42564

(b) Compute the sum of the amounts calculated under 42565
division (A) (13) (a) of this section. 42566

(14) If the funding unit is the community and STEM school 42567

unit, an equity supplement calculated as follows: 42568

\$650 X each student in the funding unit's enrolled ADM who is 42569
not enrolled in an internet- or computer-based community school. 42570

(B) In any fiscal year, a funding unit that is a city, 42571
local, or exempted village school district shall spend for 42572
purposes that the department designates as approved for special 42573
education and related services expenses at least the amount 42574
calculated as follows: 42575

(The base cost per pupil calculated for the district for that 42576
fiscal year X the total special education ADM) + (the district's 42577
category one special education ADM X the multiple specified in 42578
division (A) of section 3317.013 of the Revised Code X the 42579
statewide average base cost per pupil) + (the district's 42580
category two special education ADM X the multiple specified in 42581
division (B) of section 3317.013 of the Revised Code X the 42582
statewide average base cost per pupil) + (the district's 42583
category three special education ADM X the multiple specified in 42584
division (C) of section 3317.013 of the Revised Code X the 42585
statewide average base cost per pupil) + (the district's 42586
category four special education ADM X the multiple specified in 42587
division (D) of section 3317.013 of the Revised Code X the 42588
statewide average base cost per pupil) + (the district's 42589
category five special education ADM X the multiple specified in 42590
division (E) of section 3317.013 of the Revised Code X the 42591
statewide average base cost per pupil) + (the district's 42592
category six special education ADM X the multiple specified in 42593
division (F) of section 3317.013 of the Revised Code X the 42594
statewide average base cost per pupil) 42595

The purposes approved by the department for special 42596
education expenses shall include, but shall not be limited to, 42597

identification of children with disabilities, compliance with 42598
state rules governing the education of children with 42599
disabilities and prescribing the continuum of program options 42600
for children with disabilities, provision of speech language 42601
pathology services, and the portion of the school district's 42602
overall administrative and overhead costs that are attributable 42603
to the district's special education student population. 42604

(C) A funding unit that is a city, local, or exempted 42605
village school district shall spend the funds it receives under 42606
division (A) (4) of this section in accordance with section 42607
3317.25 of the Revised Code. 42608

(D) (1) Except as provided in division (B) of section 42609
3317.026 of the Revised Code, the department shall distribute to 42610
each community school established under Chapter 3314. of the 42611
Revised Code and to each STEM school established under Chapter 42612
3326. of the Revised Code, from the funds paid to the community 42613
and STEM school unit under this section, an amount for each 42614
student enrolled in the school equal to the sum of the 42615
following: 42616

(a) The school's base cost per pupil for that fiscal year, 42617
calculated as follows: 42618

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 42619

The aggregate base cost calculated for the school for that 42620
fiscal year under section 3317.0110 of the Revised Code / the 42621
number of students enrolled in the school for that fiscal year 42622

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 42623
thereafter, an amount determined by the general assembly under 42624
division (A) (1) (b) (ii) of this section divided by the number of 42625
students enrolled in the school for that fiscal year. 42626

(b) If the student is a special education student:	42627
(i) For fiscal years 2024-2026 and 2025 <u>2027</u> , the multiple	42628
specified for the student's special education category under	42629
section 3317.013 of the Revised Code times the statewide average	42630
base cost per pupil;	42631
(ii) For fiscal year 2026-2028 and each fiscal year	42632
thereafter, the amount calculated for the student's special	42633
education category in a manner determined by the general	42634
assembly under division (A) (3) (b) of this section.	42635
(c) If the school is not an internet- or computer-based	42636
community school and the student is economically disadvantaged:	42637
(i) For fiscal years 2024-2026 and 2025 <u>2027</u> , the amount	42638
calculated for the student under division (A) (4) (b) (i) (I) of	42639
this section;	42640
(ii) For fiscal year 2026-2028 and each fiscal year	42641
thereafter, an amount calculated for the student in the manner	42642
determined by the general assembly under division (A) (4) (b) (ii)	42643
(I) of this section.	42644
(d) If the student is an English learner:	42645
(i) For fiscal years 2024-2026 and 2025 <u>2027</u> , the multiple	42646
specified for the student's English learner category under	42647
section 3317.016 of the Revised Code times the statewide average	42648
base cost per pupil;	42649
(ii) For fiscal year 2026-2028 and each fiscal year	42650
thereafter, the amount calculated for the student's special	42651
education category in a manner determined by the general	42652
assembly under division (A) (5) (b) of this section.	42653
(e) If the student is a career-technical education	42654

student: 42655

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 42656
specified for the student's career-technical education category 42657
under section 3317.014 of the Revised Code times the statewide 42658
average career-technical base cost per pupil; 42659

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 42660
thereafter, the amount calculated for the student's career- 42661
technical education category in a manner determined by the 42662
general assembly under section 3317.014 of the Revised Code. 42663

(f) If the student is a career-technical education 42664
student: 42665

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 42666
for career-technical associated services specified under section 42667
3317.014 of the Revised Code times the statewide average career- 42668
technical base cost per pupil; 42669

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 42670
thereafter, the amount calculated for career-technical 42671
associated services in a manner determined by the general 42672
assembly under section 3317.014 of the Revised Code. 42673

(g) If the school is not an internet- or computer-based 42674
community school, an equity supplement equal to \$650 for each 42675
student enrolled in the school. 42676

(2) The department shall distribute to each community 42677
school established under Chapter 3314. of the Revised Code and 42678
to each STEM school established under Chapter 3326. of the 42679
Revised Code, from the funds paid to the community and STEM 42680
school unit under this section, an amount equal to the amount 42681
calculated for the school under division (A) (9) of this section. 42682

(E) The department shall distribute to the parent of each 42683
student for whom an educational choice scholarship is awarded 42684
under section 3310.03 or 3310.032 of the Revised Code, or to the 42685
student if at least eighteen years of age, from the funds paid 42686
to the educational choice scholarship unit under this section, a 42687
scholarship equal to the amount calculated for the student under 42688
division (A)(10)(a) of this section. The scholarship shall be 42689
distributed in monthly partial payments, and the department 42690
shall proportionately reduce or terminate the payments for any 42691
student who withdraws from a chartered nonpublic school prior to 42692
the end of the school year. 42693

For purposes of divisions (E) and (F) of this section, in 42694
the case of a student who is not living with the student's 42695
parent, the department shall distribute the scholarship payments 42696
to the student's guardian, legal custodian, kinship caregiver, 42697
foster caregiver, or caretaker. For the purposes of this 42698
division, "caretaker" has the same meaning as in section 42699
3310.033 of the Revised Code, "kinship caregiver" has the same 42700
meaning as in section ~~5101.85~~ 5180.50 of the Revised Code, and 42701
"foster caregiver" has the same meaning as in section 5103.02 of 42702
the Revised Code. 42703

(F) If a student is awarded a pilot project scholarship 42704
under sections 3313.974 to 3313.979 of the Revised Code, the 42705
department shall distribute to the parent of the student, if the 42706
student is attending a registered private school as defined in 42707
section 3313.974 of the Revised Code, or the student's school 42708
district of attendance, if the scholarship is to be used for 42709
payments to a public school in a school district adjacent to the 42710
pilot project school district pursuant to section 3327.06 of the 42711
Revised Code, a scholarship from the funds paid to the pilot 42712
project scholarship unit under this section that is equal to the 42713

amount calculated for the student under division (A) (11) (a) of 42714
this section. 42715

In the case of a scholarship distributed to a student's 42716
parent, the scholarship shall be distributed in monthly partial 42717
payments. The scholarship amount shall be proportionately 42718
reduced in the case of any such student who is not enrolled in a 42719
registered private school, as that term is defined in section 42720
3313.974 of the Revised Code, for the entire school year. 42721

In the case of a scholarship distributed to a student's 42722
school district of attendance, the department shall, on behalf 42723
of the student's parents, use the scholarship to make the 42724
tuition payments required by section 3327.06 of the Revised Code 42725
to the student's school district of attendance, except that, 42726
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 42727
Revised Code, the total payments in any school year shall not 42728
exceed the scholarship amount calculated for the student under 42729
division (A) (11) (a) of this section. 42730

(G) The department shall distribute to the parent of each 42731
student for whom an autism scholarship is awarded under section 42732
3310.41 of the Revised Code, from the funds paid to the autism 42733
scholarship unit under this section, a scholarship equal to the 42734
amount calculated for the student under division (A) (12) (a) of 42735
this section. The scholarship shall be distributed from time to 42736
time in partial payments. The scholarship amount shall be 42737
proportionately reduced in the case of any student who is not 42738
enrolled in the special education program for which a 42739
scholarship was awarded under section 3310.41 of the Revised 42740
Code for the entire school year. The department shall make no 42741
payments to the parent of a student while any administrative or 42742
judicial mediation or proceedings with respect to the content of 42743

the student's individualized education program are pending. 42744

(H) The department shall distribute to the parent of each 42745
student for whom a Jon Peterson special needs scholarship is 42746
awarded under sections 3310.51 to 3310.64 of the Revised Code, 42747
from the funds paid to the Jon Peterson special needs 42748
scholarship unit under this section, a scholarship equal to the 42749
amount calculated for the student under division (A) (13) (a) of 42750
this section. The scholarship shall be distributed in periodic 42751
payments, and the department shall proportionately reduce or 42752
terminate the payments for any student who is not enrolled in 42753
the special education program of an alternative public provider 42754
or a registered private provider, as those terms are defined in 42755
section 3310.51 of the Revised Code, for the entire school year. 42756

(I) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 42757
district shall spend the funds it receives under division (A) (5) 42758
of this section only for services for English learners. 42759

(J) For ~~fiscal year 2024 and each fiscal year thereafter~~, 42760
a school district shall spend the funds it receives under 42761
division (A) (6) of this section only for the identification of 42762
gifted students, gifted coordinator services, and gifted 42763
intervention specialist services, ~~and gifted professional~~ 42764
~~development~~. For ~~fiscal year 2024 and each fiscal year~~ 42765
~~thereafter~~, if the department determines that a district is not 42766
in compliance with this division, it shall reduce the district's 42767
payments for that fiscal year under this chapter by an amount 42768
equal to the amount paid to the district for that fiscal year 42769
under division (A) (6) of this section that was not spent in 42770
accordance with this division. The department shall reduce the 42771
payment within ninety days of data finalization. 42772

Sec. 3317.024. The following shall be distributed monthly, 42773

quarterly, or annually as may be determined by the department of 42774
education and workforce: 42775

(A) An amount for each island school district and each 42776
joint state school district for the operation of each high 42777
school and each elementary school maintained within such 42778
district and for capital improvements for such schools. Such 42779
amounts shall be determined on the basis of standards adopted by 42780
the department. However, for fiscal years 2012 and 2013, an 42781
island district shall receive the lesser of its actual cost of 42782
operation, as certified to the department, or ninety-three per 42783
cent of the amount the district received in state operating 42784
funding for fiscal year 2011. If an island district received no 42785
funding for fiscal year 2011, it shall receive no funding for 42786
either of fiscal year 2012 or 2013. 42787

(B) An amount for each school district required to pay 42788
tuition for a child in an institution maintained by the 42789
department of youth services pursuant to section 3317.082 of the 42790
Revised Code, provided the child was not included in the 42791
calculation of the district's formula ADM, as that term is 42792
defined in section 3317.02 of the Revised Code, for the 42793
preceding school year. 42794

(C) (1) An amount for the approved cost of transporting 42795
eligible pupils with disabilities attending a special education 42796
program approved by the department of education and workforce 42797
whom it is impossible or impractical to transport by regular 42798
school bus in the course of regular route transportation 42799
provided by the school district or educational service center. 42800
For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be 42801
equal to the actual costs incurred in the prior fiscal year by 42802
the district or service center when transporting those students, 42803

as reported to the department, multiplied by one of the 42804
following: 42805

(a) For a district, the percentage determined for the 42806
district for that fiscal year under divisions (E) (1) (c) (i) and 42807
(ii) of section 3317.0212 of the Revised Code; 42808

(b) For a service center, ~~thirty-seven-forty-five and one-~~ 42809
~~half-eighty-three hundredths per cent for fiscal year 2024-2026~~ 42810
and ~~forty-one and two-thirds-fifty~~ per cent for fiscal year 42811
~~2025-2027.~~ 42812

(2) No district or service center is eligible to receive a 42813
payment under division (C) of this section for the cost of 42814
transporting any pupil whom it transports by regular school bus 42815
and who is included in the district's transportation ADM. 42816

(3) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, both of the 42817
following apply: 42818

(a) The department of education and workforce shall also 42819
establish the deadline for each district and service center to 42820
report its actual costs for transporting students described in 42821
division (C) (1) of this section. 42822

(b) The costs reported by each district and service center 42823
under division (C) of this section shall be subject to periodic, 42824
random audits by the department of education and workforce. 42825

(D) An amount to each school district, including each 42826
cooperative education school district, pursuant to section 42827
3313.81 of the Revised Code to assist in providing free lunches 42828
to needy children. The amounts shall be determined on the basis 42829
of rules adopted by the department of education and workforce. 42830

(E) (1) An amount for auxiliary services to each school 42831

district, for each pupil attending a chartered nonpublic 42832
elementary or high school within the district that has not 42833
elected to receive funds under division (E) (2) of this section. 42834

(2) (a) An amount for auxiliary services paid directly to 42835
each chartered nonpublic school that has elected to receive 42836
funds under division (E) (2) of this section for each pupil 42837
attending the school. To elect to receive funds under division 42838
(E) (2) of this section, a school, by the first day of April of 42839
each odd-numbered year, shall notify the department of education 42840
and workforce and the school district in which the school is 42841
located of the election and shall submit to the department an 42842
affidavit certifying that the school shall expend the funds in 42843
the manner outlined in section 3317.062 of the Revised Code. The 42844
election shall take effect the following first day of July. The 42845
school subsequently may rescind its election, but it may do so 42846
only in an odd-numbered year by notifying the department and the 42847
school district in which the school is located of the rescission 42848
not later than the first day of April of that year. Beginning 42849
the following first day of July after the rescission, the school 42850
shall receive funds under division (E) (1) of this section. 42851

(b) Not later later than ten days after the notification 42852
of approval and issuance of a charter to a nonpublic school, 42853
that school may elect to receive funds under division (E) (2) of 42854
this section. If no election is made, the chartered nonpublic 42855
school shall receive funds under division (E) (1) of this 42856
section. The school may subsequently change its election in 42857
accordance with division (E) (2) (a) of this section. 42858

(c) A chartered nonpublic school that elects to receive 42859
auxiliary services funds under division (E) (2) of this section 42860
may designate an organization that oversees one or more 42861

nonpublic schools to receive those funds on its behalf. 42862

(i) Each chartered nonpublic school that designates an 42863
organization to receive auxiliary services funds on its behalf 42864
shall notify the department of education and workforce of the 42865
organization's name not later than the first day of April of 42866
each odd-numbered year. 42867

(ii) A school may rescind its decision, but may do so only 42868
in each odd-numbered year by notifying the department of that 42869
rescission not later than the first day of April of that year. A 42870
rescission submitted in compliance with this division takes 42871
effect on the following first day of July, and the school 42872
district may elect to then begin receiving auxiliary services 42873
funds directly or as specified under division (E) (1) of this 42874
section. 42875

(iii) An organization shall disburse the auxiliary 42876
services funds of all chartered nonpublic schools that have 42877
designated the organization to receive funds on their behalf in 42878
accordance with division (E) (2) (c) of this section. If multiple 42879
chartered nonpublic schools designate the same organization to 42880
receive auxiliary services funds on their behalf, that 42881
organization may use one or more accounts for the purposes of 42882
managing the funds. The organization shall maintain appropriate 42883
accounting and reporting standards and ensure that each 42884
chartered nonpublic school receives the auxiliary services funds 42885
to which the school is entitled. 42886

(iv) Each chartered nonpublic school that elects to 42887
receive funds directly in accordance with division (E) (2) of 42888
this section or the organization designated to receive and 42889
disburse auxiliary services funds on behalf of a chartered 42890
nonpublic school shall maintain records of receipt and 42891

expenditures of the funds in a manner that conforms with 42892
generally accepted accounting principles. 42893

(v) The department of education and workforce shall create 42894
and disseminate a standardized reporting form that chartered 42895
nonpublic schools and organizations designated to receive funds 42896
in accordance with division (E) (2) (c) of this section may use to 42897
comply with division (E) (2) (c) (iv) of this section. However, the 42898
department shall not require schools to use that form. 42899

(vi) An organization that manages a school's auxiliary 42900
services funds pursuant to a designation made in accordance with 42901
division (E) (2) (c) of this section may require the school's 42902
governing authority to pay a fee for that service that does not 42903
exceed four per cent of the total amount of payments for 42904
auxiliary services that the school receives from the state. A 42905
school may pay any fee assessed pursuant to division (E) (2) (c) 42906
(vi) of this section using auxiliary services funds. 42907

(d) The amount paid under divisions (E) (1) and (2) of this 42908
section shall equal the total amount appropriated for the 42909
implementation of sections 3317.06 and 3317.062 of the Revised 42910
Code divided by the average daily membership in grades 42911
kindergarten through twelve in chartered nonpublic elementary 42912
and high schools within the state as determined as of the last 42913
day of October of each school year. 42914

(F) An amount for each county board of developmental 42915
disabilities for the approved cost of transportation required 42916
for children attending special education programs operated by 42917
the county board under section 3323.09 of the Revised Code. For 42918
fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal 42919
to the actual costs incurred in the prior fiscal year by the 42920
county board when transporting those students multiplied by 42921

~~thirty-seven~~ forty-five and ~~one-half~~ eighty-three hundredths per 42922
cent for fiscal year ~~2024-2026~~ and ~~forty-one and two-thirds~~ 42923
fifty per cent for fiscal year ~~2025~~ 2027. 42924

(G) An amount to each institution defined under section 42925
3317.082 of the Revised Code providing elementary or secondary 42926
education to children other than children receiving special 42927
education under section 3323.091 of the Revised Code. This 42928
amount for any institution in any fiscal year shall equal the 42929
total of all tuition amounts required to be paid to the 42930
institution under division (A) (1) of section 3317.082 of the 42931
Revised Code. 42932

The department of education and workforce or any board of 42933
education or governing board may provide for any resident of a 42934
district or educational service center territory any educational 42935
service for which funds are made available to the board by the 42936
United States under the authority of public law, whether such 42937
funds come directly or indirectly from the United States or any 42938
agency or department thereof or through the state or any agency, 42939
department, or political subdivision thereof. 42940

Sec. 3317.026. This section shall apply only for fiscal 42941
years ~~2024-2026~~ and ~~2025~~ 2027. 42942

(A) For each fiscal year, the department of education and 42943
workforce shall calculate an amount for the community and STEM 42944
school unit as follows: 42945

(1) For each community school and STEM school, determine 42946
the sum of the following: 42947

(a) The aggregate base cost calculated for the school for 42948
that fiscal year under section 3317.0110 of the Revised Code; 42949

(b) The sum of the following: 42950

(i) The school's category one special education ADM X the 42951
multiple specified in division (A) of section 3317.013 of the 42952
Revised Code X the statewide average base cost per pupil for 42953
that fiscal year; 42954

(ii) The school's category two special education ADM X the 42955
multiple specified in division (B) of section 3317.013 of the 42956
Revised Code X the statewide average base cost per pupil for 42957
that fiscal year; 42958

(iii) The school's category three special education ADM X 42959
the multiple specified in division (C) of section 3317.013 of 42960
the Revised Code X the statewide average base cost per pupil for 42961
that fiscal year; 42962

(iv) The school's category four special education ADM X 42963
the multiple specified in division (D) of section 3317.013 of 42964
the Revised Code X the statewide average base cost per pupil for 42965
that fiscal year; 42966

(v) The school's category five special education ADM X the 42967
multiple specified in division (E) of section 3317.013 of the 42968
Revised Code X the statewide average base cost per pupil for 42969
that fiscal year; 42970

(vi) The school's category six special education ADM X the 42971
multiple specified in division (F) of section 3317.013 of the 42972
Revised Code X the statewide average base cost per pupil for 42973
that fiscal year. 42974

(c) If the school is not an internet- or computer-based 42975
community school, an amount of disadvantaged pupil impact aid 42976
equal to the following: 42977

\$422 X the school's economically disadvantaged index X the 42978
number of students in the school's enrolled ADM who are 42979

economically disadvantaged	42980
(d) The sum of the following:	42981
(i) The school's category one English learner ADM X the	42982
multiple specified in division (A) of section 3317.016 of the	42983
Revised Code X the statewide average base cost per pupil for	42984
that fiscal year;	42985
(ii) The school's category two English learner ADM X the	42986
multiple specified in division (B) of section 3317.016 of the	42987
Revised Code X the statewide average base cost per pupil for	42988
that fiscal year;	42989
(iii) The school's category three English learner ADM X	42990
the multiple specified in division (C) of section 3317.016 of	42991
the Revised Code X the statewide average base cost per pupil for	42992
that fiscal year.	42993
(e) The sum of the following:	42994
(i) The school's category one career-technical education	42995
ADM X the multiple specified under division (A) (1) of section	42996
3317.014 of the Revised Code X the statewide average career-	42997
technical base cost per pupil for that fiscal year;	42998
(ii) The school's category two career-technical education	42999
ADM X the multiple specified under division (A) (2) of section	43000
3317.014 of the Revised Code X the statewide average career-	43001
technical base cost per pupil for that fiscal year;	43002
(iii) The school's category three career-technical	43003
education ADM X the multiple specified under division (A) (3) of	43004
section 3317.014 of the Revised Code X the statewide average	43005
career-technical base cost per pupil for that fiscal year;	43006
(iv) The school's category four career-technical education	43007

ADM X the multiple specified under division (A) (4) of section 43008
3317.014 of the Revised Code X the statewide average career- 43009
technical base cost per pupil for that fiscal year; 43010

(v) The school's category five career-technical education 43011
ADM X the multiple specified under division (A) (5) of section 43012
3317.014 of the Revised Code X the statewide average career- 43013
technical base cost per pupil for that fiscal year. 43014

(f) An amount equal to the following: 43015

The multiple for career-technical associated services 43016
specified under division (B) of section 3317.014 of the Revised 43017
Code X the statewide average career-technical base cost per 43018
pupil for that fiscal year X the sum of the school's categories 43019
one through five career-technical education ADM 43020

(g) If the school is a community school, an amount equal 43021
to the following: 43022

The number of students reported by the community school 43023
under division (B) (5) of section 3314.08 of the Revised Code X 43024
(the aggregate base cost calculated for the school for that 43025
fiscal year under section 3317.0110 of the Revised Code / the 43026
school's enrolled ADM) X 0.20 43027

(h) If the school is not an internet- or computer-based 43028
community school, an equity supplement calculated as follows: 43029

The number of students in the school's enrolled ADM X \$650 43030

(2) For each community and STEM school, determine the 43031
lesser of the following: 43032

(a) The following sum: 43033

The school's funding base + [(the sum calculated for the 43034

school under division (A) of this section) - the school's 43035
funding base] X the school's general phase-in percentage for 43036
that fiscal year} 43037

(b) The sum of the amounts calculated for the school for 43038
that fiscal year under division (A) of this section. 43039

(3) Compute the sum of the amounts determined under 43040
division (B) of this section to determine the amount calculated 43041
for the community and STEM school unit. 43042

(B) Notwithstanding division (D) of section 3317.022 of 43043
the Revised Code, for each fiscal year, the department shall 43044
distribute to each community school and each STEM school, from 43045
the funds paid to the community and STEM school unit under 43046
section 3317.022 of the Revised Code, an amount equal to the 43047
amount determined for that school under division (A) (2) of this 43048
section. 43049

Sec. 3317.0212. (A) As used in this section: 43050

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "assigned 43051
bus" means a school bus used to transport qualifying riders. 43052

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "density" 43053
means the total riders per square mile of a school district. 43054

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, 43055
"nontraditional ridership" means the average number of 43056
qualifying riders who are enrolled in a community school 43057
established under Chapter 3314. of the Revised Code, in a STEM 43058
school established under Chapter 3326. of the Revised Code, or 43059
in a nonpublic school and are provided school bus service by a 43060
school district during the first full week of October. 43061

(4) "Qualifying riders" means the following: 43062

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, resident 43063
students enrolled in preschool and regular education in grades 43064
kindergarten to twelve who are provided school bus service by a 43065
school district, including students with dual enrollment in a 43066
joint vocational school district or a cooperative education 43067
school district, and students enrolled in a community school, 43068
STEM school, or nonpublic school; 43069

(b) For fiscal year ~~2026-2028~~ and each fiscal year 43070
thereafter, students specified by the general assembly. 43071

(5) "Qualifying ridership" means the following: 43072

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the greater 43073
of the average number of qualifying riders counted in the 43074
morning or counted in the afternoon who are provided school bus 43075
service by a school district during the first full week of 43076
October; 43077

(b) For fiscal year ~~2026-2028~~ and each fiscal year 43078
thereafter, a ridership determined in a manner specified by the 43079
general assembly. 43080

(6) "Rider density" means the following: 43081

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 43082
quotient: 43083

A school district's total number of qualifying riders/ the 43084
number of square miles in the district 43085

(b) For fiscal year ~~2026-2028~~ and each fiscal year 43086
thereafter, a number calculated in a manner determined by the 43087
general assembly. 43088

(7) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "riders" 43089
means students enrolled in regular and special education in 43090

grades kindergarten through twelve who are provided school bus 43091
service by a school district, including students with dual 43092
enrollment in a joint vocational school district or a 43093
cooperative education school district, and students enrolled in 43094
a community school, STEM school, or nonpublic school. 43095

(8) "School bus service" means a school district's 43096
transportation of qualifying riders in any of the following 43097
types of vehicles: 43098

(a) School buses owned or leased by the district; 43099

(b) School buses operated by a private contractor hired by 43100
the district; 43101

(c) School buses operated by another school district or 43102
entity with which the district has contracted, either as part of 43103
a consortium for the provision of transportation or otherwise. 43104

(B) Not later than the first day of November, for fiscal 43105
years ~~2024-2026~~ and ~~2025-2027~~, or a date determined by the 43106
general assembly, for fiscal year ~~2026-2028~~ and each fiscal year 43107
thereafter, of each year, each city, local, and exempted village 43108
school district shall report to the department of education and 43109
workforce its qualifying ridership and any other information 43110
requested by the department. Subsequent adjustments to the 43111
reported numbers shall be made only in accordance with rules 43112
adopted by the department. 43113

(C) The department shall calculate the statewide 43114
transportation cost per student as follows: 43115

(1) Determine each city, local, and exempted village 43116
school district's transportation cost per student by dividing 43117
the district's total costs for school bus service in the 43118
previous fiscal year by its qualifying ridership in the previous 43119

fiscal year. 43120

(2) After excluding districts that do not provide school 43121
bus service and the ten districts with the highest 43122
transportation costs per student and the ten districts with the 43123
lowest transportation costs per student, divide the aggregate 43124
cost for school bus service for the remaining districts in the 43125
previous fiscal year by the aggregate qualifying ridership of 43126
those districts in the previous fiscal year. 43127

(D) The department shall calculate the statewide 43128
transportation cost per mile as follows: 43129

(1) Determine each city, local, and exempted village 43130
school district's transportation cost per mile by dividing the 43131
district's total costs for school bus service in the previous 43132
fiscal year by its total number of miles driven for school bus 43133
service in the previous fiscal year. 43134

(2) After excluding districts that do not provide school 43135
bus service and the ten districts with the highest 43136
transportation costs per mile and the ten districts with the 43137
lowest transportation costs per mile, divide the aggregate cost 43138
for school bus service for the remaining districts in the 43139
previous fiscal year by the aggregate miles driven for school 43140
bus service in those districts in the previous fiscal year. 43141

(E) The department shall calculate each city, local, and 43142
exempted village school district's transportation base payment 43143
as follows: 43144

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 43145

(a) Calculate the sum of the following: 43146

(i) The product of the statewide transportation cost per 43147

student and the number of students counted in the district's 43148
qualifying ridership for the current fiscal year who are 43149
enrolled in the district; 43150

(ii) 1.5 times the statewide transportation cost per 43151
student times the number of students counted in the district's 43152
qualifying ridership for the current fiscal year who are 43153
enrolled in community schools established under Chapter 3314. of 43154
the Revised Code or STEM schools established under Chapter 3326. 43155
of the Revised Code; 43156

(iii) 2.0 times the statewide transportation cost per 43157
student times the number of students counted in the district's 43158
qualifying ridership for the current fiscal year who are 43159
enrolled in nonpublic schools. 43160

(b) Calculate the sum of the following: 43161

(i) The product of the statewide transportation cost per 43162
mile and the number of miles driven for school bus service as 43163
reported for qualifying riders for the current fiscal year who 43164
are enrolled in the district; 43165

(ii) 1.5 times the statewide transportation cost per mile 43166
times the number of miles driven for school bus service as 43167
reported for qualifying riders for the current fiscal year who 43168
are enrolled in community schools or STEM schools; 43169

(iii) 2.0 times the statewide transportation cost per mile 43170
times the number of miles driven for school bus service as 43171
reported for qualifying riders for the current fiscal year who 43172
are enrolled in nonpublic schools. 43173

(c) Multiply the greater of the amounts calculated under 43174
divisions (E) (1) (a) and (b) of this section by the following: 43175

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven-~~
~~forty-five~~ and ~~one-half~~eighty-three hundredths per cent or the
district's state share percentage, as defined in section 3317.02
of the Revised Code;

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one-~~
~~and two-thirds~~fifty per cent or the district's state share
percentage.

(2) For fiscal year ~~2026~~2028 and each fiscal year
thereafter, an amount determined by the general assembly.

(F) For fiscal years ~~2024~~2026 and ~~2025~~2027, the
department shall pay a district's efficiency adjustment payment
in accordance with divisions (F) (1) to (3) of this section. For
fiscal year ~~2026~~2028 and each fiscal year thereafter, the
department shall pay a district's efficiency adjustment payment
in a manner determined by the general assembly, if the general
assembly authorizes such a payment to districts.

(1) The department annually shall establish a target
number of qualifying riders per assigned bus for each city,
local, and exempted village school district. The department
shall use the ~~most recently available~~ data from the previous
fiscal year in establishing the target number. The target number
shall be based on the statewide median number of riders per
assigned bus as adjusted to reflect the district's density in
comparison to the density of all other districts. The department
shall post on the department's web site each district's target
number of riders per assigned bus and a description of how the
target number was determined.

(2) The department shall determine each school district's
efficiency index by dividing the district's number of riders per

assigned bus by its target number of riders per assigned bus. 43205

(3) The department shall determine each city, local, and 43206
exempted village school district's efficiency adjustment payment 43207
as follows: 43208

(a) If the district's efficiency index is equal to or 43209
greater than 1.5, the efficiency adjustment payment shall be 43210
calculated according to the following formula: 43211

0.15 X the district's transportation base payment calculated 43212
under division (E) of this section 43213

(b) If the district's efficiency index is less than 1.5 43214
but greater than or equal to 1.0, the efficiency adjustment 43215
payment shall be calculated according to the following formula: 43216

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 43217
district's transportation base payment calculated under division 43218
(E) of this section 43219

(c) If the district's efficiency index is less than 1.0, 43220
the efficiency adjustment payment shall be zero. 43221

(G) In addition to funds paid under divisions (E), (F), 43222
and (H) of this section, each city, local, and exempted village 43223
district shall receive in accordance with rules adopted by the 43224
department a payment for students transported by means other 43225
than school bus service and whose transportation is not funded 43226
under division (C) of section 3317.024 of the Revised Code. The 43227
rules shall include provisions for school district reporting of 43228
such students. 43229

(H) (1) For purposes of division (H) of this section, a 43230
school district's "transportation supplement percentage" means 43231
the following: 43232

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following quotient: 43233
43234

(28 - the district's rider density) / 100 43235

If the result of the calculation for a district under 43236
division (H) (1) (a) of this section is less than zero, the 43237
district's transportation supplement percentage shall be zero. 43238

(b) For fiscal year ~~2026-2028~~ and each fiscal year 43239
thereafter, a percentage calculated in a manner determined by 43240
the general assembly. 43241

(2) The department shall pay each district a 43242
transportation supplement calculated according to the following 43243
formula: 43244

The district's transportation supplement percentage X the amount 43245
calculated for the district under division (E) (1) (b) of this 43246
section X 0.55 43247

(I) (1) If a school district board and a community school 43248
governing authority elect to enter into an agreement under 43249
division (A) of section 3314.091 of the Revised Code, the 43250
department shall make payments to the community school according 43251
to the terms of the agreement for each student actually 43252
transported under division (C) (1) of that section. If a 43253
community school governing authority accepts transportation 43254
responsibility under division (B) of that section, the 43255
department shall make payments to the community school for each 43256
student actually transported or for whom transportation is 43257
arranged by the community school under division (C) (1) of that 43258
section, calculated as follows: 43259

(a) For any fiscal year which the general assembly has 43260
specified that transportation payments to school districts be 43261

based on an across-the-board percentage of the district's 43262
payment for the previous school year, the per pupil payment to 43263
the community school shall be the following quotient: 43264

(i) The total amount calculated for the school district in 43265
which the child is entitled to attend school for student 43266
transportation other than transportation of children with 43267
disabilities; divided by 43268

(ii) The number of students included in the district's 43269
transportation ADM for the current fiscal year, as calculated 43270
under section 3317.03 of the Revised Code, plus the number of 43271
students enrolled in the community school not counted in the 43272
district's transportation ADM who are transported under division 43273
(B) (1) or (2) of section 3314.091 of the Revised Code. 43274

(b) For any fiscal year which the general assembly has 43275
specified that the transportation payments to school districts 43276
be calculated in accordance with this section and any rules of 43277
the department implementing this section, the payment to the 43278
community school shall be the following: 43279

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, either of the 43280
following: 43281

(I) If the school district in which the student is 43282
entitled to attend school would have used a method of 43283
transportation for the student for which payments are computed 43284
and paid under division (E) of this section, 1.0 times the 43285
statewide transportation cost per student, as calculated in 43286
division (C) of this section; 43287

(II) If the school district in which the student is 43288
entitled to attend school would have used a method of 43289
transportation for the student for which payments are computed 43290

and paid in a manner described in division (G) of this section, 43291
the amount that would otherwise be computed for and paid to the 43292
district. 43293

(ii) For fiscal year 2026-2028 and each fiscal year 43294
thereafter, an amount calculated in a manner determined by the 43295
general assembly. 43296

The community school, however, is not required to use the 43297
same method to transport the student. 43298

As used in this division, "entitled to attend school" 43299
means entitled to attend school under section 3313.64 or 3313.65 43300
of the Revised Code. 43301

(2) A community school shall be paid under division (I) (2) 43302
of this section only for students who are eligible as specified 43303
in section 3327.01 of the Revised Code and division (C) (1) of 43304
section 3314.091 of the Revised Code, and whose transportation 43305
to and from school is actually provided, who actually utilized 43306
transportation arranged, or for whom a payment in lieu of 43307
transportation is made by the community school's governing 43308
authority. To qualify for the payments, the community school 43309
shall report to the department, in the form and manner required 43310
by the department, data on the number of students transported or 43311
whose transportation is arranged, the number of miles traveled, 43312
cost to transport, and any other information requested by the 43313
department. 43314

Sec. 3317.0213. (A) The department of education and 43315
workforce shall compute and pay in accordance with this section 43316
additional state aid for preschool children with disabilities to 43317
each city, local, and exempted village school district and to 43318
each institution, as defined in section 3323.091 of the Revised 43319

Code. Funding shall be provided for children who are not 43320
enrolled in kindergarten and who are under age six on the 43321
thirtieth day of September of the academic year, or on the first 43322
day of August of the academic year if the school district in 43323
which the child is enrolled has adopted a resolution under 43324
division (A) (3) of section 3321.01 of the Revised Code, but not 43325
less than age three on the first day of December of the academic 43326
year. 43327

For fiscal years ~~2024-2026~~ and ~~2025~~2027, the additional 43328
state aid shall be calculated under the following formula: 43329

(\$4,000 X the number of students who are preschool 43330
children with disabilities) + the sum of the following: 43331

(1) The district's or institution's category one special 43332
education students who are preschool children with disabilities 43333
X the multiple specified in division (A) of section 3317.013 of 43334
the Revised Code X the statewide average base cost per pupil for 43335
that fiscal year X the district's state share percentage X 0.50; 43336

(2) The district's or institution's category two special 43337
education students who are preschool children with disabilities 43338
X the multiple specified in division (B) of section 3317.013 of 43339
the Revised Code X the statewide average base cost per pupil for 43340
that fiscal year X the district's state share percentage X 0.50; 43341

(3) The district's or institution's category three special 43342
education students who are preschool children with disabilities 43343
X the multiple specified in division (C) of section 3317.013 of 43344
the Revised Code X the statewide average base cost per pupil for 43345
that fiscal year X the district's state share percentage X 0.50; 43346

(4) The district's or institution's category four special 43347
education students who are preschool children with disabilities 43348

X the multiple specified in division (D) of section 3317.013 of 43349
the Revised Code X the statewide average base cost per pupil for 43350
that fiscal year X the district's state share percentage X 0.50; 43351

(5) The district's or institution's category five special 43352
education students who are preschool children with disabilities 43353
X the multiple specified in division (E) of section 3317.013 of 43354
the Revised Code X the statewide average base cost per pupil for 43355
that fiscal year X the district's state share percentage X 0.50; 43356

(6) The district's or institution's category six special 43357
education students who are preschool children with disabilities 43358
X the multiple specified in division (F) of section 3317.013 of 43359
the Revised Code X the statewide average base cost per pupil for 43360
that fiscal year X the district's state share percentage X 0.50. 43361

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 43362
the additional state aid shall be calculated for each category 43363
of special education students who are preschool children with 43364
disabilities using a formula specified by the general assembly. 43365

The special education disability categories for preschool 43366
children used in this section are the same categories prescribed 43367
in section 3317.013 of the Revised Code. 43368

As used in division (A) of this section, the state share 43369
percentage of a student enrolled in an institution is the state 43370
share percentage of the school district in which the student is 43371
entitled to attend school under section 3313.64 or 3313.65 of 43372
the Revised Code. 43373

(B) If an educational service center is providing services 43374
to students who are preschool children with disabilities under 43375
agreement with the city, local, or exempted village school 43376
district in which the students are entitled to attend school, 43377

that district may authorize the department to transfer funds 43378
computed under this section to the service center providing 43379
those services. 43380

(C) If a county DD board is providing services to students 43381
who are preschool children with disabilities under agreement 43382
with the city, local, or exempted village school district in 43383
which the students are entitled to attend school, the department 43384
shall deduct from the district's payment computed under division 43385
(A) of this section the total amount of those funds that are 43386
attributable to the students served by the county DD board and 43387
pay that amount to that board. 43388

Sec. 3317.0215. (A) (1) For fiscal years ~~2024-2026~~ and 43389
~~2025-2027~~, the department of education and workforce shall 43390
withhold from the aggregate amount paid for a fiscal year to 43391
each city, local, exempted village, and joint vocational school 43392
district, community school established under Chapter 3314. of 43393
the Revised Code, and science, technology, engineering, and 43394
mathematics school established under Chapter 3326. of the 43395
Revised Code an amount equal to the following: 43396

(a) In the case of a city, local, or exempted village 43397
school district, the aggregate amount of special education 43398
funding paid to the district under division (A) (3) of section 43399
3317.022 of the Revised Code times 0.10, subject to any funding 43400
limitations enacted by the general assembly to the computation. 43401

(b) In the case of a community school or STEM school, the 43402
aggregate amount of special education funding paid to the school 43403
under division (A) (1) (b) of section 3317.026 of the Revised Code 43404
times 0.10, subject to any funding limitations enacted by the 43405
general assembly to the computation. 43406

(c) In the case of a joint vocational school district, the
aggregate amount of special education funding paid to the school
under division (A) (2) of section 3317.16 of the Revised Code
times 0.10, subject to any funding limitations enacted by the
general assembly to the computation.

(2) For fiscal year ~~2026~~2028 and each fiscal year
thereafter, the department shall withhold from the aggregate
amount paid for a fiscal year to each city, local, exempted
village, and joint vocational school district, community school,
and science, technology, engineering, and mathematics school an
amount determined by the general assembly, if any, for purposes
of this section.

(B) For fiscal years ~~2024~~2026 and ~~2025~~2027, the
department shall use the amount of funds withheld under division
(A) of this section for purposes of division (C) (1) of section
3314.08 of the Revised Code, section 3317.0214 of the Revised
Code, division (B) of section 3317.16 of the Revised Code, and
section 3326.34 of the Revised Code.

For fiscal year ~~2026~~2028 and each fiscal year thereafter,
the department shall use the amount of funds withheld under
division (A) of this section, if any, for purposes determined by
the general assembly.

Sec. 3317.0217. This section shall apply only for fiscal
years ~~2024~~2026 and ~~2025~~2027.

Payment of the amount calculated for a school district
under this section shall be made under division (A) of section
3317.022 of the Revised Code.

(A) For each fiscal year, the department of education and
workforce shall compute targeted assistance funds for city,

local, and exempted village school districts, in accordance with 43436
the following formula: 43437

A district's capacity amount for that fiscal year 43438
calculated under division (B) of this section + a district's 43439
wealth amount for that fiscal year calculated under division (C) 43440
of this section 43441

(B) The department shall calculate each district's 43442
capacity amount for a fiscal year as follows: 43443

(1) Calculate each district's weighted wealth for that 43444
fiscal year, which equals the following sum: 43445

(The amount determined for the district for that fiscal year 43446
under division (A) (1) (a) of section 3317.017 of the Revised Code 43447
X 0.6) + (the amount determined for the district for that fiscal 43448
year under division (A) (2) (a) of section 3317.017 of the Revised 43449
Code X 0.4) 43450

(2) Determine the median weighted wealth of all school 43451
districts in this state for that fiscal year; 43452

(3) Compute each district's capacity index for that fiscal 43453
year by dividing the median weighted wealth of all school 43454
districts in this state for that fiscal year by the district's 43455
weighted wealth for that fiscal year; 43456

(4) Compute each district's capacity amount for that 43457
fiscal year as follows: 43458

(a) The district's capacity amount shall be zero if the 43459
district satisfies either of the following criteria for that 43460
fiscal year: 43461

(i) The district's capacity index is less than 1. 43462

(ii) The district's enrolled ADM is less than 200. 43463

(b) If the district does not satisfy either of the 43464
criteria specified in division (B) (4) (a) of this section for 43465
that fiscal year, the district's capacity amount for that fiscal 43466
year shall be calculated as follows: 43467

(i) Compute the following amount for the district: 43468

(The median weighted wealth of all school districts in this 43469
state for that fiscal year X 0.008) - (the district's weighted 43470
wealth for that fiscal year X 0.008) 43471

(ii) If the district's enrolled ADM for that fiscal year 43472
is greater than or equal to 200 but less than or equal to 400, 43473
the district's capacity amount for that fiscal year shall be 43474
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 43475
of this section. 43476

(iii) If the district's enrolled ADM for that fiscal year 43477
is greater than 400 and less than 600, the district's capacity 43478
amount for that fiscal year shall be calculated in accordance 43479
with the following formula: 43480

$$\{[0.95 \times (\text{the district's enrolled ADM for that fiscal year} - 43481$$

$$400)/200] + 0.05\} \times \text{the amount computed under division (B) (4) (b) 43482}$$

(i) of this section 43483

(iv) If the district's enrolled ADM for that fiscal year 43484
is greater than or equal to 600, the district's capacity amount 43485
for that fiscal year shall be equal to the amount computed under 43486
division (B) (4) (b) (i) of this section. 43487

(C) The department shall calculate each district's wealth 43488
amount for a fiscal year as follows: 43489

(1) Calculate each district's weighted wealth per pupil 43490

for that fiscal year, which equals the following quotient: 43491

The district's weighted wealth for that fiscal year 43492
calculated under division (B) (1) of this section/ (the 43493
district's enrolled ADM for that fiscal year - the students 43494
described in division (A) (1) (b) of section 3317.03 of the 43495
Revised Code + the students described in division (A) (2) (d) of 43496
section 3317.03 of the Revised Code) 43497

(2) Determine the median weighted wealth per pupil of all 43498
school districts in this state for that fiscal year; 43499

(3) Compute each district's wealth index for that fiscal 43500
year by dividing the median weighted wealth per pupil of all 43501
school districts in this state for that fiscal year by the 43502
district's weighted wealth per pupil for that fiscal year; 43503

(4) Compute each district's wealth amount for that fiscal 43504
year, as follows: 43505

(a) If the district's wealth index computed under division 43506
(C) (3) of this section for that fiscal year is less than 0.8, 43507
the district's wealth amount for that fiscal year shall be zero. 43508

(b) If the district's wealth index computed under division 43509
(C) (3) of this section for that fiscal year is greater than or 43510
equal to 0.8, the district's wealth amount for that fiscal year 43511
shall be calculated in accordance with the following formula: 43512

[(The median weighted wealth per pupil of all school districts 43513
in this state for that fiscal year X 0.014) - (the district's 43514
weighted wealth per pupil for that fiscal year X 0.0112)] X the 43515
district's enrolled ADM for that fiscal year 43516

Sec. 3317.0218. This section shall apply only for fiscal 43517
years 2024-2026 and 2025-2027. 43518

For each fiscal year, the department of education shall 43519
compute supplemental targeted assistance for each city, local, 43520
and exempted village school district as follows: 43521

(A) Determine if the district satisfies both of the 43522
following criteria: 43523

(1) The wealth index calculated for the district for 43524
fiscal year 2019 under division (A) (4) of former section 43525
3317.0217 of the Revised Code as it existed prior to September 43526
30, 2021, is greater than 1.6; 43527

(2) The district's enrolled ADM for fiscal year 2019 is 43528
less than eighty-eight per cent of the district's total ADM for 43529
fiscal year 2019. 43530

(B) Determine the maximum of the wealth indices calculated 43531
under division (A) (4) of former section 3317.0217 of the Revised 43532
Code as it existed prior to September 30, 2021, for all 43533
districts that satisfy both of the criteria specified under 43534
division (A) of this section; 43535

(C) If the district satisfies both of the criteria 43536
specified under division (A) of this section, compute the 43537
district's supplemental amount as the product of the following: 43538

(1) $\{[(\text{The number specified under division (A) (1) of this}$ 43539
 $\text{section} - 1.6) / (\text{the number determined under division (B) of}$ 43540
 $\text{this section} - 1.6)] \times 675\} + 75;$ 43541

(2) The district's enrolled ADM. 43542

(D) If the district does not satisfy both of the criteria 43543
specified under division (A) of this section, the district's 43544
supplemental amount shall be equal to zero. 43545

Sec. 3317.051. (A) The department of education and 43546

workforce shall compute and pay to a school district funds based 43547
on units for services to students identified as gifted under 43548
Chapter 3324. of the Revised Code as prescribed by this section. 43549

(B) The department shall allocate gifted units for a 43550
school district as follows: 43551

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 43552

(a) One gifted coordinator unit shall be allocated for 43553
every 3,300 students in a district's enrolled ADM, with a 43554
minimum of 0.5 units and a maximum of 8 units allocated for the 43555
district. 43556

(b) One kindergarten through eighth grade gifted 43557
intervention specialist unit shall be allocated for every 140 43558
gifted students enrolled in grades kindergarten through eight in 43559
the district, as certified under division (B) (22) of section 43560
3317.03 of the Revised Code, with a minimum of 0.3 units 43561
allocated for the district. 43562

(c) One ninth through twelfth grade gifted intervention 43563
specialist unit shall be allocated for every 140 gifted students 43564
enrolled in grades nine through twelve in the district, as 43565
certified under division (B) (22) of section 3317.03 of the 43566
Revised Code, with a minimum of 0.3 units allocated for the 43567
district. 43568

(2) For fiscal year ~~2026-2028~~ and each fiscal year 43569
thereafter, in the manner prescribed by the general assembly. 43570

(C) The department shall pay an amount to a school 43571
district for gifted units as follows: 43572

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 43573
equal to the following sum: 43574

($\$85,776 \times$ the number of units allocated to a school district under division (B) (1) (a) of this section $\times$ the district's state share percentage) + ($\$89,378 \times$ the number of units allocated to a school district under division (B) (1) (b) of this section $\times$ the district's state share percentage) + ($\$80,974 \times$ the number of units allocated to a school district under division (B) (1) (c) of this section $\times$ the district's state share percentage)

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district.

Sec. 3317.06. Moneys paid to school districts under division (E) (1) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or digital texts as have been approved by the department of education and workforce for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or digital texts shall, for administrative convenience, be

submitted by the nonpublic school pupil or the pupil's parent to 43605
the nonpublic school, which shall prepare and submit collective 43606
summaries of the individual requests to the school district. As 43607
used in this section: 43608

(1) "Textbook" means any book or book substitute that a 43609
pupil uses as a consumable or nonconsumable text, text 43610
substitute, or text supplement in a particular class or program 43611
in the school the pupil regularly attends. 43612

(2) "Digital text" means a consumable book or book 43613
substitute that a student accesses through the use of a computer 43614
or other electronic medium or that is available through an 43615
internet-based provider of course content, or any other material 43616
that contributes to the learning process through electronic 43617
means. 43618

(B) To provide speech and hearing diagnostic services to 43619
pupils attending nonpublic schools within the district described 43620
in division (E)(1) of section 3317.024 of the Revised Code. Such 43621
service shall be provided in the nonpublic school attended by 43622
the pupil receiving the service. 43623

(C) To provide physician, nursing, dental, and optometric 43624
services to pupils attending nonpublic schools within the 43625
district described in division (E)(1) of section 3317.024 of the 43626
Revised Code. Such services shall be provided in the school 43627
attended by the nonpublic school pupil receiving the service. 43628

(D) To provide diagnostic mental health or psychological 43629
services to pupils attending nonpublic schools within the 43630
district described in division (E)(1) of section 3317.024 of the 43631
Revised Code. Such services shall be provided in the school 43632
attended by the pupil receiving the service. 43633

(E) To provide therapeutic mental health, psychological, 43634
and speech and hearing services to pupils attending nonpublic 43635
schools within the district described in division (E)(1) of 43636
section 3317.024 of the Revised Code. Such services shall be 43637
provided in the public school, in nonpublic schools, in public 43638
centers, or in mobile units located on or off of the nonpublic 43639
premises. If such services are provided in the public school or 43640
in public centers, transportation to and from such facilities 43641
shall be provided by the school district in which the nonpublic 43642
school is located. 43643

(F) To provide guidance, counseling, and social work 43644
services to pupils attending nonpublic schools within the 43645
district described in division (E)(1) of section 3317.024 of the 43646
Revised Code. Such services shall be provided in the public 43647
school, in nonpublic schools, in public centers, or in mobile 43648
units located on or off of the nonpublic premises. If such 43649
services are provided in the public school or in public centers, 43650
transportation to and from such facilities shall be provided by 43651
the school district in which the nonpublic school is located. 43652

(G) To provide remedial services to pupils attending 43653
nonpublic schools within the district described in division (E) 43654
(1) of section 3317.024 of the Revised Code. Such services shall 43655
be provided in the public school, in nonpublic schools, in 43656
public centers, or in mobile units located on or off of the 43657
nonpublic premises. If such services are provided in the public 43658
school or in public centers, transportation to and from such 43659
facilities shall be provided by the school district in which the 43660
nonpublic school is located. 43661

(H) To supply for use by pupils attending nonpublic 43662
schools within the district described in division (E)(1) of 43663

section 3317.024 of the Revised Code such standardized tests and 43664
scoring services as are in use in the public schools of the 43665
state; 43666

(I) To provide programs for children who attend nonpublic 43667
schools within the district described in division (E)(1) of 43668
section 3317.024 of the Revised Code and are children with 43669
disabilities as defined in section 3323.01 of the Revised Code 43670
or gifted children. Such programs shall be provided in the 43671
public school, in nonpublic schools, in public centers, or in 43672
mobile units located on or off of the nonpublic premises. If 43673
such programs are provided in the public school or in public 43674
centers, transportation to and from such facilities shall be 43675
provided by the school district in which the nonpublic school is 43676
located. 43677

(J) To hire clerical personnel to assist in the 43678
administration of programs pursuant to divisions (B), (C), (D), 43679
(E), (F), (G), and (I) of this section and to hire supervisory 43680
personnel to supervise the providing of services and textbooks 43681
pursuant to this section. 43682

(K) To purchase or lease any secular, neutral, and 43683
nonideological computer application software designed to assist 43684
students in performing a single task or multiple related tasks, 43685
device management software, learning management software, site- 43686
licensing, digital video on demand (DVD), wide area connectivity 43687
and related technology as it relates to internet access, 43688
mathematics or science equipment and materials, instructional 43689
materials, and school library materials that are in general use 43690
in the public schools of the state and loan such items to pupils 43691
attending nonpublic schools within the district described in 43692
division (E)(1) of section 3317.024 of the Revised Code or to 43693

their parents, and to hire clerical personnel to administer the 43694
lending program. Only such items that are incapable of diversion 43695
to religious use and that are susceptible of loan to individual 43696
pupils and are furnished for the use of individual pupils shall 43697
be purchased and loaned under this division. As used in this 43698
section, "instructional materials" means prepared learning 43699
materials that are secular, neutral, and nonideological in 43700
character and are of benefit to the instruction of school 43701
children. "Instructional materials" includes media content that 43702
a student may access through the use of a computer or electronic 43703
device. 43704

Mobile applications that are secular, neutral, and 43705
nonideological in character and that are purchased for less than 43706
twenty dollars for instructional use shall be considered to be 43707
consumable and shall be distributed to students without the 43708
expectation that the applications must be returned. 43709

(L) To purchase or lease instructional equipment, 43710
including computer hardware and related equipment in general use 43711
in the public schools of the state, for use by pupils attending 43712
nonpublic schools within the district described in division (E) 43713
(1) of section 3317.024 of the Revised Code and to loan such 43714
items to pupils attending such nonpublic schools within the 43715
district or to their parents, and to hire clerical personnel to 43716
administer the lending program. "Computer hardware and related 43717
equipment" includes desktop computers and workstations; laptop 43718
computers, computer tablets, and other mobile handheld devices; 43719
their operating systems and accessories; and any equipment 43720
designed to make accessible the environment of a classroom to a 43721
student, who is physically unable to attend classroom activities 43722
due to hospitalization or other circumstances, by allowing real- 43723
time interaction with other students both one-on-one and in 43724

group discussion. 43725

(M) To purchase mobile units to be used for the provision 43726
of services pursuant to divisions (E), (F), (G), and (I) of this 43727
section and to pay for necessary repairs and operating costs 43728
associated with these units. 43729

(N) To reimburse costs the district incurred to store the 43730
records of a chartered nonpublic school that closes. 43731
Reimbursements under this division shall be made one time only 43732
for each chartered nonpublic school described in division (E) (1) 43733
of section 3317.024 of the Revised Code that closes. 43734

(O) To purchase life-saving medical or other emergency 43735
equipment for placement in nonpublic schools within the district 43736
described in division (E) (1) of section 3317.024 of the Revised 43737
Code or to maintain such equipment. 43738

(P) To procure and pay for security services from a county 43739
sheriff or a township or municipal police force or from a person 43740
certified through the Ohio peace officer training commission, in 43741
accordance with section 109.78 of the Revised Code, as a special 43742
police, security guard, or as a privately employed person 43743
serving in a police capacity for nonpublic schools in the 43744
district described in division (E) (1) of section 3317.024 of the 43745
Revised Code. 43746

(Q) To provide language and academic support services and 43747
other accommodations for English learners attending nonpublic 43748
schools within the district described in division (E) (1) of 43749
section 3317.024 of the Revised Code. 43750

Clerical and supervisory personnel hired pursuant to 43751
division (J) of this section shall perform their services in the 43752
public schools, in nonpublic schools, public centers, or mobile 43753

units where the services are provided to the nonpublic school 43754
pupil, except that such personnel may accompany pupils to and 43755
from the service sites when necessary to ensure the safety of 43756
the children receiving the services. 43757

All services provided pursuant to this section may be 43758
provided under contract with educational service centers, the 43759
department of health, city or general health districts, or 43760
private agencies whose personnel are properly licensed by an 43761
appropriate state board or agency. School districts shall not 43762
deny a nonpublic school's request for personnel who are properly 43763
licensed by a state board or agency. 43764

Transportation of pupils provided pursuant to divisions 43765
(E), (F), (G), and (I) of this section shall be provided by the 43766
school district from its general funds and not from moneys paid 43767
to it under division (E)(1) of section 3317.024 of the Revised 43768
Code unless a special transportation request is submitted by the 43769
parent of the child receiving service pursuant to such 43770
divisions. If such an application is presented to the school 43771
district, it may pay for the transportation from moneys paid to 43772
it under division (E)(1) of section 3317.024 of the Revised 43773
Code. 43774

No school district shall provide health or remedial 43775
services to nonpublic school pupils as authorized by this 43776
section unless such services are available to pupils attending 43777
the public schools within the district. 43778

Materials, equipment, computer hardware or software, 43779
textbooks, digital texts, and health and remedial services 43780
provided for the benefit of nonpublic school pupils pursuant to 43781
this section and the admission of pupils to such nonpublic 43782
schools shall be provided without distinction as to race, creed, 43783

color, or national origin of such pupils or of their teachers. 43784

No school district shall provide services, materials, or 43785
equipment that contain religious content for use in religious 43786
courses, devotional exercises, religious training, or any other 43787
religious activity. 43788

As used in this section, "parent" includes a person 43789
standing in loco parentis to a child. 43790

Notwithstanding section 3317.01 of the Revised Code, 43791
payments shall be made under this section to any city, local, or 43792
exempted village school district within which is located one or 43793
more nonpublic elementary or high schools described in division 43794
(E) (1) of section 3317.024 of the Revised Code and any payments 43795
made to school districts under division (E) (1) of section 43796
3317.024 of the Revised Code for purposes of this section may be 43797
disbursed without submission to and approval of the controlling 43798
board. 43799

The allocation of payments for materials, equipment, 43800
textbooks, digital texts, health services, and remedial services 43801
to city, local, and exempted village school districts shall be 43802
on the basis of the department's estimated annual average daily 43803
membership in nonpublic elementary and high schools located in 43804
the district described in division (E) (1) of section 3317.024 of 43805
the Revised Code. 43806

Payments made to city, local, and exempted village school 43807
districts under this section shall be equal to specific 43808
appropriations made for the purpose. All interest earned by a 43809
school district on such payments shall be used by the district 43810
for the same purposes and in the same manner as the payments may 43811
be used. 43812

The department shall adopt guidelines and procedures under 43813
which such programs and services shall be provided, under which 43814
districts and educational service centers with which districts 43815
contract to provide auxiliary services shall be reimbursed for 43816
administrative costs incurred in providing such programs and 43817
services, and under which any unexpended balance of the amounts 43818
appropriated by the general assembly to implement this section 43819
may be transferred to the auxiliary services personnel 43820
unemployment compensation fund established pursuant to section 43821
4141.47 of the Revised Code. If a district contracts with an 43822
educational service center to provide auxiliary services, only 43823
the service center shall be reimbursed for administrative costs. 43824
The department shall also adopt guidelines and procedures 43825
limiting the purchase and loan of the items described in 43826
division (K) of this section to items that are in general use in 43827
the public schools of the state, that are incapable of diversion 43828
to religious use, and that are susceptible to individual use 43829
rather than classroom use. Within thirty days after the end of 43830
each biennium, each board of education shall remit to the 43831
department all moneys paid to it under division (E) (1) of 43832
section 3317.024 of the Revised Code and any interest earned on 43833
those moneys that are not required to pay expenses incurred 43834
under this section during the biennium for which the money was 43835
appropriated and during which the interest was earned. If a 43836
board of education subsequently determines that the remittal of 43837
moneys leaves the board with insufficient money to pay all valid 43838
expenses incurred under this section during the biennium for 43839
which the remitted money was appropriated, the board may apply 43840
to the department for a refund of money, not to exceed the 43841
amount of the insufficiency. If the department determines the 43842
expenses were lawfully incurred and would have been lawful 43843
expenditures of the refunded money, it shall certify its 43844

determination and the amount of the refund to be made to the 43845
director of job and family services who shall make a refund as 43846
provided in section 4141.47 of the Revised Code. 43847

Each school district shall label materials, equipment, 43848
computer hardware or software, textbooks, and digital texts 43849
purchased or leased for loan to a nonpublic school under this 43850
section, acknowledging that they were purchased or leased with 43851
state funds under this section. However, a district need not 43852
label materials, equipment, computer hardware or software, 43853
textbooks, or digital texts that the district determines are 43854
consumable in nature or have a value of less than two hundred 43855
dollars. 43856

Sec. 3317.11. (A) As used in this section: 43857

(1) For fiscal years ~~2024–2026~~ and ~~2025~~2027, "base amount" 43858
is equal to \$356,250. 43859

(2) For fiscal years ~~2024–2026~~ and ~~2025~~2027, "funding 43860
base" means an amount calculated by the department of education 43861
and workforce that is equal to the amount an educational service 43862
center would have received under Section 265.360 of H.B. 166 of 43863
the 133rd general assembly for fiscal year 2020 using the 43864
student counts of the school districts with which the service 43865
center has service agreements for the fiscal year for which 43866
payments under this section are being made. 43867

(3) For fiscal years ~~2024–2026~~ and ~~2025~~2027, "general 43868
phase-in percentage" for an educational service center means the 43869
"general phase-in percentage" for school districts as defined in 43870
section 3317.02 of the Revised Code. 43871

(4) For fiscal years ~~2024–2026~~ and ~~2025~~2027, "student 43872
count" means the count calculated under division (G) (1) of 43873

section 3313.843 of the Revised Code. 43874

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 43875
department of education and workforce shall pay the governing 43876
board of each educational service center an amount equal to the 43877
following: 43878

The educational service center's funding base + [(the 43879
amount calculated for the educational service center for that 43880
fiscal year under division (C) of this section - the educational 43881
service center's funding base) X the educational service 43882
center's general phase-in percentage for that fiscal year] 43883

(2) For fiscal year ~~2026-2028~~ and each fiscal year 43884
thereafter, the department shall pay the governing board of each 43885
educational service center an amount calculated in a manner 43886
determined by the general assembly. 43887

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 43888
department shall calculate an amount for each educational 43889
service center as follows: 43890

(1) If the educational service center has a student count 43891
of 5,000 students or less, the base amount. 43892

(2) If the educational service center has a student count 43893
greater than 5,000 students but less than or equal to 35,000 43894
students, the following sum: 43895

The base amount + [(the educational service center's student 43896
count - 5,000) X \$24.72] 43897

(3) If the educational service center has a student count 43898
greater than 35,000 students, the following sum: 43899

The base amount + (30,000 X \$24.72) + [(the educational service 43900
center's student count - 35,000) X \$30.90] 43901

Sec. 3317.16. The department of education and workforce 43902
shall compute and distribute state core foundation funding to 43903
each funding unit that is a joint vocational school district for 43904
the fiscal year as follows: 43905

For fiscal years ~~2024-2026~~ and ~~2025~~2027: 43906

The district's funding base + [(the district's state core 43907
foundation funding components for that fiscal year calculated 43908
under divisions (A)(1), (2), (4), (5), and (6) of this section - 43909
the district's general funding base) X the district's general 43910
phase-in percentage for that fiscal year] + [(the district's 43911
disadvantaged pupil impact aid for that fiscal year calculated 43912
under division (A)(3) of this section - the district's 43913
disadvantaged pupil impact aid funding base) X the district's 43914
phase-in percentage for disadvantaged pupil impact aid for that 43915
fiscal year] 43916

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 43917
the sum of the district's state core foundation funding 43918
components for that fiscal year calculated under divisions (A) 43919
(1), (2), (3), (4), (5), and (6) of this section. 43920

(A) A district's state core foundation funding components 43921
shall be all of the following: 43922

(1) The district's state share of the base cost, which is 43923
equal to the following: 43924

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 43925
calculated according to the following formula: 43926

~~(The district's base cost calculated under section 3317.012 of~~ 43927
~~the Revised Code) -- (0.0005 X the lesser of the district's~~ 43928
~~three-year average valuation or the district's most recent~~ 43929
~~valuation) --~~ 43930

~~However, no district shall receive an amount under division (A)~~ 43931
~~(1) of this section that is less than 0.10 times the base cost~~ 43932
~~calculated for the district under section 3317.012 of the~~ 43933
~~Revised Code.~~ enrolled ADM for the fiscal year) X (the 43934
district's state share percentage for the fiscal year) X (the 43935
district's base cost per pupil for the fiscal year) 43936

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 43937
an amount calculated in a manner determined by the general 43938
assembly. 43939

(2) Additional state aid for special education and related 43940
services provided under Chapter 3323. of the Revised Code 43941
calculated as follows: 43942

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 43943
the following: 43944

(i) The district's category one special education ADM X 43945
the multiple specified in division (A) of section 3317.013 of 43946
the Revised Code X the statewide average base cost per pupil for 43947
that fiscal year X the district's state share percentage; 43948

(ii) The district's category two special education ADM X 43949
the multiple specified in division (B) of section 3317.013 of 43950
the Revised Code X the statewide average base cost per pupil for 43951
that fiscal year X the district's state share percentage; 43952

(iii) The district's category three special education ADM 43953
X the multiple specified in division (C) of section 3317.013 of 43954
the Revised Code X the statewide average base cost per pupil for 43955
that fiscal year X the district's state share percentage; 43956

(iv) The district's category four special education ADM X 43957
the multiple specified in division (D) of section 3317.013 of 43958
the Revised Code X the statewide average base cost per pupil for 43959

that fiscal year X the district's state share percentage; 43960

(v) The district's category five special education ADM X 43961
the multiple specified in division (E) of section 3317.013 of 43962
the Revised Code X the statewide average base cost per pupil for 43963
that fiscal year X the district's state share percentage; 43964

(vi) The district's category six special education ADM X 43965
the multiple specified in division (F) of section 3317.013 of 43966
the Revised Code X the statewide average base cost per pupil for 43967
that fiscal year X the district's state share percentage. 43968

(b) For fiscal year ~~2026~~2028 and each fiscal year 43969
thereafter, the sum of the following: 43970

(i) An amount calculated in a manner determined by the 43971
general assembly times the funding unit's category one special 43972
education ADM; 43973

(ii) An amount calculated in a manner determined by the 43974
general assembly times the funding unit's category two special 43975
education ADM; 43976

(iii) An amount calculated in a manner determined by the 43977
general assembly times the funding unit's category three special 43978
education ADM; 43979

(iv) An amount calculated in a manner determined by the 43980
general assembly times the funding unit's category four special 43981
education ADM; 43982

(v) An amount calculated in a manner determined by the 43983
general assembly times the funding unit's category five special 43984
education ADM; 43985

(vi) An amount calculated in a manner determined by the 43986
general assembly times the funding unit's category six special 43987

education ADM. 43988

(3) Disadvantaged pupil impact aid calculated as follows: 43989

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 43990
calculated according to the following formula: 43991

\$422 X the district's economically disadvantaged index X the 43992
number of students who are economically disadvantaged as 43993
certified under division (D) (2) (p) of section 3317.03 of the 43994
Revised Code 43995

(b) For fiscal year ~~2026-2028~~ and each fiscal year 43996
thereafter, an amount calculated in a manner determined by the 43997
general assembly. 43998

(4) English learner funds calculated as follows: 43999

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 44000
the following: 44001

(i) The district's category one English learner ADM X the 44002
multiple specified in division (A) of section 3317.016 of the 44003
Revised Code X the statewide average base cost per pupil for 44004
that fiscal year X the district's state share percentage; 44005

(ii) The district's category two English learner ADM X the 44006
multiple specified in division (B) of section 3317.016 of the 44007
Revised Code X the statewide average base cost per pupil for 44008
that fiscal year X the district's state share percentage; 44009

(iii) The district's category three English learner ADM X 44010
the multiple specified in division (C) of section 3317.016 of 44011
the Revised Code X the statewide average base cost per pupil for 44012
that fiscal year X the district's state share percentage. 44013

(b) For fiscal year ~~2026-2028~~ and each fiscal year 44014

thereafter, the sum of the following: 44015

(i) An amount calculated in a manner determined by the 44016
general assembly times the funding unit's category one English 44017
learner ADM; 44018

(ii) An amount calculated in a manner determined by the 44019
general assembly times the funding unit's category two English 44020
learner ADM; 44021

(iii) An amount calculated in a manner determined by the 44022
general assembly times the funding unit's category three English 44023
learner ADM. 44024

(5) Career-technical education funds calculated under 44025
division (C) of section 3317.014 of the Revised Code. 44026

(6) Career-technical education associated services funds 44027
calculated under division (D) of section 3317.014 of the Revised 44028
Code. 44029

(B)(1) If a joint vocational school district's costs for a 44030
fiscal year for a student in its categories two through six 44031
special education ADM exceed the threshold cost for serving the 44032
student, as specified in division (B) of section 3317.0214 of 44033
the Revised Code, the district may submit to the department 44034
documentation, as prescribed by the department, of all of its 44035
costs for that student. Upon submission of documentation for a 44036
student of the type and in the manner prescribed, the department 44037
shall pay to the district an amount equal to the sum of the 44038
following: 44039

(a) One-half of the district's costs for the student in 44040
excess of the threshold cost; 44041

(b) The product of one-half of the district's costs for 44042

the student in excess of the threshold cost multiplied by the 44043
district's state share percentage. 44044

(2) The district shall report under division (B) (1) of 44045
this section, and the department shall pay for, only the costs 44046
of educational expenses and the related services provided to the 44047
student in accordance with the student's individualized 44048
education program. Any legal fees, court costs, or other costs 44049
associated with any cause of action relating to the student may 44050
not be included in the amount. 44051

(C) (1) For each student with a disability receiving 44052
special education and related services under an individualized 44053
education program, as defined in section 3323.01 of the Revised 44054
Code, at a joint vocational school district, the resident 44055
district or, if the student is enrolled in a community school, 44056
the community school shall be responsible for the amount of any 44057
costs of providing those special education and related services 44058
to that student that exceed the sum of the amount calculated for 44059
those services attributable to that student under division (A) 44060
of this section. 44061

Those excess costs shall be calculated using a formula 44062
approved by the department. 44063

(2) The board of education of the joint vocational school 44064
district may report the excess costs calculated under division 44065
(C) (1) of this section to the department. 44066

(3) If the board of education of the joint vocational 44067
school district reports excess costs under division (C) (2) of 44068
this section, the department shall pay the amount of excess cost 44069
calculated under division (C) (2) of this section to the joint 44070
vocational school district and shall deduct that amount as 44071

provided in division (C) (3) (a) or (b) of this section, as 44072
applicable: 44073

(a) If the student is not enrolled in a community school, 44074
the department shall deduct the amount from the account of the 44075
student's resident district pursuant to division (J) of section 44076
3317.023 of the Revised Code. 44077

(b) If the student is enrolled in a community school, the 44078
department shall deduct the amount from the account of the 44079
community school pursuant to section 3314.083 of the Revised 44080
Code. 44081

(D) A joint vocational school district shall spend the 44082
funds it receives under division (A) (3) of this section in 44083
accordance with section 3317.25 of the Revised Code. 44084

(E) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 44085
district shall spend the funds it receives under division (A) (4) 44086
of this section only for services for English learners. 44087

(F) As used in this section: 44088

(1) "Community school" means a community school 44089
established under Chapter 3314. of the Revised Code. 44090

(2) "Resident district" means the city, local, or exempted 44091
village school district in which a student is entitled to attend 44092
school under section 3313.64 or 3313.65 of the Revised Code. 44093

Sec. 3317.161. (A) As used in this section, "lead 44094
district" has the same meaning as in section 3317.023 of the 44095
Revised Code. 44096

(B) (1) A career-technical education program or a dropout 44097
prevention and recovery program of a city, local, or exempted 44098
village school district, community school, or STEM school shall 44099

be subject to approval under this section in order for the 44100
district or school to qualify for state funding for the program. 44101
Approval granted under this section shall be valid for the five 44102
fiscal years following the fiscal year in which the program is 44103
approved and may be renewed. Approval shall be subject to annual 44104
review under division (E) of this section. 44105

(2) If a district or school becomes a new member of a 44106
career-technical planning district, its career-technical 44107
education programs shall be approved or disapproved by the lead 44108
district of the career-technical planning district during the 44109
fiscal year in which the district or school becomes a member of 44110
the career-technical planning district. Any program of the 44111
district or school that was approved by the department of 44112
education and workforce for an approval period that includes the 44113
fiscal year in which the district or school becomes a new member 44114
of the career-technical planning district shall retain its 44115
approved status during that fiscal year. 44116

(3) If an existing member of a career-technical planning 44117
district develops a new career-technical education program, that 44118
program shall be approved or disapproved by the lead district of 44119
the career-technical planning district prior to the first fiscal 44120
year for which the district or school is seeking funding for the 44121
program. 44122

(4) Except as provided in division (B) (2) of this section, 44123
if a career-technical education program was approved by the 44124
department prior to September 29, 2013, that approval remains 44125
valid for the unexpired remainder of the approval period 44126
specified by the department. Approval of that program may then 44127
be renewed in accordance with this section on a date prior to 44128
the expiration of the approval period. 44129

(C) (1) The lead district of a career-technical planning 44130
district shall approve or disapprove for a five-year period each 44131
career-technical education program of the city, local, and 44132
exempted village school districts, community schools, and STEM 44133
schools that are assigned by the department to the career- 44134
technical planning district. The lead district's decision to 44135
approve or disapprove a program shall be based on requirements 44136
for career-technical education programs that are specified in 44137
rules adopted by the department. These requirements shall 44138
include, but are not limited to, all of the following: 44139

(a) Demand for the career-technical education program by 44140
industries in the state; 44141

(b) Quality of the program; 44142

(c) Potential for a student enrolled in the program to 44143
receive the training that will qualify the student for industry 44144
credentials or post-secondary education; 44145

(d) Admission requirements of the lead district; 44146

(e) Past performance of the district or school that is 44147
offering the program; 44148

(f) Traveling distance; 44149

(g) Sustainability; 44150

(h) Capacity; 44151

(i) Availability of the program within the career- 44152
technical planning district; 44153

(j) In the case of a new program, the cost to begin the 44154
program. 44155

~~(2) The lead district shall approve or disapprove each~~ 44156

~~program not later than the first day of March prior to the first~~ 44157
~~fiscal year for which the district or school is seeking funding~~ 44158
~~for the program.~~ If a program is approved, the lead district 44159
shall notify the department of its decision. If a program is 44160
disapproved, the lead district shall notify the district or 44161
school of its decision. 44162

If the lead district disapproves the program or does not 44163
take any action to approve or disapprove the program ~~by the~~ 44164
~~first day of March,~~ the district or school may appeal the lead 44165
district's decision or failure to take action to the department- 44166
~~by the fifteenth day of March.~~ 44167

(D) (1) Upon receiving notification of a lead district's 44168
approval of a district's or school's career-technical education 44169
program, the department shall review the lead district's 44170
decision and determine whether to approve or disapprove the 44171
~~program not later than the fifteenth day of May prior to the~~ 44172
~~first fiscal year for which the district or school is seeking~~ 44173
~~funding for the program.~~ The department shall notify the 44174
district or school and the lead district of the district's or 44175
school's career-technical planning district of its 44176
determination. 44177

(2) Upon receiving an appeal from a district or school of 44178
a lead district's disapproval of a career-technical education 44179
program or failure to take action to approve or disapprove the 44180
program, the department shall review the lead district's 44181
disapproval or failure to take action. The department shall 44182
decide whether to approve or disapprove the program as a result 44183
of this review ~~not later than the fifteenth day of May prior to~~ 44184
~~the first fiscal year for which the district or school is~~ 44185
~~seeking funding for the program.~~ The department shall notify the 44186

lead district and the appealing district or school of its 44187
determination. 44188

(3) In conducting a review under division (D) (1) or (2) of 44189
this section, the department shall consider the criteria 44190
prescribed under division (C) (1) of this section. 44191

(4) If the department approves a program under division 44192
(D) (1) or (2) of this section, it shall authorize the payment to 44193
the district or school of the funds attributed to the career- 44194
technical students enrolled in that program in the next fiscal 44195
year according to a payment schedule prescribed by the 44196
department. 44197

(5) The department's decisions under divisions (D) (1) and 44198
(2) of this section shall be final and not appealable. 44199

~~(6) The director of education and workforce may adopt 44200
guidelines identifying circumstances in which the department 44201
may, after consulting with a lead district, approve or 44202
disapprove a program that has been approved or disapproved by 44203
the lead district after the deadline prescribed in division (D) 44204
(1) or (2) of this section has passed. 44205~~

The department shall authorize a payment for any dropout 44206
prevention and recovery program offering career-technical 44207
education that is in its first year of operation and that 44208
submits an application ~~during the additional application period 44209
described in division (D) (6) of this section~~ in the fiscal year 44210
for which the application was submitted. 44211

(E) The department and the lead district of each career- 44212
technical planning district shall conduct an annual review of 44213
each career-technical education program in the lead district's 44214
career-technical planning district that receives approval under 44215

this section. Continued funding of the program during the five- 44216
year approval period shall be subject to the school's compliance 44217
with any directives for performance improvement that are issued 44218
by the department or the lead district as a result of any review 44219
conducted under this section. 44220

Sec. 3317.162. (A) For fiscal years ~~2024-2026~~ and 44221
~~2025-2027~~, the department of education shall pay temporary 44222
transitional aid to each joint vocational school district 44223
according to the following formula: 44224

(The district's funding base, as that term is defined in 44225
section 3317.02 of the Revised Code, X 0.95 for fiscal year 2026 44226
or 0.90 for fiscal year 2027) - (the district's payment under 44227
section 3317.16 of the Revised Code for the fiscal year for 44228
which the payment is computed) 44229

If the computation made under division (A) of this section 44230
results in a negative number, the district's funding under 44231
division (A) of this section shall be zero. 44232

(B) If a joint vocational school district begins receiving 44233
payments under section 3317.16 of the Revised Code for fiscal 44234
year ~~2024-2026~~ or fiscal year ~~2025-2027~~ but does not receive 44235
payments for the fiscal year immediately preceding that fiscal 44236
year, the department shall establish the district's funding 44237
base, as that term is defined in section 3317.02 of the Revised 44238
Code, as an amount equal to the absolute value of the sum of the 44239
associated adjustments of any local school district's funding 44240
base under division (C) of section 3317.019 of the Revised Code. 44241

Sec. 3317.163. (A) As used in this section: 44242

(1) "Credential-only program" means an industry-approved 44243
credentialing program, or a series of such programs, offered by 44244

a dropout prevention and recovery community school in which 44245
students enrolled in grades eleven and twelve may earn an 44246
industry-recognized credential approved under section 3313.6113 44247
of the Revised Code. The program, or programs, shall align with 44248
a career-technical education program approved under section 44249
3317.161 of the Revised Code. The dropout prevention and 44250
recovery community school shall offer the program, or programs, 44251
using classroom teachers employed by the school. 44252

(2) "Dropout prevention and recovery community school" has 44253
the same meaning as in section ~~3319.301~~ 3314.02 of the Revised 44254
Code. 44255

(B) Notwithstanding any provision of Chapter 3317. of the 44256
Revised Code to the contrary, all of the following shall apply: 44257

(1) For the purposes of sections 3317.014, 3317.022, and 44258
3317.026 of the Revised Code, the department of education and 44259
workforce shall adjust the career-technical education ADM of a 44260
dropout prevention and recovery community school that offers a 44261
credential-only program so that each student enrolled in that 44262
program is included only in the school's category one career- 44263
technical education ADM, regardless of whether the credential- 44264
only program includes programs described in division (A)(1) of 44265
section 3317.014 of the Revised Code. 44266

(2) For funding purposes, the department shall count each 44267
student enrolled in a credential-only program as a full-time 44268
student. 44269

(3) A dropout prevention and recovery community school 44270
that offers a credential-only program may provide support 44271
services to students who graduate from the school to assist them 44272
in securing post-secondary placement opportunities, including 44273

careers with state, regional, or local labor organizations. For 44274
that purpose, the school may use a portion of the career- 44275
technical education funds received under section 3317.022 of the 44276
Revised Code to provide recent graduates, in the year following 44277
their graduation from the school, with short-term, emergency 44278
financial assistance for expenses related to child care, 44279
housing, food insecurity, transportation, and services including 44280
but not limited to health care, dental care, mental health care, 44281
and addiction treatment services. 44282

Sec. 3317.165. (A) (1) For fiscal years 2026 and 2027, the 44283
department of education and workforce shall calculate a joint 44284
vocational school district's per-pupil local capacity amount 44285
according to the following formula: 44286

(0.0005 X the lesser of the district's three-year average 44287
valuation or the district's most recent valuation) / (the 44288
district's base cost enrolled ADM) 44289

(2) For fiscal year 2028 and each fiscal year thereafter, 44290
the department shall calculate a district's per-pupil local 44291
capacity amount in a manner determined by the general assembly. 44292

(B) (1) For fiscal years 2026 and 2027, the department 44293
shall calculate a joint vocational school district's state share 44294
percentage according to the following formula: 44295

(The district's base cost per pupil for the fiscal year - the 44296
district's per-pupil local capacity amount for the fiscal year) 44297
/ (the district's base cost per pupil for the fiscal year) 44298

If the result is less than 0.10, the state share 44299
percentage shall be 0.10. 44300

(2) For fiscal year 2028 and each fiscal year thereafter, 44301
the department shall calculate the state share percentage for a 44302

joint vocational school district in a manner determined by the 44303
general assembly. 44304

Sec. 3317.20. This section does not apply to preschool 44305
children with disabilities. 44306

(A) As used in this section: 44307

(1) "Applicable special education amount" means the amount 44308
specified in section 3317.013 of the Revised Code for a 44309
disability described in that section. 44310

(2) "Child's school district" means the school district in 44311
which a child is entitled to attend school pursuant to section 44312
3313.64 or 3313.65 of the Revised Code. 44313

(3) "State share percentage" means the state share 44314
percentage of the child's school district. 44315

(B) The department shall annually pay each county board of 44316
developmental disabilities for each child with a disability, 44317
other than a preschool child with a disability, for whom the 44318
county board provides special education and related services an 44319
amount equal to the following: 44320

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 44321
average base cost per pupil + (state share percentage X the 44322
applicable special education multiple X the statewide average 44323
base cost per pupil); 44324

(2) For fiscal year ~~2026-2028~~ and each fiscal year 44325
thereafter, an amount determined by the general assembly. 44326

(C) Each county board of developmental disabilities shall 44327
report to the department, in the manner specified by the 44328
department, the name of each child for whom the county board of 44329
developmental disabilities provides special education and 44330

related services and the child's school district. 44331

(D) (1) For the purpose of verifying the accuracy of the 44332
payments under this section, the department may request from 44333
either of the following entities the data verification code 44334
assigned under division (D) (2) of section 3301.0714 of the 44335
Revised Code to any child who is placed with a county board of 44336
developmental disabilities: 44337

(a) The child's school district; 44338

(b) The independent contractor engaged to create and 44339
maintain data verification codes. 44340

(2) Upon a request by the department under division (D) (1) 44341
of this section for the data verification code of a child, the 44342
child's school district shall submit that code to the department 44343
in the manner specified by the department. If the child has not 44344
been assigned a code, the district shall assign a code to that 44345
child and submit the code to the department by a date specified 44346
by the department. If the district does not assign a code to the 44347
child by the specified date, the department shall assign a code 44348
to the child. 44349

The department annually shall submit to each school 44350
district the name and data verification code of each child 44351
residing in the district for whom the department has assigned a 44352
code under this division. 44353

(3) The department shall not release any data verification 44354
code that it receives under division (D) of this section to any 44355
person except as provided by law. 44356

(E) Any document relative to special education and related 44357
services provided by a county board of developmental 44358
disabilities that the department holds in its files that 44359

contains both a student's name or other personally identifiable 44360
information and the student's data verification code shall not 44361
be a public record under section 149.43 of the Revised Code. 44362

Sec. 3317.201. This section does not apply to preschool 44363
children with disabilities. 44364

(A) As used in this section, the "total special education 44365
amount" for an institution means the following: 44366

(1) For fiscal years ~~2024–2026~~ and ~~2025~~2027, the sum of 44367
the following amounts: 44368

(a) The number of children certified by the institution 44369
under division (G) (1) (a) (i) of section 3317.03 of the Revised 44370
Code as receiving services for a disability described in 44371
division (A) of section 3317.013 of the Revised Code multiplied 44372
by the multiple specified in that division multiplied by the 44373
statewide average base cost per pupil; 44374

(b) The number of children certified by the institution 44375
under division (G) (1) (a) (i) of section 3317.03 of the Revised 44376
Code as receiving services for a disability described in 44377
division (B) of section 3317.013 of the Revised Code multiplied 44378
by the multiple specified in that division multiplied by the 44379
statewide average base cost per pupil; 44380

(c) The number of children certified by the institution 44381
under division (G) (1) (a) (i) of section 3317.03 of the Revised 44382
Code as receiving services for a disability described in 44383
division (C) of section 3317.013 of the Revised Code multiplied 44384
by the multiple specified in that division multiplied by the 44385
statewide average base cost per pupil; 44386

(d) The number of children certified by the institution 44387
under division (G) (1) (a) (i) of section 3317.03 of the Revised 44388

Code as receiving services for a disability described in 44389
division (D) of section 3317.013 of the Revised Code multiplied 44390
by the multiple specified in that division multiplied by the 44391
statewide average base cost per pupil; 44392

(e) The number of children certified by the institution 44393
under division (G) (1) (a) (i) of section 3317.03 of the Revised 44394
Code as receiving services for a disability described in 44395
division (E) of section 3317.013 of the Revised Code multiplied 44396
by the multiple specified in that division multiplied by the 44397
statewide average base cost per pupil; 44398

(f) The number of children certified by the institution 44399
under division (G) (1) (a) (i) of section 3317.03 of the Revised 44400
Code as receiving services for a disability described in 44401
division (F) of section 3317.013 of the Revised Code multiplied 44402
by the multiple specified in that division multiplied by the 44403
statewide average base cost per pupil. 44404

(2) For fiscal year ~~2026~~2028 and each fiscal year 44405
thereafter, the sum of the following amounts: 44406

(a) An amount calculated in a manner determined by the 44407
general assembly times the number of children certified by the 44408
institution under division (G) (1) (a) (i) of section 3317.03 of 44409
the Revised Code as receiving services for a disability 44410
described in division (A) of section 3317.013 of the Revised 44411
Code; 44412

(b) An amount calculated in a manner determined by the 44413
general assembly times the number of children certified by the 44414
institution under division (G) (1) (a) (i) of section 3317.03 of 44415
the Revised Code as receiving services for a disability 44416
described in division (B) of section 3317.013 of the Revised 44417

Code; 44418

(c) An amount calculated in a manner determined by the 44419
general assembly times the number of children certified by the 44420
institution under division (G) (1) (a) (i) of section 3317.03 of 44421
the Revised Code as receiving services for a disability 44422
described in division (C) of section 3317.013 of the Revised 44423
Code; 44424

(d) An amount calculated in a manner determined by the 44425
general assembly times the number of children certified by the 44426
institution under division (G) (1) (a) (i) of section 3317.03 of 44427
the Revised Code as receiving services for a disability 44428
described in division (D) of section 3317.013 of the Revised 44429
Code; 44430

(e) An amount calculated in a manner determined by the 44431
general assembly times the number of children certified by the 44432
institution under division (G) (1) (a) (i) of section 3317.03 of 44433
the Revised Code as receiving services for a disability 44434
described in division (E) of section 3317.013 of the Revised 44435
Code; 44436

(f) An amount calculated in a manner determined by the 44437
general assembly times the number of children certified by the 44438
institution under division (G) (1) (a) (i) of section 3317.03 of 44439
the Revised Code as receiving services for a disability 44440
described in division (F) of section 3317.013 of the Revised 44441
Code. 44442

(B) For each fiscal year, the department of education and 44443
workforce shall pay each state institution required to provide 44444
special education services under division (A) of section 44445
3323.091 of the Revised Code an amount equal to the 44446

institution's total special education amount. 44447

Sec. 3317.22. (A) As used in this section: 44448

(1) "Eligible internet- or computer-based community 44449
school" means an internet- or computer-based community school ~~in~~ 44450
~~which a majority of the students were enrolled in that is a~~ 44451
dropout prevention and recovery ~~program~~ community school, as 44452
defined in section 3314.02 of the Revised Code. 44453

(2) "Statewide average base cost per-pupil" has the same 44454
meaning as in section 3317.02 of the Revised Code. 44455

~~(3) "Internet- or computer-based community school" has the 44456
same meaning as in section 3314.02 of the Revised Code.~~ 44457

(B) The department of education and workforce shall 44458
establish a program to provide additional funding for students 44459
enrolled in grades eight through twelve in eligible internet- or 44460
computer-based community schools. An eligible internet- or 44461
computer-based community school may choose to participate in the 44462
program by notifying the department not later than the first day 44463
of February of the school year in which the school will 44464
participate in the program in a form and manner determined by 44465
the department. 44466

(C) The department shall require each eligible internet- 44467
or computer-based community school that chooses to participate 44468
in the program to report all information that is necessary to 44469
make payments under division (D) of this section. 44470

(D) The department shall calculate an additional payment 44471
for each eligible internet- or computer-based community school 44472
that chooses to participate in the program, as follows: 44473

(1) Compute the lesser of the following for each student 44474

enrolled in grades eight through twelve: 44475

(a) The statewide average base cost per-pupil X the 44476
maximum full-time equivalency for the portion of the school year 44477
for which the student is enrolled in the school; 44478

(b) The sum of the following: 44479

(i) A one-time payment of \$1,750. In the case of a student 44480
enrolled in the school for the first time for the school year 44481
for which the payment is being made, payment shall be made under 44482
division (D) (1) (b) (i) of this section at least thirty days after 44483
the student is considered to be enrolled in the school in 44484
accordance with division (H) (2) of section 3314.08 of the 44485
Revised Code, provided the student has been continuously 44486
enrolled in the school during that time, as determined by the 44487
department. In the case of a student that was enrolled in the 44488
school for the prior school year, payment shall be made under 44489
division (D) (1) (b) (i) of this section at least thirty days after 44490
the student has started to participate in learning opportunities 44491
for the school year for which the payment is being made, 44492
provided the student has been continuously enrolled in the 44493
school during that time, as determined by the department. 44494

(ii) The statewide average base cost per-pupil X (1/920) X 44495
the lesser of the number of hours the student participates in 44496
learning opportunities in that fiscal year or 920; 44497

(iii) The lesser of (\$500 X either the number of courses 44498
completed by the student in that fiscal year, in the case of a 44499
student enrolled in grade eight, or the number of credits earned 44500
by the student in that fiscal year, in the case of a student 44501
enrolled in grades nine through twelve) or \$2,500. 44502

(2) Compute the sum of the amounts calculated under 44503

division (D) (1) of this section for all students enrolled in 44504
grades eight through twelve. 44505

(3) Compute the school's payment in accordance with the 44506
following formula: 44507

(The amount determined under division (D) (2) of this 44508
section) - (the number of full-time equivalent students enrolled 44509
in grades eight through twelve in the school X the statewide 44510
average base cost per-pupil) 44511

If the amount computed under division (D) (3) is a negative 44512
number, the school shall not receive a payment under this 44513
section. 44514

(E) (1) The department may complete a review of the 44515
enrollment of each eligible internet- or computer-based 44516
community school that chooses to participate in the program in 44517
accordance with division (K) of section 3314.08 of the Revised 44518
Code. If the department determines a school has been overpaid 44519
based on a review completed under division (E) (1) of this 44520
section, the department shall require a repayment of the 44521
overpaid funds and may require the school to establish a plan to 44522
improve the reporting of enrollment. 44523

(2) To the extent that an eligible internet- or computer- 44524
based community school that chooses to participate in the 44525
program had, for the prior school year, a percentage of student 44526
engagement in learning opportunities that was less than sixty- 44527
five per cent, the school shall provide to the department a 44528
meaningful plan for increasing student engagement. 44529

(3) All eligible internet- or computer-based community 44530
schools that choose to participate in the program shall 44531
implement programming or protocol which documents enrollment and 44532

participation in learning opportunities in order to participate 44533
in the program. 44534

Sec. 3317.25. (A) As used in this section, "disadvantaged 44535
pupil impact aid" means the following: 44536

(1) For a city, local, or exempted village school 44537
district, the funds received under division (A) (4) (a) of section 44538
3317.022 of the Revised Code; 44539

(2) For a joint vocational school district, the funds 44540
received under division (A) (3) of section 3317.16 of the Revised 44541
Code; 44542

(3) For a community school established under Chapter 3314. 44543
of the Revised Code, the funds received under division (A) (4) (b) 44544
of section 3317.022 of the Revised Code; 44545

(4) For a STEM school established under Chapter 3326. of 44546
the Revised Code, the funds received under division (A) (4) (b) of 44547
section 3317.022 of the Revised Code. 44548

(B) (1) ~~For~~ Subject to to division (B) (3) of this section, 44549
for fiscal years 2024-2026 and 2025-2027, a city, local, exempted 44550
village, or joint vocational school district, community school, 44551
or STEM school shall spend the disadvantaged pupil impact aid it 44552
receives for any of the following initiatives or a combination 44553
of any of the following initiatives: 44554

(a) Extended school day and school year; 44555

(b) Reading improvement and intervention that is aligned 44556
with the science of reading and evidence-based strategies for 44557
effective literacy instruction; 44558

(c) Instructional technology or blended learning; 44559

(d) Professional development in the science of reading and	44560
evidence-based strategies for effective literacy instruction for	44561
teachers of students in kindergarten through third grade;	44562
(e) Dropout prevention;	44563
(f) School safety and security measures;	44564
(g) Community learning centers that address barriers to	44565
learning;	44566
(h) Academic interventions for students in any of grades	44567
six through twelve;	44568
(i) Employment of an individual who has successfully	44569
completed the bright new leaders for Ohio schools program as a	44570
principal or an assistant principal under section 3319.272 of	44571
the Revised Code;	44572
(j) Mental health services, including telehealth services,	44573
community-based behavioral health services, and recovery	44574
supports;	44575
(k) Culturally appropriate, evidence-based or evidence-	44576
informed prevention services, including youth-led programming	44577
and curricula to promote mental health and prevent substance use	44578
and suicide, and trauma-informed services;	44579
(l) Services for homeless youth;	44580
(m) Services for child welfare involved youth;	44581
(n) Community liaisons or programs that connect students	44582
to community resources, including behavioral wellness	44583
coordinators and city connects, communities in schools, and	44584
other similar programs;	44585
(o) Physical health care services, including telehealth	44586

services and community-based health services; 44587

(p) Family engagement and support services; 44588

(q) Student services provided prior to or after the 44589
regularly scheduled school day or any time school is not in 44590
session, including mentoring programs. 44591

(2) For fiscal year ~~2026~~2028 and each fiscal year 44592
thereafter, each city, local, exempted village, and joint 44593
vocational school district, community school, and STEM school 44594
shall spend the disadvantaged pupil impact aid it receives for 44595
one or more initiatives specified by the general assembly. 44596

(3) Each city, local, or exempted village school district 44597
or community school that was required to submit a reading 44598
achievement improvement plan under section 3302.13 of the 44599
Revised Code in the prior fiscal year shall spend at least fifty 44600
per cent of the disadvantaged pupil impact aid it receives in 44601
the current fiscal year on the initiatives described in 44602
divisions (B) (1) (b) and (d) of this section. Any other school 44603
district, community school, or STEM school shall spend at least 44604
twenty-five per cent of the disadvantaged pupil impact aid it 44605
receives in the current fiscal year on the initiatives described 44606
in those divisions. 44607

(C) (1) For fiscal years ~~2024~~2026 and ~~2025~~2027, each city, 44608
local, exempted village, and joint vocational school district, 44609
community school, and STEM school that is subject to the 44610
requirements of this section shall develop a plan for utilizing 44611
the disadvantaged pupil impact aid it receives in coordination 44612
with at least one of the following community partners: 44613

(a) A board of alcohol, drug addiction, and mental health 44614
services established under Chapter 340. of the Revised Code; 44615

- (b) An educational service center; 44616
- (c) A county board of developmental disabilities; 44617
- (d) A ~~community-based~~ community mental health prevention
or treatment provider; 44618
44619
- (e) A board of health of a city or general health
district; 44620
44621
- (f) A county department of job and family services; 44622
- (g) A nonprofit organization with experience serving
children; 44623
44624
- (h) A public hospital agency. 44625
- (2) For fiscal year ~~2026~~ 2028 and each fiscal year 44626
thereafter, each city, local, exempted village, and joint 44627
vocational school district, community school, and STEM school 44628
that is subject to the requirements of this section shall 44629
develop a plan for utilizing the disadvantaged pupil impact aid 44630
it receives in the manner specified by the general assembly, if 44631
the general assembly requires city, local, exempted village, and 44632
joint vocational school districts, community schools, and STEM 44633
schools to develop such a plan. 44634
- (D) After the end of each fiscal year, each city, local, 44635
exempted village, or joint vocational school district, community 44636
school, and STEM school shall submit a report to the department 44637
of education and workforce describing the initiative or 44638
initiatives on which the district's or school's disadvantaged 44639
pupil impact aid were spent during that fiscal year. For fiscal 44640
years ~~2024~~ 2026 and ~~2025~~ 2027, this report shall be submitted in 44641
a manner prescribed by the department and shall also describe 44642
the amount of money that was spent on each initiative. 44643

(E) Starting in 2015, the department shall submit a report 44644
of the information it receives under division (C) of this 44645
section to the general assembly not later than the first day of 44646
December of each odd-numbered year in accordance with section 44647
101.68 of the Revised Code. 44648

Sec. 3317.26. (A) As used in this section, "student 44649
wellness and success funds" means the following: 44650

(1) For a city, local, or exempted village school 44651
district, the funds received under division (E) (3) of section 44652
3317.011 of the Revised Code, subject to the state share and any 44653
phase-in established by the general assembly; 44654

(2) For a joint vocational school district, the funds 44655
received under division (E) (3) of section 3317.012 of the 44656
Revised Code, subject to the state share and any phase-in 44657
established by the general assembly; 44658

(3) For a community school established under Chapter 3314. 44659
of the Revised Code, the funds received under division (E) of 44660
section 3317.0110 of the Revised Code for student wellness and 44661
success funds, as determined by the department, subject to any 44662
phase-in established by the general assembly; 44663

(4) For a STEM school established under Chapter 3326. of 44664
the Revised Code, the funds received under division (E) of 44665
section 3317.0110 of the Revised Code for student wellness and 44666
success funds, as determined by the department, subject to any 44667
phase-in established by the general assembly. 44668

(B) For each fiscal year, the department of education and 44669
workforce shall notify each city, local, exempted village, and 44670
joint vocational school district, community school, and STEM 44671
school, of the portion of the district or school's state share 44672

of the base cost calculated under section 3317.022 or 3317.16 of 44673
the Revised Code, that is attributable to the staffing cost for 44674
the student wellness and success component of the base cost, as 44675
determined by the department. 44676

(C) In each fiscal year, a city, local, exempted village 44677
or joint vocational school district, community school, or STEM 44678
school shall spend the student wellness and success funds it 44679
receives for any of the initiatives, or a combination of any of 44680
the initiatives, described in divisions (B)(1)(j) to (q) of 44681
section 3317.25 of the Revised Code. 44682

(D) Not less than fifty per cent of the amount determined 44683
under division (B) of this section shall be spent on initiatives 44684
described under division (B)(1)(j) or (o) of section 3317.25 of 44685
the Revised Code, or a combination of both. 44686

~~(E) Each~~ (E)(1) Annually, each city, local, exempted 44687
village, joint vocational school district, community school, and 44688
STEM school that is subject to the requirements of this section 44689
shall develop a plan to utilize the student wellness and success 44690
funds it receives in coordination, cooperation, and consultation 44691
with a community mental health prevention or treatment provider 44692
or local board of alcohol, drug addiction, and mental health 44693
services established under Chapter 340. of the Revised Code and 44694
one of the community partners identified under division (C) of 44695
section 3317.25 of the Revised Code. 44696

(2) The planning process shall include opportunities for 44697
the community mental health prevention or treatment provider or 44698
local board of alcohol, drug addiction, and mental health 44699
services and the selected community partner to provide 44700
meaningful input and feedback on each of the items described in 44701
division (E)(3)(a) to (f) of this section. 44702

(3) The plan to utilize the student wellness and success 44703
funds developed under this division shall include all of the 44704
following: 44705

(a) The type of each initiative the district or school 44706
will implement, as described in divisions (B) (1) (j) to (q) of 44707
section 3317.25 of the Revised Code; 44708

(b) The amount of funding that will be used for each 44709
initiative, including a statement verifying that at least fifty 44710
per cent of the amount calculated under division (B) of this 44711
section shall be spent on initiatives described under division 44712
(B) (1) (j) or (o) of section 3317.25 of the Revised Code, or a 44713
combination of both; 44714

(c) The name of the community mental health prevention or 44715
treatment provider or local board of alcohol, drug addiction, 44716
and mental health services and the selected community partner 44717
with which the plan is being developed and implemented; 44718

(d) The type of needs assessment or relevant data used to 44719
identify the need for each initiative; 44720

(e) The goal for each initiative; 44721

(f) How the impact of each initiative will be measured or 44722
evaluated. 44723

(F) ~~Within~~ Annually, and within thirty days of the 44724
creation or amendment of the plan for a particular school year 44725
as required under division (E) of this section, each city, 44726
local, exempted village, or joint vocational school district, 44727
community school, and STEM school shall share the plan at a 44728
public meeting of the board of education or governing authority- 44729
and, post the plan on the district or school's publicly 44730
accessible web site, and submit to the department a link to the 44731

posted plan. 44732

(G) (1) All student wellness and success funds allocated in 44733
any of fiscal years 2020 to 2023 shall be expended prior to June 44734
30, 2025. Any unexpended funds shall be repaid to the 44735
department. 44736

(2) Beginning in fiscal year 2024, all student wellness 44737
and success funds shall be spent by the end of the following 44738
fiscal year. Any unexpended funds shall be repaid to the 44739
department. 44740

(H) (1) If the department determines that a city, local, 44741
exempted village, joint vocational school district, community 44742
school, or STEM school has not spent funds in accordance with 44743
divisions (C) and (D) of this section, the department may 44744
require a corrective action plan. 44745

(2) If a city, local, exempted village, joint vocational 44746
school district, community school, or STEM school is determined 44747
to be out of compliance with the corrective action plan 44748
described under division (H) (1) of this section, the department 44749
may withhold student wellness and success from that district or 44750
school. 44751

(I) At the end of each fiscal year, each district and 44752
school shall submit a report to the department, in a manner 44753
determined by the department, describing the initiative or 44754
initiatives on which the district or school's funds were spent 44755
under this section during that fiscal year. 44756

Sec. 3317.27. The quality community school support program 44757
is established. Under the program, the department of education 44758
and workforce shall pay each community school established under 44759
Chapter 3314. of the Revised Code and designated as a community 44760

school of quality under section 3317.28 of the Revised Code an 44761
amount up to three thousand dollars in each fiscal year for each 44762
student identified as economically disadvantaged and up to two 44763
thousand two hundred fifty dollars in each fiscal year for each 44764
student that is not identified as economically disadvantaged. 44765
The payment for a fiscal year shall be calculated using the 44766
adjusted full-time equivalent number of students enrolled in the 44767
school for that fiscal year as of the date the payment is made, 44768
as reported by the school under section 3314.08 of the Revised 44769
Code. The department shall make periodic payments to each 44770
designated school beginning in January of that fiscal year. 44771

Sec. 3317.28. Not later than the thirty-first day of 44772
December of each fiscal year, the department of education and 44773
workforce shall designate as a community school of quality each 44774
community school established under Chapter 3314. of the Revised 44775
Code that meets the criteria established in division (A), (B), 44776
or (C) of this section. 44777

(A) A community school qualifies as a community school of 44778
quality if the school meets all of the following criteria: 44779

(1) The school's sponsor was rated "exemplary" or 44780
"effective" on the sponsor's most recent evaluation conducted 44781
under section 3314.016 of the Revised Code. 44782

(2) The school received a higher performance index score 44783
than the school district in which the school is located on the 44784
two most recent report cards issued for the school under section 44785
3302.03 of the Revised Code. 44786

(3) The school received a performance rating of four stars 44787
or higher for the progress component on the most recent report 44788
card issued for the school under section 3302.03 of the Revised 44789

Code or is a school described under division (A) (4) of section 44790
3314.35 of the Revised Code and did not receive a rating for the 44791
progress component on the most recent report card. 44792

(4) At least fifty per cent of the students enrolled in 44793
the school in the prior fiscal year were economically 44794
disadvantaged, as determined by the department. 44795

(B) A community school qualifies as a community school of 44796
quality if the school meets all of the following criteria: 44797

(1) The school's sponsor was rated "exemplary" or 44798
"effective" on the sponsor's most recent evaluation conducted 44799
under section 3314.016 of the Revised Code. 44800

(2) The school is in its first year of operation or the 44801
school opened as a kindergarten school and has added one grade 44802
per year and has been in operation for less than four school 44803
years. 44804

(3) The school is replicating an operational and 44805
instructional model used by a community school described in 44806
division (A) of this section. 44807

(4) If the school has an operator, the operator received a 44808
rating of three stars or better on its most recent performance 44809
report published under section 3314.031 of the Revised Code. 44810

(C) A community school qualifies as a community school of 44811
quality if the school meets all of the following criteria: 44812

(1) The school's sponsor was rated "exemplary" or 44813
"effective" on the sponsor's most recent evaluation conducted 44814
under section 3314.016 of the Revised Code. 44815

(2) The school satisfies either of the following: 44816

(a) The school contracts with an operator that operates 44817
schools in other states and meets at least one of the following 44818
criteria: 44819

(i) Has operated a school that received a grant funded 44820
through the federal charter school program established under 20 44821
U.S.C. 7221 within the five years prior to the date of 44822
application or received funding from the charter school growth 44823
fund; 44824

(ii) Meets all of the following criteria: 44825

(I) One of the operator's schools in another state 44826
performed better than the school district in which the school is 44827
located, as determined by the department. 44828

(II) At least fifty per cent of the total number of 44829
students enrolled in all of the operator's schools are 44830
economically disadvantaged, as determined by the department. 44831

(III) The operator is in good standing in all states where 44832
it operates schools, as determined by the department. 44833

(IV) The department has determined that the operator does 44834
not have any financial viability issues that would prevent it 44835
from effectively operating a community school in Ohio. 44836

(b) The school is replicating an operational and 44837
instructional model through an agreement with a college or 44838
university used by a community school or its equivalent in 44839
another state that performed better than the school district in 44840
which the school is located, as determined by the department. 44841

(3) The school is in its first year of operation or, if 44842
not in its first year of operation and qualifying under division 44843
(C) (2) (b) of this section, opened on July 1, 2022, and has not 44844

previously been designated as a community school of quality 44845
under this section, in which case the first payment under 44846
section 3317.27 of the Revised Code shall be made on or before 44847
January 31, 2024, and shall be calculated based on the adjusted 44848
full-time equivalent number of students enrolled in the school 44849
for fiscal year 2024. 44850

(D) A school designated as a community school of quality 44851
under this section shall maintain that designation for the two 44852
fiscal years following the fiscal year in which the school was 44853
initially designated as a community school of quality. 44854

(E) A school designated a community school of quality may 44855
renew its designation each year that it satisfies the criteria 44856
under division (A) of this section. The school shall maintain 44857
that designation for the two fiscal years following each fiscal 44858
year in which the criteria under division (A) of this section 44859
are satisfied. 44860

(F) A school that was designated as a community school of 44861
quality for the first time under division (B) of this section 44862
for the 2022-2023 school year shall be considered to have 44863
maintained that designation for the 2022-2023 school year, shall 44864
maintain that designation through the 2027-2028 school year, and 44865
may renew its designation under division (E) of this section 44866
after that year. 44867

(G) If two or more community schools have merged or merge 44868
in accordance with division (B) of section 3314.0211 of the 44869
Revised Code on or after June 30, 2022, the surviving community 44870
school is eligible to receive funds under this program, provided 44871
it otherwise qualifies as a community school of quality under 44872
division (A), (B), or (C) of this section. In such a case, the 44873
payment for a fiscal year shall be calculated using the adjusted 44874

full-time equivalent number of students enrolled in the school 44875
for that fiscal year as of the date the payments are made, as 44876
reported by the surviving community school under section 3314.08 44877
of the Revised Code, regardless of whether those students were 44878
previously enrolled in a community school that was dissolved as 44879
part of the merger. A community school qualified to receive 44880
funds under the program prior to merging on or after June 30, 44881
2022, and was dissolved due to the merger, shall be considered 44882
to have been eligible for funds under the program prior to the 44883
effective date of this section and shall not be required to 44884
return any funds received prior to that date. 44885

Sec. 3317.29. (A) The quality independent STEM school 44886
support program is established. Under the program, the 44887
department of education and workforce shall pay each STEM school 44888
established under Chapter 3326. of the Revised Code and 44889
designated as an independent STEM school of quality under this 44890
section an amount up to three thousand dollars in each fiscal 44891
year for each student identified as economically disadvantaged 44892
and up to two thousand two hundred fifty dollars in each fiscal 44893
year for each student that is not identified as economically 44894
disadvantaged. The payment for a fiscal year shall be calculated 44895
using the adjusted full-time equivalent number of students 44896
enrolled in the school for that fiscal year as of the date the 44897
payment is made, as reported by the school under section 3326.32 44898
of the Revised Code. The department shall make periodic payments 44899
to each designated school beginning in January of a fiscal year. 44900

(B) Not later than the thirty-first day of December each 44901
fiscal year, the department shall designate a STEM school as an 44902
independent STEM school of quality if the school satisfies all 44903
of the following criteria: 44904

- (1) The STEM school operates autonomously under section 3326.031 of the Revised Code. 44905
44906
- (2) The STEM school does not have a STEM school equivalent designation under section 3326.032 of the Revised Code. 44907
44908
- (3) The STEM school is not governed by a school district under section 3326.51 of the Revised Code. 44909
44910
- (4) The STEM school is not a community school established under Chapter 3314. of the Revised Code. 44911
44912
- (5) The STEM school cannot levy taxes or issue tax-secured bonds in accordance with section 3326.49 of the Revised Code. 44913
44914
- (6) The STEM school satisfies the requirements prescribed by section 3326.03 of the Revised Code. 44915
44916
- (7) The STEM school satisfies the requirements described in the quality model for STEM and STEAM schools established by the department of education and workforce in accordance with Chapter 3326. of the Revised Code. 44917
44918
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- (C) A school designated as an independent STEM school of quality under this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as an independent STEM school of quality. 44921
44922
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- (D) A school designated as an independent STEM school of quality may renew its designation each year that it satisfies the criteria under division (B) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (B) of this section are satisfied. This division applies to schools designated as an independent STEM school of quality 44926
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based on the report cards issued in accordance with sections 44933
3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 44934
2018-2019 school years. 44935

Sec. 3317.31. The department of education and workforce 44936
shall pay each community school established under Chapter 3314. 44937
of the Revised Code and each STEM school established under 44938
Chapter 3326. of the Revised Code an amount equal to twenty-five 44939
dollars in each fiscal year for each full-time equivalent 44940
student in an internet- or computer-based community school and 44941
one thousand five hundred dollars in each fiscal year for each 44942
full-time equivalent student in all other community or STEM 44943
schools for assistance with the cost associated with facilities. 44944

Sec. 3318.032. (A) Except as otherwise provided in 44945
divisions ~~(C)~~(B), (D), and ~~(D)~~(E) of this section, the portion 44946
of the basic project cost supplied by the school district shall 44947
be the ~~greater of:~~ 44948

~~(1) The required percentage of the basic project costs;~~ 44949

~~(2) (a) (B) For all districts except a district that opts to~~ 44950
divide its entire classroom facilities needs into segments to be 44951
completed separately as authorized by section 3318.034 of the 44952
Revised Code, ~~an amount necessary to raise the school district's~~ 44953
~~net bonded indebtedness~~ the portion of the basic project cost 44954
supplied by the school district for the first segment shall be 44955
calculated using the required percentage of the basic project 44956
costs, as of the date the controlling board approved the 44957
project, ~~to within five thousand dollars of the required level~~ 44958
~~of indebtedness;~~ Any future segment's portion of the basic 44959
project cost shall use the same respective share as the first 44960
segment. 44961

~~(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:—~~

~~The required level of indebtedness X (the basic project cost of the segment as approved by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio facilities construction commission and the district)—~~

~~(B)~~ (C) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the sixteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that period, and the school district later receives the controlling board's approval for the project, subject to a new project scope and estimated costs under section 3318.054 of the Revised Code, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

~~(C)~~ (D) At no time shall a school district's portion of the

basic project cost be greater than ninety-five per cent of the 44990
total basic project cost. 44991

~~(D)~~(E) If the controlling board approves a project under 44992
sections 3318.01 to 3318.20 of the Revised Code for a school 44993
district that previously received assistance under those 44994
sections or section 3318.37 of the Revised Code within the 44995
twenty-year period prior to the date on which the controlling 44996
board approves the new project, the district's portion of the 44997
basic project cost for the new project shall be the lesser of 44998
the following: 44999

(1) The portion calculated under division (A) of this 45000
section; 45001

(2) The greater of the following: 45002

(a) The required percentage of the basic project costs for 45003
the new project; 45004

(b) The percentage of the basic project cost paid by the 45005
district for the previous project. 45006

Sec. 3318.12. (A) The Ohio facilities construction 45007
commission shall cause to be transferred to the school 45008
district's project construction fund the necessary amounts from 45009
amounts appropriated by the general assembly and set aside for 45010
such purpose, from time to time as may be necessary to pay 45011
obligations chargeable to such fund when due. All investment 45012
earnings of a school district's project construction fund shall 45013
be credited to the fund. 45014

(B) (1) The treasurer of the school district board shall 45015
disburse funds from the school district's project construction 45016
fund, including investment earnings credited to the fund, only 45017
upon the approval of the commission or the commission's 45018

designated representative. The commission or the commission's 45019
designated representative shall issue vouchers against such 45020
fund, in such amounts, and at such times as required by the 45021
contracts for construction of the project. 45022

(2) Notwithstanding anything to the contrary in division 45023
(B) (1) of this section, the school district board may, by a duly 45024
adopted resolution, choose to use all or part of the investment 45025
earnings of the district's project construction fund that are 45026
attributable to the district's contribution to the fund to pay 45027
the cost of classroom facilities or portions or components of 45028
classroom facilities that are not included in the district's 45029
basic project cost but that are related to the district's 45030
project. If the district board adopts a resolution in favor of 45031
using those investment earnings as authorized under division (B) 45032
(2) of this section, the treasurer shall disburse the amount as 45033
designated and directed by the board. However, if the district 45034
board chooses to use any part of the investment earnings for 45035
classroom facilities or portions or components of classroom 45036
facilities that are not included in the basic project cost, as 45037
authorized under division (B) (2) of this section, and, 45038
subsequently, the cost of the project exceeds the amount in the 45039
project construction fund, the district board shall restore to 45040
the project construction fund the full amount of the investment 45041
earnings used under division (B) (2) of this section before any 45042
additional state moneys shall be released for the project. 45043

(C) After a certificate of completion has been issued for 45044
a project under section 3318.48 of the Revised Code: 45045

(1) At the discretion of the school district board, any 45046
investment earnings remaining in the project construction fund 45047
that are attributable to the school district's contribution to 45048

the fund shall be: 45049

(a) Retained in the project construction fund for future 45050
projects; 45051

(b) Transferred to the district's maintenance fund 45052
required by division (B) of section 3318.05 or section 3318.43 45053
of the Revised Code, and the money so transferred shall be used 45054
solely for maintaining the classroom facilities included in the 45055
project; 45056

(c) Transferred to the district's permanent improvement 45057
fund. 45058

(2) Any investment earnings remaining in the project 45059
construction fund that are attributable to the state's 45060
contribution to the fund shall be transferred to the commission 45061
for expenditure pursuant to sections 3318.01 to 3318.20 or 45062
sections 3318.40 to 3318.45 of the Revised Code. 45063

(3) Any other surplus remaining in the school district's 45064
project construction fund shall be transferred to the commission 45065
and the school district board in proportion to their respective 45066
contributions to the fund. The commission shall use the money 45067
transferred to it under this division for expenditure pursuant 45068
to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of 45069
the Revised Code. 45070

(D) Pursuant to appropriations of the general assembly, 45071
any moneys transferred to the commission under division (C) (2) 45072
or (3) of this section from a project construction fund for a 45073
project under sections 3318.40 to 3318.45 of the Revised Code 45074
may be used for future expenditures for projects under sections 45075
3318.40 to 3318.45 of the Revised Code, ~~notwithstanding the two-~~ 45076
~~per cent annual limit specified in accordance with~~ division (B) 45077

of section 3318.40 of the Revised Code. 45078

Sec. 3318.40. (A) (1) Sections 3318.40 to 3318.45 of the 45079
Revised Code apply only to joint vocational school districts. 45080

(2) As used in sections 3318.40 to 3318.45 of the Revised 45081
Code: 45082

(a) "Ohio facilities construction commission," "classroom 45083
facilities," "project," and "basic project cost" have the same 45084
meanings as in section 3318.01 of the Revised Code. 45085

(b) "Acquisition of classroom facilities" means 45086
constructing, reconstructing, repairing, or making additions to 45087
classroom facilities. 45088

(B) There is hereby established the vocational school 45089
facilities assistance program. Under the program, the Ohio 45090
facilities construction commission shall provide assistance to 45091
joint vocational school districts for the acquisition of 45092
classroom facilities suitable to the vocational education 45093
programs of the districts in accordance with sections 3318.40 to 45094
3318.45 of the Revised Code. ~~For purposes of the program,~~ 45095
~~beginning July 1, 2003, the~~ The commission annually may set 45096
~~aside up to two per cent a portion of the aggregate amount~~ 45097
appropriated to it for classroom facilities assistance projects 45098
in the public school building fund, established under section 45099
3318.15 of the Revised Code, and the school building program 45100
assistance fund, established under section 3318.25 of the 45101
Revised Code, to provide assistance to at least two joint 45102
vocational school districts per biennium. The amount set aside 45103
for this purpose shall be determined by the commission. 45104

(C) The commission shall not provide assistance for any 45105
distinct part of a project under sections 3318.40 to 3318.45 of 45106

the Revised Code that when completed will be used exclusively 45107
for an adult education program or exclusively for operation of a 45108
driver training school for instruction leading to the issuance 45109
of a commercial driver's license under Chapter 4506. of the 45110
Revised Code, except for life safety items and basic building 45111
components necessary for complete and continuous construction or 45112
renovation of a classroom facility as determined by the 45113
commission. 45114

(D) The commission shall not provide assistance under 45115
sections 3318.40 to 3318.45 of the Revised Code to acquire 45116
classroom facilities for vocational educational instruction at a 45117
location under the control of a school district that is a member 45118
of a joint vocational school district. Any assistance to acquire 45119
classroom facilities for vocational educational instruction at 45120
such location shall be provided to the school district that is a 45121
member of the joint vocational school district through other 45122
provisions of this chapter when that member school district is 45123
eligible for assistance under those provisions. 45124

(E) By September 1, 2003, the commission shall assess the 45125
classroom facilities needs of at least five joint vocational 45126
school districts, according to the order of priority prescribed 45127
in division (B) of section 3318.42 of the Revised Code, and 45128
based on the results of those assessments shall determine the 45129
extent to which amendments to the specifications adopted under 45130
section 3318.311 of the Revised Code are warranted. The 45131
commission, thereafter, may amend the specifications as provided 45132
in that section. 45133

(F) After the commission has conducted the assessments 45134
prescribed in division (E) of this section, the commission shall 45135
establish, by rule adopted in accordance with section 111.15 of 45136

the Revised Code, guidelines for the commission to use in 45137
deciding whether to waive compliance with the design 45138
specifications adopted under section 3318.311 of the Revised 45139
Code when determining the number of facilities and the basic 45140
project cost of projects as prescribed in division (A)(1)(a) of 45141
section 3318.41 of the Revised Code. The guidelines shall 45142
address the following situations: 45143

(1) Under what circumstances, if any, particular classroom 45144
facilities are adequate to meet the needs of the school district 45145
even though the facilities do not comply with the specifications 45146
adopted under section 3318.311 of the Revised Code; 45147

(2) Under what circumstances, if any, particular classroom 45148
facilities will be renovated or repaired rather than replaced by 45149
construction of new facilities. 45150

Sec. 3319.073. (A) The board of education of each city and 45151
exempted village school district and the governing board of each 45152
educational service center shall adopt or adapt the curriculum 45153
developed by the department of education and workforce for, or 45154
shall develop in consultation with public or private agencies or 45155
persons involved in child abuse prevention or intervention 45156
programs, a program of in-service training in the prevention of 45157
child abuse, violence, and substance abuse and the promotion of 45158
positive youth development. Each person employed by any school 45159
district or service center to work in a school as a nurse, 45160
teacher, counselor, school psychologist, or administrator shall 45161
complete at least four hours of the in-service training within 45162
two years of commencing employment with the district or center, 45163
and every five years thereafter. A person who is employed by any 45164
school district or service center to work in an elementary 45165
school as a nurse, teacher, counselor, school psychologist, or 45166

administrator on March 30, 2007, shall complete at least four 45167
hours of the in-service training not later than March 30, 2009, 45168
and every five years thereafter. A person who is employed by any 45169
school district or service center to work in a middle or high 45170
school as a nurse, teacher, counselor, school psychologist, or 45171
administrator on October 16, 2009, shall complete at least four 45172
hours of the in-service training not later than October 16, 45173
2011, and every five years thereafter. 45174

(B) Each board shall incorporate training in school safety 45175
and violence prevention, including human trafficking content, 45176
into the in-service training required by division (A) of this 45177
section. For this purpose, the board shall adopt or adapt the 45178
curriculum developed by the department or shall develop its own 45179
curriculum in consultation with public or private agencies or 45180
persons involved in school safety and violence prevention 45181
programs. 45182

(C) Each board shall incorporate training on the board's 45183
harassment, intimidation, or bullying policy adopted under 45184
section 3313.666 of the Revised Code into the in-service 45185
training required by division (A) of this section. Each board 45186
also shall incorporate training in the prevention of dating 45187
violence into the in-service training required by that division 45188
for middle and high school employees. The board shall develop 45189
its own curricula for these purposes. 45190

(D) Each board shall incorporate training in youth suicide 45191
awareness and prevention into the in-service training required 45192
by division (A) of this section for each person employed by a 45193
school district or service center to work in a school as a 45194
nurse, teacher, counselor, school psychologist, or 45195
administrator, and any other personnel that the board determines 45196

appropriate. The board shall require each such person to undergo 45197
training in youth suicide awareness and prevention programs once 45198
every two years. For this purpose, the board ~~shall adopt or~~ 45199
~~adapt the curriculum developed by the department under section~~ 45200
~~3301.221 of the Revised Code or~~ shall develop its own curriculum 45201
in consultation with public or private agencies or persons 45202
involved in youth suicide awareness and prevention programs. 45203

The training completed under this division shall count 45204
toward the satisfaction of requirements for professional 45205
development required by the school district or service center 45206
board, ~~and the training may be accomplished through self-review~~ 45207
~~of suitable suicide prevention materials approved by the board.~~ 45208

(E) Each board shall incorporate training on child sexual 45209
abuse into the in-service training required by division (A) of 45210
this section. The training completed under this division shall 45211
count toward the satisfaction of requirements for professional 45212
development required by the school district or service center 45213
board. ~~Any training provided under this section shall be~~ 45214
~~presented by either of the following who have experience in~~ 45215
~~handling cases involving child sexual abuse or child sexual~~ 45216
~~violence:—~~ 45217

~~(1) Law enforcement officers;—~~ 45218

~~(2) Prosecutors~~ For this purpose, the board shall develop 45219
its own curriculum in consultation with public or private 45220
agencies or persons involved in child sexual abuse prevention or 45221
child sexual violence prevention. 45222

Sec. 3319.111. Notwithstanding section 3319.09 of the 45223
Revised Code, this section applies to any person who is employed 45224
under a teacher license issued under this chapter, or under a 45225

professional or permanent teacher's certificate issued under 45226
former section 3319.222 of the Revised Code, and who spends at 45227
least fifty per cent of the time employed providing student 45228
instruction. However, this section does not apply to any person 45229
who is employed as a substitute teacher or as an instructor of 45230
adult education. 45231

(A) The board of education of each school district, in 45232
consultation with teachers employed by the board, shall update 45233
its standards-based teacher evaluation policy to conform with 45234
either the framework for evaluation of teachers adopted under 45235
section 3319.112 of the Revised Code or a framework created or 45236
adopted by the board. The policy shall become operative at the 45237
expiration of any collective bargaining agreement covering 45238
teachers employed by the board that is in effect on November 2, 45239
2018, and shall be included in any renewal or extension of such 45240
an agreement. 45241

(B) When using measures of student performance as evidence 45242
in a teacher's evaluation, those measures shall be high-quality 45243
student data. The board of education of each school district may 45244
use data from the assessments on the list developed under 45245
division (B) (2) of section 3319.112 of the Revised Code as high- 45246
quality student data. 45247

(C) (1) The board shall conduct an evaluation of each 45248
teacher employed by the board at least once each school year, 45249
except as provided in division (C) (2) of this section. The 45250
evaluation shall be completed by the first day of May and the 45251
teacher shall receive a written report of the results of the 45252
evaluation by the tenth day of May. 45253

(2) (a) The board may evaluate each teacher who received a 45254
rating of accomplished on the teacher's most recent evaluation 45255

conducted under this section once every three school years, so 45256
long as the teacher submits a self-directed professional growth 45257
plan to the evaluator that focuses on specific areas identified 45258
in the observations and evaluation and the evaluator determines 45259
that the teacher is making progress on that plan. 45260

(b) The board may evaluate each teacher who received a 45261
rating of skilled on the teacher's most recent evaluation 45262
conducted under this section once every two years, so long as 45263
the teacher and evaluator jointly develop a professional growth 45264
plan for the teacher that focuses on specific areas identified 45265
in the observations and evaluation and the evaluator determines 45266
that the teacher is making progress on that plan. 45267

(c) For each teacher who is evaluated pursuant to division 45268
(C) (2) of this section, the evaluation shall be completed by the 45269
first day of May of the applicable school year, and the teacher 45270
shall receive a written report of the results of the evaluation 45271
by the tenth day of May of that school year. 45272

(d) The board may elect not to conduct an evaluation of a 45273
teacher who meets one of the following requirements: 45274

(i) The teacher was on leave from the school district for 45275
fifty per cent or more of the school year, as calculated by the 45276
board. 45277

(ii) The teacher has submitted notice of retirement and 45278
that notice has been accepted by the board not later than the 45279
first day of December of the school year in which the evaluation 45280
is otherwise scheduled to be conducted. 45281

~~(e) The board may elect not to conduct an evaluation of a 45282~~
~~teacher who is participating in the teacher residency program 45283~~
~~established under section 3319.223 of the Revised Code for the 45284~~

~~year during which that teacher takes, for the first time, at~~ 45285
~~least half of the performance-based assessment prescribed by the~~ 45286
~~state board of education for resident educators.~~ 45287

(3) In any year that a teacher is not formally evaluated 45288
pursuant to division (C) of this section as a result of 45289
receiving a rating of accomplished or skilled on the teacher's 45290
most recent evaluation, an individual qualified to evaluate a 45291
teacher under division (D) of this section shall conduct at 45292
least one observation of the teacher and hold at least one 45293
conference with the teacher. The conference shall include a 45294
discussion of progress on the teacher's professional growth 45295
plan. 45296

(D) Each evaluation conducted pursuant to this section 45297
shall be conducted by one or more of the following persons who 45298
hold a credential established by the state board of education 45299
for being an evaluator: 45300

(1) A person who is under contract with the board pursuant 45301
to section 3319.01 or 3319.02 of the Revised Code and holds a 45302
license designated for being a superintendent, assistant 45303
superintendent, or principal issued under section 3319.22 of the 45304
Revised Code; 45305

(2) A person who is under contract with the board pursuant 45306
to section 3319.02 of the Revised Code and holds a license 45307
designated for being a vocational director, administrative 45308
specialist, or supervisor in any educational area issued under 45309
section 3319.22 of the Revised Code; 45310

(3) A person designated to conduct evaluations under an 45311
agreement entered into by the board, including an agreement 45312
providing for peer review entered into by the board and 45313

representatives of teachers employed by the board; 45314

(4) A person who is employed by an entity contracted by 45315
the board to conduct evaluations and who holds a license 45316
designated for being a superintendent, assistant superintendent, 45317
principal, vocational director, administrative specialist, or 45318
supervisor in any educational area issued under section 3319.22 45319
of the Revised Code or is qualified to conduct evaluations. 45320

(E) Notwithstanding division (A) (3) of section 3319.112 of 45321
the Revised Code, the board shall require at least three formal 45322
observations of each teacher who is under consideration for 45323
nonrenewal and with whom the board has entered into a limited 45324
contract or an extended limited contract under section 3319.11 45325
of the Revised Code. 45326

(F) The board shall include in its evaluation policy 45327
procedures for using the evaluation results for retention and 45328
promotion decisions and for removal of poorly performing 45329
teachers. Seniority shall not be the basis for a decision to 45330
retain a teacher, except when making a decision between teachers 45331
who have comparable evaluations. 45332

(G) For purposes of section 3333.0411 of the Revised Code, 45333
the board annually shall report to the state board the number of 45334
teachers for whom an evaluation was conducted under this section 45335
and the number of teachers assigned each rating prescribed under 45336
division (B) (1) of section 3319.112 of the Revised Code or the 45337
equivalent framework created or adopted by the board, aggregated 45338
by the teacher preparation programs from which and the years in 45339
which the teachers graduated. The state board shall establish 45340
guidelines for reporting the information required by this 45341
division. The guidelines shall not permit or require that the 45342
name of, or any other personally identifiable information about, 45343

any teacher be reported under this division.

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(H) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after November 2, 2018.

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Sec. 3319.173. (A) The superintendent of each school district shall assign teachers to positions based on the best interests of the students enrolled in the district. In assigning, reassigning, or transferring a teacher, whether voluntary or involuntary on the part of the teacher, the superintendent shall not use seniority or continuing contract status as the primary factor in determining the teacher's assignment.

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(B) Notwithstanding any provision to the contrary in section 4117.10 of the Revised Code, the requirements of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into on or after the effective date of this section.

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Sec. 3319.223. (A) The superintendent of public instruction and the chancellor of higher education jointly shall establish the Ohio teacher residency program, which shall be a two-year, entry-level program for classroom teachers. Except as provided in division (B) of this section, the teacher residency program shall include at least the following components:

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(1) Mentoring by teachers, which may be provided online or in person. The state superintendent shall provide participants and mentors with access to online professional development resources ~~and sample videos of Ohio classroom lessons submitted for the assessment prescribed under division (A) (3) of this~~

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~~section at no cost.~~

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(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development. ~~The state superintendent shall provide to each participant who does not receive a passing score on the assessment under division (A) (3) of this section, at no cost, the opportunity to meet online with an instructional coach who is a certified assessor of the assessment to review the participant's assessment score results and discuss improvement strategies and professional development.~~

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~~Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the state superintendent. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school.~~

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~~Participants who have not taken the assessment under division (A) (3) of this section may meet online with instructional coaches approved by the state superintendent if the participant's school district or school pays the costs associated with the meetings.~~

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(3) Measures of appropriate progression through the program, ~~which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment.~~

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~~An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be returned in forty-five days. The teacher evaluation system adopted under section 3319.111 of the Revised Code may be used to assess an individual participating in the teacher residency program.~~ 45402
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(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code or rule of the state board shall be required to ~~do either of the following:~~ 45411
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~~(1) Complete~~ complete the conditions of the Ohio teacher residency program that a participant, as of September 29, 2015, would have been required to complete during the participant's first and second year of teaching under an alternative resident educator license. 45415
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~~(2) Take a performance-based assessment.~~ 45420

(C) The teacher residency program shall be aligned with the standards for teachers adopted by the state board under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction. 45421
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(D) Each person who holds a resident educator license issued under section 3319.22 or 3319.227 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be required to qualify any such person for a professional educator 45425
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license issued under section 3319.22 of the Revised Code. 45431

Sec. 3319.2310. (A) As used in this section, "other public 45432
school" has the same meaning as in section 3301.0711 of the 45433
Revised Code. 45434

(B) The department of education and workforce shall do 45435
both of the following: 45436

(1) Maintain a training course for licensed educators that 45437
serves as an introduction to the science of reading; 45438

(2) Develop a competency-based training course for 45439
licensed educators that updates and reinforces educators' 45440
knowledge and skills in the science of reading. 45441

(C) Each individual employed by a school district or other 45442
public school as a teacher, administrator, school psychologist, 45443
or speech-language pathologist shall complete training in the 45444
science of reading in accordance with division (C) of this 45445
section. 45446

(1) An individual hired by the district or other public 45447
school as a teacher or administrator prior to July 1, 2025, 45448
shall complete the training described in division (B) (2) of this 45449
section by June 30, 2030, and every five years thereafter. 45450

(2) An individual hired by the district or other public 45451
school as a teacher or administrator on or after July 1, 2025, 45452
shall complete the training described in division (B) (1) of this 45453
section within one year after the date of hire and shall 45454
complete the training described in division (B) (2) of this 45455
section every five years thereafter. However, an individual 45456
shall not be required to complete the training described in 45457
division (B) (1) of this section if the district superintendent 45458
or head administrator of the other public school has verified 45459

that the individual did either of the following within five 45460
years prior to the date of hire: 45461

(a) Completed that training or a similar training, as 45462
determined by the department; 45463

(b) Completed appropriate coursework in the science of 45464
reading as part of the individual's educator or licensure 45465
preparation program. 45466

(3) An individual employed by the district or other public 45467
school as a school psychologist or speech-language pathologist 45468
shall complete the training described in division (B) (1) of this 45469
section by June 30, 2027, and shall complete the training 45470
described in division (B) (2) of this section every five years 45471
thereafter. 45472

(D) A professional development committee established under 45473
section 3319.22 of the Revised Code shall count training 45474
described in division (B) of this section toward professional 45475
development requirements for educator licensure renewal. The 45476
committee shall permit an individual to apply any hours earned 45477
over the minimum amount of hours required for professional 45478
development coursework for licensure renewal to the next renewal 45479
period for that license. 45480

Sec. 3319.271. (A) The department of education and 45481
workforce shall establish a principal apprenticeship program. 45482
The program shall provide multiple pathways for individuals to 45483
receive training and development in school leadership and 45484
primary and secondary school administration and shall provide 45485
the option for participants to obtain a master's degree. 45486

(B) The principal apprenticeship program shall be open to 45487
licensed educators who are employed as a teacher in a public or 45488

chartered nonpublic school in this state and to professionals 45489
working in fields other than education. In selecting candidates 45490
for the program, the department may give preference to 45491
applicants who have multiple years of classroom teaching 45492
experience or multiple years of experience in the same 45493
professional career field and experience in teaching, training, 45494
or supervising others. 45495

(C) The principal apprenticeship program shall require 45496
participating individuals to be mentored by a school principal 45497
and complete on-the-site job training. 45498

(D) The state board of education shall issue an individual 45499
a professional administrator license for grades pre-kindergarten 45500
through twelve upon certification from the department that the 45501
individual has successfully completed the principal 45502
apprenticeship program. 45503

Sec. 3319.301. (A) As used in this section: 45504

(1) "Dropout prevention and recovery community school"— 45505
~~means a community school established under Chapter 3314. of the~~ 45506
~~Revised Code in which a majority of the students are enrolled in~~ 45507
~~a dropout prevention and recovery program that is operated by~~ 45508
~~the school~~ has the same meaning as in section 3314.02 of the 45509
Revised Code. 45510

(2) "Industry-recognized credential program" means a 45511
career-technical course in which a student may earn an industry- 45512
recognized credential approved under section 3313.6113 of the 45513
Revised Code. 45514

(3) "STEM school" means a science, technology, 45515
engineering, and mathematics school established under Chapter 45516
3326. of the Revised Code. 45517

(B) The state board of education shall issue permits to 45518
individuals who are not licensed as required by sections 3319.22 45519
to 3319.30 of the Revised Code, but who are otherwise qualified, 45520
to teach classes for not more than a total of twelve hours a 45521
week, except that an individual teaching in a STEM school or an 45522
individual teaching an industry-recognized credential program 45523
offered at a dropout prevention and recovery community school 45524
may teach classes for not more than a total of forty hours a 45525
week. The state board, by rule, shall set forth the 45526
qualifications, other than licensure under sections 3319.22 to 45527
3319.30 of the Revised Code, to be met by individuals in order 45528
to be issued a permit as provided in this section. Such 45529
qualifications shall include the possession of a baccalaureate, 45530
master's, or doctoral degree in, or significant experience 45531
related to, the subject the individual is to teach. For an 45532
individual assigned to teach a career-technical class, 45533
significant experience related to a subject shall include 45534
career-technical experience. Applications for permits pursuant 45535
to this section shall be made in accordance with section 3319.29 45536
of the Revised Code. A permit issued under this section shall be 45537
renewable. 45538

The state board, by rule, shall authorize the board of 45539
education of each school district and each STEM school to engage 45540
individuals holding permits issued under this section to teach 45541
classes for not more than the total number of hours a week 45542
specified in the permit. The rules shall include provisions with 45543
regard to each of the following: 45544

(1) That a board of education or STEM school shall engage 45545
a nonlicensed individual to teach pursuant to this section on a 45546
volunteer basis, or by entering into a contract with the 45547
individual or the individual's employer on such terms and 45548

conditions as are agreed to between the board or school and the 45549
individual or the individual's employer; 45550

(2) That an employee of the board of education or STEM 45551
school who is licensed under sections 3319.22 to 3319.30 of the 45552
Revised Code shall directly supervise a nonlicensed individual 45553
who is engaged to teach pursuant to this section until the 45554
superintendent of the school district or the chief 45555
administrative officer of the STEM school is satisfied that the 45556
nonlicensed individual has sufficient understanding of, and 45557
experience in, effective teaching methods to teach without 45558
supervision. 45559

(C) A nonlicensed individual engaged to teach pursuant to 45560
this section is a teacher for the purposes of Title XXXIII of 45561
the Revised Code except for the purposes of Chapters 3307. and 45562
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 45563
an individual is not an employee of the board of education or 45564
STEM school for the purpose of Titles I or XLI or Chapter 3309. 45565
of the Revised Code. 45566

(D) Students enrolled in a class taught by a nonlicensed 45567
individual pursuant to this section and rules adopted thereunder 45568
shall receive the same credit as if the class had been taught by 45569
an employee licensed pursuant to sections 3319.22 to 3319.30 of 45570
the Revised Code. 45571

(E) No board of education of any school district shall 45572
engage any one or more nonlicensed individuals if such 45573
employment displaces from employment an existing licensed 45574
employee of the district. 45575

(F) Chapter 4796. of the Revised Code does not apply to 45576
permits issued under this section. 45577

Sec. 3320.04. Each school district board of education 45578
shall adopt a policy that reasonably accommodates the sincerely 45579
held religious beliefs and practices of individual students with 45580
regard to all examinations or other academic requirements and 45581
absences for reasons of faith or religious or spiritual belief 45582
system. The policy shall satisfy all of the following 45583
conditions: 45584

(A) The policy shall permit a student in any of grades 45585
kindergarten through twelve to be absent for up to three 45586
religious expression days each school year to take holidays for 45587
reasons of faith or religious or spiritual belief system or 45588
participate in organized activities conducted under the auspices 45589
of a religious denomination, church, or other religious or 45590
spiritual organization. The district shall not impose an 45591
academic penalty as a result of a student being absent as 45592
permitted in the policy. The policy shall also permit students 45593
to participate in interscholastic athletics or other 45594
extracurricular activities on days in which the student was 45595
otherwise absent for a religious expression day. 45596

(B) (1) The policy shall require that students be provided 45597
with alternative accommodations with regard to examinations and 45598
other academic requirements missed due to an absence described 45599
in division (A) of this section if not later than fourteen 45600
school days after the first day of school, or fourteen school 45601
days after the date of enrollment for a student who transfers to 45602
or enrolls in the district after the first day of school, the 45603
parent or guardian of a student provides the school principal 45604
with written notice of up to three specific dates for which 45605
alternative accommodations are requested, if an absence approved 45606
under division (B) (2) of this section conflicts with an 45607
examination or other academic requirement on that date. 45608

(2) The school principal shall approve not more than three written requests per school year from a student's parent or guardian for an excused absence under division (A) of this section. The school principal shall approve such requests without inquiry into the sincerity of a student's religious or spiritual belief system. However, the school principal may verify a request received under division (A) of this section by contacting the parent or guardian whose signature appears on the request. If a parent or guardian disputes having signed such a request, the school principal may deny the request. Upon approval of a request that satisfies division (B) (1) of this section, a school principal shall require the appropriate classroom teacher or teachers to schedule a time and date for an alternative examination or other academic requirement if the approved student absence creates a conflict, which may be before or after the time and date the examination or other academic requirement was originally scheduled.

(C) The policy shall require the district board to post both of the following in a prominent location on the district's web site:

(1) A copy of the policy adopted under this section, which shall include the contact information of an individual who can provide further information about the policy;

(2) A nonexhaustive list of major religious holidays, festivals, and religious observations, which may include, Eid, Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which an excused absence under this section shall not be unreasonably withheld or denied.

The director of education and workforce shall provide each district with a nonexhaustive list of major religious holidays

or festivals for the next two school years, including Eid, Good 45639
Friday, Rosh Hashanah, Yom Kippur, and Passover, at the 45640
beginning of each school year. Each district may adopt the 45641
director's list in its entirety or choose which holidays to 45642
include on its list. 45643

Each time a district's policy is posted, printed, or 45644
published, including as described in divisions (C) and (D) of 45645
this section, the district shall include a statement that the 45646
list is nonexhaustive, and the list may not be used to deny 45647
accommodation to a student for a holiday or festival of the 45648
student's faith or religious or spiritual belief system that 45649
does not appear on the list. 45650

Nothing in this section, and no inclusion or exclusion of 45651
a religious holiday or festival on the list posted by a 45652
district, shall preclude a student from full and reasonable 45653
accommodations for any sincerely held religious beliefs and 45654
practices with regard to all examinations or other academic 45655
requirements and absences for reasons of faith or religious or 45656
spiritual belief system provided under this section. 45657

(D) The policy shall require school districts annually to 45658
convey to parents and guardians the policy adopted under this 45659
section, including a description of the general procedure for 45660
requesting accommodations. The manner in which the school 45661
district conveys the information shall be determined at the 45662
discretion of the district. 45663

(E) The policy shall include a procedure under which a 45664
student, parent, or guardian may notify the district of any 45665
grievance with regard to the implementation of the policy 45666
required under this section. 45667

(F) Any days excused under this section shall not be 45668
considered in determining absence hours for the purposes of 45669
parental notification under ~~division (C) (1) of~~ section 3321.191 45670
of the Revised Code. 45671

Sec. 3321.16. (A) An attendance officer or assistant 45672
provided for by section 3321.14 or 3321.15 of the Revised Code 45673
may investigate any case of nonattendance at school or part-time 45674
school of a child under eighteen years of age or supposed to be 45675
under eighteen years of age resident in the district for which 45676
such attendance officer or assistant is employed, or of any such 45677
child found in the district or enrolled in any school within the 45678
district and of any child above eighteen years of age if 45679
enrolled in any school within the district, and may take such 45680
action as the superintendent of schools directs or as such 45681
attendance officer or assistant deems proper in the absence of 45682
specific direction. 45683

(B) (1) Subject to divisions (B) (2) and (3) of this 45684
section, the attendance officer shall file a complaint in the 45685
juvenile court against ~~a student on the sixty-first day after~~ 45686
~~the implementation of an absence intervention plan or other~~ 45687
~~intervention strategies, provided that all~~ any student to which 45688
any of the following apply: 45689

(a) The student was absent without legitimate excuse from 45690
the public school the child is supposed to attend for thirty or 45691
more consecutive hours~~7~~. 45692

(b) The student was absent without legitimate excuse from 45693
the public school the child is supposed to attend for forty-two 45694
or more hours in one school month~~7~~~~or~~. 45695

(c) The student was absent without legitimate excuse from 45696

the public school the child is supposed to attend for seventy- 45697
two or more hours in a school year. 45698

~~(b) The school district or school has made meaningful 45699
attempts to re-engage the student through the absence 45700
intervention plan, other intervention strategies, and any 45701
offered alternatives to adjudication described under division 45702
(C) (2) (b) of section 3321.191 of the Revised Code. 45703~~

~~(c) The student has refused to participate in or failed to 45704
make satisfactory progress on the plan, as determined by the 45705
absence intervention team, or any offered intervention 45706
strategies or alternative to adjudication. 45707~~

~~(2) If the student, at any time during the implementation 45708
phase of the absence intervention plan or other intervention 45709
strategies, is absent without legitimate excuse for thirty or 45710
more consecutive hours or forty-two or more hours in one school 45711
month, the attendance officer shall file a complaint in juvenile 45712
court against that student, unless the absence intervention team 45713
has determined that the student has made substantial progress on 45714
the absence intervention plan student's district or school 45715
determines that the student and the student's family are making 45716
satisfactory progress in improving the student's attendance at 45717
school, the attendance officer shall not file a complaint. 45718~~

~~(3) In the event that the sixty-first day after the 45719
implementation of the absence intervention plan or other 45720
intervention strategies falls on a day during the summer months, 45721
in the school district's discretion, the absence intervention 45722
team or the attendance officer may extend the implementation of 45723
the plan and delay the filing of the complaint for an additional 45724
thirty days from the first day of instruction of the next school 45725
yearIf no determination of progress under division (B) (2) of 45726~~

this section is made, or if the student and the student's family 45727
cease to continue making progress in improving the student's 45728
attendance, the attendance officer shall file a complaint in the 45729
juvenile court against the student. 45730

A complaint filed in the juvenile court under division 45731
(B) (3) of this section shall allege that the child is an unruly 45732
child for being a habitual truant and that the parent, guardian, 45733
or other person having care of the child has violated section 45734
3321.38 of the Revised Code. 45735

Sec. 3321.19. (A) As used in this section and section 45736
~~3321.191~~ 3321.16 of the Revised Code, "habitual truant" has the 45737
same meaning as in section 2151.011 of the Revised Code. 45738

(B) When a board of education of any city, exempted 45739
village, local, joint vocational, or cooperative education 45740
school district or the governing board of any educational 45741
service center determines that a student in its district has 45742
been truant and the parent, guardian, or other person having 45743
care of the child has failed to cause the student's attendance 45744
at school, the board may require the parent, guardian, or other 45745
person having care of the child pursuant to division (B) of this 45746
section to attend an educational program established pursuant to 45747
rules adopted by the department of education and workforce for 45748
the purpose of encouraging parental involvement in compelling 45749
the attendance of the child at school. 45750

No parent, guardian, or other person having care of a 45751
child shall fail without good cause to attend an educational 45752
program described in this division if the parent, guardian, or 45753
other person has been served notice pursuant to division (C) of 45754
this section. 45755

(C) On the request of the superintendent of schools, the 45756
superintendent of any educational service center, the board of 45757
education of any city, exempted village, local, joint 45758
vocational, or cooperative education school district, or the 45759
governing board of any educational service center or when it 45760
otherwise comes to the notice of the attendance officer or other 45761
appropriate officer of the school district, the attendance 45762
officer or other appropriate officer shall examine into any case 45763
of supposed truancy within the district and shall warn the 45764
child, if found truant, and the child's parent, guardian, or 45765
other person having care of the child, in writing, of the legal 45766
consequences of being truant. When any child of compulsory 45767
school age, in violation of law, is not attending school, the 45768
attendance or other appropriate officer shall notify the parent, 45769
guardian, or other person having care of that child of the fact, 45770
and require the parent, guardian, or other person to cause the 45771
child to attend school immediately. The parent, guardian, or 45772
other person having care of the child shall cause the child's 45773
attendance at school. Upon the failure of the parent, guardian, 45774
or other person having care of the child to do so, the 45775
attendance officer or other appropriate officer, if so directed 45776
by the superintendent, the district board, or the educational 45777
service center governing board, shall send notice requiring the 45778
attendance of that parent, guardian, or other person at a 45779
parental education program established pursuant to division (B) 45780
of this section and, ~~subject to divisions (D) and (E) of this~~ 45781
~~section,~~ may file a complaint against the parent, guardian, or 45782
other person having care of the child in any court of competent 45783
jurisdiction. 45784

~~(D) (1) Upon the failure of the parent, guardian, or other~~ 45785
~~person having care of the child to cause the child's attendance~~ 45786

~~at school, if the child is considered an habitual truant, the~~ 45787
~~board of education of the school district or the governing board~~ 45788
~~of the educational service center, within ten days, subject to~~ 45789
~~division (E) of this section, shall assign the student to an~~ 45790
~~absence intervention team as described in division (C) of~~ 45791
~~section 3321.191 of the Revised Code.~~ 45792

~~(2) The attendance officer shall file a complaint in the~~ 45793
~~juvenile court of the county in which the child has a residence~~ 45794
~~or legal settlement or in which the child is supposed to attend~~ 45795
~~school jointly against the child and the parent, guardian, or~~ 45796
~~other person having care of the child, in accordance with the~~ 45797
~~timelines and conditions set forth in division (B) of section~~ 45798
~~3321.16 of the Revised Code. A complaint filed in the juvenile~~ 45799
~~court under this division shall allege that the child is an~~ 45800
~~unruly child for being an habitual truant and that the parent,~~ 45801
~~guardian, or other person having care of the child has violated~~ 45802
~~section 3321.38 of the Revised Code.~~ 45803

~~(E) A school district with a chronic absenteeism~~ 45804
~~percentage that is less than five per cent, as displayed on the~~ 45805
~~district's most recent report card issued under section 3302.03~~ 45806
~~of the Revised Code, and the school buildings within that~~ 45807
~~district, shall be exempt from the requirement to assign~~ 45808
~~habitually truant students to an absence intervention team for~~ 45809
~~the following school year and shall instead take any appropriate~~ 45810
~~action as an intervention strategy contained in the policy~~ 45811
~~developed by the district board pursuant to divisions (A) and~~ 45812
~~(B) of section 3321.191 of the Revised Code. In the event that~~ 45813
~~those intervention strategies fail, within sixty-one days after~~ 45814
~~their implementation, the attendance officer shall file a~~ 45815
~~complaint, provided that the conditions described in division~~ 45816
~~(B) of section 3321.16 of the Revised Code are satisfied.~~ 45817

Sec. 3321.191. (A) As used in this section, "chronically 45818
absent" means missing at least ten per cent of the minimum 45819
number of hours required in the school year under section 45820
3313.48 of the Revised Code for the school a student attends. 45821

(B) Not later than August 1, 2026, the board of education 45822
of each school district shall adopt a policy to address student 45823
absences. In developing the policy, the board shall consult with 45824
the juvenile court of the county or counties in which the 45825
district is located; the parents, guardians, or other persons 45826
having care of a student attending school in the district; and 45827
appropriate state and local agencies. 45828

(C) The policy adopted under division (B) of this section 45829
shall do all of the following: 45830

(1) Acknowledge that student absences from school for any 45831
reason, whether excused or unexcused, take away from 45832
instructional time and have an adverse effect on student 45833
learning; 45834

(2) Identify strategies to prevent students from becoming 45835
chronically absent; 45836

(3) Include procedures for notifying a student's parent, 45837
guardian, or custodian when the student has been absent from 45838
school for a number of hours determined by the board, which 45839
number shall not exceed five per cent of the minimum number of 45840
hours required in the school year under section 3313.48 of the 45841
Revised Code for the school the student attends; 45842

(4) Establish a tiered system that provides more intensive 45843
interventions and supports for students with greater numbers of 45844
absences and includes resources to help students and their 45845
families address the root causes of the absences; 45846

(5) Provide for one or more absence intervention teams to 45847
work with students at risk of becoming chronically absent and 45848
their families to improve the students' attendance at school; 45849

(6) Prohibit suspending, expelling, or otherwise 45850
preventing a student from attending school based on the 45851
student's absences as prescribed by section 3313.668 of the 45852
Revised Code. 45853

(D) The policy shall align with any other district or 45854
school improvement plan developed pursuant to state or federal 45855
law. 45856

(E) A district or school may consult or partner with 45857
public and nonprofit agencies to provide assistance as 45858
appropriate to students and their families in reducing absences. 45859

Sec. 3321.21. A notice under section 3321.19 or 3321.20 of 45860
the Revised Code, that includes proof of receipt by the 45861
recipient and is sent by registered mail, regular mail with a 45862
certificate of mailing, electronic mail, text message, or other 45863
form of delivery with proof of delivery, including electronic 45864
delivery and electronic proof of delivery, is a legal notice. 45865

Sec. 3321.22. ~~(A) Except as provided in division (B) of~~ 45866
~~this section, if~~ If a complaint is filed against the parent, 45867
guardian, or other person in charge of a child for a failure to 45868
cause the child to attend school or a part-time school or class 45869
and if the parent, guardian, or other person proves an inability 45870
to do so, then the parent, guardian, or other person in charge 45871
of a child shall be discharged. Upon the discharge, the 45872
attendance officer shall file a complaint before the judge of 45873
the juvenile court of the county alleging that the child is a 45874
delinquent child, unruly child, or dependent child within the 45875

meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 45876
Code. The judge shall hear the complaint and if the judge 45877
determines that the child is a delinquent, unruly, or dependent 45878
child within one of those sections the judge shall deal with the 45879
child according to section 2151.35 or 2151.36 of the Revised 45880
Code. 45881

~~(B) Division (A) of this section does not apply regarding 45882
a complaint filed under division (D) or (E) of section 3321.19 45883
of the Revised Code or otherwise filed and alleging that a child 45884
is an habitual truant. 45885~~

Sec. 3323.32. (A) The department of education and 45886
workforce shall contract with an entity to administer programs 45887
and coordinate services for infants, preschool and school-age 45888
children, and adults with autism and low incidence disabilities. 45889
The entity shall be selected by the director of education and 45890
workforce in consultation with the director of children and 45891
youth and the advisory board established under section 3323.33 45892
of the Revised Code. 45893

When applicable, the department of children and youth 45894
shall contract with an entity to administer programs and 45895
coordinate services for infants, preschool and school-age 45896
children, and adults with autism and low incidence disabilities. 45897
The entity shall be selected by the director of children and 45898
youth in consultation with the director of education and 45899
workforce and the advisory board established under section 45900
3323.33 of the Revised Code. 45901

~~The contract with the entity selected~~ Any contract entered 45902
into under this section shall include, but not be limited to, 45903
the following provisions: 45904

(1) A description of the programs to be administered and 45905
services to be provided or coordinated by the entity, which 45906
shall include at least the duties prescribed by sections 3323.34 45907
and 3323.35 of the Revised Code; 45908

(2) A description of the expected outcomes from the 45909
programs administered and services provided or coordinated by 45910
the entity; 45911

(3) A stipulation that the entity's performance is subject 45912
to evaluation by the contracting department and renewal of the 45913
entity's contract is subject to the department's satisfaction 45914
with the entity's performance; 45915

(4) A description of the measures and milestones the 45916
contracting department will use to determine whether the 45917
performance of the entity is satisfactory; 45918

(5) Any other provision the contracting department 45919
determines is necessary to ensure the quality of services to 45920
individuals with autism and low incidence disabilities. 45921

(B) In selecting ~~the~~ an entity under division (A) of this 45922
section, the director of education and workforce, the director 45923
of children and youth, and the advisory board shall give primary 45924
consideration to the Ohio Center for Autism and Low Incidence, 45925
established under section 3323.31 of the Revised Code, as long 45926
as the principal goals and mission of the Center, as determined 45927
by the ~~director, the director,~~ directors and the advisory board, 45928
are consistent with the requirements of divisions (A) (1) to (5) 45929
of this section. 45930

Sec. 3325.08. (A) A diploma shall be granted by the 45931
superintendent of Ohio deaf and blind education services to any 45932
student enrolled in the state school for the blind or the state 45933

school for the deaf to whom all of the following apply: 45934

(1) The student has successfully completed the curriculum 45935
in any high school or the individualized education program 45936
developed for the student for the student's high school 45937
education pursuant to section 3323.08 of the Revised Code; 45938

(2) Subject to section 3313.614 of the Revised Code, the 45939
student has met the assessment requirements of division (A) (2) 45940
(a) or (b) of this section, as applicable. 45941

(a) If the student entered the ninth grade prior to July 45942
1, 2014, the student either: 45943

(i) Has attained at least the applicable scores designated 45944
under division (B) (1) of section 3301.0710 of the Revised Code 45945
on all the assessments prescribed by that division unless 45946
division (L) of section 3313.61 of the Revised Code applies to 45947
the student; 45948

(ii) Has satisfied the alternative conditions prescribed 45949
in section 3313.615 of the Revised Code. 45950

(b) If the student entered the ninth grade on or after 45951
July 1, 2014, the student has met the requirement prescribed by 45952
section 3313.618 of the Revised Code, except to the extent that 45953
division (L) of section 3313.61 of the Revised Code applies to 45954
the student. 45955

(3) The student is not eligible to receive an honors 45956
diploma granted pursuant to division (B) of this section. 45957

No diploma shall be granted under this division to anyone 45958
except as provided under this division. 45959

(B) In lieu of a diploma granted under division (A) of 45960
this section, the superintendent of Ohio deaf and blind 45961

education services shall grant an honors diploma, in the same 45962
manner that the boards of education of school districts grant 45963
such diplomas under division (B) of section 3313.61 of the 45964
Revised Code, to any student enrolled in the state school for 45965
the blind or the state school for the deaf who accomplishes all 45966
of the following: 45967

(1) Successfully completes the curriculum in any high 45968
school or the individualized education program developed for the 45969
student for the student's high school education pursuant to 45970
section 3323.08 of the Revised Code; 45971

(2) Subject to section 3313.614 of the Revised Code, has 45972
met the assessment requirements of division (B) (2) (a) or (b) of 45973
this section, as applicable. 45974

(a) If the student entered the ninth grade prior to July 45975
1, 2014, the student either: 45976

(i) Has attained at least the applicable scores designated 45977
under division (B) (1) of section 3301.0710 of the Revised Code 45978
on all the assessments prescribed under that division; 45979

(ii) Has satisfied the alternative conditions prescribed 45980
in section 3313.615 of the Revised Code. 45981

(b) If the student entered the ninth grade on or after 45982
July 1, 2014, the student has met the requirement prescribed by 45983
section 3313.618 of the Revised Code. 45984

(3) Has met additional criteria for granting an honors 45985
diploma. 45986

These additional criteria shall be the same as those 45987
prescribed by the ~~state board~~ department of education and 45988
workforce under division (B) of section 3313.61 of the Revised 45989

Code for the granting of such diplomas by school districts. No 45990
honors diploma shall be granted to anyone failing to comply with 45991
this division and not more than one honors diploma shall be 45992
granted to any student under this division. 45993

(C) A diploma or honors diploma awarded under this section 45994
shall be signed by the director of education and workforce and 45995
the superintendent of Ohio deaf and blind education services. 45996
Each diploma shall bear the date of its issue and be in such 45997
form as the superintendent of Ohio deaf and blind education 45998
services prescribes. 45999

(D) Upon granting a diploma to a student under this 46000
section, the superintendent of Ohio deaf and blind education 46001
services shall provide notice of receipt of the diploma to the 46002
board of education of the school district where the student is 46003
entitled to attend school under section 3313.64 or 3313.65 of 46004
the Revised Code when not residing at the state school for the 46005
blind or the state school for the deaf. The notice shall 46006
indicate the type of diploma granted. 46007

Sec. 3325.16. There is hereby created in the state 46008
treasury the state school for the deaf educational program 46009
expenses fund. Moneys received by Ohio deaf and blind education 46010
services for the state school for the deaf from donations, 46011
bequests, student fundraising activities, fees charged for camps 46012
and workshops, gate receipts from athletic contests, and the 46013
student work experience program operated by the school, and any 46014
other moneys designated for deposit in the fund by the 46015
superintendent of Ohio deaf and blind education services, shall 46016
be credited to the fund. All investment earnings on money in the 46017
fund shall be credited to the fund. Notwithstanding section 46018
3325.01 of the Revised Code, the approval of the department of 46019

education and workforce is not required to designate money for 46020
deposit into the fund. Ohio deaf and blind education services 46021
shall use moneys in the fund for educational programs, after- 46022
school activities, and expenses associated with student 46023
activities and clubs at the state school for the deaf. 46024

Sec. 3325.17. There is hereby created in the state 46025
treasury the state school for the blind educational program 46026
expense fund. Moneys received by Ohio deaf and blind education 46027
services for the state school for the blind from donations, 46028
bequests, student fundraising activities, fees charged for 46029
camps, workshops, and summer work and learn cooperative 46030
programs, gate receipts from school activities, and any other 46031
moneys designated for deposit in the fund by the superintendent 46032
of Ohio deaf and blind education services, shall be credited to 46033
the fund. All investment earnings on money in the fund shall be 46034
credited to the fund. Notwithstanding section 3325.01 of the 46035
Revised Code, the approval of the department of education and 46036
workforce is not required to designate money for deposit into 46037
the fund. Ohio deaf and blind education services shall use 46038
moneys in the fund for educational programs, after-school 46039
activities, and expenses associated with student activities at 46040
the state school for the blind. 46041

Sec. 3326.092. (A) Each STEM school that serves students 46042
in grades six through twelve shall include in the school's 46043
curriculum annual developmentally appropriate, evidence-based 46044
instruction in mental health promotion and suicide prevention. 46045
Such instruction shall include information on the development 46046
and maintenance of positive mental health, stigma reduction, the 46047
signs and symptoms of depression, suicide, and self-harm, and 46048
seeking help for self and peers. 46049

(B) For the instruction required under division (A) of this section, each STEM school shall select an evidence-based program approved by the department of education and workforce under section 3301.221 of the Revised Code. Prior to providing the instruction, the school shall notify each student's parent or guardian of the instruction that will be provided. The notification shall indicate that the parent or guardian may review any related instructional materials prior to the instruction being provided and that, upon written request of the parent or guardian, the student shall be excused from receiving the instruction.

Sec. 3326.093. (A) Each STEM school annually shall provide an evidence-based universal prevention program or practice in grades kindergarten through twelve that teaches students the necessary knowledge and skills to enhance health and wellness outcomes. Such instruction shall focus on enhancing interpersonal skills, encouraging healthy decision-making, and increasing resiliency.

(B) For the instruction required under division (A) of this section, the school shall select an evidence-based program or practice approved by the department of education and workforce under section 3301.221 of the Revised Code. Prior to providing the instruction, the school shall notify each student's parent or guardian of the instruction that will be provided. The notification shall indicate that the parent or guardian may review any related instructional materials prior to the instruction being provided and that, upon written request of the parent or guardian, the student shall be excused from receiving the instruction.

Sec. 3326.11. Each science, technology, engineering, and

mathematics school established under this chapter and its 46080
governing body shall comply with sections 9.90, 9.91, 109.65, 46081
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 46082
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 46083
3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 46084
3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 46085
3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 46086
3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 46087
3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.61, 46088
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 46089
3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 46090
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 46091
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 46092
3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 46093
3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 46094
3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 3313.89, 46095
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 46096
3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 46097
3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 46098
3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 46099
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 46100
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 46101
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 46102
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 46103
4167. of the Revised Code as if it were a school district. 46104

Sec. 3326.44. For fiscal years ~~2024–2026~~ and ~~2025~~2027, a 46105
STEM school shall spend the funding it receives under division 46106
(A) (5) of section 3317.022 of the Revised Code only for services 46107
for English learners. 46108

Sec. 3327.101. (A) Beginning July 1, 2026, any person 46109
employed as a school bus or motor van driver under section 46110

3327.10 of the Revised Code shall complete six hours of in- 46111
service training annually. Not later than that date, the 46112
department of education and workforce shall develop a curriculum 46113
for the in-service training and shall approve providers of that 46114
curriculum. 46115

(B) Notwithstanding anything to the contrary in this 46116
chapter or Chapter 3301-83 of the Administrative Code, the 46117
department of education and workforce shall develop an online 46118
bus driver training program, which may be used to satisfy the 46119
classroom portion of pre-service and training, the annual in- 46120
service training, and recertification training for school bus 46121
driver certification drivers. On-the-bus training for drivers 46122
shall continue to be completed in person. 46123

Sec. 3328.24. A college-preparatory boarding school 46124
established under this chapter and its board of trustees shall 46125
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 46126
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 46127
3313.6013, 3313.6021, 3313.6023, 3313.6024, 3313.6025, 46128
3313.6026, 3313.6029, 3313.6031, 3313.617, 3313.618, 3313.6114, 46129
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 46130
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 46131
3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 46132
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, 46133
and 5502.262, and Chapter 3365. of the Revised Code as if the 46134
school were a school district and the school's board of trustees 46135
were a district board of education. 46136

Sec. 3333.04. The chancellor of higher education shall: 46137

(A) Make studies of state policy in the field of higher 46138
education and formulate a master plan for higher education for 46139
the state, considering the needs of the people, the needs of the 46140

state, and the role of individual public and private 46141
institutions within the state in fulfilling these needs; 46142

(B) (1) Report annually to the governor and the general 46143
assembly on the findings from the chancellor's studies and the 46144
master plan for higher education for the state; 46145

(2) Report at least semiannually to the general assembly 46146
and the governor the enrollment numbers at each state-assisted 46147
institution of higher education. 46148

(C) Approve or disapprove the establishment of new 46149
branches or academic centers of state colleges and universities; 46150

(D) Approve or disapprove the establishment of state 46151
technical colleges or any other state institution of higher 46152
education; 46153

(E) Recommend the nature of the programs, undergraduate, 46154
graduate, professional, state-financed research, and public 46155
services which should be offered by the state colleges, 46156
universities, and other state-assisted institutions of higher 46157
education in order to utilize to the best advantage their 46158
facilities and personnel; 46159

(F) Recommend to the state colleges, universities, and 46160
other state-assisted institutions of higher education graduate 46161
or professional programs, including, but not limited to, doctor 46162
of philosophy, doctor of education, and juris doctor programs, 46163
that could be eliminated because they constitute unnecessary 46164
duplication, as shall be determined using the process developed 46165
pursuant to this division, or for other good and sufficient 46166
cause. Prior to recommending a program for elimination, the 46167
chancellor shall hold at least one public hearing on the matter 46168
to determine whether the program should be recommended for 46169

elimination. The chancellor shall provide notice of each hearing 46170
within a reasonable amount of time prior to its scheduled date. 46171

For purposes of determining the amounts of any state 46172
instructional subsidies paid to state colleges, universities, 46173
and other state-assisted institutions of higher education, the 46174
chancellor may exclude students enrolled in any program that the 46175
chancellor has recommended for elimination pursuant to this 46176
division except that the chancellor shall not exclude any such 46177
student who enrolled in the program prior to the date on which 46178
the chancellor initially commences to exclude students under 46179
this division. 46180

The chancellor and state colleges, universities, and other 46181
state-assisted institutions of higher education shall jointly 46182
develop a process for determining which existing graduate or 46183
professional programs constitute unnecessary duplication. 46184

(G) Recommend to the state colleges, universities, and 46185
other state-assisted institutions of higher education programs 46186
which should be added to their present programs; 46187

(H) Conduct studies for the state colleges, universities, 46188
and other state-assisted institutions of higher education to 46189
assist them in making the best and most efficient use of their 46190
existing facilities and personnel; 46191

(I) Make recommendations to the governor and general 46192
assembly concerning the development of state-financed capital 46193
plans for higher education; the establishment of new state 46194
colleges, universities, and other state-assisted institutions of 46195
higher education; and the establishment of new programs at the 46196
existing state colleges, universities, and other institutions of 46197
higher education; 46198

(J) Review the appropriation requests of the public 46199
community colleges and the state colleges and universities and 46200
submit to the office of budget and management and to the 46201
chairpersons of the finance committees of the house of 46202
representatives and of the senate the chancellor's 46203
recommendations in regard to the biennial higher education 46204
appropriation for the state, including appropriations for the 46205
individual state colleges and universities and public community 46206
colleges. For the purpose of determining the amounts of 46207
instructional subsidies to be paid to state-assisted colleges 46208
and universities, the chancellor shall define "full-time 46209
equivalent student" by program per academic year. The definition 46210
may take into account the establishment of minimum enrollment 46211
levels in technical education programs below which support 46212
allowances will not be paid. Except as otherwise provided in 46213
this section, the chancellor shall make no change in the 46214
definition of "full-time equivalent student" in effect on 46215
November 15, 1981, which would increase or decrease the number 46216
of subsidy-eligible full-time equivalent students, without first 46217
submitting a fiscal impact statement to the president of the 46218
senate, the speaker of the house of representatives, the 46219
legislative service commission, and the director of budget and 46220
management. The chancellor shall work in close cooperation with 46221
the director of budget and management in this respect and in all 46222
other matters concerning the expenditures of appropriated funds 46223
by state colleges, universities, and other institutions of 46224
higher education. 46225

(K) Seek the cooperation and advice of the officers and 46226
trustees of both public and private colleges, universities, and 46227
other institutions of higher education in the state in 46228
performing the chancellor's duties and making the chancellor's 46229

plans, studies, and recommendations; 46230

(L) Appoint advisory committees consisting of persons 46231
associated with public or private secondary schools, members of 46232
the state board of education, or personnel of the department of 46233
education and workforce; 46234

(M) Appoint advisory committees consisting of college and 46235
university personnel, or other persons knowledgeable in the 46236
field of higher education, or both, in order to obtain their 46237
advice and assistance in defining and suggesting solutions for 46238
the problems and needs of higher education in this state; 46239

(N) Approve or disapprove all new degrees and new degree 46240
programs at all state colleges, universities, and other state- 46241
assisted institutions of higher education. 46242

When considering approval of a new degree or degree 46243
program for a state institution of higher education, as defined 46244
in section 3345.011 of the Revised Code, the chancellor shall 46245
take into account the extent to which the degree or degree 46246
program aligns with the state's workforce development 46247
priorities. 46248

(O) Adopt such rules as are necessary to carry out the 46249
chancellor's duties and responsibilities. The rules shall 46250
prescribe procedures for the chancellor to follow when taking 46251
actions associated with the chancellor's duties and 46252
responsibilities and shall indicate which types of actions are 46253
subject to those procedures. The procedures adopted under this 46254
division shall be in addition to any other procedures prescribed 46255
by law for such actions. However, if any other provision of the 46256
Revised Code or rule adopted by the chancellor prescribes 46257
different procedures for such an action, the procedures adopted 46258

under this division shall not apply to that action to the extent 46259
they conflict with the procedures otherwise prescribed by law. 46260
The procedures adopted under this division shall include at 46261
least the following: 46262

(1) Provision for public notice of the proposed action; 46263

(2) An opportunity for public comment on the proposed 46264
action, which may include a public hearing on the action by the 46265
chancellor; 46266

(3) Methods for parties that may be affected by the 46267
proposed action to submit comments during the public comment 46268
period; 46269

(4) Written publication of the final action taken by the 46270
chancellor and the chancellor's rationale for the action; 46271

(5) A timeline for the process described in divisions (O) 46272
(1) to (4) of this section. 46273

(P) Make recommendations to the governor and the general 46274
assembly regarding the design and funding of the student 46275
financial aid programs specified in sections 3333.122, 3333.21 46276
to 3333.26, and 5910.02 of the Revised Code; 46277

(Q) Participate in education-related state or federal 46278
programs on behalf of the state and assume responsibility for 46279
the administration of such programs in accordance with 46280
applicable state or federal law; 46281

(R) Adopt rules for student financial aid programs as 46282
required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and 46283
5910.02 of the Revised Code, and perform any other 46284
administrative functions assigned to the chancellor by those 46285
sections; 46286

(S) Conduct enrollment audits of state-supported 46287
institutions of higher education; 46288

(T) Appoint consortia of college and university personnel 46289
to advise or participate in the development and operation of 46290
statewide collaborative efforts, including the Ohio 46291
supercomputer center, the Ohio academic resources network, 46292
OhioLink, and the Ohio learning network. For each consortium, 46293
the chancellor shall designate a college or university to serve 46294
as that consortium's fiscal agent, financial officer, and 46295
employer. Any funds appropriated for the consortia shall be 46296
distributed to the fiscal agents for the operation of the 46297
consortia. ~~A consortium shall follow the rules of the college or~~ 46298
~~university that serves as its fiscal agent.~~ The chancellor may 46299
restructure existing consortia, appointed under this division, 46300
in accordance with procedures adopted under divisions (O) (1) to 46301
(5) of this section. 46302

A consortium shall follow the rules of the college or 46303
university that serves as its fiscal agent, except that when 46304
making a purchase with appropriated funds of any product that 46305
includes semiconductors, a consortium shall conduct the purchase 46306
in accordance with rules adopted by the director of 46307
administrative services under division (B) of section 125.09 of 46308
the Revised Code for giving preference to Buy Ohio products. 46309

(U) Adopt rules establishing advisory duties and 46310
responsibilities of the department of higher education not 46311
otherwise prescribed by law; 46312

(V) Respond to requests for information about higher 46313
education from members of the general assembly and direct staff 46314
to conduct research or analysis as needed for this purpose. 46315

Sec. 3333.041. (A) On or before the last day of December 46316
of each year, the chancellor of higher education shall submit to 46317
the governor and, in accordance with section 101.68 of the 46318
Revised Code, the general assembly a report or reports 46319
concerning all of the following: 46320

(1) The status of graduates of Ohio school districts at 46321
state institutions of higher education during the twelve-month 46322
period ending on the thirtieth day of September of the current 46323
calendar year. The report shall list, by school district, the 46324
number of graduates of each school district who attended a state 46325
institution of higher education and the percentage of each 46326
district's graduates enrolled in a state institution of higher 46327
education during the reporting period who were required during 46328
such period by the college or university, as a prerequisite to 46329
enrolling in those courses generally required for first-year 46330
students, to enroll in a remedial course in English, including 46331
composition or reading, mathematics, and any other area 46332
designated by the chancellor. The chancellor also shall make the 46333
information described in division (A)(1) of this section 46334
available to the board of education of each city, exempted 46335
village, and local school district. 46336

Each state institution of higher education shall, by the 46337
first day of November of each year, submit to the chancellor in 46338
the form specified by the chancellor the information the 46339
chancellor requires to compile the report. 46340

(2) The following information with respect to the Ohio 46341
tuition trust authority: 46342

(a) The name of each investment manager that is a minority 46343
business enterprise or a women's business enterprise with which 46344
the chancellor contracts; 46345

(b) The amount of assets managed by investment managers 46346
that are minority business enterprises or women's business 46347
enterprises, expressed as a percentage of assets managed by 46348
investment managers with which the chancellor has contracted; 46349

(c) Efforts by the chancellor to increase utilization of 46350
investment managers that are minority business enterprises or 46351
women's business enterprises. 46352

(3) The chancellor's strategy in assigning choose Ohio 46353
first scholarships, as established under section 3333.61 of the 46354
Revised Code, among state universities and colleges and how the 46355
actual awards fit that strategy. 46356

~~(4) The academic and economic impact of the Ohio-~~ 46357
~~co-op/internship program established under section 3333.72 of-~~ 46358
~~the Revised Code. At a minimum, the report shall include the~~ 46359
~~following:—~~ 46360

~~(a) Progress and performance metrics for each initiative-~~ 46361
~~that received an award in the previous fiscal year;—~~ 46362

~~(b) Economic indicators of the impact of each initiative,~~ 46363
~~and all initiatives as a whole, on the regional economies and-~~ 46364
~~the statewide economy;—~~ 46365

~~(c) The chancellor's strategy in allocating awards among-~~ 46366
~~state institutions of higher education and how the actual awards~~ 46367
~~fit that strategy.—~~ 46368

(B) On or before the fifteenth day of February of each 46369
year, the chancellor shall submit to the governor and, in 46370
accordance with section 101.68 of the Revised Code, the general 46371
assembly a report concerning aggregate academic growth data for 46372
students assigned to graduates of teacher preparation programs 46373
approved under section 3333.048 of the Revised Code who teach 46374

English language arts or mathematics in any of grades four to 46375
eight in a public school in Ohio. For this purpose, the 46376
chancellor shall use the value-added progress dimension 46377
prescribed by section 3302.021 of the Revised Code or the 46378
alternative student academic progress measure if adopted under 46379
division (C)(1)(e) of section 3302.03 of the Revised Code. The 46380
chancellor shall aggregate the data by graduating class for each 46381
approved teacher preparation program, except that if a 46382
particular class has ten or fewer graduates to which this 46383
division applies, the chancellor shall report the data for a 46384
group of classes over a three-year period. In no case shall the 46385
report identify any individual graduate. The department of 46386
education and workforce shall share any data necessary for the 46387
report with the chancellor. 46388

(C) As used in this section: 46389

(1) "Minority business enterprise" has the same meaning as 46390
in section 122.71 of the Revised Code. 46391

(2) "State institution of higher education" and "state 46392
university" have the same meanings as in section 3345.011 of the 46393
Revised Code. 46394

(3) "State university or college" has the same meaning as 46395
in section 3345.12 of the Revised Code. 46396

(4) "Women's business enterprise" means a business, or a 46397
partnership, corporation, limited liability company, or joint 46398
venture of any kind, that is owned and controlled by women who 46399
are United States citizens and residents of this state. 46400

Sec. 3333.0415. The chancellor of higher education, in 46401
collaboration with the department of education and workforce and 46402
the governor's office of workforce transformation, shall 46403

establish the level of attainment necessary to achieve 46404
identified performance targets across a range of degrees and 46405
credentials. 46406

Sec. 3333.0420. (A) As used in this section: 46407

(1) "Contractual agreement" means a contract in which a 46408
state institution of higher education grants an unaccredited 46409
online program manager input on or authority over any of the 46410
following for an academic program: 46411

(a) Curriculum development, design, or maintenance; 46412

(b) Student assessment and grading; 46413

(c) Course assessment; 46414

(d) Admissions requirements; 46415

(e) Appointment of faculty; 46416

(f) Faculty assessment; 46417

(g) Decision to award course credit or credential; 46418

(h) Institutional governance. 46419

(2) "State institution of higher education" has the same 46420
meaning as in section 3345.011 of the Revised Code. 46421

(B) Annually, each state institution of higher education 46422
shall report to the chancellor of higher education, in a form 46423
and manner determined by the chancellor, each contractual 46424
agreement the institution entered into in that year. The 46425
chancellor may request that a state institution provide the 46426
chancellor with all information concerning a contractual 46427
agreement, including a copy of the agreement. 46428

(C) The chancellor may require each state institution to 46429

submit a contractual agreement to the chancellor prior to the 46430
execution of the agreement for a review to ensure compliance 46431
with the standards and procedures for academic program approval. 46432

(D) A state institution shall include in each contractual 46433
agreement a provision that requires the institution to maintain 46434
responsibility for and oversight of the academic program as 46435
specified in the standards and procedures for academic program 46436
approval pursuant to section 3333.04 of the Revised Code. The 46437
state institution shall ensure each academic program is offered 46438
in the manner approved by the chancellor or formally shall 46439
request approval of a significant change to a previously 46440
approved program or approval of a new academic program. 46441

(E) A state institution that enters a contractual 46442
agreement shall notify students which parties are providing 46443
instruction, recruitment, and other services under the 46444
agreement. 46445

(F) A state institution shall not enter a contractual 46446
agreement unless the agreement includes a provision that grants 46447
the chancellor the authority to invalidate the contract if the 46448
contract was not approved by the chancellor or if the chancellor 46449
determines the agreement is not in compliance with the standards 46450
and procedures for academic program approval. If the chancellor 46451
invalidates a contract, the state institution shall not enroll 46452
new students and shall offer each current student either 46453
remediated instruction at no cost to the student or a full 46454
refund on tuition. 46455

Sec. 3333.071. Notwithstanding section 3345.16 of the 46456
Revised Code, no expenditure shall be made for land for higher 46457
education purposes by public institutions of higher education or 46458
agents of such institutions from any fund without the approval 46459

of the chancellor of higher education and the controlling board. 46460
No state appropriation for capital improvements shall be 46461
~~released by the controlling board~~ expended for the purchase of 46462
land or buildings from any organization or corporation which has 46463
been established to benefit or assist the institution, except 46464
that such ~~releases~~ expenditure may be made if the land is to be 46465
used for a currently state-financed improvement. 46466

Sec. 3333.074. (A) Each state institution of higher 46467
education, as defined in section 3345.011 of the Revised Code, 46468
annually shall submit, in a form and manner determined by the 46469
chancellor of higher education, the following information to 46470
assess the performance and compliance of the state institution: 46471

(1) Verification of current accreditation status and a 46472
copy of the state institution's most recent higher learning 46473
commission institutional update report; 46474

(2) A plan to preserve student records indefinitely in the 46475
event of closure of the state institution or discontinuation of 46476
service. The plan shall include a method by which students and 46477
alumni of the state institution may retrieve student records by 46478
request. The plan shall also include a designation and signed 46479
confirmation of an official custodian of student records. 46480
Student records preserved under the plan shall include, but not 46481
be limited to: 46482

(a) Academic transcripts; 46483

(b) Financial aid documents; 46484

(c) International student forms; 46485

(d) Tax information. 46486

(3) The results of any external degree program evaluations 46487

conducted in the last year; 46488

(4) A list of any degree programs that have been 46489
eliminated in the last year; 46490

(5) Any other information requested by the chancellor. 46491

(B) The chancellor may rescind program approval if a state 46492
institution of higher education fails to submit the information 46493
required under division (A) of this section or if the chancellor 46494
finds that the information submitted under that division is 46495
insufficient. 46496

(C) Each state institution of higher education shall 46497
immediately inform the chancellor if the state institution does 46498
any of the following: 46499

(1) Receives notice from the federal government or an 46500
institutional accrediting organization that the state 46501
institution is subject to heightened reporting standards or 46502
special monitoring status, such as the United States department 46503
of education's heightened cash monitoring process; 46504

(2) Receives preliminary or final accreditation findings; 46505

(3) Becomes the subject of an investigation by a 46506
government agency related to the institution's academic quality, 46507
financial stability, or student consumer protection; 46508

(4) Requests an advance of a state subsidy; 46509

(5) Fails to make any payments to applicable retirement 46510
systems, such as the public employees retirement system or the 46511
state teachers retirement system; 46512

(6) Fails to make any scheduled payroll payments; 46513

(7) Fails to make any payments to vendors when due as a 46514

result of a cash deficiency or a substantial deficiency in the 46515
payment processing system of the state institution; 46516

(8) Fails to make any scheduled payment of principal or 46517
interest for short- or long-term debt; 46518

(9) Makes budget revisions resulting in a substantially 46519
reduced ending fund balance or larger deficit; 46520

(10) Becomes aware of significant negative variance 46521
between the most recently adopted annual budget and actual 46522
revenues or expenses as projected at the end of the fiscal year. 46523

(D) A document received by the chancellor under division 46524
(C) (1), (2), or (3) of this section that is confidential under 46525
federal law is not subject to release under a public record 46526
request until such time as the document is released publicly by 46527
the appropriate entity. 46528

Sec. 3333.129. (A) The "Teach CS" grant program is 46529
established to ~~fund coursework, materials, and exams to support~~ 46530
~~the increasing the~~ number of ~~existing~~Ohio teachers who qualify 46531
to teach computer science, or expand the knowledge of existing 46532
teachers, through all of the following: 46533

(1) A supplemental license that involves a mentorship- 46534
based pathway for existing teachers; 46535

(2) A university endorsement program that involves a 46536
coursework-based path for existing teachers; 46537

(3) An alternative resident educator licensure pathway for 46538
industry experts and other nonteachers; 46539

(4) A continuing education program that offers 46540
professional development to existing teachers, including those 46541
that teach pre-kindergarten to twelve who are generalists and 46542

those seeking advanced content knowledge. 46543

The chancellor of higher education shall administer the 46544
program. Funds may be spent on coursework, materials, exams, 46545
teacher stipends, performance-based incentives, and for other 46546
purposes as determined by the chancellor to support the 46547
expansion of computer science education. 46548

(B) The chancellor, in consultation with the department of 46549
education and workforce, shall develop an application process 46550
and criteria for awards. Priority may be given to education 46551
consortia that include economically disadvantaged schools in 46552
which there are limited computer science courses offered or 46553
where there is an unmet need for teachers credentialed to teach 46554
computer science courses, as determined by the chancellor. 46555

Sec. 3333.164. (A) As used in this section, "state": 46556

(1) "Armed forces" has the same meaning as in section 46557
3313.471 of the Revised Code. 46558

(2) "Private institution of higher education" has the same 46559
meaning as in section 5919.34 of the Revised Code. 46560

(3) "State institution of higher education" has the same 46561
meaning as in section 3345.011 of the Revised Code. 46562

(B) ~~Not later than December 31, 2014, the~~ The chancellor 46563
of higher education shall do all of the following with regard to 46564
the awarding of college credit for military training, 46565
experience, and coursework: 46566

(1) Develop a set of standards and procedures for state 46567
institutions of higher education to utilize in the granting of 46568
college credit for military training, experience, and 46569
coursework; 46570

(2) Create a military articulation and transfer assurance 46571
guide for college credit that is earned through military 46572
training, experience, and coursework. The chancellor shall use 46573
the current articulation and transfer policy adopted pursuant to 46574
section 3333.16 of the Revised Code as a model in developing 46575
this guide. 46576

(3) Create a web site that contains information related to 46577
the awarding of college credit for military training, 46578
experience, and coursework. The web site shall include both of 46579
the following: 46580

(a) Standardized resources that address frequently asked 46581
questions regarding the awarding of such credit and related 46582
issues; 46583

(b) A statewide database that shows how specified military 46584
training, experience, and coursework translates to college 46585
credit. 46586

(4) Develop a statewide training program that prepares 46587
faculty and staff of state institutions of higher education to 46588
evaluate various military training, experience, and coursework 46589
and to award appropriate equivalent credit. The training program 46590
shall incorporate the best practices of awarding credit for 46591
military experiences, including both the recommendations of the 46592
American council on education and the standards developed by the 46593
council for adult and experiential learning. 46594

(C) ~~Beginning on July 1, 2015, state~~ State institutions of 46595
higher education shall ensure that appropriate equivalent credit 46596
is awarded for military training, experience, and coursework 46597
that meet the standards developed by the chancellor pursuant to 46598
this section. 46599

(D) Notwithstanding any provision of law to the contrary, 46600
the chancellor may require a state institution of higher 46601
education or a private institution of higher education to 46602
establish a process to systematically evaluate military 46603
training, experience, and coursework and to award appropriate 46604
equivalent college credit to a student who is a veteran of the 46605
armed forces. The chancellor may adopt rules to implement this 46606
division. 46607

Sec. 3333.24. (A) As used in this section: 46608

(1) "Eligible student" means a student to whom all of the 46609
following apply: 46610

(a) The student is a resident of this state under rules 46611
adopted by the chancellor of higher education under section 46612
3333.31 of the Revised Code. 46613

(b) The student has completed a free application for 46614
federal student aid for the year for which the grant is to be 46615
awarded. 46616

(c) The student enrolls in a qualified program at a 46617
community, state community, or technical college, an Ohio 46618
technical center, or a state university branch campus. 46619

(2) "Qualified program" means either of the following: 46620

(a) For a student who received a first-time grant under 46621
this section prior to the effective date of this amendment, a 46622
credit or noncredit program that leads to an industry-recognized 46623
credential, certificate, or degree and prepares the student for 46624
a job that meets either of the following criteria: 46625

~~(a)~~(i) It is identified as an "in-demand" or "critical" 46626
job as determined by the office of workforce transformation. 46627

~~(b)~~ (ii) It is submitted by a community, state community,
or technical college, an Ohio technical center, or a state
university branch campus and will meet regional workforce needs,
as approved by the chancellor.

(b) For a student who receives a first-time grant under
this section on or after the effective date of this amendment, a
program that meets alternative criteria established by the
chancellor of higher education, in consultation with the office
of workforce transformation, based on the emerging workforce
needs of the state.

(B) The chancellor of higher education shall establish the
Ohio work ready grant program. Under the program, the chancellor
shall award a grant of up to three thousand dollars to eligible
students enrolled in a qualified program. Grant award amounts
made to eligible students enrolled on either a full-time or
part-time basis shall be computed in accordance with rules
adopted by the chancellor. No student shall be eligible to
receive a grant for more than six semesters or the equivalent of
three academic years.

(C) Eligible students shall apply to participate in the
program in a form and manner prescribed by the chancellor. The
chancellor shall determine the form and manner of payments.

(D) (1) The program shall be funded in the sums and manner
designated for such purpose by the general assembly, but the
chancellor also may receive funds from other sources to support
the program.

(2) If, for any academic year, the amounts available for
support of the program are inadequate to provide grants to all
eligible students, the chancellor may establish different grant

amounts based on the number of applicants and the total amount 46657
of funds set aside for that purpose. 46658

(E) The chancellor, in consultation with the providers of 46659
qualified programs, shall collect and report program metrics 46660
that include all of the following: 46661

(1) Demographics of recipients, including: 46662

(a) Age, disaggregated as follows: 46663

(i) Twenty-four years and younger; 46664

(ii) Twenty-five to thirty-four years; 46665

(iii) Thirty-five to forty-nine years; 46666

(iv) Fifty years and older. 46667

(b) Gender; 46668

(c) Race and ethnicity; 46669

(d) Enrollment status as full- or part-time; 46670

(e) Pell grant status. 46671

(2) Success rates of recipients, including program 46672
retention and completion; 46673

(3) Total number of industry-recognized credentials, 46674
including technician-aligned associate degrees, awarded, 46675
disaggregated by subject or program area. 46676

Sec. 3333.96. (A) The strategic square footage reduction 46677
fund is created in the state treasury. The fund shall consist of 46678
money credited or transferred to it and grants, gifts, and 46679
contributions made directly to it. In addition to any such 46680
money, gift, or contribution, funds may be transferred from the 46681
Ohio tuition trust fund to the strategic square footage 46682

reduction fund, in accordance with division (B) of section 46683
3334.12 of the Revised Code. 46684

(B) The strategic square footage reduction fund shall be 46685
used to make revolving loans to state institutions of higher 46686
education, as defined in section 3345.011 of the Revised Code, 46687
that enable the voluntary reduction of physical square footage. 46688

(C) The chancellor of higher education shall administer 46689
and award, in consultation with the Ohio facilities construction 46690
commission, the revolving loans described in division (B) of 46691
this section. The chancellor, in consultation with the 46692
commission, shall establish all of the following: 46693

(1) Procedures and forms by which state institutions of 46694
higher education may apply for a loan; 46695

(2) A competitive process for ranking applicants and 46696
awarding the loans, with priority consideration given to state 46697
institutions of higher education that have experienced a 46698
decrease in their general student populations, as determined by 46699
the chancellor; 46700

(3) Procedures and timelines for distributing loans and 46701
collecting payments for the strategic square footage reduction 46702
fund. 46703

(D) Each state institution of higher education shall 46704
include in its application all of the following: 46705

(1) The extent to which the square footage may have value 46706
if sold or reallocated to serve other purposes, which may 46707
include kindergarten through twelve, career-technical, or adult 46708
educational purposes, community interests, or business and 46709
industry partnerships; 46710

(2) The relative age and condition of the facilities to be 46711
deconstructed; 46712

(3) Historical enrollment patterns as well as future 46713
enrollment projections; 46714

(4) The composition of classes offered in person versus in 46715
an online format; 46716

(5) The level of deferred maintenance; 46717

(6) The prior level of state investment; 46718

(7) The amount of annual operating expenses defrayed by 46719
eliminating the square footage; 46720

(8) A report from the office of budget and management 46721
detailing the extent and the status of past capital budget 46722
appropriations supporting the project and the existence of any 46723
outstanding bonded debt derived from such support. 46724

The chancellor and the Ohio facilities construction 46725
commission shall consider the information supplied under this 46726
division in making final awards. 46727

(E) Each state institution of higher education that 46728
receives a loan under this section annually shall certify to the 46729
chancellor, on a date and in such form and manner as prescribed 46730
by the chancellor, a summary of financial information regarding 46731
the loan. 46732

(F) Prior to a state institution using the loan to pay the 46733
demolition costs of a facility, the following shall occur: 46734

(1) The board of trustees of that institution shall adopt 46735
a resolution approving the demolition. 46736

(2) Notwithstanding anything to the contrary in the 46737

Revised Code, any net proceeds received from any demolition of 46738
real property made pursuant to this section shall, at the 46739
direction of the director of budget and management, be credited 46740
to a fund or funds in the state treasury, or to accounts held by 46741
the state institution of higher education for purposes to be 46742
determined by that institution. 46743

(G) Each state institution of higher education receiving 46744
loans under this section shall not construct any new facility 46745
during the time period in which demolition is occurring. 46746

Sec. 3334.11. (A) The assets of the Ohio tuition trust 46747
authority reserved for payment of the obligations of the 46748
authority pursuant to tuition payment contracts shall be placed 46749
in a fund, which is hereby created and shall be known as the 46750
Ohio tuition trust fund. The fund shall be in the custody of the 46751
treasurer of state, but shall not be part of the state treasury. 46752
That portion of payments received by the authority or the 46753
treasurer of state from persons purchasing tuition units under 46754
tuition payment contracts that the authority determines is 46755
actuarially necessary for the payment of obligations of the 46756
authority pursuant to tuition payment contracts, all interest 46757
and investment income earned by the fund, and all other receipts 46758
of the authority from any other source that the authority 46759
determines appropriate, shall be deposited in the fund. No 46760
purchaser or beneficiary of tuition units shall have any claim 46761
against the funds of any state institution of higher education. 46762
All investment fees and other costs incurred in connection with 46763
the exercise of the investment powers of the authority pursuant 46764
to divisions (D) and (E) of this section shall be paid from the 46765
assets of the fund. 46766

(B) Unless otherwise provided by the authority, the assets 46767

of the Ohio tuition trust fund shall be expended in the 46768
following order: 46769

(1) To make payments to beneficiaries, or institutions of 46770
higher education on behalf of beneficiaries, under division (B) 46771
of section 3334.09 of the Revised Code; 46772

(2) To make refunds as provided in divisions (A) and (C) 46773
of section 3334.10 of the Revised Code; 46774

(3) To pay the investment fees and other costs of 46775
administering the fund. 46776

(C) (1) Except as may be provided in an agreement under 46777
division (A) (19) of section 3334.08 of the Revised Code, all 46778
disbursements from the Ohio tuition trust fund shall be made by 46779
the treasurer of state on order of a designee of the authority. 46780

(2) The treasurer of state shall deposit any portion of 46781
the Ohio tuition trust fund not needed for immediate use in the 46782
same manner as state funds are deposited. 46783

(D) The authority is the trustee of the Ohio tuition trust 46784
fund. The authority shall have full power to invest the assets 46785
of the fund and in exercising this power shall be subject to the 46786
limitations and requirements contained in divisions (K) to (M) 46787
of this section and sections 145.112 and 145.113 of the Revised 46788
Code. The evidences of title of all investments shall be 46789
delivered to the treasurer of state or to a qualified trustee 46790
designated by the treasurer of state as provided in section 46791
135.18 of the Revised Code. Assets of the fund shall be 46792
administered by the authority in a manner designed to be 46793
actuarially sound so that the assets of the fund will be 46794
sufficient to satisfy the obligations of the authority pursuant 46795
to tuition payment contracts and defray the reasonable expenses 46796

of administering the fund. 46797

(E) The authority may enter into an agreement with any 46798
business, entity, or governmental agency to perform the 46799
investment duties of the authority as set forth in division (D) 46800
of this section. The investment powers shall be exercised by the 46801
business, entity, or governmental agency that entered into an 46802
agreement with the authority in a manner agreed upon by the 46803
authority that maximizes the return on investment and minimizes 46804
the administrative expenses. 46805

(F) (1) The authority shall maintain a separate account for 46806
each tuition payment contract entered into pursuant to division 46807
(A) of section 3334.09 of the Revised Code for the purchase of 46808
tuition units on behalf of a beneficiary or beneficiaries 46809
showing the beneficiary or beneficiaries of that contract and 46810
the number of tuition units purchased pursuant to that contract. 46811
Upon request of any beneficiary or person who has entered into a 46812
tuition payment contract, the authority shall provide a 46813
statement indicating, in the case of a beneficiary, the number 46814
of tuition units purchased on behalf of the beneficiary, or in 46815
the case of a person who has entered into a tuition payment 46816
contract, the number of tuition units purchased, used, or 46817
refunded pursuant to that contract. A beneficiary and person 46818
that have entered into a tuition payment contract each may file 46819
only one request under this division in any year. 46820

(2) The authority shall maintain an account for each 46821
scholarship program showing the number of tuition units that 46822
have been purchased for or donated to the program and the number 46823
of tuition units that have been used. Upon the request of the 46824
entity that established the scholarship program, the authority 46825
shall provide a statement indicating these numbers. 46826

(G) (1) In addition to the Ohio tuition trust fund, there 46827
is hereby established a reserve fund that shall be in the 46828
custody of the treasurer of state but shall not be part of the 46829
state treasury, and shall be known as the Ohio tuition trust 46830
reserve fund, and an operating fund that shall be part of the 46831
state treasury, and shall be known as the Ohio tuition trust 46832
operating fund. That portion of payments received by the 46833
authority or the treasurer of state from persons purchasing 46834
tuition units under tuition payment contracts that the authority 46835
determines is not actuarially necessary for the payment of 46836
obligations of the authority pursuant to tuition payment 46837
contracts, any interest and investment income earned by the 46838
reserve fund, any administrative charges and fees imposed by the 46839
authority on transactions under this chapter or on purchasers or 46840
beneficiaries of tuition units, and all other receipts from any 46841
other source that the authority determines appropriate, shall be 46842
deposited in the reserve fund to pay the operating expenses of 46843
the authority and the costs of administering the program. The 46844
assets of the reserve fund may be invested in the same manner 46845
and subject to the same limitations set forth in divisions (D), 46846
(E), and (K) to (M) of this section and sections 145.112 and 46847
145.113 of the Revised Code. All investment fees and other costs 46848
incurred in connection with the exercise of the investment 46849
powers shall be paid from the assets of the reserve fund. Except 46850
as otherwise provided for in this chapter, all operating 46851
expenses of the authority and costs of administering the program 46852
shall be paid from the operating fund. 46853

(2) The treasurer of state shall, upon request of the 46854
authority, transfer funds from the reserve fund to the operating 46855
fund as the authority determines appropriate to pay those 46856
current operating expenses of the authority and costs of 46857

administering the program as the authority designates. Any 46858
interest or investment income earned on the assets of the 46859
operating fund shall be deposited in the operating fund. 46860

(3) The treasurer of state shall, upon request by the 46861
chancellor of higher education and approval by the director of 46862
budget and management, transfer funds from the reserve fund to 46863
the strategic square footage reduction fund created under 46864
section 3334.13 of the Revised Code. 46865

(H) In January of each year the authority shall report to 46866
each person who received any payments or refunds from the 46867
authority during the preceding year information relative to the 46868
value of the payments or refunds to assist in determining that 46869
person's tax liability. 46870

(I) The authority shall report to the tax commissioner any 46871
information, and at the times, as the tax commissioner requires 46872
to determine any tax liability that a person may have incurred 46873
during the preceding year as a result of having received any 46874
payments or refunds from the authority. 46875

(J) All records of the authority indicating the identity 46876
of purchasers and beneficiaries of tuition units or college 46877
savings bonds, the number of tuition units purchased, used, or 46878
refunded under a tuition payment contract, and the number of 46879
college savings bonds purchased, held, or redeemed are not 46880
public records within the meaning of section 149.43 of the 46881
Revised Code. 46882

(K) (1) The authority and other fiduciaries shall discharge 46883
their duties with respect to the funds with care, skill, 46884
prudence, and diligence under the circumstances then prevailing 46885
that a prudent person acting in a like capacity and familiar 46886

with such matters would use in the conduct of an enterprise of a 46887
like character and with like aims; and by diversifying the 46888
investments of the assets of the funds so as to minimize the 46889
risk of large losses, unless under the circumstances it is 46890
clearly prudent not to do so. 46891

(2) To facilitate investment of the funds, the authority 46892
may establish a partnership, trust, limited liability company, 46893
corporation, including a corporation exempt from taxation under 46894
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 46895
amended, or any other legal entity authorized to transact 46896
business in this state. 46897

(L) In exercising its fiduciary responsibility with 46898
respect to the investment of the assets of the funds, it shall 46899
be the intent of the authority to give consideration to 46900
investments that enhance the general welfare of the state and 46901
its citizens where the investments offer quality, return, and 46902
safety comparable to other investments currently available to 46903
the authority. In fulfilling this intent, equal consideration 46904
shall also be given to investments otherwise qualifying under 46905
this section that involve minority owned and controlled firms 46906
and firms owned and controlled by women, either alone or in 46907
joint venture with other firms. 46908

The authority shall adopt, in regular meeting, policies, 46909
objectives, or criteria for the operation of the investment 46910
program that include asset allocation targets and ranges, risk 46911
factors, asset class benchmarks, time horizons, total return 46912
objectives, and performance evaluation guidelines. In adopting 46913
policies and criteria for the selection of agents with whom the 46914
authority may contract for the administration of the assets of 46915
the funds, the authority shall give equal consideration to 46916

minority owned and controlled firms, firms owned and controlled 46917
by women, and ventures involving minority owned and controlled 46918
firms and firms owned and controlled by women that otherwise 46919
meet the policies and criteria established by the authority. 46920
Amendments and additions to the policies and criteria shall be 46921
adopted in regular meeting. The authority shall publish its 46922
policies, objectives, and criteria under this provision no less 46923
often than annually and shall make copies available to 46924
interested parties. 46925

When reporting on the performance of investments, the 46926
authority shall comply with the performance presentation 46927
standards established by the association for investment 46928
management and research. 46929

(M) All investments shall be purchased at current market 46930
prices and the evidences of title of the investments shall be 46931
placed in the hands of the treasurer of state, who is hereby 46932
designated as custodian thereof, or in the hands of the 46933
treasurer of state's authorized agent. The treasurer of state or 46934
the agent shall collect the principal, dividends, distributions, 46935
and interest thereon as they become due and payable and place 46936
them when so collected into the custodial funds. 46937

The treasurer of state shall pay for investments purchased 46938
by the authority on receipt of written or electronic 46939
instructions from the authority or the authority's designated 46940
agent authorizing the purchase and pending receipt of the 46941
evidence of title of the investment by the treasurer of state or 46942
the treasurer of state's authorized agent. The authority may 46943
sell investments held by the authority, and the treasurer of 46944
state or the treasurer of state's authorized agent shall accept 46945
payment from the purchaser and deliver evidence of title of the 46946

investment to the purchaser on receipt of written or electronic 46947
instructions from the authority or the authority's designated 46948
agent authorizing the sale, and pending receipt of the moneys 46949
for the investments. The amount received shall be placed in the 46950
custodial funds. The authority and the treasurer of state may 46951
enter into agreements to establish procedures for the purchase 46952
and sale of investments under this division and the custody of 46953
the investments. 46954

No purchase or sale of any investment shall be made under 46955
this section except as authorized by the authority. 46956

Any statement of financial position distributed by the 46957
authority shall include fair value, as of the statement date, of 46958
all investments held by the authority under this section. 46959

Sec. 3334.12. Notwithstanding anything to the contrary in 46960
sections 3334.07 and 3334.09 of the Revised Code: 46961

(A) Annually, the Ohio tuition trust authority shall have 46962
the actuarial soundness of the Ohio tuition trust fund evaluated 46963
by a nationally recognized actuary and shall determine whether 46964
additional assets are necessary to defray the obligations of the 46965
authority. If, after the authority sets the price for tuition 46966
units, circumstances arise that the executive director 46967
determines necessitate an additional evaluation of the actuarial 46968
soundness of the fund, the executive director shall have a 46969
nationally recognized actuary conduct the necessary evaluation. 46970
If the assets of the fund are insufficient to ensure the 46971
actuarial soundness of the fund, the authority shall adjust the 46972
price of subsequent purchases of tuition units to the extent 46973
necessary to help restore the actuarial soundness of the fund. 46974
If, at any time, the adjustment is likely, in the opinion of the 46975
authority, to diminish the marketability of tuition units to an 46976

extent that the continued sale of the units likely would not 46977
restore the actuarial soundness of the fund and external 46978
economic factors continue to negatively impact the soundness of 46979
the program, the authority may suspend sales, either permanently 46980
or temporarily, of tuition units. During any suspension, the 46981
authority shall continue to service existing college savings 46982
program accounts. 46983

(B) The treasurer of state shall, upon request by the 46984
chancellor of higher education, transfer the amount determined 46985
to be surplus from the annual evaluation as to the actuarial 46986
soundness of the fund to the strategic square footage fund 46987
created under section 3334.13 of the Revised Code, provided that 46988
at least five per cent of the amount determined to be surplus 46989
remains in the Ohio tuition trust fund. 46990

(C) Upon termination of all programs or liquidation of the 46991
Ohio tuition trust fund, the Ohio tuition trust reserve fund, 46992
and the Ohio tuition trust operating fund, any remaining assets 46993
of the funds after all obligations of the funds have been 46994
satisfied pursuant to division (B) of section 3334.11 of the 46995
Revised Code shall be transferred to the general revenue fund of 46996
the state. 46997

~~(C)~~ (D) The authority shall prepare and cause to have 46998
audited an annual financial report on all financial activity of 46999
the Ohio tuition trust authority within ninety days of the end 47000
of the fiscal year. The authority shall transmit a copy of the 47001
audited financial report to the governor, the president of the 47002
senate, the speaker of the house of representatives, and the 47003
minority leaders of the senate and the house of representatives. 47004
Copies of the audited financial report also shall be made 47005
available, upon request, to the persons entering into contracts 47006

with the authority and to prospective purchasers of tuition 47007
units and prospective contributors to variable college savings 47008
program accounts. 47009

Sec. 3345.033. (A) As used in this section: 47010

"Rule" includes the enactment of a new rule or the 47011
amendment or rescission of an existing rule. 47012

"State institution of higher education" means a state 47013
university identified in section 3345.011 of the Revised Code, 47014
the northeast Ohio medical university, or a community college, 47015
state community college, or technical college. 47016

(B) When a state institution of higher education adopts a 47017
rule, the state institution of higher education shall post the 47018
rule on its web site, ~~and the director of the legislative~~ 47019
~~service commission shall publish or cause publication of the~~ 47020
~~rule in the register of Ohio and in any electronic~~ 47021
~~Administrative Code published by or under contract with the~~ 47022
~~director. The state institution of higher education also~~ 47023
~~electronically shall file a copy of the rule with the joint~~ 47024
~~committee on agency rule review. The rule is not subject to~~ 47025
~~review by the joint committee. But the joint committee shall~~ 47026
~~accommodate the rule to the rule watch system.~~ 47027

(C) A state institution of higher education shall maintain 47028
the posting of its rules on its web site, ~~and~~ periodically shall 47029
verify the posting, and annually submit an electronic copy of 47030
all effective rules to the chancellor of higher education, the 47031
chairperson of the senate committee that primarily deals with 47032
higher education, and to the chairperson of the committee of the 47033
house of representatives that primarily deals with higher 47034
education. Upon receiving an electronic copy of a rule or 47035

failing to receive an electronic copy of a rule, the 47036
chairpersons of the legislative committees that primarily deal 47037
with higher education may hold a hearing and require that a 47038
representative of the state institution of higher education 47039
provide testimony regarding the rule. A state institution of 47040
higher education is not entitled to rely on a rule that is not 47041
currently posted on its web site. 47042

(D) A rule posted on a state institution of higher 47043
education's web site in accordance with this section is not 47044
subject to review by the joint committee on agency rule review. 47045
Such a rule is not subject to section 111.15 or 119.03 of the 47046
Revised Code unless the law requiring or permitting the rule to 47047
be adopted requires the rule to be adopted under either of those 47048
sections. 47049

Sec. 3345.06. As used in this section, "state institution 47050
of higher education" and "state university" have the same 47051
meanings as in section 3345.011 of the Revised Code. 47052

~~(A)~~ (A) (1) Subject to divisions (B) and (C) of this 47053
section, a graduate of the twelfth grade shall be entitled to 47054
admission without examination to any college or university which 47055
~~is supported wholly or in part by the state~~ state institution of 47056
higher education, but for unconditional admission may be 47057
required to complete such units not included in the graduate's 47058
high school course as may be prescribed, not less than two years 47059
prior to the graduate's entrance, by the faculty of the 47060
institution. 47061

(2) Subject to divisions (B) and (C) of this section, each 47062
graduate of the twelfth grade who is in the top ten per cent of 47063
a graduating class as determined by the chancellor of higher 47064
education shall be entitled to admission to any state 47065

institution of higher education. If the student does not meet 47066
the standards for unconditional admission under division (A) of 47067
this section, a state university may delay main campus admission 47068
and admit the student to a university branch campus. 47069

(3) Subject to divisions (B) and (C) of this section, each 47070
recipient of the governor's merit scholarship shall be entitled 47071
to admission to the main campus of a state institution of higher 47072
education. 47073

(B) Beginning with the 2014-2015 academic year, each state 47074
university ~~listed in section 3345.011 of the Revised Code,~~ 47075
except for Central state university, Shawnee state university, 47076
and Youngstown state university, shall permit a resident of this 47077
state who entered ninth grade for the first time on or after 47078
July 1, 2010, to begin undergraduate coursework at the 47079
university only if the person has successfully completed the 47080
requirements for high school graduation prescribed in division 47081
(C) of section 3313.603 of the Revised Code, unless one of the 47082
following applies: 47083

(1) The person has earned at least ten semester hours, or 47084
the equivalent, at a community college, state community college, 47085
university branch, technical college, or another post-secondary 47086
institution except a state university to which division (B) of 47087
this section applies, in courses that are college-credit-bearing 47088
and may be applied toward the requirements for a degree. The 47089
university shall grant credit for successful completion of those 47090
courses pursuant to any applicable articulation and transfer 47091
policy of the chancellor of higher education or any agreements 47092
the university has entered into in accordance with policies and 47093
procedures adopted under section 3333.16, 3333.161, or 3333.162 47094
of the Revised Code. The university may count college credit 47095

that the student earned while in high school through the college 47096
credit plus program under Chapter 3365. of the Revised Code, or 47097
through other advanced standing programs, toward the 47098
requirements of division (B) (1) of this section if the credit 47099
may be applied toward a degree. 47100

(2) The person qualified to graduate from high school 47101
under division (D) or (F) of section 3313.603 of the Revised 47102
Code and has successfully completed the topics or courses that 47103
the person lacked to graduate under division (C) of that section 47104
at any post-secondary institution or at a summer program at the 47105
state university. A state university may admit a person for 47106
enrollment contingent upon completion of such topics or courses 47107
or summer program. 47108

(3) The person met the high school graduation requirements 47109
by successfully completing the person's individualized education 47110
program developed under section 3323.08 of the Revised Code. 47111

(4) The person is receiving or has completed the final 47112
year of education at home as authorized under section 3321.042 47113
of the Revised Code, or has graduated from a nonchartered, 47114
nonpublic school in Ohio, and demonstrates mastery of the 47115
academic content and skills in reading, writing, and mathematics 47116
needed to successfully complete introductory level coursework at 47117
an institution of higher education and to avoid remedial 47118
coursework. 47119

(5) The person is a high school student participating in 47120
the college credit plus program under Chapter 3365. of the 47121
Revised Code or another advanced standing program. 47122

(C) A state university subject to division (B) of this 47123
section may delay admission for or admit conditionally an 47124

undergraduate student who has successfully completed the 47125
requirements prescribed in division (C) of section 3313.603 of 47126
the Revised Code if the university determines the student 47127
requires academic remedial or developmental coursework. The 47128
university may delay admission pending, or make admission 47129
conditional upon, the student's successful completion of the 47130
academic remedial or developmental coursework at a university 47131
branch, community college, state community college, or technical 47132
college. 47133

(D) This section does not deny the right of a college of 47134
law, medicine, or other specialized education to require college 47135
training for admission, or the right of a department of music or 47136
other art to require particular preliminary training or talent. 47137

Sec. 3345.14. (A) As used in this section, "state college 47138
or university" means any state university or college defined in 47139
division (A)(1) of section 3345.12 of the Revised Code, and any 47140
other institution of higher education defined in division (A)(2) 47141
of that section. 47142

(B) All rights to and interests in discoveries, 47143
inventions, or patents which result from research or 47144
investigation conducted in any experiment station, bureau, 47145
laboratory, research facility, or other facility of any state 47146
college or university, or by employees of any state college or 47147
university acting within the scope of their employment or with 47148
funding, equipment, or infrastructure provided by or through any 47149
state college or university, shall be the sole property of that 47150
college or university. No person, firm, association, 47151
corporation, or governmental agency which uses the facilities of 47152
such college or university in connection with such research or 47153
investigation and no faculty member, employee, or student of 47154

such college or university participating in or making such 47155
discoveries or inventions, shall have any rights to or interests 47156
in such discoveries or inventions, including income therefrom, 47157
except as may, by determination of the board of trustees of such 47158
college or university, be assigned, licensed, transferred, or 47159
paid to such persons or entities in accordance with division (C) 47160
of this section or in accordance with rules adopted under 47161
division (D) of this section. 47162

(C) As may be determined from time to time by the board of 47163
trustees of any state college or university, the college or 47164
university may retain, assign, license, transfer, sell, or 47165
otherwise dispose of, in whole or in part and upon such terms as 47166
the board of trustees may direct, any and all rights to, 47167
interests in, or income from any such discoveries, inventions, 47168
or patents which the college or university owns or may acquire. 47169
Such dispositions may be to any individual, firm, association, 47170
corporation, or governmental agency, or to any faculty member, 47171
employee, or student of the college or university as the board 47172
of trustees may direct. Any and all income or proceeds derived 47173
or retained from such dispositions shall be applied to the 47174
general or special use of the college or university as 47175
determined by the board of trustees of such college or 47176
university. 47177

(D) (1) Notwithstanding any provision of the Revised Code 47178
to the contrary, including but not limited to sections 102.03, 47179
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 47180
trustees of any state college or university shall adopt rules ~~in~~ 47181
~~accordance with section 111.15 of the Revised Code~~ that set 47182
forth circumstances under which an employee of the college or 47183
university may solicit or accept, and under which a person may 47184
give or promise to give to such an employee, a financial 47185

interest in any firm, corporation, or other association to which 47186
the board has assigned, licensed, transferred, or sold the 47187
college or university's interests in its intellectual property, 47188
including discoveries or inventions made or created by that 47189
employee or in patents issued to that employee. 47190

(2) Rules established under division (D) (1) of this 47191
section shall include the following: 47192

(a) A requirement that each college or university employee 47193
disclose to the college or university board of trustees any 47194
financial interest the employee holds in a firm, corporation, or 47195
other association as described in division (D) (1) of this 47196
section; 47197

(b) A requirement that all disclosures made under division 47198
(D) (2) (a) of this section are reviewed by officials designated 47199
by the college or university board of trustees. The officials 47200
designated under this division shall determine the information 47201
that shall be disclosed and safeguards that shall be applied in 47202
order to manage, reduce, or eliminate any actual or potential 47203
conflict of interest. 47204

(c) A requirement that in implementing division (D) of 47205
this section all members of the college or university board of 47206
trustees shall be governed by Chapter 102. and sections 2921.42 47207
and 2921.43 of the Revised Code. 47208

(d) Guidelines to ensure that any financial interest held 47209
by any employee of the college or university does not result in 47210
misuse of the students, employees, or resources of the college 47211
or university for the benefit of the firm, corporation, or other 47212
association in which such interest is held or does not otherwise 47213
interfere with the duties and responsibilities of the employee 47214

who holds such an interest. 47215

(3) Rules established under division (D) (1) of this 47216
section may include other provisions at the discretion of the 47217
college or university board of trustees. 47218

(E) Notwithstanding division (D) of this section, the Ohio 47219
ethics commission retains authority to provide assistance to a 47220
college or university board of trustees in the implementation of 47221
division (D) (2) of this section and to address any matter that 47222
is outside the scope of the exception to division (B) of this 47223
section as set forth in division (D) of this section or as set 47224
forth in rules established under division (D) of this section. 47225

Sec. 3345.57. (A) As used in this section, "state 47226
institution of higher education" has the same meaning as in 47227
section 3345.011 of the Revised Code. 47228

(B) A state institution of higher education may establish 47229
a program under which an employee of the institution may donate 47230
that employee's accrued but unused paid leave to another 47231
employee of the institution who has no accrued but unused paid 47232
leave and who has a critical need for it because of 47233
circumstances such as a serious illness or the serious illness 47234
of a member of the employee's immediate family. If a state 47235
institution of higher education establishes a leave donation 47236
program under this section, the institution shall adopt rules ~~in~~ 47237
~~accordance with section 111.15 of the Revised Code~~ to provide 47238
for the administration of the program. These rules shall 47239
include, but not be limited to, provisions that identify the 47240
circumstances under which leave may be donated and that specify 47241
the amount, types, and value of leave that may be donated. 47242

Sec. 3345.601. Each state institution of higher education, 47243

as defined in section 3345.011 of the Revised Code, annually 47244
shall certify to the chancellor of higher education, on a date 47245
and in the form and manner determined by the chancellor, a plan 47246
to preserve student records indefinitely if the state 47247
institution was to cease operations. The plan shall include the 47248
designation and signed confirmation of an official custodian of 47249
student records. If the chancellor determines it necessary, the 47250
chancellor may require a state institution to produce an 47251
executed agreement with the designated custodian of student 47252
records, paid in full, to ensure the state institution's plan 47253
can be implemented. 47254

The chancellor may consult with the higher learning 47255
commission, the state board of career colleges and schools, and 47256
other appropriate entities to establish plans, processes, and 47257
procedures for state institutions to provide indefinite access 47258
to student records. 47259

Sec. 3345.69. (A) As used in this section: 47260

(1) "State institution of higher education" has the same 47261
meaning as in section 3345.011 of the Revised Code. 47262

(2) "Board of trustees of a state institution of higher 47263
education" has the same meaning as in section 3345.61 of the 47264
Revised Code. 47265

(B) The chairperson of the interuniversity council of Ohio 47266
and the secretary of the Ohio association of community colleges 47267
shall assist in coordinating the organization and operation of a 47268
committee to carry out this section. The committee shall be 47269
comprised of the presidents of the state institutions of higher 47270
education or their designees. The committee, in consultation 47271
with the Ohio facilities construction commission, shall develop 47272

guidelines for the board of trustees of each state institution 47273
of higher education to use in ensuring energy efficiency and 47274
conservation in on- and off-campus buildings. At a minimum, 47275
guidelines under this section shall do all of the following: 47276

(1) Include a goal to reduce on- and off-campus building 47277
energy consumption by at least twenty per cent by 2014, using 47278
calendar year 2004 as the benchmark year, while recognizing the 47279
diverse nature and different energy demands and uses of such 47280
buildings and measures already taken to increase building energy 47281
efficiency and conservation; 47282

(2) Prescribe minimum energy efficiency and conservation 47283
standards for any new, on- or off-campus capital improvement 47284
project with a construction cost of one hundred thousand dollars 47285
or more, which standards shall be based on general building type 47286
and cost-effectiveness; 47287

(3) Prescribe minimum energy efficiency and conservation 47288
standards for the leasing of an off-campus space of at least 47289
twenty-thousand square feet; 47290

(4) Incorporate best practices into energy efficiency and 47291
conservation standards and plans; 47292

(5) Provide that each board develop its own fifteen-year 47293
plan for phasing in energy efficiency and conservation projects; 47294

(6) Provide that project impact assessments include the 47295
fiscal effects of energy efficiency and conservation 47296
recommendations and plans; 47297

(7) Establish mechanisms for each board to report 47298
periodically to the committee on its progress relative to the 47299
guidelines. 47300

(C) The board of trustees of a state institution of higher education shall adopt rules ~~under section 111.15 of the Revised Code~~ to carry out the guidelines established pursuant to division (B) of this section, including in the execution of the board's authority under sections 3345.62 to 3345.66 of the Revised Code.

Sec. 3345.691. A state institution of higher education, as defined in section 3345.011 of the Revised Code, shall comply with section ~~125.092~~ 125.091 of the Revised Code regarding the purchase of biobased products.

Sec. 3345.692. (A) Not later than September 15, 2010, and the fifteenth day of September each year thereafter, a state institution of higher education shall prepare and submit to the chancellor of higher education a report that describes the number and types of biobased products purchased under section ~~125.092~~ 125.091 of the Revised Code and the amount of money spent by the state institution of higher education for those biobased products.

(B) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.71. As used in sections 3345.72 to 3345.77 of the Revised Code:

(A) "State university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code.

(B) "Fiscal caution" means the existence of a fiscal 47330
caution declared under section 3345.721 of the Revised Code. 47331

(C) "Fiscal watch" means the existence of a fiscal watch 47332
declared under section 3345.72 of the Revised Code. 47333

Sec. 3345.721. (A) The chancellor of higher education, in 47334
consultation with the office of budget and management, shall 47335
adopt rules in accordance with section 111.15 of the Revised 47336
Code that include all of the following: 47337

(1) Criteria for determining when to review and, if 47338
necessary, declare a state university or college under fiscal 47339
caution. The criteria may include, but not be limited to, 47340
consideration of the following: 47341

(a) A significant drop in enrollment from the prior year; 47342

(b) A decline in enrollment for consecutive years; 47343

(c) A significant increase in enrollment; 47344

(d) A significant increase in adjunct faculty; 47345

(e) An increase in student complaints; 47346

(f) An increase in the number of or a notable presence of 47347
third-party providers, which may include online program 47348
managers; 47349

(g) Federal financial aid processing delays; 47350

(h) Reduced or increased reliance on state share of 47351
instruction; 47352

(i) Receipt of substantial nonrecurring revenue, from any 47353
source, that could signify a structural budget deficit; 47354

(j) A delay in completing a yearly audit even if granted 47355

an extension; 47356

(k) A lack of proper institutional segregation of critical 47357
duties, functions, or responsibilities; 47358

(l) Significant turnover of faculty, staff, or 47359
administrators. 47360

(2) A requirement that a state university or college 47361
declared to be on fiscal caution shall submit a financial 47362
recovery plan, within a defined period of time after the 47363
declaration as determined by the chancellor, that may include, 47364
but is not limited to, any of the following: 47365

(a) Projections of revenues and expenditures over a three- 47366
year time horizon and on such other time horizons as may be 47367
requested by the chancellor; 47368

(b) A comprehensive review of current staffing levels and 47369
a five-year historical summary of staffing levels; 47370

(c) A review of the most recent submission of 47371
institutional recommendations for courses and programs based on 47372
enrollment and duplication with other state institutions of 47373
higher education, as required by section 3345.35 of the Revised 47374
Code, and submission of revised recommendations as determined to 47375
be necessary; 47376

(d) A review of any approved tuition waivers or 47377
scholarship programs; 47378

(e) A plan to reduce expenditures over a six-month, 47379
twelve-month, eighteen-month, and twenty-four-month period, as 47380
necessary, to align ongoing revenue with ongoing expenses; 47381

(f) A review of contracts that are the largest portion of 47382
the state university's or college's expenditures; 47383

(g) A program viability analysis, or analyses, as 47384
determined by the chancellor to be necessary in accordance with 47385
section 3333.073 of the Revised Code. 47386

(3) A requirement that a state university or college 47387
declared to be on fiscal caution shall submit a three-year 47388
forecast of revenues and expenditures, approved in a resolution 47389
adopted by the board of trustees of the state university or 47390
college. The three-year forecast shall be structurally balanced 47391
based on a set of underlying assumptions, including enrollment 47392
projections, tuition revenue, and state funding levels, that are 47393
evidence-based and practicable; 47394

(4) A requirement that a state university or college 47395
declared to be on fiscal caution shall consult with the auditor 47396
of state regarding any necessary or appropriate steps to bring 47397
the books of account, accounting systems, and financial 47398
procedures and reports of the state university or college into 47399
compliance with requirements prescribed by the auditor of state 47400
regarding desirable modifications and supplementary systems and 47401
procedures pertinent to the university or college. The auditor 47402
of state shall provide a written report to the board of trustees 47403
of the state university or college outlining the nature of the 47404
financial accounting and reporting problems of the university or 47405
college and recommendations for actions to be undertaken to 47406
correct the financial accounting and reporting problems. If 47407
requested by the state university or college or recommended by 47408
the chancellor, the auditor of state may additionally perform a 47409
performance audit of the state university or college. 47410

(5) A requirement that for the duration of a fiscal 47411
caution, a state university or college shall submit regular 47412
reports on any of the above matters or new matters identified by 47413

the auditor of state or the chancellor as contributing to the 47414
reason for the declaration, preventing the recovery of the state 47415
university or college, or the inability to be removed from 47416
fiscal caution. 47417

(6) Criteria for determining when to declare the 47418
termination of the fiscal caution of a state university or 47419
college. 47420

(B) A state university or college shall provide the 47421
chancellor with all information requested under this section in 47422
the time and manner determined by the chancellor. 47423
Notwithstanding any law to the contrary, failure to comply in a 47424
satisfactory manner, as determined by the chancellor, may result 47425
in a declaration of fiscal watch under section 3345.72 of the 47426
Revised Code. 47427

(C) Notwithstanding any law to the contrary, the 47428
chancellor may impose limitations on a state university or 47429
college that fails to comply with this section or the rules 47430
adopted pursuant to this section or fails to take decisive 47431
action to improve the state university's or college's financial 47432
condition. Such limitations may include, but are not limited to, 47433
the following: 47434

(1) Limitations on eligibility to participate in grants 47435
and programs administered by the chancellor; 47436

(2) Limitations on approval of a new degree program or 47437
associated certificates; 47438

(3) Suspension of additional enrollment in an educational 47439
program; 47440

(4) Restriction of an increase in any special fee or a 47441
creation of a new fee; 47442

(5) Limitations on the power of the board of trustees to 47443
enter into new or renewed contracts without prior approval from 47444
the chancellor; 47445

(6) Withholding approval of any controlling board request 47446
for capital projects. 47447

Sec. 3345.74. (A) The chancellor of higher education at 47448
least annually shall apply the indicators and standards adopted 47449
under division (A) of section 3345.73 of the Revised Code to 47450
determine whether a state university or college under a fiscal 47451
watch is experiencing sufficient fiscal difficulties to warrant 47452
the appointment of a conservator under this section or if the 47453
board of trustees of a state university or college has taken any 47454
action related to pausing or stopping enrollment, submitted a 47455
withdrawal of accreditation, or taken any other action 47456
indicating it will no longer offer educational activity or will 47457
undergo a wind down and dissolution of existence. Upon making a 47458
determination that appointment of a conservator is warranted, 47459
the chancellor shall request from the office of budget and 47460
management, which shall provide, certification that sufficient 47461
fiscal difficulties exist to warrant appointment of a 47462
conservator. The chancellor shall then certify this 47463
determination to the governor. 47464

Notwithstanding section 3333.021 of the Revised Code, that 47465
section does not apply to certification by the chancellor under 47466
this section or to the declaration of a fiscal watch under 47467
section 3345.72 of the Revised Code. 47468

A determination by the chancellor under this division that 47469
sufficient fiscal difficulties exist or do not exist to warrant 47470
appointing a conservator is final and conclusive and not 47471
appealable. 47472

(B) The governor may appoint a conservator for any state university or college under a fiscal watch, upon certification by the chancellor under division (A) of this section that the appointment is warranted. The governor shall consult with the speaker and minority leader of the house of representatives and the president and minority leader of the senate before making the appointment. From the time a conservator is appointed until the time the governor issues an order terminating the governance authority under division (B) of section 3345.76 of the Revised Code, the governor may remove any member of the board of trustees of the state university or college from office and not fill the vacancy.

(C) Upon appointment of a conservator under this section for a state university or college, all of the following shall occur effective immediately:

(1) All duties, responsibilities, and powers of the board of trustees of the university or college are suspended;

(2) The management and control of the state university or college is assumed by the conservator;

(3) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees are assigned to the conservator, and the conservator becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college;

(4) Wherever the board of trustees is referred to in any contract or legal document, the reference is deemed to refer to

the conservator. No validation, cure, right, privilege, remedy, 47502
obligation, or liability is lost or impaired by reason of the 47503
assumption of the board's authority by the conservator under 47504
this section and any such validation, cure, right, privilege, 47505
remedy, obligation, or liability shall be administered by the 47506
conservator. No action or proceeding pending on the effective 47507
date of the assumption by the conservator of the board's 47508
authority is affected by that assumption and any such action or 47509
proceeding shall be prosecuted or defended in the name of the 47510
conservator. 47511

(5) The conservator assumes custody of all equipment, 47512
records, files, effects, and all other property real or personal 47513
of the state university or college; 47514

(6) All authority and duties of the president or chief 47515
executive officer, and the pay of the president or chief 47516
executive officer, are suspended. 47517

(D) The conservator for a state university or college 47518
shall conduct a preliminary performance evaluation of the 47519
president or chief executive officer of the university or 47520
college and provide a copy of findings and any recommendations 47521
to the governance authority established for the university or 47522
college under section 3345.75 of the Revised Code. 47523

(E) A conservator appointed under this section shall be 47524
immune, indemnified, and held harmless from civil liability, 47525
including any cause of action, legal, equitable, or otherwise, 47526
for any action taken or duties performed by the conservator in 47527
good faith and in furtherance of the performance of the duties 47528
of the conservator under this section. 47529

(F) The governor shall set the compensation for a 47530

conservator appointed for a state university or college. The 47531
expenses and compensation of the conservator and others employed 47532
by the conservator shall be paid out of the operating funds and 47533
revenues of that university or college. 47534

Sec. 3345.75. (A) Not later than thirty days after the 47535
date of the appointment of a conservator for a state university 47536
or college under section 3345.74 of the Revised Code, the 47537
governor shall appoint, with the advice and consent of the 47538
senate, a governance authority for the university or college 47539
consisting of five members, of which one shall have expertise in 47540
academic affairs and accreditation and one shall have expertise 47541
in either state agency budgets or state university or college 47542
finances. The members shall serve at the pleasure of the 47543
governor and any vacancies shall be filled in the same manner as 47544
an original appointment. 47545

The governor shall designate one of the members of the 47546
governance authority as the chairperson and shall call the first 47547
meeting of the authority. A majority of the members of a 47548
governance authority constitutes a quorum and the affirmative 47549
vote of a majority of the members shall be necessary for any 47550
action taken by an authority. Meetings of a governance authority 47551
shall be called in the manner and at the times prescribed by the 47552
authority, but the authority shall meet at least four times 47553
annually and at other times necessary for the best interest of 47554
the university or college. A governance authority may adopt 47555
procedures for the conduct of its business. 47556

The members of a governance authority shall not receive 47557
compensation for their services, but shall be paid their 47558
reasonable and necessary expenses while engaged in the discharge 47559
of their official duties. 47560

(B) (1) A governance authority established under this 47561
section shall appoint an executive director who shall serve at 47562
the pleasure of the authority and with the compensation and 47563
other terms and conditions established by it. With the approval 47564
of the chairperson of the authority, the executive director may 47565
appoint additional personnel as the director considers 47566
appropriate. The executive director shall oversee the day-to-day 47567
operation of the university or college under the direction and 47568
supervision of the authority. 47569

(2) The governance authority shall conduct a final 47570
performance evaluation of the president or chief executive 47571
officer of the university or college. Following the evaluation, 47572
the governance authority may reinstate any duties, authority, or 47573
pay previously suspended under division (C) (6) of section 47574
3345.74 of the Revised Code, or may terminate the president or 47575
chief executive officer in accordance with the terms of the 47576
person's employment contract. 47577

(C) Upon appointment of all members of a governance 47578
authority under this section and upon the effective date for the 47579
commencement of the duties of the executive director appointed 47580
by that authority under this section, all authority, 47581
responsibilities, duties, and references assumed by or conferred 47582
upon the conservator under divisions (C) (2) to (6) of section 47583
3345.74 of the Revised Code terminate and all of the following 47584
shall occur, effective immediately: 47585

(1) The management and control of the state university or 47586
college is assumed by the governance authority; 47587

(2) Notwithstanding any section of the Revised Code, all 47588
duties, responsibilities, and powers assigned by law to the 47589
board of trustees or to the conservator are assigned to the 47590

governance authority and the governance authority becomes the 47591
successor to, assumes the lawful obligations of, and otherwise 47592
constitutes the continuation of the board of trustees and the 47593
conservator for purposes of all pending legal actions, contracts 47594
or other agreements, and obligations of the university or 47595
college; 47596

(3) Wherever the board of trustees or conservator is 47597
referred to in any contract or legal document, the reference is 47598
deemed to refer to the governance authority. No validation, 47599
cure, right, privilege, remedy, obligation, or liability is lost 47600
or impaired by reason of the assumption of the authority of the 47601
board of trustees and the conservator by the governance 47602
authority under this section and any such validation, cure, 47603
right, privilege, remedy, obligation, or liability shall be 47604
administered by the governance authority. No action or 47605
proceeding pending on the effective date of the assumption by 47606
the governance authority of the authority of the board of 47607
trustees and the conservator is affected by that assumption and 47608
any such action or proceeding shall be prosecuted or defended in 47609
the name of the governance authority. 47610

(4) The governance authority assumes custody of all 47611
equipment, records, files, effects, and all other property real 47612
or personal of the state university or college. 47613

(D) A governance authority and executive director 47614
appointed under this section shall be immune, indemnified, and 47615
held harmless from civil liability, including any cause of 47616
action, legal, equitable, or otherwise, for any action taken or 47617
duties performed by the governance authority and executive 47618
director in good faith and in furtherance of the performance of 47619
the duties of the governance authority and executive director 47620

under this section. 47621

(E) The expenses of a governance authority and the 47622
expenses and compensation of an executive director appointed for 47623
a state university or college under this section and others 47624
employed by the executive director under this section shall be 47625
paid out of the operating funds and revenues of that university 47626
or college. 47627

(F) A governance authority appointed under this section 47628
shall prepare, in accordance with rules adopted by the office of 47629
budget and management, and submit to the chancellor of higher 47630
education, the governor, the speaker and minority leader of the 47631
house of representatives, and the president and minority leader 47632
of the senate a quarterly report setting forth all of the 47633
following: 47634

(1) The general condition of the university or college; 47635

(2) The amounts of receipts and disbursements and the 47636
items for which the disbursements were made; 47637

(3) The numbers of professors, officers, teachers, and 47638
other employees and the position and compensation of each and 47639
the numbers of students by courses of instruction; 47640

(4) An estimate of expenses for the ensuing quarter; 47641

(5) A statement of the general progress of the university 47642
or college with indication of any improvements and specification 47643
of any experiments with institutional reform and the costs and 47644
results of those experiments; 47645

(6) If the governance authority determines closure is 47646
necessary or is appointed to facilitate an orderly closure as 47647
determined to be necessary by the board of trustees prior to the 47648

governance authority's appointment, all matters related to 47649
compliance with the requirements of a closure of an institution 47650
of higher education as specified by the chancellor; 47651

(7) Any other matters the governance authority considers 47652
useful to report. 47653

(G) The attorney general shall be the legal adviser to the 47654
conservator and the governance authority, and the attorney 47655
general may employ special counsel to aid the conservator or 47656
governance authority with respect to any legal matter on behalf 47657
of the institution. The conservator and the governance authority 47658
may as otherwise provided by law request the attorney general to 47659
bring or defend suits or proceedings in the name of the 47660
institution. 47661

Sec. 3345.79. As used in this section, "state university 47662
or college" has the same meaning as in section 3345.71 of the 47663
Revised Code. 47664

(A) (1) Pursuant to the authority of the general assembly 47665
to provide for the public health, safety, and welfare, it is 47666
declared to be the public policy and a public purpose of the 47667
state to require fiscal integrity of state universities and 47668
colleges so that they can educate students, pay when due 47669
principal and interest on their debt obligations, meet financial 47670
obligations to their employees, vendors, and suppliers, and 47671
provide for proper financial accounting procedures, budgeting, 47672
and taxing practices. The failure of a state university or 47673
college to so act is hereby determined to affect adversely the 47674
health, safety, and welfare not only of the students but also of 47675
other people of the state. 47676

(2) The intention of the general assembly, under this 47677

section and sections 3345.71 to 3345.77 of the Revised Code, is 47678
to enact procedures, provide powers, and impose restrictions to 47679
assure fiscal integrity of state universities and colleges as 47680
set out in division (A) (1) of this section. 47681

(B) The chancellor may make recommendations, and the 47682
controlling board may grant money from the catastrophic 47683
expenditures account to any state university or college that 47684
suffers an unforeseen catastrophic event that severely depletes 47685
the university or college's financial resources. The chancellor 47686
shall make recommendations for the grants in accordance with 47687
rules adopted by the chancellor, after consulting with the 47688
director of budget and management. A state university or college 47689
shall not be required to repay any grant awarded to the state 47690
university or college under this division, unless the state 47691
university or college receives money from this state or a third 47692
party, including an agency of the government of the United 47693
States, specifically for the purpose of compensating the state 47694
university or college for revenue lost or expenses incurred as a 47695
result of the unforeseen catastrophic event. 47696

Sec. 3345.83. (A) Beginning not later than the 2027-2028 47697
academic year, each state institution of higher education, as 47698
defined in section 3345.011 of the Revised Code, shall develop 47699
and implement a co-op internship program that aligns with 47700
JobsOhio's target economic sectors and connects students with 47701
Ohio-based employers to facilitate work-based learning 47702
opportunities, which may include apprenticeships, internships, 47703
externships, and co-ops, related to the student's course of 47704
study. Institutions shall work with JobsOhio to develop and 47705
implement their program, which shall include identifying 47706
industry and employer partners. 47707

(B) The chancellor of higher education shall consult with 47708
JobsOhio to develop the goals, structure, and parameters of the 47709
program. The chancellor may consult with other stakeholders. 47710

(C) Beginning on the thirtieth day of June following the 47711
academic year in which the co-op internship program under 47712
division (A) of this section is implemented and annually 47713
thereafter, each institution shall issue a report to the 47714
chancellor on the status of the institution's program, including 47715
the number of participating students, which employers are 47716
partnering with the institution, and how many participating 47717
students have received or accepted offers of employment after 47718
graduation as a direct result of their participation in the 47719
program. 47720

Sec. 3345.86. (A) As used in this section: 47721

(1) "Competency-based educational program" and "eligible 47722
individual" have the same meanings as in section 3313.902 of the 47723
Revised Code. 47724

(2) "Eligible provider" means a community college 47725
established under Chapter 3354. of the Revised Code, a 47726
university branch established under Chapter 3355. of the Revised 47727
Code, a technical college established under Chapter 3357. of the 47728
Revised Code, a state community college established under 47729
Chapter 3358. of the Revised Code, or an Ohio technical center 47730
as defined in section 3333.94 of the Revised Code. 47731

(B) An eligible provider may establish a competency-based 47732
educational program that complies with standards adopted by the 47733
department of education and workforce and may enroll eligible 47734
individuals in the program for up to three consecutive school 47735
years for the purpose of earning a high school diploma. The 47736

provider shall establish a career plan for each individual 47737
enrolled in the program that specifies the individual's career 47738
goals and describes how the individual will demonstrate 47739
competency or earn course credits under division (C) of section 47740
3313.902 of the Revised Code to earn a diploma and attain the 47741
individual's career goals. Notwithstanding sections 3313.61, 47742
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 47743
Revised Code, the department shall award a high school diploma 47744
to an individual enrolled in a program who satisfies one of the 47745
conditions specified in division (C) of section 3313.902 of the 47746
Revised Code. 47747

(C) An eligible provider shall report each individual 47748
enrolled in a program under division (B) of this section to the 47749
department. The department annually shall certify the enrollment 47750
and attendance of each individual reported under this division 47751
and shall pay the provider up to \$7,500 per school year, as 47752
determined by the department based on the extent of the 47753
individual's successful completion of the diploma requirements 47754
prescribed in division (C) of section 3313.902 of the Revised 47755
Code. 47756

(D) An eligible provider that enrolls individuals under 47757
division (B) of this section is subject to the requirements of 47758
section 3313.902 of the Revised Code, as applicable. 47759

Sec. 3354.19. ~~(A)~~ As used in sections 3354.19 to 47760
~~3354.24~~3354.21 of the Revised Code, "displaced homemaker" means 47761
an individual who: 47762

(A) Is twenty-seven years of age or older; 47763

(B) Has worked without pay as a homemaker for his or her 47764
family; 47765

(C) Is not gainfully employed and has had, or would be 47766
likely to have, difficulty in securing employment; and 47767

(D) Has either been deprived of the support of a person on 47768
whom he or she was dependent, or has become ineligible for 47769
public assistance as the parent of a needy child. 47770

Sec. 3501.01. As used in the sections of the Revised Code 47771
relating to elections and political communications: 47772

(A) "General election" means the election held on the 47773
first Tuesday after the first Monday in each November. 47774

(B) "Regular municipal election" means the election held 47775
on the first Tuesday after the first Monday in November in each 47776
odd-numbered year. 47777

(C) "Regular state election" means the election held on 47778
the first Tuesday after the first Monday in November in each 47779
even-numbered year. 47780

(D) "Special election" means any election other than those 47781
elections defined in other divisions of this section. A special 47782
election may be held only on the first Tuesday after the first 47783
Monday in May or November, on the first Tuesday after the first 47784
Monday in August in accordance with section 3501.022 of the 47785
Revised Code, or on the day authorized by a particular municipal 47786
or county charter for the holding of a primary election, except 47787
that in any year in which a presidential primary election is 47788
held, no special election shall be held in May, except as 47789
authorized by a municipal or county charter, but may be held on 47790
the third Tuesday after the first Monday in March. 47791

(E) (1) "Primary" or "primary election" means an election 47792
held for the purpose of nominating persons as candidates of 47793
political parties for election to offices, and for the purpose 47794

of electing persons as members of the controlling committees of 47795
political parties and as delegates and alternates to the 47796
conventions of political parties. Primary elections shall be 47797
held on the first Tuesday after the first Monday in May of each 47798
year except in years in which a presidential primary election is 47799
held. 47800

(2) "Presidential primary election" means a primary 47801
election as defined by division (E)(1) of this section at which 47802
an election is held for the purpose of choosing delegates and 47803
alternates to the national conventions of the major political 47804
parties pursuant to section 3513.12 of the Revised Code. Unless 47805
otherwise specified, presidential primary elections are included 47806
in references to primary elections. In years in which a 47807
presidential primary election is held, all primary elections 47808
shall be held on the third Tuesday after the first Monday in 47809
March except as otherwise authorized by a municipal or county 47810
charter. 47811

(F) "Political party" means any group of voters meeting 47812
the requirements set forth in section 3517.01 of the Revised 47813
Code for the formation and existence of a political party. 47814

(1) "Major political party" means any political party 47815
organized under the laws of this state whose candidate for 47816
governor or nominees for presidential electors received not less 47817
than twenty per cent of the total vote cast for such office at 47818
the most recent regular state election. 47819

(2) "Minor political party" means any political party 47820
organized under the laws of this state that meets either of the 47821
following requirements: 47822

(a) Except as otherwise provided in this division, the 47823

political party's candidate for governor or nominees for 47824
presidential electors received less than twenty per cent but not 47825
less than three per cent of the total vote cast for such office 47826
at the most recent regular state election. A political party 47827
that meets the requirements of this division remains a political 47828
party for a period of four years after meeting those 47829
requirements. 47830

(b) The political party has filed with the secretary of 47831
state, subsequent to its failure to meet the requirements of 47832
division (F) (2) (a) of this section, a petition that meets the 47833
requirements of section 3517.01 of the Revised Code. 47834

A newly formed political party shall be known as a minor 47835
political party until the time of the first election for 47836
governor or president which occurs not less than twelve months 47837
subsequent to the formation of such party, after which election 47838
the status of such party shall be determined by the vote for the 47839
office of governor or president. 47840

(G) "Dominant party in a precinct" or "dominant political 47841
party in a precinct" means that political party whose candidate 47842
for election to the office of governor at the most recent 47843
regular state election at which a governor was elected received 47844
more votes than any other person received for election to that 47845
office in such precinct at such election. 47846

(H) "Candidate" means any qualified person certified in 47847
accordance with the provisions of the Revised Code for placement 47848
on the official ballot of a primary, general, or special 47849
election to be held in this state, or any qualified person who 47850
claims to be a write-in candidate, or who knowingly assents to 47851
being represented as a write-in candidate by another at either a 47852
primary, general, or special election to be held in this state. 47853

(I) "Independent candidate" means any candidate who claims
not to be affiliated with a political party, and whose name has
been certified on the office-type ballot at a general or special
election through the filing of a statement of candidacy and
nominating petition, as prescribed in section 3513.257 of the
Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name
is required, pursuant to section 3505.04 of the Revised Code, to
be listed on the nonpartisan ballot, including all candidates
for judge of a municipal court, county court, or court of common
pleas, for member of any board of education, for municipal or
township offices in which primary elections are not held for
nominating candidates by political parties, and for offices of
municipal corporations having charters that provide for separate
ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be
a member of a political party and who has been certified to
appear on the office-type ballot at a general or special
election as the nominee of a political party because the
candidate has won the primary election of the candidate's party
for the public office the candidate seeks, has been nominated
under section 3517.012, or is selected by party committee in
accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not
limited to, any member, elected or appointed, of a controlling
committee, whether representing the territory of the state, a
district therein, a county, township, a city, a ward, a
precinct, or other territory, of a major or minor political
party.

(M) "Question or issue" means any question or issue

certified in accordance with the Revised Code for placement on 47884
an official ballot at a general or special election to be held 47885
in this state. 47886

(N) "Elector" or "qualified elector" means a person having 47887
the qualifications provided by law to be entitled to vote. 47888

(O) "Voter" means an elector who votes at an election. 47889

(P) "Voting residence" means that place of residence of an 47890
elector which shall determine the precinct in which the elector 47891
may vote. 47892

(Q) "Precinct" means a district within a county 47893
established by the board of elections of such county within 47894
which all qualified electors having a voting residence therein 47895
may vote at the same polling place. 47896

(R) "Polling place" means that place provided for each 47897
precinct at which the electors having a voting residence in such 47898
precinct may vote. 47899

(S) "Board" or "board of elections" means the board of 47900
elections appointed in a county pursuant to section 3501.06 of 47901
the Revised Code. 47902

(T) "Political subdivision" means a county, township, 47903
city, village, or school district. 47904

(U) "Election officer" or "election official" means any of 47905
the following: 47906

(1) Secretary of state; 47907

(2) Employees of the secretary of state serving the 47908
division of elections in the capacity of attorney, 47909
administrative officer, administrative assistant, elections 47910

administrator, office manager, or clerical supervisor; 47911

(3) Director of a board of elections; 47912

(4) Deputy director of a board of elections; 47913

(5) Member of a board of elections; 47914

(6) Employees of a board of elections; 47915

(7) Precinct election officials; 47916

(8) Employees appointed by the boards of elections on a 47917
temporary or part-time basis. 47918

(V) "Acknowledgment notice" means a notice sent by a board 47919
of elections, on a form prescribed by the secretary of state, 47920
informing a voter registration applicant or an applicant who 47921
wishes to change the applicant's residence or name of the status 47922
of the application; the information necessary to complete or 47923
update the application, if any; and if the application is 47924
complete, the precinct in which the applicant is to vote. 47925

(W) "Confirmation notice" means a notice sent by a board 47926
of elections, on a form prescribed by the secretary of state, to 47927
a registered elector to confirm the registered elector's current 47928
address. 47929

(X) "Designated agency" means an office or agency in the 47930
state that provides public assistance or that provides state- 47931
funded programs primarily engaged in providing services to 47932
persons with disabilities and that is required by the National 47933
Voter Registration Act of 1993 to implement a program designed 47934
and administered by the secretary of state for registering 47935
voters, or any other public or government office or agency that 47936
implements a program designed and administered by the secretary 47937
of state for registering voters, including the department of job 47938

and family services, the program administered under section 47939
3701.132 of the Revised Code by the department of health, the 47940
department of mental health and addiction services, the 47941
department of developmental disabilities, the opportunities for 47942
Ohioans with disabilities agency, and any other agency the 47943
secretary of state designates. "Designated agency" does not 47944
include public high schools and vocational schools, public 47945
libraries, or the office of a county treasurer. 47946

(Y) "National Voter Registration Act of 1993" means the 47947
"National Voter Registration Act of 1993," 107 Stat. 77, 42 47948
U.S.C.A. 1973gg. 47949

(Z) "Voting Rights Act of 1965" means the "Voting Rights 47950
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 47951

(AA) (1) "Photo identification" means one of the following 47952
documents that includes the individual's name and photograph and 47953
is not expired: 47954

(a) An Ohio driver's license, state identification card, 47955
or interim identification form issued by the registrar of motor 47956
vehicles or a deputy registrar under Chapter 4506. or 4507. of 47957
the Revised Code; 47958

(b) A United States passport or passport card; 47959

(c) A United States military identification card, Ohio 47960
national guard identification card, or United States department 47961
of veterans affairs identification card. 47962

(2) A "copy" of an individual's photo identification means 47963
images of both the front and back of a document described in 47964
division (AA) (1) of this section, except that if the document is 47965
a United States passport, a copy of the photo identification 47966
means an image of the passport's identification page that 47967

includes the individual's name, photograph, and other 47968
identifying information and the passport's expiration date. 47969

(BB) "Driver's license" means a license or permit issued 47970
by the registrar or a deputy registrar under Chapter 4506. or 47971
4507. of the Revised Code that authorizes an individual to 47972
drive. "Driver's license" includes a driver's license, 47973
commercial driver's license, probationary license, restricted 47974
license, motorcycle operator's license, or temporary instruction 47975
permit identification card. "Driver's license" does not include 47976
a limited term license issued under section 4506.14 or 4507.09 47977
of the Revised Code. 47978

(CC) "State identification card" means a card issued by 47979
the registrar or a deputy registrar under sections 4507.50 to 47980
4507.52 of the Revised Code. 47981

(DD) "Interim identification form" means the document 47982
issued by the registrar or a deputy registrar to an applicant 47983
for a driver's license or state identification card that 47984
contains all of the information otherwise found on the license 47985
or card and that an applicant may use as a form of 47986
identification until the physical license or card arrives in the 47987
mail. 47988

Sec. 3513.10. (A) At the time of filing a declaration of 47989
candidacy for nomination for any office, or a declaration of 47990
intent to be a write-in candidate, each candidate, except joint 47991
candidates for governor and lieutenant governor, shall pay a fee 47992
as follows: 47993
47994

B	For court of appeals judge	\$50
C	For court of common pleas judge	\$50
D	For county court judge	\$50
E	For municipal court judge	\$50
F	For district office, including member of the United States house of representatives and member of the general assembly	\$50
G	For county office	\$50
H	For city office	\$20
I	For village office	\$10
J	For township office	\$10
K	For member of state board of education	\$20
L	For member of local, city, or exempted village board of education or educational service center governing board	\$10

At the time of filing a declaration of candidacy or a	47995
declaration of intent to be a write-in candidate for the offices	47996
of governor and lieutenant governor, the joint candidates shall	47997
jointly pay to the secretary of state a fee of one hundred	47998
dollars.	47999

(B) (1) At the same time the fee required under division	48000
(A) of this section is paid, each candidate shall pay an	48001
additional fee as follows:	48002

48003

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A	For the joint candidates for governor and lieutenant governor	\$50
		<u>\$60</u>
B	For statewide office	\$50
		<u>\$60</u>
C	For district office, including member of the United States house of representatives and member of the general assembly	\$35
		<u>\$40</u>
D	For member of state board of education	\$35
		<u>\$40</u>
E	For court of appeals judge	\$30
		<u>\$40</u>
F	For court of common pleas judge	\$30
		<u>\$40</u>
G	For county court judge	\$30
		<u>\$35</u>
H	For municipal court judge	\$30
		<u>\$35</u>
I	For county office	\$30
		<u>\$35</u>

J	For city office	\$25
		<u>\$30</u>
K	For village office	\$20
L	For township office	\$20
M	For member of local, city, or exempted village board of education or educational service center governing board	\$20

(2) Whoever seeks to propose a ballot question or issue to 48004
be submitted to the electors shall pay the following fee at the 48005
time the petition proposing the question or issue is filed: 48006

(a) If the question or issue is to be submitted to the 48007
electors throughout the entire state, twenty-five dollars; 48008

(b) If the question or issue is to be submitted to the 48009
electors of a county or of a district that consists of all or 48010
part of two or more counties but less than the entire state, 48011
fifteen dollars; 48012

(c) If the question or issue is to be submitted to the 48013
electors of a city, twelve dollars and fifty cents; 48014

(d) If the question or issue is to be submitted to the 48015
electors of a village, a township, a local, city, county, or 48016
exempted village school district, a precinct, or another 48017
district consisting of less than an entire county, ten dollars. 48018

(C) No fee shall be required of candidates filing for the 48019
office of delegate or alternate to the national convention of 48020
political parties, member of the state central committee of a 48021
political party, or member of the county central committee of a 48022

political party. 48023

(D) All fees required under division (A) of this section 48024
immediately shall be paid by the officer receiving them into the 48025
state treasury to the credit of the general revenue fund, in the 48026
case of fees received by the secretary of state, and into the 48027
county treasury to the credit of the county general fund, in the 48028
case of fees received by a board of elections. 48029

(E) The officer who receives a fee required under division 48030
(B) of this section immediately shall pay the fee to the credit 48031
of the Ohio elections commission fund created by division (I) of 48032
section 3517.152 of the Revised Code. 48033

(F) (1) In no case shall a fee paid under this section be 48034
returned to a candidate. 48035

(2) Whenever a section of law refers to a filing fee to be 48036
paid by a candidate or by a committee proposing a ballot 48037
question or issue to be submitted to the electors, that fee 48038
includes the fees required under divisions (A) and (B) of this 48039
section. 48040

(G) As used in divisions (A) and (B) of this section, 48041
"statewide office" means the office of secretary of state, 48042
auditor of state, treasurer of state, attorney general, justice 48043
and chief justice of the supreme court, and member of the United 48044
States senate. 48045

Sec. 3701.033. (A) This section establishes the order of 48046
priority to be followed by the department of health when 48047
distributing funds for the purpose of providing family planning 48048
services, including funds the department receives through the 48049
"Maternal and Child Health Block Grant," Title V of the "Social 48050
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, 48051

and funds the department receives through Title X of the "Public Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as amended. This section does not apply to grants awarded by the department under section 3701.046 of the Revised Code.

(B) With respect to each period during which funds from a particular source are distributed for the purpose of providing family planning services, the department is subject to both of the following when distributing the funds to applicants seeking those funds:

(1) Foremost priority shall be given to public entities that are operated by state or local government entities and that provide or are able to provide family planning services.

(2) If any funds remain after the department distributes funds to public entities under division (B)(1) of this section, the department may distribute funds to nonpublic entities. If funds are distributed to nonpublic entities, the department shall distribute the funds in the following order of descending priority:

(a) Nonpublic entities that are federally qualified health centers or federally qualified health center look-alikes, both as defined in section 3701.047 of the Revised Code, or community action agencies, as defined in section ~~122.66~~ 5101.311 of the Revised Code;

(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services;

(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services.

Sec. 3701.045. (A) The department of health, in 48081
consultation with the ~~children's trust fund board established~~ 48082
~~under section 3109.15 of the Revised Code~~ department of children 48083
and youth and any bodies acting as child fatality review boards 48084
on October 5, 2000, shall adopt rules in accordance with Chapter 48085
119. of the Revised Code that establish a procedure for county 48086
or regional child fatality review boards to follow in conducting 48087
a review of the death of a child. The rules shall do all of the 48088
following: 48089

(1) Establish the format for the annual reports required 48090
by section 307.626 of the Revised Code; 48091

(2) Establish guidelines for a county or regional child 48092
fatality review board to follow in compiling statistics for 48093
annual reports so that the reports do not contain any 48094
information that would permit any person's identity to be 48095
ascertained from a report; 48096

(3) Establish guidelines for a county or regional child 48097
fatality review board to follow in creating and maintaining the 48098
comprehensive database of child deaths required by section 48099
307.623 of the Revised Code, including provisions establishing 48100
uniform record-keeping procedures; 48101

(4) Establish guidelines for reporting child fatality 48102
review data to the department of health or a national child 48103
death review database, either of which must maintain the 48104
confidentiality of information that would permit a person's 48105
identity to be ascertained; 48106

(5) Establish guidelines, materials, and training to help 48107
educate members of county or regional child fatality review 48108
boards about the purpose of the review process and the 48109

confidentiality of the information described in section 307.629 48110
of the Revised Code and to make them aware that such information 48111
is not a public record under section 149.43 of the Revised Code. 48112

(B) On or before the thirtieth day of September of each 48113
year, the department of health and the ~~children's trust fund-~~ 48114
~~board~~ department of children and youth jointly shall prepare and 48115
publish a report organizing and setting forth the data from the 48116
department of health child death review database or the national 48117
child death review database, data in all the reports provided by 48118
county or regional child fatality review boards in their annual 48119
reports for the previous calendar year, and recommendations for 48120
any changes to law and policy that might prevent future deaths. 48121
The department of health and the ~~children's trust fund board-~~ 48122
department of children and youth jointly shall provide a copy of 48123
the report to the governor, the speaker of the house of 48124
representatives, the president of the senate, the minority 48125
leaders of the house of representatives and the senate, each 48126
county or regional child fatality review board, and each county 48127
or regional family and children first council. 48128

Sec. 3701.841. The tobacco use prevention fund is hereby 48129
created in the state treasury. The fund shall consist of money 48130
deposited by the treasurer of state into the fund from the 48131
liquidation, pursuant to Sub. H.B. 544 of the 127th general 48132
assembly, of the former tobacco use prevention and control 48133
endowment fund, fees and fines deposited under section 3701.844 48134
of the Revised Code, and any gifts, grants, or donations 48135
received by the director of health for the purposes of the 48136
tobacco use prevention fund. All investment earnings of the fund 48137
shall be credited to the fund. The treasurer, in consultation 48138
with the director, may invest moneys in the fund in accordance 48139
with section 135.143 of the Revised Code. Moneys in the fund_ 48140

derived from fees and fines deposited under section 3701.844 of 48141
the Revised Code, and investment earnings thereon, shall be used 48142
by the department of health for the administration of sections 48143
3701.842 to 3701.844 of the Revised Code or for tobacco and 48144
nicotine prevention or cessation interventions. All other money 48145
in the fund shall be used to pay outstanding expenses of the 48146
former tobacco use prevention and control foundation at the 48147
discretion of the director of health pursuant to Sub. H.B. 544 48148
of the 127th general assembly and shall be used in accordance 48149
with section 3701.84 of the Revised Code. 48150

Sec. 3701.842. (A) For the purposes of sections 3701.842 48151
to 3701.844 of the Revised Code: 48152

(1) "Person" has the same meaning as in section 5743.01 of 48153
the Revised Code; 48154

(2) "Vapor product" has the same meaning as in section 48155
2927.02 of the Revised Code. 48156

(B) (1) Beginning one year after the effective date of this 48157
section, no person shall engage in the business of selling vapor 48158
products to ultimate consumers in this state, regardless of 48159
quantity, amount, or number of sales, without annually 48160
registering with the director of health. 48161

(2) A separate certificate of registration is required for 48162
each place of business within this state at which vapor products 48163
are sold to ultimate consumers, even if multiple places of 48164
business are under common ownership or control. 48165

(3) (a) On the dissolution of a partnership by death, the 48166
surviving partner may operate under the certificate of 48167
registration of the partnership until the expiration of the 48168
certificate if the partner notifies the department of health of 48169

the dissolution within thirty days after the dissolution. 48170

(b) The heirs or legal representatives of deceased 48171
persons, and receivers and trustees in bankruptcy appointed by 48172
any competent authority, may operate under the certificate of 48173
registration of the person succeeded in possession by the heir, 48174
representative, receiver, or trustee in bankruptcy if the 48175
successor notifies the department of health of the succession 48176
within thirty days after the dissolution or succession. 48177

(4) (a) Except as otherwise provided in division (B) (2) of 48178
this section, a certificate of registration shall not be 48179
transferred or assigned. 48180

(b) A certificate of registration does not constitute 48181
property and is not subject to attachment or execution. 48182

(5) Division (B) (1) of this section does not apply to 48183
either of the following: 48184

(a) A person that is licensed by the county auditor or the 48185
tax commissioner in the wholesale or retail business of 48186
trafficking in cigarettes under section 5743.15 of the Revised 48187
Code, so long as the license is associated with the same place 48188
of business at which the person intends to sell vapor products 48189
to ultimate consumers within this state; 48190

(b) A vapor distributor licensed to engage solely in the 48191
distribution of vapor products under section 5743.61 of the 48192
Revised Code. 48193

(C) A person registered under this section shall post the 48194
certificate of registration in a prominent location adjacent to 48195
the vapor products offered for sale at the associated place of 48196
business. 48197

(D) (1) Subject to division (D) (2) of this section, the 48198
director of health may impose a penalty of up to one thousand 48199
dollars on any person found to be knowingly engaged in the 48200
business of selling vapor products from a place of business in 48201
this state without a certificate of registration as required by 48202
this section or engaged in such business without displaying the 48203
certificate of registration as required by division (C) of this 48204
section. 48205

(2) The penalty imposed by the director shall not exceed 48206
one hundred dollars if the violation occurred not more than 48207
ninety days following the expiration of a valid certificate of 48208
registration for the same place of business. 48209

(3) The director may waive all or part of a penalty 48210
imposed under division (D) of this section if it is 48211
demonstrated, to the director's satisfaction, that there was 48212
reasonable cause for the failure to obtain or renew the 48213
certificate of registration or failure to display the 48214
certificate of registration. 48215

Sec. 3701.843. (A) Each applicant for a certificate of 48216
registration under section 3701.842 of the Revised Code shall 48217
make and deliver to the director of health, upon a form 48218
furnished by the director for such purpose, a sworn application 48219
that states the following information for each place of business 48220
at which the applicant proposes to sell vapor products to 48221
ultimate consumers: 48222

(1) The name, federal tax identification number, address, 48223
telephone number, and electronic mail address for the place of 48224
business and the name of each individual who manages the place 48225
of business; 48226

(2) The name, address, telephone number, and electronic 48227
mail address of each owner of the place of business, including, 48228
if the owner is a business entity, the legal name of the 48229
business entity and a list of all partners or members of the 48230
business entity, as applicable, including each partner's or 48231
member's full name and title; 48232

(3) The total amount of sales, expressed in United States 48233
dollars, of vapor products to ultimate consumers at the place of 48234
business in the preceding registration period; 48235

(4) A list of any sales of vapor products to minors at the 48236
place of business in the preceding registration period. 48237

(B) The director may, as a condition of granting a 48238
certificate of registration, require an applicant to submit 48239
documentation sufficient to establish that each place of 48240
business listed in the application complies with all state and 48241
local building, fire, and zoning requirements. 48242

(C) At the time of submitting the application, the 48243
applicant shall pay to the department of health both of the 48244
following for each place of business listed in the application: 48245

(1) A two-hundred-dollar nonrefundable application fee; 48246

(2) A two-hundred-dollar annual registration fee. 48247

(D) The director shall review and either approve or deny 48248
each application submitted under this section within sixty days 48249
after receipt. The director shall approve the application and 48250
issue a certificate of registration to the applicant unless one 48251
or more of the following apply: 48252

(1) The applicant willfully made a materially false 48253
statement in the application or in any other correspondence with 48254

the department. 48255

(2) The applicant has not filed all returns, submitted all 48256
information, and paid all outstanding taxes, charges, or fees as 48257
required by state law. 48258

(3) The applicant failed to provide information required 48259
by division (A) or (B) of this section. 48260

(4) The director determines that the applicant lacks the 48261
financial responsibility, experience, or general fitness as to 48262
warrant the belief that the business will be operated lawfully, 48263
honestly, and fairly. 48264

(5) The applicant, in the three years preceding the date 48265
the application is submitted, has been convicted of one or more 48266
violations of division (B) or (C) of section 2927.02 or division 48267
(B) (2) of section 2927.021 of the Revised Code. 48268

(E) (1) The director may conduct an investigation of the 48269
application as part of evaluating an application under this 48270
section. 48271

(2) As part of that investigation, the director may 48272
request the assistance of the tax commissioner in determining 48273
whether division (D) (2) of this section applies to the 48274
applicant. 48275

(3) Within twenty days after receiving such a request, the 48276
commissioner shall notify the director if the applicant has 48277
failed to file any returns, submit any information, or make any 48278
payments with respect to any taxes, charges, or fees 48279
administered by the commissioner, to the extent that any 48280
delinquent payment or return, or any failure to submit 48281
information, is known to the department of taxation at the time 48282
of the request. 48283

(F) Upon approval, the director shall issue to the 48284
applicant a certificate of registration for each place of 48285
business in the application authorizing the applicant to engage 48286
in the business of selling vapor products to ultimate consumers 48287
at that location for one year following the date of issuance. 48288

(G) (1) A certificate of registration issued under division 48289
(F) of this section may be renewed, on or before the date the 48290
certificate expires, by filing an application for renewal upon a 48291
form furnished by the director for such purpose and submitting a 48292
two-hundred-dollar annual registration fee. 48293

(2) The director shall refuse to renew the certificate of 48294
any applicant that has not paid all outstanding penalties under 48295
section 3701.842 of the Revised Code or to which any of the 48296
conditions described in division (D) of this section apply. 48297

(H) The director may suspend or revoke a certificate of 48298
registration issued under this section if the certificate holder 48299
is convicted of a violation of division (B) or (C) of section 48300
2927.02, or division (B) (2) of section 2927.021 of the Revised 48301
Code, or if the director determines that any of the conditions 48302
described in division (D) of this section apply to the 48303
certificate holder. 48304

(I) (1) Any person adversely affected by the denial, 48305
refusal to renew, suspension, or revocation of a certificate of 48306
registration under this section may request an administrative 48307
hearing pursuant to Chapter 119. of the Revised Code. 48308

(2) The director shall review the report and 48309
recommendation of the administrative hearing officer and make a 48310
final determination. 48311

(3) Such determination may be appealed in accordance with 48312

Chapter 119. of the Revised Code. 48313

Sec. 3701.844. (A) All fees and fines paid under sections 48314
3701.842 to 3701.844 of the Revised Code shall be made payable 48315
to the treasurer of state for deposit into the tobacco use 48316
prevention fund, created by section 3701.841 of the Revised 48317
Code. 48318

(B) The director of health may adopt rules in accordance 48319
with Chapter 119. of the Revised Code for the administration of 48320
sections 3701.842 to 3701.844 of the Revised Code. 48321

(C) Notwithstanding any provision of section 121.95 of the 48322
Revised Code to the contrary, a regulatory restriction contained 48323
in a rule adopted under this section is not subject to sections 48324
121.95 to 121.953 of the Revised Code. 48325

Sec. 3704.14. ~~(A)-(1)~~ (A) (1) (a) If the director of 48326
environmental protection determines that implementation of a 48327
motor vehicle inspection and maintenance program is necessary 48328
for the state to effectively comply with the federal Clean Air 48329
Act after June 30, ~~2023~~2025, the director may provide for the 48330
implementation of the program in those counties in this state in 48331
which such a program is federally mandated. Upon making such a 48332
determination, the director of environmental protection may 48333
request the director of administrative services to extend the 48334
terms of the contract that was entered into under the authority 48335
of ~~Am. Sub. H.B. 64-33~~ of the ~~131st-135th~~ general assembly. Upon 48336
receiving the request, the director of administrative services 48337
shall extend the contract, beginning on July 1, ~~2023~~2025, in 48338
accordance with this section. The contract shall be extended for 48339
a period of up to twenty-four months with the contractor who 48340
conducted the motor vehicle inspection and maintenance program 48341
under that contract. 48342

(b) If the director of environmental protection determines 48343
that continued implementation of a motor vehicle inspection and 48344
maintenance program is necessary for the state to effectively 48345
comply with the federal Clean Air Act after June 30, 2027, the 48346
director of environmental protection may request the director of 48347
administrative services to extend the terms of the contract that 48348
was entered into under the authority of H.B. 33 of the 135th 48349
general assembly beginning on July 1, 2027 for a period of up to 48350
twenty-four months with the contractor who conducted the motor 48351
vehicle inspection and maintenance program under that contract. 48352

(2) Prior to the expiration of the contract extension that 48353
~~is~~was authorized by division (A)(1) of this section under the 48354
authority of H.B. 33 of the 135th general assembly, the director 48355
of environmental protection shall request the director of 48356
administrative services to enter into a contract with a vendor 48357
to operate a decentralized motor vehicle inspection and 48358
maintenance program in each county in this state in which such a 48359
program is federally mandated through June 30, 2027, with an 48360
option for the state to renew the contract for a period of up to 48361
twenty-four months through June 30, 2029. The contract shall 48362
ensure that the decentralized motor vehicle inspection and 48363
maintenance program achieves ~~at least the same an equivalent~~ 48364
amount of emission reductions as achieved by the program 48365
operated under the authority of the contract that was extended 48366
under division (A)(1) of this section under the authority of 48367
H.B. 33 of the 135th general assembly. The director of 48368
administrative services shall select a vendor through a 48369
competitive selection process in compliance with Chapter 125. of 48370
the Revised Code. 48371

(3) Notwithstanding any law to the contrary, the director 48372
of administrative services shall ensure that a competitive 48373

selection process regarding a contract to operate a 48374
decentralized motor vehicle inspection and maintenance program 48375
in this state incorporates the following, which shall be 48376
included in the contract: 48377

(a) For purposes of expanding the number of testing 48378
locations for consumer convenience, a requirement that the 48379
vendor utilize established local businesses, auto repair 48380
facilities, or leased properties to operate state-approved 48381
inspection and maintenance testing facilities; 48382

(b) A requirement that the vendor selected to operate the 48383
program provide notification of the program's requirements to 48384
each owner of a motor vehicle that is required to be inspected 48385
under the program. The contract shall require the notification 48386
to be provided not later than sixty days prior to the date by 48387
which the owner of the motor vehicle is required to have the 48388
motor vehicle inspected. The director of environmental 48389
protection and the vendor shall jointly agree on the content of 48390
the notice. However, the notice shall include at a minimum the 48391
locations of all inspection facilities within a specified 48392
distance of the address that is listed on the owner's motor 48393
vehicle registration; 48394

(c) A requirement that the vendor comply with testing 48395
methodology and supply the required equipment approved by the 48396
director of environmental protection as specified in the 48397
competitive selection process in compliance with Chapter 125. of 48398
the Revised Code. 48399

(4) A decentralized motor vehicle inspection and 48400
maintenance program operated under this section shall comply 48401
with division (B) of this section. The director of environmental 48402
protection shall administer the decentralized motor vehicle 48403

inspection and maintenance program operated under this section. 48404

(B) The decentralized motor vehicle inspection and 48405
maintenance program authorized by this section, at a minimum, 48406
shall do all of the following: 48407

(1) Comply with the federal Clean Air Act; 48408

(2) Provide for the issuance of inspection certificates; 48409

(3) Provide for a new car exemption for motor vehicles 48410
four years old or newer and provide that a new motor vehicle is 48411
exempt for four years regardless of whether legal title to the 48412
motor vehicle is transferred during that period; 48413

(4) Provide for an exemption for battery electric motor 48414
vehicles. 48415

(C) (1) The director of environmental protection shall 48416
adopt rules in accordance with Chapter 119. of the Revised Code 48417
that the director determines are necessary to implement this 48418
section. The director may continue to implement and enforce 48419
rules pertaining to the motor vehicle inspection and maintenance 48420
program previously implemented under former section 3704.14 of 48421
the Revised Code as that section existed prior to its repeal and 48422
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 48423
provided that the rules do not conflict with this section. 48424

(2) The director of environmental protection shall issue 48425
an inspection certificate provided for under division (B) (2) of 48426
this section in accordance with Chapter 4796. of the Revised 48427
Code to an applicant if either of the following applies: 48428

(a) The individual holds a certificate or license in 48429
another state. 48430

(b) The individual has satisfactory work experience, a 48431

government certification, or a private certification as 48432
described in that chapter as a vehicle inspector in a state that 48433
does not issue that certificate. 48434

(D) There is hereby created in the state treasury the auto 48435
emissions test fund, which shall consist of money received by 48436
the director from any cash transfers, state and local grants, 48437
and other contributions that are received for the purpose of 48438
funding the program established under this section. The director 48439
of environmental protection shall use money in the fund solely 48440
for the implementation, supervision, administration, operation, 48441
and enforcement of the motor vehicle inspection and maintenance 48442
program established under this section. Money in the fund shall 48443
not be used for either of the following: 48444

(1) To pay for the inspection costs incurred by a motor 48445
vehicle dealer so that the dealer may provide inspection 48446
certificates to an individual purchasing a motor vehicle from 48447
the dealer when that individual resides in a county that is 48448
subject to the motor vehicle inspection and maintenance program; 48449

(2) To provide payment for more than one free passing 48450
emissions inspection or a total of three emissions inspections 48451
for a motor vehicle in any three-hundred-sixty-five-day period. 48452
The owner or lessee of a motor vehicle is responsible for 48453
inspection fees that are related to emissions inspections beyond 48454
one free passing emissions inspection or three total emissions 48455
inspections in any three-hundred-sixty-five-day period. 48456
Inspection fees that are charged by a contractor conducting 48457
emissions inspections under a motor vehicle inspection and 48458
maintenance program shall be approved by the director of 48459
environmental protection. 48460

(E) The motor vehicle inspection and maintenance program 48461

established under this section expires upon the termination of 48462
all contracts entered into under this section and shall not be 48463
implemented beyond the final date on which termination occurs. 48464

(F) As used in this section "battery electric motor 48465
vehicle" has the same meaning as in section 4501.01 of the 48466
Revised Code. 48467

Sec. 3705.126. The department of health shall neither open 48468
an adoption file nor make its contents available except as 48469
follows: 48470

(A) The department shall inspect the file to determine the 48471
court involved for the purpose of division (D) of section 48472
3107.09 or section 3107.091 or 3107.171 of the Revised Code. 48473

(B) The department shall make the file's contents 48474
available to an adopted person or lineal descendant of an 48475
adopted person in accordance with section 3107.38 of the Revised 48476
Code. 48477

(C) The department shall open the file to transfer 48478
releases to the file in accordance with section 3107.381 of the 48479
Revised Code. 48480

(D) The department shall open the file to file a contact 48481
preference form from a biological parent pursuant to section 48482
3107.39 of the Revised Code and remove any previously filed 48483
contact preference form from the biological parent. 48484

(E) The department shall open the file to ~~file a~~ 48485
~~biological parent's name redaction request form pursuant to~~ 48486
~~division (C) of section 3107.391 of the Revised Code or to~~ 48487
remove and destroy the a name redaction request form pursuant to 48488
division ~~(D)~~ (A) of ~~that~~ section 3107.391 of the Revised Code. 48489

(F) The department shall open the file to file a denial of 48490
release form under division (A) of section 3107.46 of the 48491
Revised Code or an authorization of release form under division 48492
(B) of that section. 48493

(G) The department shall make the file's contents 48494
available to an adopted person or adoptive parent in accordance 48495
with section 3107.47 of the Revised Code. 48496

(H) The department shall open the file to file a request 48497
from an adopted person under division (A) of section 3107.48 of 48498
the Revised Code or to remove and destroy the request pursuant 48499
to division (B) of that section. 48500

(I) The department shall inspect the file to assist a 48501
birth parent or birth sibling in finding the adopted person's 48502
name by adoption in accordance with section 3107.49 of the 48503
Revised Code. 48504

(J) The court that decreed the adoption may order that the 48505
contents be made open for inspection or available for copying. 48506

Sec. 3705.17. The body of a person whose death occurs in 48507
this state shall not be interred, deposited in a vault or tomb, 48508
cremated, or otherwise disposed of by a funeral director until a 48509
burial permit is issued by a local registrar or sub-registrar of 48510
vital statistics. No such permit shall be issued by a local 48511
registrar or sub-registrar until a satisfactory death, fetal 48512
death, or provisional death certificate is filed with the local 48513
registrar or sub-registrar. When the medical certification as to 48514
the cause of death cannot be provided by the attending physician 48515
or coroner prior to burial, for sufficient cause, as determined 48516
by rule of the director of health, the funeral director may file 48517
a provisional death certificate with the local registrar or sub- 48518

registrar for the purpose of securing a burial or burial-transit 48519
permit. When the funeral director files a provisional death 48520
certificate to secure a burial or burial-transit permit, the 48521
funeral director shall file a satisfactory and complete death 48522
certificate within five days after the date of death. The 48523
director of health, by rule, may provide additional time for 48524
filing a satisfactory death certificate. A burial permit 48525
authorizing cremation shall not be issued upon the filing of a 48526
provisional certificate of death. 48527

When a funeral director or other person obtains a burial 48528
permit from a local registrar or sub-registrar, the registrar or 48529
sub-registrar shall charge a fee of three-four dollars and fifty 48530
cents for the issuance of the burial permit. Two-Four dollars 48531
and fifty cents of each fee collected for a burial permit shall 48532
be paid into the state treasury to the credit of the cemetery 48533
registration fund created under section 4767.03 of the Revised 48534
Code to be used by the division of real estate and professional 48535
licensing in the department of commerce in discharging its 48536
duties prescribed in Chapter 4767. of the Revised Code and the 48537
Ohio cemetery dispute resolution commission created by section 48538
4767.05 of the Revised Code. A local registrar or sub-registrar 48539
shall transmit payments of that portion of the amount of each 48540
fee collected under this section to the treasurer of state on a 48541
quarterly basis or more frequently, if possible. The director of 48542
health, by rule, shall provide for the issuance of a burial 48543
permit without the payment of the fee required by this section 48544
if the total cost of the burial will be paid by an agency or 48545
instrumentality of the United States, the state or a state 48546
agency, or a political subdivision of the state. 48547

The director of commerce may by rule adopted in accordance 48548
with Chapter 119. of the Revised Code reduce the total amount of 48549

the fee required by this section and that portion of the amount 48550
of the fee required to be paid to the credit of the division of 48551
real estate and professional licensing for the use of the 48552
division and the Ohio cemetery dispute resolution commission, if 48553
the director determines that the total amount of funds the fee 48554
is generating at the amount required by this section exceeds the 48555
amount of funds the division of real estate and professional 48556
licensing and the commission need to carry out their powers and 48557
duties prescribed in Chapter 4767. of the Revised Code. 48558

No person in charge of any premises in which interments or 48559
cremations are made shall inter or cremate or otherwise dispose 48560
of a body, unless it is accompanied by a burial permit. Each 48561
person in charge of a cemetery, crematory, or other place of 48562
disposal shall indorse upon a burial permit the date of 48563
interment, cremation, or other disposal and shall retain such 48564
permits for a period of at least five years. The person in 48565
charge shall keep an accurate record of all interments, 48566
cremations, or other disposal of dead bodies, made in the 48567
premises under the person's charge, stating the name of the 48568
deceased person, place of death, date of burial, cremation, or 48569
other disposal, and name and address of the funeral director. 48570
Such record shall at all times be open to public inspection. 48571

Sec. 3706.01. As used in this chapter: 48572

(A) "Governmental agency" means a department, division, or 48573
other unit of state government, a municipal corporation, county, 48574
township, and other political subdivision, or any other public 48575
corporation or agency having the power to acquire, construct, or 48576
operate air quality facilities, the United States or any agency 48577
thereof, and any agency, commission, or authority established 48578
pursuant to an interstate compact or agreement. 48579

(B) "Person" means any individual, firm, partnership, 48580
association, or corporation, or any combination thereof. 48581

(C) "Air contaminant" means particulate matter, dust, 48582
fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, 48583
radiation, or odorous substance, or any combination thereof. 48584

(D) "Air pollution" means the presence in the ambient air 48585
of one or more air contaminants in sufficient quantity and of 48586
such characteristics and duration as to injure human health or 48587
welfare, plant or animal life, or property, or that unreasonably 48588
interferes with the comfortable enjoyment of life or property. 48589

(E) "Ambient air" means that portion of the atmosphere 48590
outside of buildings and other enclosures, stacks, or ducts that 48591
surrounds human, plant, or animal life, or property. 48592

(F) "Emission" means the release into the outdoor 48593
atmosphere of an air contaminant. 48594

(G) "Air quality facility" means any of the following: 48595

(1) Any method, modification or replacement of property, 48596
process, device, structure, or equipment that removes, reduces, 48597
prevents, contains, alters, conveys, stores, disperses, or 48598
disposes of air contaminants or substances containing air 48599
contaminants, or that renders less noxious or reduces the 48600
concentration of air contaminants in the ambient air, including, 48601
without limitation, facilities and expenditures that qualify as 48602
air pollution control facilities under section 103 (C) (4) (F) of 48603
the Internal Revenue Code of 1954, as amended, and regulations 48604
adopted thereunder; 48605

(2) Motor vehicle inspection stations operated in 48606
accordance with, and any equipment used for motor vehicle 48607
inspections conducted under, section 3704.14 of the Revised Code 48608

and rules adopted under it; 48609

(3) Ethanol or other biofuel facilities, including any 48610
equipment used at the ethanol or other biofuel facility for the 48611
production of ethanol or other biofuels; 48612

(4) Any property or portion thereof used for the 48613
collection, storage, treatment, utilization, processing, or 48614
final disposal of a by-product or solid waste resulting from any 48615
method, process, device, structure, or equipment that removes, 48616
reduces, prevents, contains, alters, conveys, stores, disperses, 48617
or disposes of air contaminants, or that renders less noxious or 48618
reduces the concentration of air contaminants in the ambient 48619
air; 48620

(5) Any property, device, or equipment that promotes the 48621
reduction of emissions of air contaminants into the ambient air 48622
through improvements in the efficiency of energy utilization or 48623
energy conservation; 48624

(6) Any coal research and development project conducted 48625
under Chapter 1555. of the Revised Code; 48626

(7) As determined by the director of the Ohio coal 48627
development office, any property or portion thereof that is used 48628
for the collection, storage, treatment, utilization, processing, 48629
or final disposal of a by-product resulting from a coal research 48630
and development project as defined in section 1555.01 of the 48631
Revised Code or from the use of clean coal technology, excluding 48632
any property or portion thereof that is used primarily for other 48633
subsequent commercial purposes; 48634

(8) ~~Any property or portion thereof that is part of the~~ 48635
~~FutureGen project of the United States department of energy or~~ 48636
~~related to the siting of the FutureGen project~~Any property, 48637

device, or equipment comprising a facility generating green 48638
energy; 48639

(9) Any property, device, or equipment that promotes the 48640
reduction of emissions of air contaminants into the ambient air 48641
through the generation of clean, renewable energy with renewable 48642
energy resources or advanced energy resources as defined in 48643
section 3706.25 of the Revised Code; 48644

(10) Any property, device, structure, or equipment 48645
necessary for the manufacture and production of equipment 48646
described as an air quality facility under this chapter; 48647

(11) Any property, device, or equipment related to the 48648
recharging or refueling of vehicles that promotes the reduction 48649
of emissions of air contaminants into the ambient air through 48650
the use of an alternative fuel as defined in section 125.831 of 48651
the Revised Code or the use of a renewable energy resource as 48652
defined in section 3706.25 of the Revised Code; 48653

(12) Any special energy improvement project, as defined in 48654
section 1710.01 of the Revised Code, that promotes the reduction 48655
of emissions of air contaminants into the ambient air. 48656

"Air quality facility" further includes any property or 48657
system to be used in whole or in part for any of the purposes in 48658
divisions (G) (1) to (12) of this section, whether another 48659
purpose is also served, and any property or system incidental to 48660
or that has to do with, or the end purpose of which is, any of 48661
the foregoing. Air quality facilities that are defined in this 48662
division for industry, commerce, distribution, or research, 48663
including public utility companies, are hereby determined to be 48664
those that qualify as facilities for the control of air 48665
pollution and thermal pollution related to air under Section 13 48666

of Article VIII, Ohio Constitution.

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(H) "Project" or "air quality project" means any air
quality facility, including undivided or other interests
therein, acquired or to be acquired or constructed or to be
constructed by the Ohio air quality development authority under
this chapter, or acquired or to be acquired or constructed or to
be constructed by a governmental agency or person with all or a
part of the cost thereof being paid from a loan or grant from
the authority under this chapter or otherwise paid from the
proceeds of air quality revenue bonds, including all buildings
and facilities that the authority determines necessary for the
operation of the project, together with all property, rights,
easements, and interests that may be required for the operation
of the project.

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(I) "Cost" as applied to an air quality project means the
cost of acquisition and construction, the cost of acquisition of
all land, rights-of-way, property rights, easements, franchise
rights, and interests required for such acquisition and
construction, the cost of demolishing or removing any buildings
or structures on land so acquired, including the cost of
acquiring any lands to which such buildings or structures may be
moved, the cost of acquiring or constructing and equipping a
principal office and sub-offices of the authority, the cost of
diverting highways, interchange of highways, and access roads to
private property, including the cost of land or easements for
such access roads, the cost of public utility and common carrier
relocation or duplication, the cost of all machinery,
furnishings, and equipment, financing charges, interest prior to
and during construction and for no more than eighteen months
after completion of construction, engineering, expenses of
research and development with respect to air quality facilities,

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the cost of any commodity contract, including fees and expenses 48698
related thereto, legal expenses, plans, specifications, surveys, 48699
studies, estimates of cost and revenues, working capital, other 48700
expenses necessary or incident to determining the feasibility or 48701
practicability of acquiring or constructing such project, 48702
administrative expense, and such other expense as may be 48703
necessary or incident to the acquisition or construction of the 48704
project, the financing of such acquisition or construction, 48705
including the amount authorized in the resolution of the 48706
authority providing for the issuance of air quality revenue 48707
bonds to be paid into any special funds from the proceeds of 48708
such bonds, and the financing of the placing of such project in 48709
operation. Any obligation, cost, or expense incurred by any 48710
governmental agency or person for surveys, borings, preparation 48711
of plans and specifications, and other engineering services, or 48712
any other cost described above, in connection with the 48713
acquisition or construction of a project may be regarded as a 48714
part of the cost of that project and may be reimbursed out of 48715
the proceeds of air quality revenue bonds as authorized by this 48716
chapter. 48717

(J) "Owner" includes an individual, copartnership, 48718
association, or corporation having any title or interest in any 48719
property, rights, easements, or interests authorized to be 48720
acquired by this chapter. 48721

(K) "Revenues" means all rentals and other charges 48722
received by the authority for the use or services of any air 48723
quality project, any gift or grant received with respect to any 48724
air quality project, any moneys received with respect to the 48725
lease, sublease, sale, including installment sale or conditional 48726
sale, or other disposition of an air quality project, moneys 48727
received in repayment of and for interest on any loans made by 48728

the authority to a person or governmental agency, whether from 48729
the United States or any department, administration, or agency 48730
thereof, or otherwise, proceeds of such bonds to the extent that 48731
use thereof for payment of principal of, premium, if any, or 48732
interest on the bonds is authorized by the authority, amounts 48733
received or otherwise derived from a commodity contract or from 48734
the sale of the related commodity under such a contract, 48735
proceeds from any insurance, condemnation, or guaranty 48736
pertaining to a project or property mortgaged to secure bonds or 48737
pertaining to the financing of the project, and income and 48738
profit from the investment of the proceeds of air quality 48739
revenue bonds or of any revenues. 48740

(L) "Public roads" includes all public highways, roads, 48741
and streets in the state, whether maintained by the state, 48742
county, city, township, or other political subdivision. 48743

(M) "Public utility facilities" includes tracks, pipes, 48744
mains, conduits, cables, wires, towers, poles, and other 48745
equipment and appliances of any public utility. 48746

(N) "Construction," unless the context indicates a 48747
different meaning or intent, includes reconstruction, 48748
enlargement, improvement, or providing furnishings or equipment. 48749

(O) "Air quality revenue bonds," unless the context 48750
indicates a different meaning or intent, includes air quality 48751
revenue notes, air quality revenue renewal notes, and air 48752
quality revenue refunding bonds, except that notes issued in 48753
anticipation of the issuance of bonds shall have a maximum 48754
maturity of five years as provided in section 3706.05 of the 48755
Revised Code and notes or renewal notes issued as the definitive 48756
obligation may be issued maturing at such time or times with a 48757
maximum maturity of forty years from the date of issuance of the 48758

original note. 48759

(P) "Solid waste" means any garbage; refuse; sludge from a 48760
waste water treatment plant, water supply treatment plant, or 48761
air pollution control facility; and other discarded material, 48762
including solid, liquid, semisolid, or contained gaseous 48763
material resulting from industrial, commercial, mining, and 48764
agricultural operations, and from community activities, but not 48765
including solid or dissolved material in domestic sewage, or 48766
solid or dissolved material in irrigation return flows or 48767
industrial discharges that are point sources subject to permits 48768
under section 402 of the "Federal Water Pollution Control Act 48769
Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, 48770
or source, special nuclear, or byproduct material as defined by 48771
the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, 48772
as amended. 48773

(Q) "Sludge" means any solid, semisolid, or liquid waste, 48774
other than a recyclable by-product, generated from a municipal, 48775
commercial, or industrial waste water treatment plant, water 48776
supply plant, or air pollution control facility or any other 48777
such wastes having similar characteristics and effects. 48778

(R) "Ethanol or other biofuel facility" means a plant at 48779
which ethanol or other biofuel is produced. 48780

(S) "Ethanol" means fermentation ethyl alcohol derived 48781
from agricultural products, including potatoes, cereal, grains, 48782
cheese whey, and sugar beets; forest products; or other 48783
renewable or biomass resources, including residue and waste 48784
generated from the production, processing, and marketing of 48785
agricultural products, forest products, and other renewable or 48786
biomass resources, that meets all of the specifications in the 48787
American society for testing and materials (ASTM) specification 48788

D 4806-88 and is denatured as specified in Parts 20 and 21 of 48789
Title 27 of the Code of Federal Regulations. 48790

(T) "Biofuel" means any fuel that is made from cellulosic 48791
biomass resources, including renewable organic matter, crop 48792
waste residue, wood, aquatic plants and other crops, animal 48793
waste, solid waste, or sludge, and that is used for the 48794
production of energy for transportation or other purposes. 48795

(U) "FutureGen project" means the buildings, equipment, 48796
and real property and functionally related buildings, equipment, 48797
and real property, including related research projects that 48798
support the development and operation of the buildings, 48799
equipment, and real property, designated by the United States 48800
department of energy and the FutureGen industrial alliance, 48801
inc., as the coal-fueled, zero-emissions power plant designed to 48802
prove the technical and economic feasibility of producing 48803
electricity and hydrogen from coal and nearly eliminating carbon 48804
dioxide emissions through capture and permanent storage. 48805

(V) "Commodity contract" means a contract or series of 48806
contracts entered into in connection with the acquisition or 48807
construction of air quality facilities for the purchase or sale 48808
of a commodity that is eligible for prepayment with the proceeds 48809
of federally tax exempt bonds under sections 103, 141, and 148 48810
of the Internal Revenue Code of 1986, as amended, and 48811
regulations adopted under it. 48812

(W) "Green energy" has the same meaning as in section 48813
4928.01 of the Revised Code. 48814

Sec. 3706.04. The Ohio air quality development authority 48815
may: 48816

(A) Adopt bylaws for the regulation of its affairs and the 48817

conduct of its business; 48818

(B) Adopt an official seal; 48819

(C) Maintain a principal office and suboffices at such 48820
places within the state as it designates; 48821

(D) Sue and plead in its own name; be sued and impleaded 48822
in its own name with respect to its contracts or torts of its 48823
members, employees, or agents acting within the scope of their 48824
employment, or to enforce its obligations and covenants made 48825
under sections 3706.05, 3706.07, and 3706.12 of the Revised 48826
Code. Any such actions against the authority shall be brought in 48827
the court of common pleas of the county in which the principal 48828
office of the authority is located, or in the court of common 48829
pleas of the county in which the cause of action arose, provided 48830
such county is located within this state, and all summonses, 48831
exceptions, and notices of every kind shall be served on the 48832
authority by leaving a copy thereof at the principal office with 48833
the person in charge thereof or with the secretary-treasurer of 48834
the authority. 48835

(E) Make loans and grants to governmental agencies for the 48836
acquisition or construction of air quality projects by any such 48837
governmental agency and adopt rules and procedures for making 48838
such loans and grants; 48839

(F) Acquire, construct, reconstruct, enlarge, improve, 48840
furnish, equip, maintain, repair, operate, lease or rent to, or 48841
contract for operation by, a person or governmental agency, air 48842
quality projects, and establish rules for the use of such 48843
projects; 48844

(G) Make available the use or services of any air quality 48845
project to one or more persons, one or more governmental 48846

agencies, or any combination thereof; 48847

(H) Issue air quality revenue bonds and notes and air 48848
quality revenue refunding bonds of the state, payable solely 48849
from revenues as provided in section 3706.05 of the Revised 48850
Code, unless the bonds be refunded by refunding bonds, for the 48851
purpose of paying any part of the cost of one or more air 48852
quality projects or parts thereof; 48853

(I) Acquire by gift or purchase, hold, and dispose of real 48854
and personal property in the exercise of the powers of the 48855
authority and the performance of its duties under this chapter; 48856

(J) Acquire, in the name of the state, by purchase or 48857
otherwise, on such terms and in such manner as the authority 48858
finds proper, or by the exercise of the right of condemnation in 48859
the manner provided by section 3706.17 of the Revised Code, such 48860
public or private lands, including public parks, playgrounds, or 48861
reservations, or parts thereof or rights therein, rights-of-way, 48862
property, rights, easements, and interests as it finds necessary 48863
for carrying out this chapter, but excluding the acquisition by 48864
the exercise of the right of condemnation of any air quality 48865
facility owned by any person or governmental agency; and 48866
compensation shall be paid for public or private lands so taken; 48867

(K) Make and enter into all contracts and agreements and 48868
execute all instruments necessary or incidental to the 48869
performance of its duties and the execution of its powers under 48870
this chapter. 48871

(l) When the cost under any such contract or agreement, 48872
other than compensation for personal services, involves an 48873
expenditure of more than two thousand dollars, the authority 48874
shall make a written contract with the lowest responsive and 48875

responsible bidder, in accordance with section 9.312 of the 48876
Revised Code, after advertisement for not less than two 48877
consecutive weeks in a newspaper of general circulation in 48878
Franklin county, and in such other publications as the authority 48879
determines, which notice shall state the general character of 48880
the work and the general character of the materials to be 48881
furnished, the place where plans and specifications therefor may 48882
be examined, and the time and place of receiving bids; provided, 48883
that a contract or lease for the operation of an air quality 48884
project constructed and owned by the authority or an agreement 48885
for cooperation in the acquisition or construction of an air 48886
quality project pursuant to section 3706.12 of the Revised Code 48887
or any contract for the construction of an air quality project 48888
that is to be leased by the authority to, and operated by, 48889
persons who are not governmental agencies and the cost of such 48890
project is to be amortized exclusively from rentals or other 48891
charges paid to the authority by persons who are not 48892
governmental agencies is not subject to the foregoing 48893
requirements and the authority may enter into such contract, 48894
lease, or agreement pursuant to negotiation and upon such terms 48895
and conditions and for such period as it finds to be reasonable 48896
and proper in the circumstances and in the best interests of 48897
proper operation or of efficient acquisition or construction of 48898
such project. 48899

(2) Each bid for a contract for the construction, 48900
demolition, alteration, repair, or reconstruction of an 48901
improvement shall contain the full name of every person 48902
interested in it and meet the requirements of section 153.54 of 48903
the Revised Code. 48904

(3) Each bid for a contract except as provided in division 48905
(K) (2) of this section shall contain the full name of every 48906

person interested in it and shall be accompanied by a sufficient 48907
bond or certified check on a solvent bank that if the bid is 48908
accepted a contract will be entered into and the performance 48909
thereof secured. 48910

(4) The authority may reject any and all bids. 48911

(5) A bond with good and sufficient surety, approved by 48912
the authority, shall be required of every contractor awarded a 48913
contract except as provided in division (K) (2) of this section, 48914
in an amount equal to at least fifty per cent of the contract 48915
price, conditioned upon the faithful performance of the 48916
contract. 48917

(L) Employ managers, superintendents, and other employees 48918
and retain or contract with consulting engineers, financial 48919
consultants, accounting experts, architects, attorneys, and such 48920
other consultants and independent contractors as are necessary 48921
in its judgment to carry out this chapter, and fix the 48922
compensation thereof. All expenses thereof shall be payable 48923
solely from the proceeds of air quality revenue bonds or notes 48924
issued under this chapter, from revenues, or from funds 48925
appropriated for such purpose by the general assembly. 48926

(M) Receive and accept from any federal agency, or not- 48927
for-profit entity, subject to the approval of the governor, 48928
grants or loans of federal funds, subject to the limitations of 48929
Ohio Constitution, Article VIII, Section 13, for or in aid of 48930
the construction of any air quality project or for research and 48931
development with respect to air quality facilities, and receive 48932
and accept aid or contributions from any source of money, 48933
property, labor, or other things of value, to be held, used, and 48934
applied only for the purposes for which such grants and 48935
contributions are made; 48936

(N) Engage in research and development with respect to air quality facilities; 48937
48938

(O) Purchase fire and extended coverage and liability insurance for any air quality project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its air quality revenue bonds or in any trust agreement securing the same; 48939
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(P) Charge, alter, and collect rentals and other charges for the use or services of any air quality project as provided in section 3706.13 of the Revised Code; 48947
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(Q) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code; 48950
48951

(R) In accordance with section 54D(e) of the Internal Revenue Code, 26 U.S.C. 54D(e), allocate the national qualified energy conservation bond limitation allocated to the state and reallocate any portion of an allocation waived by a county or municipality. 48952
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(S) Issue air quality revenue bonds and notes of the state in principal amounts that are necessary to raise money for the sole benefit of the air quality revolving loan fund created under section 3706.042 of the Revised Code. The bonds and notes may be secured by appropriate trust agreements and repaid from money credited to the fund from payments of principal and interest on loans made from the fund. 48957
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(T) Do all acts necessary or proper to carry out the powers expressly granted in this chapter. 48964
48965

Any instrument by which real property is acquired pursuant 48966
to this section shall identify the agency of the state that has 48967
the use and benefit of the real property as specified in section 48968
5301.012 of the Revised Code. 48969

Sec. 3706.042. The air quality revolving loan fund is 48970
created in the custody of the treasurer of state but shall not 48971
be part of the state treasury. The fund shall consist of the 48972
proceeds of air quality revenue bonds and notes of the state 48973
issued by the air quality development authority pursuant to 48974
division (S) of section 3706.04 of the Revised Code for the sole 48975
benefit of the fund. The proceeds shall be held in trust 48976
pursuant to section 3706.10 of the Revised Code. The fund shall 48977
be for the purpose of carrying out the powers and duties of the 48978
authority. 48979

Sec. 3706.46. (A) (1) Beginning for all bills rendered on 48980
or after January 1, 2021, by an electric distribution utility in 48981
this state, such electric distribution utility shall collect 48982
from all of its retail electric customers in this state, each 48983
month, a charge which, in the aggregate, is sufficient to 48984
produce a revenue requirement of twenty million dollars annually 48985
for total disbursements required under section 3706.55 of the 48986
Revised Code from the solar generation fund, or such total 48987
amount as is determined by the Ohio air quality development 48988
authority to be sufficient for the total disbursements required 48989
under section 3706.55 of the Revised Code and administrative 48990
costs under section 3706.491 of the Revised Code. 48991

(2) The public utilities commission shall determine the 48992
method by which the revenue is allocated or assigned to each 48993
electric distribution utility for billing and collection, 48994
provided that the method of allocation shall be based on the 48995

relative number of customers, relative quantity of kilowatt hour 48996
sales, or a combination of the two. The level and structure of 48997
the charge shall be authorized by the commission through a 48998
process that the commission shall determine is not for an 48999
increase in any rate, joint rate, toll, classification, charge, 49000
or rental, notwithstanding anything to the contrary in Title 49001
XLIX of the Revised Code. 49002

(B) In authorizing the level and structure of any charge 49003
to be billed and collected by each electric distribution 49004
utility, the commission shall ensure that the per-customer 49005
monthly charge for residential customers does not exceed ten 49006
cents and that the per-customer monthly charge for industrial 49007
customers eligible to become self-assessing purchasers pursuant 49008
to division (C) of section 5727.81 of the Revised Code does not 49009
exceed two hundred forty-two dollars. For nonresidential 49010
customers that are not self-assessing purchasers, the level and 49011
design of the charge shall be established in a manner that 49012
avoids abrupt or excessive total net electric bill impacts for 49013
typical customers. 49014

(C) Each charge authorized by the commission under this 49015
section shall be subject to adjustment so as to reconcile actual 49016
revenue collected with the revenue needed to meet the revenue 49017
requirement under division (A) (1) of this section. The 49018
commission shall authorize each electric distribution utility to 49019
adopt accounting practices to facilitate such reconciliation. 49020
Notwithstanding any other provisions of the Revised Code, the 49021
charge authorized by the commission may continue beyond ~~December~~ 49022
July 31, 20272025, only if it is necessary to reconcile actual 49023
revenue collected under this section during the period ending on 49024
~~December~~ July 31, 20272025, with the actual revenue needed to 49025
meet the revenue requirement under division (A) (1) of this 49026

section for required disbursements under section 3706.55 of the 49027
Revised Code that may be due and owing during the same period. 49028
Such continuation shall be authorized only for such period of 49029
time beyond ~~December~~ July 31, 20272025, as may be reasonably 49030
necessary to complete the reconciliation. 49031

Sec. 3714.07. (A) (1) For the purpose of assisting boards 49032
of health and the environmental protection agency in 49033
administering and enforcing this chapter and rules adopted under 49034
it, there is hereby levied a fee of thirty cents per cubic yard 49035
or sixty cents per ton, as applicable, on both of the following: 49036

(a) The disposal of construction and demolition debris at 49037
a construction and demolition debris facility that is licensed 49038
~~under this chapter or at a solid waste facility that is licensed~~ 49039
~~under Chapter 3734. of the Revised Code;~~ 49040

(b) The disposal of asbestos or asbestos-containing 49041
materials or products at a construction and demolition debris 49042
facility that is licensed under this chapter ~~or at a solid waste~~ 49043
~~facility that is licensed under Chapter 3734. of the Revised~~ 49044
~~Code.~~ 49045

(2) The owner or operator of a construction and demolition 49046
debris facility ~~or a solid waste facility~~ shall determine if 49047
cubic yards or tons will be used as the unit of measurement. If 49048
basing the fee on cubic yards, the owner or operator shall 49049
utilize either the maximum cubic yard capacity of the container, 49050
or the hauling volume of the vehicle, that transports the 49051
construction and demolition debris to the facility or the cubic 49052
yards actually logged for disposal by the owner or operator in 49053
accordance with rules adopted under section 3714.02 of the 49054
Revised Code. If basing the fee on tonnage, the owner or 49055
operator shall use certified scales to determine the tonnage of 49056

construction and demolition debris that is disposed of. 49057

(3) The owner or operator of a construction and demolition 49058
debris facility ~~or a solid waste facility~~ shall calculate the 49059
amount of money generated from the fee levied under division (A) 49060
(1) of this section and shall hold that amount as a trustee for 49061
the health district having jurisdiction over the facility, if 49062
that district is on the approved list under section 3714.09 of 49063
the Revised Code, or for the state. The owner or operator shall 49064
prepare and file with the appropriate board of health or the 49065
director of environmental protection monthly returns indicating 49066
the total volume or weight, as applicable, of construction and 49067
demolition debris and asbestos or asbestos-containing materials 49068
or products disposed of at the facility and the total amount of 49069
money generated during that month from the fee levied under 49070
division (A) (1) of this section on the disposal of construction 49071
and demolition debris and asbestos or asbestos-containing 49072
materials or products. Not later than thirty days after the last 49073
day of the month to which the return applies, the owner or 49074
operator shall mail to the board of health or the director the 49075
return for that month together with the amount of money 49076
calculated under division (A) (3) of this section on the disposal 49077
of construction and demolition debris and asbestos or asbestos- 49078
containing materials or products during that month or may submit 49079
the return and money electronically in a manner approved by the 49080
director. The owner or operator may request, in writing, an 49081
extension of not more than thirty days after the last day of the 49082
month to which the return applies. A request for extension may 49083
be denied. If the owner or operator submits the money late, the 49084
owner or operator shall pay a penalty of ten per cent of the 49085
amount of the money due for each month that it is late. Upon the 49086
request of the approved board of health and agreement by the 49087

director, the director may require that the owner or operator 49088
file monthly returns and submit money generated from fees to the 49089
director in accordance with division (A) (3) of this section. 49090

(4) Of the money that is submitted by a construction and 49091
demolition debris facility ~~or a solid waste facility~~ on a per 49092
cubic yard or per ton basis under this section, a board of 49093
health shall transmit three cents per cubic yard or six cents 49094
per ton, as applicable, to the director, and any amount levied 49095
under division (C) or (D) of this section to the applicable 49096
municipal corporation, township, or county, not later than 49097
forty-five days after the receipt of the money. However, if the 49098
director receives payment of fees by agreement between a board 49099
of health and the director under division (A) (3) of this 49100
section, the director shall retain three cents per cubic yard or 49101
six cents per ton, as applicable, and transmit the remaining 49102
amount to the board of health not later than forty-five days 49103
after receipt of the money less any fees levied pursuant to 49104
divisions (C) and (D) of this section. The money retained or 49105
received by a board of health under this section shall be paid 49106
into a special fund, which is hereby created in each health 49107
district, and used solely for the following purposes: 49108

(a) To administer and enforce this chapter and Chapter 49109
3734. of the Revised Code and rules adopted under them; 49110

(b) To abate abandoned accumulations of construction and 49111
demolition debris as provided in section 3714.074 of the Revised 49112
Code; 49113

(c) To mitigate any impacts to public health, safety, and 49114
welfare of any construction and demolition debris facility and 49115
solid waste disposal or transfer facility within the health 49116
district, including ensuring appropriate inspection of any such 49117

facility to prevent any negative public health, safety, and 49118
welfare impact. 49119

The director shall transmit all money ~~received to which~~ 49120
the director is entitled under this section to the treasurer of 49121
state to be deposited in the state treasury to the credit of the 49122
waste management fund created in section 3734.061 of the Revised 49123
Code. 49124

(B) The board of health of a health district or the 49125
director may enter into an agreement with the owner or operator 49126
of a construction and demolition debris facility ~~or a solid-~~ 49127
~~waste facility~~ for the quarterly payment of money generated from 49128
the disposal fee as calculated in division (A) (3) of this 49129
section. The board of health shall notify the director of any 49130
such agreement. Not later than forty-five days after receipt of 49131
the quarterly payment, the board of health shall transmit the 49132
amount established in division (A) (4) of this section to the 49133
director. The money retained by the board of health shall be 49134
deposited in the special fund of the district as required under 49135
that division. Upon receipt of the money from a board of health, 49136
the director shall transmit the money to the treasurer of state 49137
to be credited to the waste management fund. 49138

(C) If a construction and demolition debris facility ~~or a~~ 49139
~~solid waste facility~~ is located within the territorial 49140
boundaries of a municipal corporation or the unincorporated area 49141
of a township, the municipal corporation or township may 49142
appropriate up to four cents per cubic yard or up to eight cents 49143
per ton of the disposal fee required to be paid by the facility 49144
under division (A) (1) of this section for the same purposes that 49145
a municipal corporation or township may levy a fee under 49146
division (C) of section 3734.57 of the Revised Code. 49147

The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility ~~or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code,~~ and to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money generated from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as appropriate, shall maintain separate records of the money received under this division.

The legislative authority of a municipal corporation or township may cease appropriating money under this division by repealing the ordinance or resolution that was enacted or adopted under this division.

The director shall adopt rules in accordance with Chapter 49178
119. of the Revised Code establishing requirements for prorating 49179
the amount of the fee that may be appropriated under this 49180
division by a municipal corporation or township in which only a 49181
portion of a construction and demolition debris facility is 49182
located within the territorial boundaries of the municipal 49183
corporation or township. 49184

(D) The board of county commissioners of a county in which 49185
a construction and demolition debris facility ~~or a solid waste~~ 49186
~~facility~~ is located may appropriate up to three cents per cubic 49187
yard or up to six cents per ton of the disposal fee required to 49188
be paid by the facility under division (A)(1) of this section 49189
for the same purposes that a solid waste management district may 49190
levy a fee under division (B) of section 3734.57 of the Revised 49191
Code. 49192

The board of county commissioners may appropriate the 49193
money from the fee by adopting a resolution establishing the 49194
amount of the fee to be appropriated. Upon doing so, the board 49195
of county commissioners shall mail a certified copy of the 49196
resolution to the board of health of the health district in 49197
which the construction and demolition debris facility ~~or the~~ 49198
~~solid waste facility~~ is located ~~or, if the facility is located~~ 49199
~~in a health district that is not on the approved list under~~ 49200
~~section 3714.09 of the Revised Code, and~~ to the director. Upon 49201
receipt of the copy of the resolution and not later than forty- 49202
five days after receipt of money generated from the fee, the 49203
board of health or the director, as applicable, shall transmit 49204
to the treasurer of the county that portion of the money 49205
generated from the disposal fee by the owner or operator of the 49206
facility that is required by the resolution to be paid to that 49207
county. 49208

Money received by a county treasurer under this division 49209
shall be paid into the general fund of the county. The county 49210
treasurer shall maintain separate records of the money received 49211
under this division. 49212

A board of county commissioners may cease appropriating 49213
money under this division by repealing the resolution that was 49214
adopted under this division. 49215

~~(E) (1) This section does not apply to the disposal of 49216
construction and demolition debris at a solid waste facility 49217
that is licensed under Chapter 3734. of the Revised Code if 49218
there is no construction and demolition debris facility licensed 49219
under this chapter within thirty-five miles of the solid waste 49220
facility as determined by a facility's property boundaries. 49221~~

~~(2) This section does not apply to the disposal of 49222
construction and demolition debris at a solid waste facility 49223
that is licensed under Chapter 3734. of the Revised Code if the 49224
owner or operator of the facility chooses to collect fees on the 49225
disposal of the construction and demolition debris and asbestos 49226
or asbestos-containing materials or products that are identical 49227
to the fees that are collected under Chapters 343. and 3734. of 49228
the Revised Code on the disposal of solid wastes at that 49229
facility. 49230~~

~~(3)~~ (E) This section does not apply to the disposal of 49231
source separated materials that are exclusively composed of 49232
reinforced or nonreinforced concrete, asphalt, clay tile, 49233
building or paving brick, or building or paving stone at a 49234
construction and demolition debris facility that is licensed 49235
under this chapter when either of the following applies: 49236

~~(a)~~ (1) The materials are placed within the limits of 49237

construction and demolition debris placement at the facility as 49238
specified in the license issued to the facility under section 49239
3714.06 of the Revised Code, are not placed within the unloading 49240
zone of the facility, and are used as a fire prevention measure 49241
in accordance with rules adopted by the director under section 49242
3714.02 of the Revised Code. 49243

~~(b)~~ (2) The materials are not placed within the unloading 49244
zone of the facility or within the limits of construction and 49245
demolition debris placement at the facility as specified in the 49246
license issued to the facility under section 3714.06 of the 49247
Revised Code, but are used as fill material, either alone or in 49248
conjunction with clean soil, sand, gravel, or other clean 49249
aggregates, in legitimate fill operations for construction 49250
purposes at the facility or to bring the facility up to a 49251
consistent grade. 49252

Sec. 3714.073. (A) In addition to the fee levied under 49253
division (A)(1) of section 3714.07 of the Revised Code, 49254
beginning July 1, 2005, there is hereby levied on the disposal 49255
of construction and demolition debris at a construction and 49256
demolition debris facility that is licensed under this chapter 49257
~~or at a solid waste facility that is licensed under Chapter~~ 49258
~~3734. of the Revised Code~~ and on the disposal of asbestos or 49259
asbestos-containing materials or products at a construction and 49260
demolition debris facility that is licensed under this chapter 49261
~~or at a solid waste facility that is licensed under Chapter~~ 49262
~~3734. of the Revised Code~~ the following fees: 49263

(1) A fee of twelve and one-half cents per cubic yard or 49264
twenty-five cents per ton, as applicable, the proceeds of which 49265
shall be deposited in the state treasury to the credit of the 49266
soil and water conservation district assistance fund created in 49267

section 940.15 of the Revised Code; 49268

(2) A fee of thirty-five cents per cubic yard or seventy 49269
cents per ton, as applicable, the proceeds of which shall be 49270
deposited in the state treasury to the credit of the recycling 49271
and litter prevention fund created in section 3736.03 of the 49272
Revised Code; 49273

(3) A fee of two and one-half cents per cubic yard or five 49274
cents per ton, as applicable, the proceeds of which shall be 49275
deposited in the state treasury to the credit of the waste 49276
management fund created in section 3734.061 of the Revised Code. 49277

(B) The owner or operator of a construction and demolition 49278
debris facility ~~or a solid waste facility~~, as a trustee of the 49279
state, shall calculate the amount of money generated from the 49280
fees levied under this section and remit the money from the fees 49281
in the manner that is established in divisions (A) (2) and (3) of 49282
section 3714.07 of the Revised Code for the fee that is levied 49283
under division (A) (1) of that section ~~and~~. A board of health 49284
may enter into an agreement ~~for the~~ as follows: 49285

(1) With the owner or operator for the quarterly payment 49286
of money generated from the fees levied under this section in 49287
the manner established in division (B) of that section 3714.07 49288
of the Revised Code for the quarterly payment of money generated 49289
from the fee that is levied under division (A) (1) of that 49290
section; 49291

(2) With the director of environmental protection for the 49292
collection of the fees by the director in the same manner that 49293
the director collects fees on behalf of the board under division 49294
(A) (3) of section 3714.07 of the Revised Code. 49295

(C) The amount of money that is calculated by the owner or 49296

operator of a construction and demolition debris facility ~~or a~~ 49297
~~solid waste facility~~ and remitted to a board of health or the 49298
director of environmental protection, as applicable, pursuant to 49299
this section shall be transmitted by the board or director to 49300
the treasurer of state not later than forty-five days after the 49301
receipt of the money to be credited to the soil and water 49302
conservation district assistance fund or the recycling and 49303
litter prevention fund, as applicable. 49304

~~(D) This section does not apply to the disposal of~~ 49305
~~construction and demolition debris at a solid waste facility~~ 49306
~~that is licensed under Chapter 3734. of the Revised Code if the~~ 49307
~~owner or operator of the facility chooses to collect fees on the~~ 49308
~~disposal of the construction and demolition debris and asbestos~~ 49309
~~or asbestos-containing materials or products that are identical~~ 49310
~~to the fees that are collected under Chapters 343. and 3734. of~~ 49311
~~the Revised Code on the disposal of solid wastes at that~~ 49312
~~facility.~~ 49313

~~(E)~~ This section does not apply to the disposal of source 49314
separated materials that are exclusively composed of reinforced 49315
or nonreinforced concrete, asphalt, clay tile, building or 49316
paving brick, or building or paving stone at a construction and 49317
demolition debris facility that is licensed under this chapter 49318
when either of the following applies: 49319

(1) The materials are placed within the limits of 49320
construction and demolition debris placement at the facility as 49321
specified in the license issued to the facility under section 49322
3714.06 of the Revised Code, are not placed within the unloading 49323
zone of the facility, and are used as a fire prevention measure 49324
in accordance with rules adopted by the director under section 49325
3714.02 of the Revised Code. 49326

(2) The materials are not placed within the unloading zone 49327
of the facility or within the limits of construction and 49328
demolition debris placement at the facility as specified in the 49329
license issued to the facility under section 3714.06 of the 49330
Revised Code, but are used as fill material, either alone or in 49331
conjunction with clean soil, sand, gravel, or other clean 49332
aggregates, in legitimate fill operations for construction 49333
purposes at the facility or to bring the facility up to a 49334
consistent grade. 49335

Sec. 3715.021. (A) As used in this section, ~~"food~~ : 49336

(1) "Food processing establishment" means a premises or 49337
part of a premises where food is processed, packaged, 49338
manufactured, or otherwise held or handled for distribution to 49339
another location or for sale at wholesale. "Food processing 49340
establishment" includes the activities of a bakery, 49341
confectionery, cannery, bottler, warehouse, or distributor, and 49342
the activities of an entity that receives or salvages distressed 49343
food for sale or use as food. A "food processing establishment" 49344
does not include a cottage food production operation; a small 49345
egg producer; a processor of tree syrup who boils sap when a 49346
minimum of seventy-five per cent of the sap used to produce the 49347
syrup is collected directly from trees by that processor; a 49348
processor of sorghum who processes sorghum juice when a minimum 49349
of seventy-five per cent of the sorghum juice used to produce 49350
the sorghum is extracted directly from sorghum plants by that 49351
processor; a beekeeper who jars honey when a minimum of seventy- 49352
five per cent of the honey is from that beekeeper's own hives; 49353
or a processor of apple syrup or apple butter who directly 49354
harvests from trees a minimum of seventy-five per cent of the 49355
apples used to produce the apple syrup or apple butter. 49356

(2) "Small egg producer" means any person that is engaged 49357
in the operation of egg production and annually maintains five 49358
hundred or fewer birds. 49359

(B) The director of agriculture shall adopt rules in 49360
accordance with Chapter 119. of the Revised Code that establish, 49361
when otherwise not established by the Revised Code, standards 49362
and good manufacturing practices for food processing 49363
establishments, including the facilities of food processing 49364
establishments and their sanitation. The rules shall conform 49365
with or be equivalent to the standards for foods established by 49366
the United States food and drug administration in Title 21 of 49367
the Code of Federal Regulations. 49368

A business or that portion of a business that is regulated 49369
by the department of agriculture under Chapter 917. or 918. of 49370
the Revised Code is not subject to regulation under this section 49371
as a food processing establishment. 49372

Sec. 3719.04. (A) A person ~~identified in division (B) (1)~~ 49373
~~(a) of section 4729.52 of the Revised Code~~ who holds a ~~category~~ 49374
~~III~~ license issued under that section 4729.52 of the Revised 49375
Code granting authority with respect to controlled substances 49376
may sell at wholesale controlled substances to any of the 49377
following persons and is subject to the following conditions: 49378

(1) To another person who holds a ~~category III~~ license 49379
issued under section 4729.52 of the Revised Code granting 49380
authority with respect to controlled substances or to a terminal 49381
distributor of dangerous drugs with a ~~category III~~ license 49382
issued under section 4729.54 of the Revised Code granting 49383
authority with respect to controlled substances; 49384

(2) To a person in the employ of the United States 49385

government or of any state, territorial, district, county, 49386
municipal, or insular government, purchasing, receiving, 49387
possessing, or dispensing controlled substances by reason of 49388
official duties; 49389

(3) To a master of a ship or a person in charge of any 49390
aircraft upon which no physician is regularly employed, for the 49391
actual medical needs of persons on board the ship or aircraft, 49392
when not in port; provided such controlled substances shall be 49393
sold to the master of the ship or person in charge of the 49394
aircraft only in pursuance of a special official written order 49395
approved by a commissioned medical officer or acting assistant 49396
surgeon of the United States public health service; 49397

(4) To a person in a foreign country, if the federal drug 49398
abuse control laws are complied with. 49399

(B) An official written order for any schedule II 49400
controlled substances shall comply with all requirements of the 49401
federal drug abuse control laws and rules adopted by the state 49402
board of pharmacy. Except as provided in section 3719.05 of the 49403
Revised Code or as otherwise specified in rules adopted by the 49404
board, each party engaged in the sale of schedule II controlled 49405
substances shall maintain all records relating to the order for 49406
a period of five years in such a way as to be readily accessible 49407
for inspection by any public officer or employee engaged in the 49408
enforcement of this chapter. 49409

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 49410
and 3721.99 of the Revised Code: 49411

(1) (a) "Home" means an institution, residence, or facility 49412
that provides, for a period of more than twenty-four hours, 49413
whether for a consideration or not, accommodations to three or 49414

more unrelated individuals who are dependent upon the services 49415
of others, including a nursing home, residential care facility, 49416
home for the aging, and a veterans' home operated under Chapter 49417
5907. of the Revised Code. 49418

(b) "Home" also means both of the following: 49419

(i) Any facility that a person, as defined in section 49420
3702.51 of the Revised Code, proposes for certification as a 49421
skilled nursing facility or nursing facility under Title XVIII 49422
or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 49423
U.S.C.A. 301, as amended, and for which a certificate of need, 49424
other than a certificate to recategorize hospital beds as 49425
described in section 3702.521 of the Revised Code or division 49426
(R) (7) (d) of the version of section 3702.51 of the Revised Code 49427
in effect immediately prior to April 20, 1995, has been granted 49428
to the person under sections 3702.51 to 3702.62 of the Revised 49429
Code after August 5, 1989; 49430

(ii) A county home or district home that is or has been 49431
licensed as a residential care facility. 49432

(c) "Home" does not mean any of the following: 49433

(i) Except as provided in division (A) (1) (b) of this 49434
section, a ~~public hospital or hospital~~ as defined in this 49435
section ~~3701.01~~ or section 5122.01 of the Revised Code; 49436

(ii) A residential facility as defined in section 5119.34 49437
of the Revised Code; 49438

(iii) A residential facility as defined in section 5123.19 49439
of the Revised Code; 49440

(iv) A community addiction services provider as defined in 49441
section 5119.01 of the Revised Code; 49442

- (v) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program; 49443
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- (vi) A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code; 49445
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49447
- (vii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients; 49448
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- (viii) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for the care of pediatric respite care patients or a location operated by a pediatric transition care program registered under section 3712.042 of the Revised Code that is used exclusively for the care of pediatric transition care patients; 49451
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- (ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program or the medicaid program if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order; 49458
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- (x) A county home or district home that has never been licensed as a residential care facility. 49466
49467
- (2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt 49468
49469
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49471

or uncle. 49472

(3) "Mental impairment" does not mean mental illness, as 49473
defined in section 5122.01 of the Revised Code, or developmental 49474
disability, as defined in section 5123.01 of the Revised Code. 49475

(4) "Skilled nursing care" means procedures that require 49476
technical skills and knowledge beyond those the untrained person 49477
possesses and that are commonly employed in providing for the 49478
physical, mental, and emotional needs of the ill or otherwise 49479
incapacitated. "Skilled nursing care" includes, but is not 49480
limited to, the following: 49481

(a) Irrigations, catheterizations, application of 49482
dressings, and supervision of special diets; 49483

(b) Objective observation of changes in the patient's 49484
condition as a means of analyzing and determining the nursing 49485
care required and the need for further medical diagnosis and 49486
treatment; 49487

(c) Special procedures contributing to rehabilitation; 49488

(d) Administration of medication by any method ordered by 49489
a physician, such as hypodermically, rectally, or orally, 49490
including observation of the patient after receipt of the 49491
medication; 49492

(e) Carrying out other treatments prescribed by the 49493
physician that involve a similar level of complexity and skill 49494
in administration. 49495

(5) (a) "Personal care services" means services including, 49496
but not limited to, the following: 49497

(i) Assisting residents with activities of daily living; 49498

(ii) Assisting residents with self-administration of 49499
medication, in accordance with rules adopted under section 49500
3721.04 of the Revised Code; 49501

(iii) Preparing special diets, other than complex 49502
therapeutic diets, for residents pursuant to the instructions of 49503
a physician, certified nurse-midwife if authorized as described 49504
in section 4723.438 of the Revised Code, clinical nurse 49505
specialist, certified nurse practitioner, or licensed dietitian, 49506
in accordance with rules adopted under section 3721.04 of the 49507
Revised Code. 49508

(b) "Personal care services" does not include "skilled 49509
nursing care" as defined in division (A) (4) of this section. A 49510
facility need not provide more than one of the services listed 49511
in division (A) (5) (a) of this section to be considered to be 49512
providing personal care services. 49513

(6) "Nursing home" means a home used for the reception and 49514
care of individuals who by reason of illness or physical or 49515
mental impairment require skilled nursing care and of 49516
individuals who require personal care services but not skilled 49517
nursing care. A nursing home is licensed to provide personal 49518
care services and skilled nursing care. 49519

(7) "Residential care facility" means a home that provides 49520
either of the following: 49521

(a) Accommodations for seventeen or more unrelated 49522
individuals and supervision and personal care services for three 49523
or more of those individuals who are dependent on the services 49524
of others by reason of age or physical or mental impairment; 49525

(b) Accommodations for three or more unrelated 49526
individuals, supervision and personal care services for at least 49527

three of those individuals who are dependent on the services of 49528
others by reason of age or physical or mental impairment, and, 49529
to at least one of those individuals, any of the skilled nursing 49530
care authorized by section 3721.011 of the Revised Code. 49531

(8) "Home for the aging" means a home that provides 49532
services as a residential care facility and a nursing home, 49533
except that the home provides its services only to individuals 49534
who are dependent on the services of others by reason of both 49535
age and physical or mental impairment. 49536

The part or unit of a home for the aging that provides 49537
services only as a residential care facility is licensed as a 49538
residential care facility. The part or unit that may provide 49539
skilled nursing care beyond the extent authorized by section 49540
3721.011 of the Revised Code is licensed as a nursing home. 49541

(9) "County home" and "district home" mean a county home 49542
or district home operated under Chapter 5155. of the Revised 49543
Code. 49544

(10) "Change of operator" includes circumstances in which 49545
an entering operator becomes the operator of a nursing home in 49546
the place of the exiting operator. 49547

(a) Actions that constitute a change of operator include 49548
the following: 49549

(i) A change in an exiting operator's form of legal 49550
organization, including the formation of a partnership or 49551
corporation from a sole proprietorship; 49552

(ii) A change in operational control of the nursing home, 49553
regardless of whether ownership of any or all of the real 49554
property or personal property associated with the nursing home 49555
is also transferred; 49556

- (iii) A lease of the nursing home to the entering operator 49557
or termination of the exiting operator's lease; 49558
- (iv) If the exiting operator is a partnership, dissolution 49559
of the partnership, a merger of the partnership into another 49560
person that is the survivor of the merger, or a consolidation of 49561
the partnership and at least one other person to form a new 49562
person; 49563
- (v) If the exiting operator is a limited liability 49564
company, dissolution of the limited liability company, a merger 49565
of the limited liability company into another person that is the 49566
survivor of the merger, or a consolidation of the limited 49567
liability company and at least one other person to form a new 49568
person; 49569
- (vi) If the exiting operator is a corporation, dissolution 49570
of the corporation, a merger of the corporation into another 49571
person that is the survivor of the merger, or a consolidation of 49572
the corporation and at least one other person to form a new 49573
person; 49574
- (vii) A contract for a person to assume operational 49575
control of a nursing home; 49576
- (viii) A change of fifty per cent or more in the ownership 49577
of the licensed operator that results in a change of operational 49578
control; 49579
- (ix) Any pledge, assignment, or hypothecation of or lien 49580
or other encumbrance on any of the legal or beneficial equity 49581
interests in the operator or a person with operational control. 49582
- (b) The following do not constitute a change of operator: 49583
- (i) Actions necessary to create an employee stock 49584

ownership plan under section 401(a) of the "Internal Revenue Code," 26 U.S.C. 401(a);

(ii) A change of ownership of real property or personal property associated with a nursing home;

(iii) If the operator is a corporation that has securities publicly traded in a marketplace, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator;

(iv) An initial public offering for which the securities and exchange commission has declared the registration statement effective, and the newly created public company remains the operator.

(11) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the entering operator.

(a) An individual who is a relative of an entering operator is a related party.

(b) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the entering operator and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the entering operator and another organization from which the entering operator purchases or leases real property.

(c) Control exists when an individual or organization has 49614
the power, directly or indirectly, to significantly influence or 49615
direct the actions or policies of an organization. 49616

(d) An individual or organization that supplies goods or 49617
services to an entering operator shall not be considered a 49618
related party if all of the following conditions are met: 49619

(i) The supplier is a separate bona fide organization. 49620

(ii) A substantial part of the supplier's business 49621
activity of the type carried on with the entering operator is 49622
transacted with others than the entering operator and there is 49623
an open, competitive market for the types of goods or services 49624
the supplier furnishes. 49625

(iii) The types of goods or services are commonly obtained 49626
by other nursing homes from outside organizations and are not a 49627
basic element of patient care ordinarily furnished directly to 49628
patients by nursing homes. 49629

(iv) The charge to the entering operator is in line with 49630
the charge for the goods or services in the open market and not 49631
more than the charge made under comparable circumstances to 49632
others by the supplier. 49633

(12) "SFF list" means the list of nursing facilities 49634
created by the United States department of health and human 49635
services under the special focus facility program. 49636

(13) "Special focus facility program" means the program 49637
conducted by the United States secretary of health and human 49638
services pursuant to section 1919(f)(10) of the "Social Security 49639
Act," 42 U.S.C. 1396r(f)(10). 49640

(14) "Real and present danger" means immediate danger of 49641

serious physical or life-threatening harm to one or more 49642
occupants of a home. 49643

(15) "Operator" means a person or government entity 49644
responsible for the operational control of a nursing home and 49645
that holds both of the following: 49646

(a) A license to operate the nursing home issued under 49647
section 3721.02 of the Revised Code, if such a license is 49648
required by section 3721.05 of the Revised Code; 49649

(b) A medicaid provider agreement issued under section 49650
5165.07 of the Revised Code, if applicable. 49651

(16) "Entering operator" means the person or government 49652
entity that will become the operator of a nursing home when a 49653
change of operator occurs or following a license revocation. 49654

(17) "Relative of entering operator" means an individual 49655
who is related to an entering operator of a nursing home by one 49656
of the following relationships: 49657

(a) Spouse; 49658

(b) Natural parent, child, or sibling; 49659

(c) Adopted parent, child, or sibling; 49660

(d) Stepparent, stepchild, stepbrother, or stepsister; 49661

(e) Father-in-law, mother-in-law, son-in-law, daughter-in- 49662
law, brother-in-law, or sister-in-law; 49663

(f) Grandparent or grandchild; 49664

(g) Foster caregiver, foster child, foster brother, or 49665
foster sister. 49666

(18) "Exiting operator" means any of the following: 49667

(a) An operator that will cease to be the operator of a 49668
nursing home on the effective date of a change of operator; 49669

(b) An operator that will cease to be the operator of a 49670
nursing home on the effective date of a facility closure; 49671

(c) An operator of a nursing home that is undergoing or 49672
has undergone a surrender of license; 49673

(d) An operator of a nursing home that is undergoing or 49674
has undergone a license revocation. 49675

(19) "Operational control" means having the ability to 49676
direct the overall operations and cash flow of a nursing home. 49677
"Operational control" may be exercised by one person or by 49678
multiple persons acting together or by a government entity, and 49679
may exist by means of any of the following: 49680

(a) The person, persons, or government entity directly 49681
operating the nursing home; 49682

(b) The person, persons, or government entity directly or 49683
indirectly owning fifty per cent or more of the operator of the 49684
nursing home; 49685

(c) An agreement or other arrangement granting the person, 49686
persons, or government entity operational control of the nursing 49687
home. 49688

(20) "Property owner" means any person or government 49689
entity that has at least five per cent ownership or interest, 49690
either directly, indirectly, or in any combination, in any of 49691
the following regarding a nursing home: 49692

(a) The land on which the nursing home is located; 49693

(b) The structure in which the nursing home is located; 49694

(c) Any mortgage, contract for deed, or other obligation 49695
secured in whole or in part by the land or structure on or in 49696
which the nursing home is located; 49697

(d) Any lease or sublease of the land or structure on or 49698
in which the nursing home is located. 49699

"Property owner" does not include a holder of a debenture 49700
or bond related to the nursing home and purchased at public 49701
issue or a regulated lender that has made a loan related to the 49702
nursing home, unless the holder or lender operates the nursing 49703
home directly or through a subsidiary. 49704

(21) "Person" has the same meaning as in section 1.59 of 49705
the Revised Code. 49706

(22) "Hospital" has the same meaning as in section 3722.01 49707
of the Revised Code. 49708

(23) "Real estate investment trust" has the same meaning 49709
as in 26 U.S.C. 856. 49710

(24) "Health care real estate investment trust" means a 49711
real estate investment trust whose assets include direct or 49712
indirect ownership of real property that is held in connection 49713
with the use or operation of any facility licensed or certified 49714
to provide health care services to individuals, including a 49715
hospital or nursing home. 49716

(B) The director of health may further classify homes. For 49717
the purposes of this chapter, any residence, institution, hotel, 49718
congregate housing project, or similar facility that meets the 49719
definition of a home under this section is such a home 49720
regardless of how the facility holds itself out to the public. 49721

(C) For purposes of this chapter, personal care services 49722

or skilled nursing care shall be considered to be provided by a 49723
facility if they are provided by a person employed by or 49724
associated with the facility or by another person pursuant to an 49725
agreement to which neither the resident who receives the 49726
services nor the resident's sponsor is a party. 49727

(D) Nothing in division (A) (4) of this section shall be 49728
construed to permit skilled nursing care to be imposed on an 49729
individual who does not require skilled nursing care. 49730

Nothing in division (A) (5) of this section shall be 49731
construed to permit personal care services to be imposed on an 49732
individual who is capable of performing the activity in question 49733
without assistance. 49734

(E) Division (A) (1) (c) (ix) of this section does not 49735
prohibit a facility, infirmary, or other entity described in 49736
that division from seeking licensure under sections 3721.01 to 49737
3721.09 of the Revised Code or certification under Title XVIII 49738
or XIX of the "Social Security Act." However, such a facility, 49739
infirmary, or entity that applies for licensure or certification 49740
must meet the requirements of those sections or titles and the 49741
rules adopted under them and obtain a certificate of need from 49742
the director of health under section 3702.52 of the Revised 49743
Code. 49744

(F) Nothing in this chapter, or rules adopted pursuant to 49745
it, shall be construed as authorizing the supervision, 49746
regulation, or control of the spiritual care or treatment of 49747
residents or patients in any home who rely upon treatment by 49748
prayer or spiritual means in accordance with the creed or tenets 49749
of any recognized church or religious denomination. 49750

Sec. 3721.026. (A) Before the director of health can issue 49751

a license to operate a nursing home to an entering operator, all 49752
of the following requirements must be satisfied: 49753

(1) The entering operator completes a change of operator 49754
license application on a form prescribed by the director and 49755
pays the applicable fee as determined by the director. 49756

Any fee required by the director under division (A) (1) of 49757
this section shall be credited to the general operations fund 49758
established under section 3701.83 of the Revised Code. 49759

A completed application shall be submitted not later than 49760
forty-five days before the proposed effective date of the change 49761
of operator if the change of operator does not entail the 49762
relocation of residents. A completed application shall be 49763
submitted not later than ninety days before the proposed 49764
effective date of the change of operator if the change of 49765
operator entails the relocation of residents. The director may 49766
waive the time requirements specified in division (A) (1) of this 49767
section in an emergency, such as the death of the operator. 49768

The change of operator license application established 49769
under this section shall include all of the following: 49770

(a) Disclosure of all direct and indirect owners owning at 49771
least five per cent of each of the following: 49772

(i) The entering operator, if the entering operator is an 49773
entity; 49774

(ii) The owner of the building or buildings in which the 49775
nursing home is housed, if the owner of the building or 49776
buildings is a different person or government entity from the 49777
entering operator; 49778

(iii) The owner of the legal rights associated with the 49779

ownership and operation of the nursing home beds, if the owner 49780
of the legal rights is a different person or government entity 49781
from the entering operator; 49782

(iv) Each related party that provides or will provide 49783
services to the nursing home, through contracts with any party 49784
identified in division (A) (1) (a) of this section. 49785

(b) Disclosure of whether a person or government entity 49786
identified in division (A) (1) (a) of this section has or had a 49787
direct or indirect ownership or operational interest in a 49788
current or previously licensed nursing home in this state or 49789
another state, including disclosure of whether any of the 49790
following occurred with respect to an identified nursing home 49791
within the five years immediately preceding the date of 49792
application: 49793

(i) Voluntary or involuntary closure of the nursing home; 49794

(ii) Voluntary or involuntary bankruptcy proceedings; 49795

(iii) Voluntary or involuntary receivership proceedings; 49796

(iv) License suspension, denial, or revocation; 49797

(v) Injunction proceedings initiated by a regulatory 49798
agency; 49799

(vi) The nursing home is listed in table A, table B, or 49800
table D on the SFF list under the special focus facility 49801
program; 49802

(vii) A civil or criminal action was filed against it by a 49803
state or federal entity. 49804

(c) Any additional information that the director considers 49805
necessary to determine the ownership, operation, management, and 49806

control of the nursing home. 49807

(2) Except for applications that demonstrate that the 49808
entering operator, or a person or government entity that 49809
directly or indirectly owns at least fifty per cent of the 49810
entering operator, directly or indirectly owns at least fifty 49811
per cent of the nursing home and its assets, the entering 49812
operator submits evidence of a bond ~~or other financial security~~ 49813
reasonably acceptable to the director for an amount not less 49814
than the product of the number of licensed beds in the nursing 49815
home, as reflected in the application, multiplied by ten 49816
thousand dollars. The bond may be supplied by either the 49817
entering operator or the property owner of the nursing home. 49818

(a) The bond ~~or other financial security~~ shall be renewed, 49819
replaced, or maintained for five years after the effective date 49820
of the change of operator. The aggregate liability of a surety 49821
shall not exceed the sum of the bond, which is not cumulative 49822
from period to period. If the bond ~~or other financial security~~ 49823
is not renewed, replaced, or maintained in accordance with this 49824
division, the director shall revoke the nursing home operator's 49825
license after providing thirty days' notice to the operator. The 49826
bond ~~or other financial security~~ shall be released five years 49827
after the effective date of the change of operator if none of 49828
the events described in division (A) (2) (b) of this section have 49829
occurred. 49830

(b) The director may utilize the bond ~~or other financial~~ 49831
~~security~~ required under division (A) (2) of this section to pay 49832
expenses incurred by the director or another state official or 49833
agency if any of the following occur during the five-year period 49834
for which the bond ~~or other financial security~~ is required: 49835

(i) The nursing home is voluntarily or involuntarily 49836

closed. 49837

(ii) The nursing home or its owner or operator is the 49838
subject of voluntary or involuntary bankruptcy proceedings. 49839

(iii) The nursing home or its owner or operator is the 49840
subject of voluntary or involuntary receivership proceedings. 49841

(iv) The license to operate the nursing home is suspended, 49842
denied, or revoked. 49843

(v) The nursing home undergoes a change of operator, 49844
unless the new applicant submits a bond ~~or other financial~~ 49845
~~security~~ in accordance with this section. 49846

(vi) The nursing home appears in table A, table B, or 49847
table D on the SFF list under the special focus facility 49848
program. 49849

(3) The entering operator or a person or government entity 49850
who will have operational control of the nursing home has at 49851
least five years of experience as either of the following: 49852

(a) An administrator of a nursing home located in this 49853
state or another state; 49854

(b) A person or government entity with operational control 49855
of a nursing home located in this state or another state. 49856

(4) The entering operator attests that the entering 49857
operator has plans for quality assurance and risk management for 49858
the operation of the nursing home. 49859

(5) The entering operator attests that the entering 49860
operator has general and professional liability insurance 49861
coverage that provides coverage of at least one million dollars 49862
per occurrence and three million dollars aggregate. 49863

(6) The entering operator attests that the entering operator has sufficient numbers of qualified staff, by training or experience, who will be employed to properly care for the type and number of nursing home residents.

(B) The director shall issue to the entering operator a notice of intent to grant a change of operator license upon a determination that all requirements of this section have been met, except for submission of the final document evidencing completion of the transaction.

(C) The director may conduct a survey of the nursing home not less than sixty days after the effective date of the change of operator.

(D) The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home.

(E) The director shall deny a change of operator license application if any of the following circumstances exist:

(1) The requirements established by this section are not satisfied.

(2) The owner of the building or buildings in which the nursing home is housed is a health care real estate investment trust, and the director has determined that the entering operator plans to lease the building or buildings from such trust.

(3) The entering operator or a person or government entity identified in division (A) (1) (a) of this section who directly or indirectly has twenty-five per cent or more ownership of the entering operator meets both of the following criteria:

(a) The entering operator or the person or government entity has or had either of the following relationships to a currently or previously licensed nursing home in this state or another state:

(i) Fifty per cent or more direct or indirect ownership in the nursing home;

(ii) Alone or together with one or more other persons, operational control of the nursing home.

(b) Any of the following occurred with respect to the current or previously licensed nursing home described in division ~~(E) (2) (a)~~ (E) (3) (a) of this section within the five years immediately preceding the date of application:

(i) Involuntary closure of the nursing home by a regulatory agency or voluntary closure in response to licensure or certification action;

(ii) Voluntary or involuntary bankruptcy proceedings that are not dismissed within sixty days of filing for bankruptcy;

(iii) Voluntary or involuntary receivership proceedings that are not dismissed within sixty days of the proceedings' initiation;

(iv) License suspension, denial, or revocation for failure to comply with operating standards.

~~(3)~~ (4) If a change of twenty-five per cent or more of the property ownership interest in a nursing home occurs in connection with the change of operator, the person or government entity who acquired the property ownership interest meets both of the following criteria:

(a) The person or government entity has or had either of

the following relationships to a currently or previously 49921
licensed nursing home in this state or another state: 49922

(i) Fifty per cent or more direct or indirect property 49923
ownership in the nursing home; 49924

(ii) Alone or together with one or more other persons, 49925
operational control of the nursing home. 49926

(b) Any of the following occurred with respect to the 49927
current or previously licensed nursing home described in 49928
division ~~(E) (3) (a)~~ (E) (4) (a) of this section within the five 49929
years immediately preceding the date of application: 49930

(i) Involuntary closure of the nursing home by a 49931
regulatory agency or voluntary closure in response to licensure 49932
or certification action; 49933

(ii) Voluntary or involuntary bankruptcy proceedings that 49934
are not dismissed within sixty days of filing for bankruptcy; 49935

(iii) Voluntary or involuntary receivership proceedings 49936
that are not dismissed within sixty days of the proceedings' 49937
initiation; 49938

(iv) License suspension, denial, or revocation for failure 49939
to comply with operating standards. 49940

(F) An entering operator may appeal the denial of a change 49941
of operator license application in accordance with Chapter 119. 49942
of the Revised Code. 49943

(G) An entering operator shall do all of the following: 49944

(1) Notify the director immediately upon discovery of any 49945
error, omission, or change of information in a change of 49946
operator license application. 49947

(2) Notify the director within ten days of any change in 49948
the information or documentation required by this section that 49949
occurs after the effective date of the change of operator. 49950

(3) Truthfully supply any additional information or 49951
documentation requested by the director. 49952

If an entering operator fails to notify the director or 49953
supply additional information or documentation in accordance 49954
with this division, the director shall impose a civil penalty of 49955
two thousand dollars for each day of noncompliance. 49956

(4) Not complete the change of operator until the director 49957
issues to the entering operator notice of intent to grant a 49958
change of operator license in accordance with division (B) of 49959
this section. The entering operator shall submit the final 49960
document evidencing completion of the transaction not later than 49961
five days after completion. 49962

(H) (1) The director shall investigate an allegation that a 49963
change of operator has occurred and the entering operator failed 49964
to submit an application in accordance with this section or an 49965
application was filed but the information was fraudulent. The 49966
director may request the attorney general's assistance with an 49967
investigation under this section. 49968

(2) If the director becomes aware, by means of an 49969
investigation or otherwise, that a change of operator has 49970
occurred and the entering operator failed to submit an 49971
application in accordance with this section, or an application 49972
was filed but the information provided was fraudulent, the 49973
director shall impose a civil penalty of two thousand dollars 49974
for each day of noncompliance after the date ~~the director~~ 49975
~~becomes aware that~~ the change of operator has occurred. If the 49976

entering operator fails to submit an application or new 49977
application in accordance with this section within sixty days of 49978
the director becoming aware of the change of operator, the 49979
director shall begin the process of revoking a nursing home 49980
license as specified in section 3721.03 of the Revised Code. 49981

(I) It is the intent of the general assembly in amending 49982
this section to require full and complete disclosure and 49983
transparency with respect to the ownership, operation, and 49984
management of each licensed nursing home ~~located in this~~ 49985
~~state~~ undergoing a change of operator. The director may adopt 49986
rules as necessary to implement this section. Any rules shall be 49987
adopted in accordance with Chapter 119. of the Revised Code. 49988

Sec. 3721.07. Every person desiring to operate a home and 49989
the superintendent or administrator of each county home or 49990
district home for which a license as a residential care facility 49991
is sought shall apply for a license to the director of health. 49992
The director shall issue a license for the home, if after 49993
investigation of the applicant and, if required by section 49994
3721.02 of the Revised Code, inspection of the home, the 49995
following requirements or conditions are satisfied or complied 49996
with: 49997

(A) The applicant has not been convicted of a felony or a 49998
crime involving moral turpitude; 49999

(B) The applicant is not violating any of the rules 50000
adopted by the director of health or any order issued by the 50001
director; 50002

(C) The applicant has not had a license to operate the 50003
home revoked pursuant to section 3721.03 of the Revised Code 50004
because of any act or omission that jeopardized a resident's 50005

health, welfare, or safety nor has the applicant had a long- 50006
standing pattern of violations of this chapter or rules adopted 50007
under it that caused physical, emotional, mental, or 50008
psychosocial harm to one or more residents. 50009

(D) The buildings in which the home is housed have been 50010
approved by the state fire marshal or a township, municipal, or 50011
other legally constituted fire department approved by the 50012
marshal. In the approval of a home such agencies shall apply 50013
standards prescribed by the board of building standards, and by 50014
the state fire marshal, and by section 3721.071 of the Revised 50015
Code. 50016

(E) The applicant, if it is an individual, or the 50017
principal participants, if it is an association or a 50018
corporation, is or are suitable financially and morally to 50019
operate a home; 50020

(F) The applicant is equipped to furnish humane, kind, and 50021
adequate treatment and care; 50022

(G) The home does not maintain or contain: 50023

(1) Facilities for the performance of major surgical 50024
procedures; 50025

(2) Facilities for providing therapeutic radiation; 50026

(3) An emergency ward; 50027

(4) A clinical laboratory unless it is under the 50028
supervision of a clinical pathologist who is a licensed 50029
physician in this state; 50030

(5) Facilities for radiological examinations unless such 50031
examinations are performed only by a person licensed to practice 50032
medicine, surgery, or dentistry in this state. 50033

(H) The home does not accept or treat outpatients, except 50034
upon the written orders of a physician licensed in this state, 50035
maternity cases, boarding children, and does not house transient 50036
guests, other than participants in an adult day-care program, 50037
for twenty-four hours or less; 50038

(I) The home is in compliance with sections 3721.28 and 50039
3721.29 of the Revised Code; 50040

(J) In the case of a nursing home, the applicant does not 50041
lease from a health care real estate investment trust the 50042
building or buildings in which the nursing home is housed. 50043

When the director issues a license, the license shall 50044
remain in effect until revoked by the director or voided at the 50045
request of the applicant; provided, there shall be an annual 50046
renewal fee payable during the month of January of each calendar 50047
year. Any licensed home that does not pay its renewal fee in 50048
January shall pay, beginning the first day of February, a late 50049
fee of one hundred dollars for each week or part thereof that 50050
the renewal fee is not paid. If either the renewal fee or the 50051
late fee is not paid by the fifteenth day of February, the 50052
director may, in accordance with Chapter 119. of the Revised 50053
Code, revoke the home's license. 50054

If, under division (B) (5) of section 3721.03 of the 50055
Revised Code, the license of a person has been revoked or the 50056
license of a county home or district home to operate as a 50057
residential care facility has been revoked, the director of 50058
health shall not issue a license to the person or home at any 50059
time. A person whose license is revoked, and a county home or 50060
district home that has its license as a residential care 50061
facility revoked other than under division (B) (5) of section 50062
3721.03 of the Revised Code, for any reason other than 50063

nonpayment of the license renewal fee or late fees shall not be 50064
issued a new license under this chapter until a period of one 50065
year following the date of revocation has elapsed. 50066

Any applicant who is denied a license may appeal in 50067
accordance with Chapter 119. of the Revised Code. 50068

Sec. 3721.073. (A) Except as provided in division (B) of 50069
this section, a nursing home issued a license under section 50070
3721.026 or 3721.07 of the Revised Code shall not lease from a 50071
health care real estate investment trust the building or 50072
buildings in which the nursing home is housed. 50073

(B) The prohibition described in division (A) of this 50074
section does not apply to a licensed nursing home that, on the 50075
effective date of this section, leases from a health care real 50076
estate investment trust the building or buildings in which the 50077
nursing home is housed. 50078

(C) Not later than ninety days after the effective date of 50079
this section, a licensed nursing home meeting the condition 50080
described in division (B) of this section shall submit to the 50081
director of health copies of all documents in its possession 50082
related to any lease, master lease, sublease, license, or other 50083
agreement concerning the use or occupancy of the buildings or 50084
buildings in which the nursing home is housed. 50085

Sec. 3721.074. (A) As used in this section: 50086

(1) "Independent living facility" has the same meaning as 50087
in section 5709.12 of the Revised Code. 50088

(2) "Residential facility" has the same meaning as in 50089
section 5119.34 of the Revised Code. 50090

(B) (1) Notwithstanding any provision of the Revised Code 50091

to the contrary, an independent living facility or residential 50092
facility that applies to the director of health pursuant to 50093
section 3721.07 of the Revised Code for a license as a 50094
residential care facility may continue to operate as an 50095
independent living facility or residential facility in 50096
accordance with this section during the period of time that the 50097
application is under consideration by the director. 50098

(2) An independent living facility or residential facility 50099
shall not provide care to more than two residents while its 50100
application under section 3721.07 of the Revised Code is 50101
pending. 50102

Sec. 3721.32. (A) The director of health shall establish a 50103
state nurse aide registry listing all individuals who have done 50104
any of the following: 50105

(1) Were used by a long-term care facility as nurse aides 50106
on a full-time, temporary, per diem, or other basis at any time 50107
during the period commencing July 1, 1989, and ending January 1, 50108
1990, and successfully completed, not later than October 1, 50109
1990, a competency evaluation program approved by the director 50110
under division (A) of section 3721.31 of the Revised Code or 50111
conducted by the director under division (C) of that section; 50112

(2) Successfully completed a training and competency 50113
evaluation program approved by the director under division (A) 50114
of section 3721.31 of the Revised Code or met the conditions 50115
specified in division (F) (1) or (2) of section 3721.28 of the 50116
Revised Code, and, if the training and competency evaluation 50117
program or the training, instruction, or education the 50118
individual completed in meeting the conditions specified in 50119
division (F) (1) of section 3721.28 of the Revised Code was 50120
conducted in or by a long-term care facility, has successfully 50121

completed a competency evaluation program conducted by the 50122
director; 50123

(3) Successfully completed a training and competency 50124
evaluation program conducted by the director under division (C) 50125
of section 3721.31 of the Revised Code; 50126

(4) Successfully completed, prior to July 1, 1989, a 50127
program that the director has determined under division (B) (3) 50128
of section 3721.28 of the Revised Code included a competency 50129
evaluation component no less stringent than the competency 50130
evaluation programs approved or conducted by the director under 50131
section 3721.31 of the Revised Code, and was otherwise 50132
comparable to the training and competency evaluation program 50133
being approved by the director under section 3721.31 of the 50134
Revised Code; 50135

(5) Are listed in a nurse aide registry maintained by 50136
another state that certifies that its program for training and 50137
evaluation of competency of nurse aides complies with Titles 50138
XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 50139
42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 50140

(6) Were found competent, as provided in division (B) (5) 50141
of section 3721.28 of the Revised Code, prior to July 1, 1989, 50142
after the completion of a course of nurse aide training of at 50143
least one hundred hours' duration; 50144

(7) Are enrolled in a prelicensure program of nursing 50145
education approved by the board of nursing or by an agency of 50146
another state that regulates nursing education, have provided 50147
the long-term care facility with a certificate from the program 50148
indicating that the individual has successfully completed the 50149
courses that teach basic nursing skills including infection 50150

control, safety and emergency procedures, and personal care, and 50151
have successfully completed a competency evaluation program 50152
conducted by the director under division (A) of section 3721.31 50153
of the Revised Code; 50154

(8) Have the equivalent of twelve months or more of full- 50155
time employment in the five years preceding listing in the 50156
registry as a hospital aide or orderly and have successfully 50157
completed a competency evaluation program conducted by the 50158
director under division (C) of section 3721.31 of the Revised 50159
Code; 50160

(9) Successfully completed a prelicensure program of 50161
nursing education approved by the board of nursing under section 50162
4723.06 of the Revised Code or by an agency of another state 50163
that regulates nursing education and passed the examination 50164
accepted by the board of nursing under section 4723.10 of the 50165
Revised Code, which shall be deemed as successfully completing a 50166
competency evaluation program conducted by the director under 50167
division (C) of section 3721.31 of the Revised Code; 50168

(10) Successfully completed both of the following: 50169

(a) A training course provided by the United States 50170
department of veterans affairs in a community living center 50171
operated by the department of veterans affairs that the director 50172
of health determines is similar to a training and competency 50173
evaluation program conducted by the director under division (C) 50174
of section 3721.31 of the Revised Code; 50175

(b) A competency evaluation program conducted by the 50176
director of health under division (C) of section 3721.31 of the 50177
Revised Code. 50178

(B) In addition to the list of individuals required by 50179

division (A) of this section, the registry shall include both of 50180
the following: 50181

(1) The statement required by section 3721.23 of the 50182
Revised Code detailing findings by the director under that 50183
section regarding alleged abuse, neglect, or exploitation of a 50184
resident or misappropriation of resident property; 50185

(2) Any statement provided by an individual under section 50186
3721.23 of the Revised Code disputing the director's findings. 50187

Whenever an inquiry is received as to the information 50188
contained in the registry concerning an individual about whom a 50189
statement required by section 3721.23 of the Revised Code is 50190
included in the registry, the director shall disclose the 50191
statement or a summary of the statement together with any 50192
statement provided by the individual under section 3721.23 or a 50193
clear and accurate summary of that statement. 50194

(C) The director may by rule specify additional 50195
information that must be provided to the registry by long-term 50196
care facilities and persons or government agencies conducting 50197
approved training and competency evaluation programs. 50198

(D) Information contained in the registry is a public 50199
record for the purposes of section 149.43 of the Revised Code, 50200
and is subject to inspection and copying under section 1347.08 50201
of the Revised Code. 50202

(E) An individual who is listed on the registry in good 50203
standing shall be referred to as a certified nurse aide. Only 50204
individuals listed on the registry shall use the designation 50205
"certified nurse aide" or "CNA." 50206

Sec. 3722.01. As used in this chapter: 50207

- (A) "Children's hospital" means either of the following: 50208
- (1) A hospital that provides general pediatric medical and 50209
surgical care in which at least seventy-five per cent of annual 50210
inpatient discharges for the preceding two calendar years were 50211
individuals less than eighteen years of age; 50212
- (2) A distinct portion of a hospital that provides general 50213
pediatric medical and surgical care, has a total of at least one 50214
hundred fifty pediatric special care and pediatric acute care 50215
beds, and in which at least seventy-five per cent of annual 50216
inpatient discharges for the preceding two calendar years were 50217
individuals less than eighteen years of age. 50218
- (B) "Health care real estate investment trust" means a 50219
real estate investment trust whose assets include direct or 50220
indirect ownership of real property that is held in connection 50221
with the use or operation of any facility licensed or certified 50222
to provide health care services to individuals, including a 50223
hospital or nursing home. 50224
- (C) "Health care service" means any of the following: 50225
- (1) Pediatric intensive care; 50226
- (2) Solid organ and bone marrow transplantation; 50227
- (3) Stem cell harvesting and reinfusion; 50228
- (4) Cardiac catheterization; 50229
- (5) Open heart surgery; 50230
- (6) Operation of linear accelerators; 50231
- (7) Operation of cobalt radiation therapy units; 50232
- (8) Operation of gamma knives. 50233

~~(C)~~(D) "Hospital" means an institution or facility that
provides inpatient medical or surgical services for a continuous
period longer than twenty-four hours. "Hospital" includes a
children's hospital.

~~(D)~~(E) "Owner" means the person, political subdivision,
agency, or instrumentality of this state, including a state
university, that owns a hospital and holds a license to operate
the hospital.

(F) "Real estate investment trust" has the same meaning as
in 26 U.S.C. 856.

(G) "Remote location," as it relates to a hospital, has
the same meaning as in 42 C.F.R. 413.65.

(H) "Political subdivision" means a county, township,
municipal corporation, or other body corporate and politic
responsible for governmental activities in a geographic area
smaller than that of the state.

~~(E)~~(I) "State university" has the same meaning as in
section 3345.12 of the Revised Code.

Sec. 3722.03. (A) Subject to division (D) of this section,
each person or political subdivision, agency, or instrumentality
of this state, including a state university, seeking to operate
a hospital shall apply to the director of health for a license
to operate a hospital.

The director of health shall not consider any application
for licensure until the date that is one year after ~~the~~
~~effective date of this section~~ September 30, 2021. An
application shall be submitted in the form and manner prescribed
by the director in rules adopted under section 3722.06 of the
Revised Code.

(B) To be eligible for a license, an applicant must 50263
satisfy all of the following: 50264

(1) Have submitted a complete application, which includes 50265
identifying the main hospital location and any location operated 50266
by the hospital pursuant to 42 C.F.R. 413.65 and paying the fee 50267
specified in rules adopted under section 3722.06 of the Revised 50268
Code; 50269

(2) Demonstrate that the applicant does not lease from a 50270
health care real estate investment trust the building or 50271
buildings in which the main hospital and, if applicable, any of 50272
its remote locations are located; 50273

(3) Be certified under Title XVIII of the "Social Security 50274
Act," 42 U.S.C. 1395aa, or accredited by a national accrediting 50275
organization approved by the federal centers for medicare and 50276
medicaid services in accordance with 42 U.S.C. 1395bb(a), or, in 50277
the case of a new hospital, eligible under rules adopted under 50278
section 3722.06 of the Revised Code; 50279

~~(3)~~ (4) Demonstrate the ability to comply with standards 50280
established in rules adopted under section 3722.06 of the 50281
Revised Code; 50282

~~(4)~~ (5) Specify the number of beds for the hospital, 50283
including skilled nursing beds, long-term care beds, and special 50284
skilled nursing beds. 50285

(C) (1) If the applicant satisfies the requirements 50286
described in division (B) of this section, the director shall 50287
issue to the applicant a license to operate a hospital. 50288

(2) A license issued under this section is valid for a 50289
three-year period unless revoked or suspended. A license expires 50290
on the date that is three years from the date of issuance and 50291

may be renewed for additional three-year periods. Applications 50292
for renewal shall be submitted to the director in a manner 50293
prescribed in rules adopted under section 3722.06 of the Revised 50294
Code. 50295

(3) Both of the following apply to a license issued under 50296
this section: 50297

(a) The license is valid only for the hospital identified 50298
in the application. 50299

(b) The license holder shall post a copy of the license in 50300
a conspicuous place in the hospital. 50301

(D) This section does not prohibit the director of health 50302
from issuing a license to a hospital that does either or both of 50303
the following: 50304

(1) Occupies space in a building that is also used by 50305
another hospital or hospitals; 50306

(2) Occupies one or more buildings located on the same 50307
campus as buildings used by another hospital or hospitals. 50308

Sec. 3722.031. (A) Except as provided in division (B) of 50309
this section, an owner issued a license to operate a hospital 50310
under section 3722.03 or 3722.04 of the Revised Code shall not 50311
lease from a health care real estate investment trust the 50312
building or buildings in which the main hospital and, if 50313
applicable, any of its remote locations are located. 50314

(B) The prohibition described in division (A) of this 50315
section does not apply to an owner that, on the effective date 50316
of this section, leases from a health care real estate 50317
investment trust the building or buildings in which the main 50318
hospital and, if applicable, any of its remote locations are 50319

located. 50320

(C) Not later than ninety days after the effective date of 50321
this section, an owner meeting the condition described in 50322
division (B) of this section shall submit to the director of 50323
health copies of all documents in the owner's possession related 50324
to any lease, master lease, sublease, license, or other 50325
agreement concerning the use or occupancy of the building or 50326
buildings in which the main hospital and, if applicable, any of 50327
its remote locations are located. 50328

Sec. 3722.04. ~~If a hospital licensed under this chapter is~~ 50329
~~assigned, sold, or transferred to a new owner, within thirty~~ 50330
~~days of the assignment, sale, or transfer, the new owner shall~~ 50331
~~apply to the director of health for a license transfer. The~~ 50332
~~application shall be submitted to the director in the form and~~ 50333
~~manner prescribed in rules adopted under section 3722.06 of the~~ 50334
~~Revised Code.~~ (A) As used in this section: 50335

(1) "Entering owner" means the person, political 50336
subdivision, agency, or instrumentality of this state, including 50337
a state university, that will become the owner and operator of a 50338
hospital when a change of owner occurs. 50339

(2) "Related party" means an individual or organization 50340
that, to a significant extent, has common ownership with, is 50341
associated or affiliated with, has control of, or is controlled 50342
by, the entering owner. 50343

(a) An individual who is a relative of an entering owner 50344
is a related party. 50345

(b) Common ownership exists when an individual or 50346
individuals possess significant ownership or equity in both the 50347
provider and the other organization. Significant ownership or 50348

equity exists when an individual or individuals possess five per cent ownership or equity in both the entering owner and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the entering owner and another organization from which the entering owner purchases or leases real property.

(c) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(d) An individual or organization that supplies goods or services to an entering owner shall not be considered a related party if all of the following conditions are met:

(i) The supplier is a separate bona fide organization.

(ii) A substantial part of the supplier's business activity of the type carried on with the entering owner is transacted with others than the entering owner and there is an open, competitive market for the types of goods or services the supplier furnishes.

(iii) The types of goods or services are commonly obtained by other hospitals from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by hospitals.

(iv) The charge to the entering owner is in line with the charge for the goods or services in the open market and not more than the charge made under comparable circumstances to others by the supplier.

(B) If a change of owner is proposed for a hospital for which a license to operate has been issued under this chapter, a person or political subdivision, agency, or instrumentality of

the state, including a state university, seeking to operate the 50378
hospital as its entering owner shall apply to the director of 50379
health for a license to operate the hospital. 50380

An application shall be submitted not later than forty- 50381
five days before the date of the proposed change of owner, 50382
except that the director may waive that timeline in the event of 50383
an emergency. 50384

(C) To be eligible for the license, an applicant shall 50385
satisfy all of the following: 50386

(1) Submit a complete application and pay the change of 50387
owner fee specified in rules adopted under section 3722.06 of 50388
the Revised Code; 50389

(2) Identify the one or more individuals, that own, 50390
directly or indirectly, at least five per cent of each of the 50391
following: 50392

(i) The entering owner, if the entering owner is an 50393
entity; 50394

(ii) The owner of the building or buildings in which the 50395
main hospital and, if applicable, any of its remote locations 50396
are located, if the owner of the building or buildings differs 50397
from the entering owner; 50398

(iii) Each related party that provides or will provide 50399
services to the hospital, through contracts with any individual 50400
identified in division (C) (2) of this section. 50401

(3) With respect to an individual identified as described 50402
in division (C) (2) of this section, disclose the exact 50403
percentage of the individual's ownership interest; 50404

(4) Disclose the following: 50405

(a) Whether or not an individual identified in division 50406
(C) (2) of this section owns or owned, directly or indirectly, an 50407
interest in a hospital licensed by the director or by another 50408
state; 50409

(b) With respect to the hospital described in division (C) 50410
(4) (a) of this section, whether or not any of the following 50411
events occurred within the five years immediately preceding the 50412
date of application: 50413

(i) The hospital closed, either voluntarily or 50414
involuntarily; 50415

(ii) The hospital or its owner was the subject of 50416
voluntary or involuntary bankruptcy proceedings; 50417

(iii) The hospital or its owner was the subject of 50418
voluntary or involuntary receivership proceedings; 50419

(iv) The hospital's license to operate was suspended, 50420
denied, or revoked; 50421

(v) The hospital was the subject of injunction proceedings 50422
initiated by a regulatory agency; 50423

(vi) A civil or criminal action was filed against the 50424
hospital by a state or federal entity. 50425

(4) Provide any additional information that the director 50426
of health considers necessary. 50427

(D) Except for an application identifying direct or 50428
indirect ownership of at least fifty per cent of the entering 50429
owner, the applicant also shall submit to the director evidence 50430
of a bond in an amount not less than the product of the number 50431
of beds reported by the hospital in its most recent license 50432
application or renewal, multiplied by ten thousand dollars. 50433

(1) The bond shall be renewed, replaced, or maintained for 50434
five years after the effective date of the change of owner. The 50435
aggregate liability of a surety shall not exceed the sum of the 50436
bond, which is not cumulative from period to period. If the bond 50437
is not renewed, replaced, or maintained in accordance with this 50438
division, the director shall revoke the hospital's license after 50439
providing thirty days' notice to the owner. The bond shall be 50440
released five years after the effective date of the change of 50441
owner if none of the events described in division (C) (2) of this 50442
section have occurred. 50443

(2) The director may utilize the bond required under this 50444
division to pay expenses incurred by the director or another 50445
state official or agency if any of the following occur during 50446
the five-year period for which the bond is required: 50447

(a) The hospital is voluntarily or involuntarily closed. 50448

(b) The hospital or its owner is the subject of voluntary 50449
or involuntary bankruptcy proceedings. 50450

(c) The hospital or its owner is the subject of voluntary 50451
or involuntary receivership proceedings. 50452

(d) The license to operate the hospital is suspended, 50453
denied, or revoked. 50454

(e) The hospital undergoes a change of ownership, unless 50455
the new applicant submits a bond in accordance with this 50456
section. 50457

(E) The applicant also shall demonstrate to the director 50458
that the entering owner or person who will have operational 50459
control of the hospital has at least five years of experience 50460
with operational control of a hospital licensed by the director 50461
or by another state. 50462

(F) The applicant also shall attest to the director all of 50463
the following: 50464

(1) That the entering owner has developed quality 50465
assurance and risk management plans for the hospital's 50466
operation; 50467

(2) That the entering owner has general and professional 50468
liability insurance coverage that provides coverage of at least 50469
one million dollars per occurrence and three million dollars 50470
aggregate; 50471

(3) That sufficient numbers of qualified staff, by 50472
training or experience, will be employed to properly care for 50473
the type and number of hospital patients. 50474

(G) As soon as practicable after receiving a completed 50475
application, the director shall review it to determine if the 50476
requirements of this section, rules adopted under this section, 50477
or rules regarding changes of owner adopted under section 50478
3722.06 of the Revised Code have been met. If the director makes 50479
such a determination, the director shall issue to the applicant 50480
a notice of intent to grant a change of owner license, with the 50481
license's issuance contingent on the submission of documents 50482
evidencing completion of the change of owner transaction. 50483

(H) The director shall deny a change of owner application 50484
if any of the following is the case: 50485

(1) The requirements of this section, any rules adopted 50486
under it, or any rules regarding changes of owner adopted under 50487
section 3722.06 of the Revised Code have not been met. 50488

(2) The owner of the building or buildings in which the 50489
main hospital and, if applicable, any of its remote locations 50490
are located is a health care real estate investment trust and 50491

the director has determined that the entering owner plans to 50492
lease the building or buildings from such trust. 50493

(3) The entering owner or individual identified in 50494
division (C) (2) of this section as owning, directly or 50495
indirectly, twenty-five per cent or more of the entering owner 50496
meets both of the following criteria: 50497

(a) The entering owner or individual has or had either of 50498
the following relationships with a currently or previously 50499
licensed hospital by the director or by another state: 50500

(i) Fifty per cent or more direct or indirect ownership in 50501
the hospital; 50502

(ii) Alone or together with one or more other persons, 50503
operational control of the hospital. 50504

(b) Any of the following occurred with respect to the 50505
current or previously licensed hospital described in division 50506
(H) (3) (a) of this section within the five years immediately 50507
preceding the date of application: 50508

(i) Involuntary closure of the hospital by a regulatory 50509
agency or voluntary closure in response to licensure or 50510
certification action; 50511

(ii) Voluntary or involuntary bankruptcy proceedings that 50512
are not dismissed within sixty days of filing for bankruptcy; 50513

(iii) Voluntary or involuntary receivership proceedings 50514
that are not dismissed within sixty days of the proceedings' 50515
initiation; 50516

(iv) License suspension, denial, or revocation for failure 50517
to comply with operating standards. 50518

(4) If a change of twenty-five per cent or more of the 50519
property ownership interest in a hospital occurs in connection 50520
with the change of owner, the person who acquired the property 50521
ownership interest meets both of the following criteria: 50522

(a) The person has or had either of the following 50523
relationships to a hospital currently or previously licensed by 50524
the director or by another state: 50525

(i) Fifty per cent or more direct or indirect property 50526
ownership in the hospital; 50527

(ii) Alone or together with one or more other persons, 50528
operational control of the hospital. 50529

(b) Any of the following occurred with respect to the 50530
current or previously licensed hospital described in division 50531
(H) (4) (a) of this section within the five years immediately 50532
preceding the date of application: 50533

(i) Involuntary closure of the hospital by a regulatory 50534
agency or voluntary closure in response to licensure or 50535
certification action; 50536

(ii) Voluntary or involuntary bankruptcy proceedings that 50537
are not dismissed within sixty days of filing for bankruptcy; 50538

(iii) Voluntary or involuntary receivership proceedings 50539
that are not dismissed within sixty days of the proceedings' 50540
initiation; 50541

(iv) License suspension, denial, or revocation for failure 50542
to comply with operating standards. 50543

(I) An applicant may appeal, in accordance with Chapter 50544
119. of the Revised Code, the denial of a change of owner 50545
license. 50546

<u>(J) An entering owner shall do all of the following:</u>	50547
<u>(1) As soon as practicable after the entering owner</u>	50548
<u>discovers an error, omission, or change of information in the</u>	50549
<u>entering owner's application submitted under this section,</u>	50550
<u>notify the director of the error, omission, or change;</u>	50551
<u>(2) When a change in the information or documentation</u>	50552
<u>required by this section occurs after the change of owner</u>	50553
<u>license is issued, notify the director of the change in the</u>	50554
<u>information or documentation within ten days of its occurrence;</u>	50555
<u>(3) Truthfully supply to the director any additional</u>	50556
<u>information or documentation that the director requests;</u>	50557
<u>(4) Refrain from completing the change of owner</u>	50558
<u>transaction until after the director issues to the entering</u>	50559
<u>owner notice of the director's intent to grant a change of owner</u>	50560
<u>as described in division (G) of this section;</u>	50561
<u>(5) Not later than five days after completing the change</u>	50562
<u>of owner transaction, submit to the director the final document</u>	50563
<u>evidencing its completion.</u>	50564
<u>If an entering owner fails to notify the director or to</u>	50565
<u>supply additional information or documentation as required by</u>	50566
<u>divisions (J) (1) to (3) of this section, the director shall</u>	50567
<u>impose on the entering owner a civil penalty of two thousand</u>	50568
<u>dollars for each day of noncompliance.</u>	50569
<u>(K) (1) The director shall investigate either of the</u>	50570
<u>following:</u>	50571
<u>(a) An allegation that a change of owner has occurred and</u>	50572
<u>the entering owner failed to submit an application under this</u>	50573
<u>section;</u>	50574

(b) An allegation that an application filed under this 50575
section included information that was fraudulent. 50576

The director may request the attorney general's assistance 50577
in conducting such an investigation. 50578

(2) If the director becomes aware, by means of an 50579
investigation or otherwise, that either of the events described 50580
in division (K) (1) of this section are the case, the director 50581
shall impose on the entering owner a civil penalty of two 50582
thousand dollars for each day of noncompliance after the date 50583
the change of owner has occurred. 50584

If the entering owner fails to submit an application or 50585
new application for a change of owner license within sixty days 50586
of the director becoming aware of the change of owner, the 50587
director shall begin the process for license revocation 50588
specified in section 3722.07 of the Revised Code. 50589

(L) The ~~new~~ entering owner is responsible for compliance 50590
with any action taken or proposed by the director under section 50591
3722.07 or 3722.08 of the Revised Code. If a notice has been 50592
served under sections 119.05 and 119.07 of the Revised Code, the 50593
~~new~~ entering owner becomes party to the notice. 50594

(M) In addition to the rules establishing procedures for 50595
changing owners required by section 3722.06 of the Revised Code, 50596
the director may adopt any other rules as necessary to implement 50597
this section. The rules shall be adopted in accordance with 50598
Chapter 119. of the Revised Code. 50599

(N) It is the intent of the general assembly in amending 50600
this section to require full and complete disclosure and 50601
transparency with respect to the ownership, operation, and 50602
management of each licensed hospital undergoing a change of 50603

owner. 50604

Sec. 3722.06. (A) Not later than the date that is one year 50605
after ~~the effective date of this section~~ September 30, 2022, the 50606
director of health shall adopt rules establishing health, 50607
safety, welfare, and quality standards for hospitals licensed 50608
under this chapter, including standards for all of the 50609
following: 50610

(1) Maternity units; 50611

(2) Newborn care nurseries; 50612

(3) Health care services. 50613

(B) Not later than the date that is one year after ~~the~~ 50614
~~effective date of this section~~ September 30, 2022, the director 50615
shall adopt rules establishing standards and procedures for the 50616
licensure of hospitals, including all of the following: 50617

(1) Procedures for applying and renewing licenses as 50618
described in section 3722.03 of the Revised Code; 50619

(2) Procedures for ~~transferring licenses~~ changing owners 50620
as described in section 3722.04 of the Revised Code; 50621

(3) Procedures for inspections following complaints; 50622

(4) Subject to division (C) (1) of this section, fees for 50623
initial applications, license renewals, and ~~license~~ 50624
~~transfers~~ changes of owner, as well as inspections conducted 50625
under section 3722.05 of the Revised Code; 50626

(5) Subject to division (C) (2) of this section, standards 50627
and procedures for imposing civil penalties as described in 50628
section 3722.07 of the Revised Code; 50629

(6) Subject to division (C) (3) of this section, standards 50630

and procedures for correcting violations, including through the
submission of correction plans;

(7) Standards and procedures for identifying, monitoring,
managing, reporting, and reducing exposures to risk conditions,
such as Legionella, including through the use of environmental
facility assessments, the development of water management plans,
and the use of disinfection measures;

(8) Standards and procedures for data reporting;

(9) Standards and procedures for emergency preparedness;

(10) Standards and procedures for the provision of
technical assistance as described in section 3722.09 of the
Revised Code;

(11) Standards and procedures for new hospitals to
demonstrate eligibility as described in division ~~(B) (2)~~ (B) (3) of
section 3722.03 of the Revised Code;

(12) Standards and procedures to address changes to a
hospital's license, including adding or removing a location of
the hospital.

(C) (1) In the case of an inspection fee described in
division (B) (4) of this section, the director shall establish an
amount to cover only the cost of the inspection. All other fees
established under that division shall be limited to what is
necessary to support the hospital licensure program.

(2) The director shall establish a scale for use in
determining the amount of a civil penalty that may be imposed
under section 3722.07 of the Revised Code. The scale shall
include per day amounts for ongoing violations. The total amount
of a civil penalty shall not exceed two hundred fifty thousand

dollars for each violation. 50659

(3) The director shall accept a corrective action plan 50660
that also was accepted by the federal centers for medicare and 50661
medicaid services or an accrediting organization approved under 50662
42 U.S.C. 1395bb(a) provided that the plan was submitted to the 50663
centers or organization in response to the same deficiencies 50664
identified by the director. 50665

(D) The director may adopt any other rules as necessary to 50666
implement this chapter. 50667

(E) When adopting rules under this section, all of the 50668
following apply: 50669

(1) The director shall adopt the rules in accordance with 50670
Chapter 119. of the Revised Code; 50671

(2) Any rules adopted are not subject to division (F) of 50672
section 121.95 of the Revised Code; 50673

(3) The director shall collaborate with representatives of 50674
this state's hospital industry to maximize the public health 50675
utility of rules adopted under this section and limit the 50676
administrative burden of and costs of complying with such rules. 50677

(4) The director shall not adopt rules that conflict with 50678
requirements under federal laws or regulations. 50679

Sec. 3722.13. All initial license fees, renewal fees, 50680
change of owner fees, fees for inspections conducted by the 50681
director of health and civil penalties collected under this 50682
chapter shall be deposited in the state treasury to the credit 50683
of the general operations fund created under section 3701.83 of 50684
the Revised Code. The moneys shall be used solely for purposes 50685
of administering and enforcing this chapter and the rules 50686

adopted under it. 50687

Sec. 3728.01. As used in this chapter: 50688

(A) "Administer epinephrine" means to inject an individual 50689
with epinephrine using an autoinjector in a manufactured dosage 50690
form. 50691

(B) "Peace officer" has the same meaning as in section 50692
109.71 of the Revised Code and also includes a sheriff. 50693

(C) "Prescriber" means an individual who is authorized by 50694
law to prescribe drugs or dangerous drugs or drug therapy 50695
related devices in the course of the individual's professional 50696
practice, including only the following: 50697

(1) A clinical nurse specialist, certified nurse-midwife, 50698
or certified nurse practitioner who holds a certificate to 50699
prescribe issued under section 4723.48 of the Revised Code; 50700

(2) A physician authorized under Chapter 4731. of the 50701
Revised Code to practice medicine and surgery, osteopathic 50702
medicine and surgery, or podiatric medicine and surgery; 50703

(3) A physician assistant who is licensed under Chapter 50704
4730. of the Revised Code, holds a valid prescriber number 50705
issued by the state medical board, and has been granted 50706
physician-delegated prescriptive authority. 50707

(D) "Qualified entity" means either of the following: 50708

(1) Any public or private entity that is associated with a 50709
location where allergens capable of causing anaphylaxis may be 50710
present, including child care centers, colleges and 50711
universities, places of employment, restaurants, amusement 50712
parks, recreation camps, sports playing fields and arenas, and 50713
other similar locations, except that "qualified entity" does not 50714

include either of the following: 50715

(a) A chartered or nonchartered nonpublic school; 50716
community school; science, technology, engineering, and 50717
mathematics school; college-preparatory boarding school; or a 50718
school operated by the board of education of a city, local, 50719
exempted village, or joint vocational school district, as those 50720
entities are otherwise authorized to procure epinephrine 50721
autoinjectors pursuant to sections 3313.7110, 3313.7111, 50722
3314.143, 3326.28, or 3328.29 of the Revised Code; 50723

(b) A camp described in section ~~5101.76~~ 5180.26 of the 50724
Revised Code that is authorized to procure epinephrine 50725
autoinjectors pursuant to that section; 50726

(2) Either of the following served by a peace officer: a 50727
law enforcement agency or other entity described in division (A) 50728
of section 109.71 of the Revised Code. 50729

Sec. 3734.021. (A) Infectious wastes shall be segregated, 50730
managed, treated, and disposed of in accordance with rules 50731
adopted under this section. 50732

(B) The director of environmental protection, in 50733
accordance with Chapter 119. of the Revised Code, shall adopt 50734
rules necessary or appropriate to protect human health or safety 50735
or the environment that do both of the following: 50736

(1) Establish standards for generators of infectious 50737
wastes that include, without limitation, the following 50738
requirements and authorizations that: 50739

(a) All generators of infectious wastes: 50740

(i) Either treat all specimen cultures and cultures of 50741
viable infectious agents on the premises where they are 50742

generated to render them noninfectious by methods, techniques, 50743
or practices prescribed by rules adopted under division (B) (2) 50744
(a) of this section before they are transported off that 50745
premises for disposal or ensure that such wastes are treated to 50746
render them noninfectious at an infectious waste treatment 50747
facility off that premises prior to disposal of the wastes; 50748

(ii) Transport and dispose of infectious wastes, if a 50749
generator produces fewer than fifty pounds of infectious wastes 50750
during any one month that are subject to and packaged and 50751
labeled in accordance with federal requirements, in the same 50752
manner as solid wastes. Such generators who treat specimen 50753
cultures and cultures of viable infectious agents on the 50754
premises where they are generated shall not be considered 50755
treatment facilities as "treatment" and "facility" are defined 50756
in section 3734.01 of the Revised Code. 50757

(iii) Dispose of infectious wastes subject to and treated 50758
in accordance with rules adopted under division (B) (1) (a) (i) of 50759
this section in the same manner as solid wastes; 50760

(iv) May take wastes generated in providing care to a 50761
patient by an emergency medical services organization, as 50762
defined in section 4765.01 of the Revised Code, to and leave 50763
them at a hospital, as defined in section 3727.01 of the Revised 50764
Code, for treatment at a treatment facility owned or operated by 50765
the hospital or, in conjunction with infectious wastes generated 50766
by the hospital, at another treatment facility regardless of 50767
whether the wastes were generated in providing care to the 50768
patient at the scene of an emergency or during the 50769
transportation of the patient to a hospital; 50770

(v) May take wastes generated by an individual for 50771
purposes of the individual's own care or treatment to and leave 50772

them at a hospital, as defined in section 3727.01 of the Revised 50773
Code, for treatment at a treatment facility owned or operated by 50774
the hospital or, in conjunction with infectious wastes generated 50775
by the hospital, at another treatment facility. 50776

(b) Each generator of fifty pounds or more of infectious 50777
wastes during any one month: 50778

(i) Register with the environmental protection agency as a 50779
generator of infectious wastes and obtain a registration 50780
certificate. ~~The fee for issuance of a generator registration~~ 50781
~~certificate is one hundred forty dollars payable at the time of~~ 50782
~~application.~~ The registration certificate applies to all the 50783
premises owned or operated by the generator in this state where 50784
infectious wastes are generated and shall list the address of 50785
each such premises. If a generator owns or operates facilities 50786
for the treatment of infectious wastes it generates, the 50787
certificate shall list the address and method of treatment used 50788
at each such facility. 50789

A generator registration certificate is valid for three 50790
years from the date of issuance and shall be renewed for a term 50791
of three years upon the generator's submission of an application 50792
for renewal ~~and payment of a one hundred forty dollar renewal~~ 50793
~~fee.~~ 50794

The rules may establish a system of staggered renewal 50795
dates with approximately one-third of such certificates subject 50796
to renewal each year. The applicable renewal date shall be 50797
prescribed on each registration certificate. ~~Registration fees~~ 50798
~~shall be prorated according to the time remaining in the~~ 50799
~~registration cycle to the nearest year.~~ 50800

~~The registration and renewal fees collected under division~~ 50801

~~(B) (1) (b) (i) of this section shall be deposited in the state~~ 50802
~~treasury to the credit of the waste management fund created in~~ 50803
~~section 3734.061 of the Revised Code.~~ 50804

(ii) Segregate infectious wastes from other wastes at the 50805
point of generation. Nothing in this section and rules adopted 50806
under it prohibits a generator of infectious wastes from 50807
designating and managing any wastes, in addition to those 50808
defined as infectious wastes under section 3734.01 of the 50809
Revised Code, as infectious wastes. After designating any such 50810
other wastes as infectious, the generator shall manage those 50811
wastes in compliance with the requirements of this chapter and 50812
rules adopted under it applicable to the management of 50813
infectious wastes. 50814

(iii) Either treat the infectious wastes that it generates 50815
at a facility owned or operated by the generator by methods, 50816
techniques, or practices prescribed by rules adopted under 50817
division (B) (2) (a) of this section to render them noninfectious, 50818
or designate the wastes for treatment off that premises at an 50819
infectious waste treatment facility holding a license issued 50820
under division (B) of section 3734.05 of the Revised Code, at an 50821
infectious waste treatment facility that is located in another 50822
state that is in compliance with applicable state and federal 50823
laws, or at a treatment facility authorized by rules adopted 50824
under division (B) (2) (d) of this section, prior to disposal of 50825
the wastes. After being treated to render them noninfectious, 50826
the wastes shall be disposed of at a solid waste disposal 50827
facility holding a license issued under division (A) of section 50828
3734.05 of the Revised Code or at a disposal facility in another 50829
state that is in compliance with applicable state and federal 50830
laws. 50831

(iv) Not compact or grind any type of infectious wastes 50832
prior to treatment in accordance with rules adopted under 50833
division (B) (2) (a) of this section; 50834

(v) May discharge untreated liquid or semiliquid 50835
infectious wastes consisting of blood, blood products, body 50836
fluids, and excreta into a disposal system, as defined in 50837
section 6111.01 of the Revised Code, unless the discharge of 50838
those wastes into a disposal system is inconsistent with the 50839
terms and conditions of the permit for the system issued under 50840
Chapter 6111. of the Revised Code; 50841

(vi) May transport or cause to be transported infectious 50842
wastes that have been treated to render them noninfectious in 50843
the same manner as solid wastes are transported. 50844

(2) Establish standards for owners and operators of 50845
infectious waste treatment facilities that include, without 50846
limitation, the following requirements and authorizations that: 50847

(a) Require treatment of all wastes received to be 50848
performed in accordance with methods, techniques, and practices 50849
approved by the director; 50850

(b) Govern the location, design, construction, and 50851
operation of infectious waste treatment facilities. The rules 50852
adopted under division (B) (2) (b) of this section shall require 50853
that a new infectious waste incineration facility be located so 50854
that the incinerator unit and all areas where infectious wastes 50855
are handled on the premises where the facility is proposed to be 50856
located are at least three hundred feet inside the property line 50857
of the tract of land on which the facility is proposed to be 50858
located and are at least one thousand feet from any domicile, 50859
school, prison, or jail that is in existence on the date on 50860

which the application for the permit to establish the 50861
incinerator is submitted under division (B) (2) (b) of section 50862
3734.05 of the Revised Code. 50863

(c) Establish quality control and testing procedures to 50864
ensure compliance with the rules adopted under division (B) (2) 50865
(b) of this section; 50866

(d) Authorize infectious wastes to be treated at a 50867
facility that holds a license or renewal of a license to operate 50868
a crematory facility issued under Chapter 4717., and a permit 50869
issued under Chapter 3704., of the Revised Code to the extent 50870
that the treatment of those wastes is consistent with that 50871
permit and its terms and conditions. The rules adopted under 50872
divisions (B) (2) (b) and (c) of this section do not apply to a 50873
facility holding such a license and permit. 50874

In adopting the rules required by divisions (B) (2) (a) to 50875
(d) of this section, the director shall consider and, to the 50876
maximum feasible extent, utilize existing standards and 50877
guidelines established by professional and governmental 50878
organizations having expertise in the fields of infection 50879
control and infectious wastes management. 50880

(e) Require shipping papers to accompany shipments of 50881
wastes that have been treated to render them noninfectious. The 50882
shipping papers shall include only the following elements: 50883

(i) The name of the owner or operator of the facility 50884
where the wastes were treated and the address of the treatment 50885
facility; 50886

(ii) A certification by the owner or operator of the 50887
treatment facility where the wastes were treated indicating that 50888
the wastes have been treated by the methods, techniques, and 50889

practices prescribed in rules adopted under division (B) (2) (a) 50890
of this section. 50891

(C) This section and rules adopted under it do not apply 50892
to the treatment or disposal of wastes consisting of dead 50893
animals or parts thereof, or the blood of animals: 50894

(1) By the owner of the animal after slaughter by the 50895
owner on the owner's premises to obtain meat for consumption by 50896
the owner and the members of the owner's household; 50897

(2) In accordance with Chapter 941. of the Revised Code; 50898
or 50899

(3) By persons who are subject to any of the following: 50900

(a) Inspection under the "Federal Meat Inspection Act," 81 50901
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 50902

(b) Chapter 918. of the Revised Code; 50903

(c) Chapter 953. of the Revised Code. 50904

(D) As used in this section, "generator" means a person 50905
who produces infectious wastes at a specific premises. 50906

(E) Rules adopted under this section shall not concern or 50907
relate to personnel policies, salaries, wages, fringe benefits, 50908
or other conditions of employment of employees of persons owning 50909
or operating infectious waste treatment facilities. 50910

(F) (1) The director, in accordance with Chapter 119. of 50911
the Revised Code, shall adopt rules governing the issuance, 50912
modification, revocation, suspension, and denial of variances 50913
from the rules adopted under division (B) of this section. 50914
Variances shall be issued, modified, revoked, suspended, or 50915
denied in accordance with division (F) of this section, rules 50916

adopted under it, and Chapter 3745. of the Revised Code. 50917

(2) A person who desires to obtain a variance or renew a 50918
variance from the rules adopted under division (B) of this 50919
section shall submit to the director an application as 50920
prescribed by the director. The application shall contain detail 50921
plans, specifications, and information regarding objectives, 50922
procedures, controls, and any other information that the 50923
director may require. The director shall issue, renew, or deny a 50924
variance or renewal of a variance within six months of the date 50925
on which the director receives a complete application with all 50926
required information and data. 50927

(3) The director may hold a public hearing on an 50928
application submitted under division (F) of this section for a 50929
variance at a location in the county in which the operations 50930
that are the subject of the application for a variance or 50931
renewal of variance are conducted. Not less than twenty days 50932
before the hearing, the director shall provide to the applicant 50933
notice of the hearing by certified mail or by another type of 50934
mail that is accompanied by a receipt and shall publish notice 50935
of the hearing at least one time in a newspaper of general 50936
circulation in the county in which the hearing is to be held or 50937
may instead provide public notice by publication on the 50938
environmental protection agency's web site. The director shall 50939
make a complete stenographic record or electronic record of 50940
testimony and other evidence submitted at the hearing. Not later 50941
than ten days after the hearing, the director shall make a 50942
written determination to issue, renew, or deny the variance and 50943
shall enter the determination and the basis for it into the 50944
record of the hearing. 50945

(4) A variance shall not be issued, modified, revoked, or 50946

denied under division (F) of this section until the director has 50947
considered the relative interests of the applicant, other 50948
persons and property that will be affected by the variance, and 50949
the general public. The director shall grant a variance only if 50950
the applicant demonstrates to the director's satisfaction that 50951
the requested action will not create a nuisance or a hazard to 50952
the health or safety of the public or to the environment. In 50953
granting a variance, the director shall state the specific 50954
provision or provisions whose terms are to be varied and also 50955
shall state specific terms or conditions imposed on the 50956
applicant in place of the provision or provisions. 50957

(5) A variance granted under division (F) of this section 50958
shall be for a period specified by the director and may be 50959
renewed from time to time on terms and for periods that the 50960
director determines to be appropriate. The director may order 50961
the person to whom a variance has been issued to take action 50962
within the time that the director determines to be appropriate 50963
and reasonable to prevent the creation of a nuisance or a hazard 50964
to the health or safety of the public or to the environment. 50965

(6) An application submitted under division (F) of this 50966
section shall not be denied and a variance shall not be revoked 50967
or modified under that division without a written order of the 50968
director stating the findings on which the denial, revocation, 50969
or modification is based. A copy of the order shall be sent to 50970
the applicant or holder of a variance by certified mail or by 50971
another type of mail that is accompanied by a receipt. 50972

(7) The director shall make available for public 50973
inspection at the principal office of the environmental 50974
protection agency a current list of pending applications for 50975
variances submitted under division (F) of this section and a 50976

current schedule of pending variance hearings under it. 50977

Sec. 3734.05. (A) (1) Except as provided in divisions (A) 50978
(6) and (7) of this section, no person shall operate or maintain 50979
a solid waste facility without a license issued under this 50980
division by the board of health of the health district in which 50981
the facility is located or by the director of environmental 50982
protection when the health district in which the facility is 50983
located is not on the approved list under section 3734.08 of the 50984
Revised Code. 50985

During the month of December, but before the first day of 50986
January of the next year, every person proposing to continue to 50987
operate an existing solid waste facility shall procure a license 50988
under this division to operate the facility for that year from 50989
the board of health of the health district in which the facility 50990
is located or, if the health district is not on the approved 50991
list under section 3734.08 of the Revised Code, from the 50992
director. The application for such a license shall be submitted 50993
to the board of health or to the director, as appropriate, on or 50994
before the last day of September of the year preceding that for 50995
which the license is sought. In addition to the application fee 50996
prescribed in division (A) (2) of this section, a person who 50997
submits an application after that date shall pay an additional 50998
ten per cent of the amount of the application fee for each week 50999
that the application is late. Late payment fees accompanying an 51000
application submitted to the board of health shall be credited 51001
to the special fund of the health district created in division 51002
(B) of section 3734.06 of the Revised Code, and late payment 51003
fees accompanying an application submitted to the director shall 51004
be credited to the general revenue fund. A person who has 51005
received a license, upon sale or disposition of a solid waste 51006
facility, and upon consent of the board of health and the 51007

director, may have the license transferred to another person. 51008
The board of health or the director may include such terms and 51009
conditions in a license or revision to a license as are 51010
appropriate to ensure compliance with this chapter and rules 51011
adopted under it. The terms and conditions may establish the 51012
authorized maximum daily waste receipts for the facility. 51013
Limitations on maximum daily waste receipts shall be specified 51014
in cubic yards of volume for the purpose of regulating the 51015
design, construction, and operation of solid waste facilities. 51016
Terms and conditions included in a license or revision to a 51017
license by a board of health shall be consistent with, and 51018
pertain only to the subjects addressed in, the rules adopted 51019
under division (A) of section 3734.02 and division (D) of 51020
section 3734.12 of the Revised Code. 51021

(2) (a) Except as provided in divisions (A) (2) (b), (6), and 51022
(7) of this section, each person proposing to open a new solid 51023
waste facility or to modify an existing solid waste facility 51024
shall submit an application for a permit with accompanying 51025
detail plans and specifications to the environmental protection 51026
agency for required approval under the rules adopted by the 51027
director pursuant to division (A) of section 3734.02 of the 51028
Revised Code and applicable rules adopted under division (D) of 51029
section 3734.12 of the Revised Code at least two hundred seventy 51030
days before proposed operation of the facility~~and~~. The 51031
applicant shall concurrently make do both of the following: 51032

(i) Make application for the issuance of a license under 51033
division (A) (1) of this section with the board of health of the 51034
health district in which the proposed facility is to be located; 51035

(ii) Submit with such permit application a community 51036
impact analysis that evaluates the impact of the proposed solid 51037

waste disposal facility on the local economy and considers 51038
mitigation measures to minimize adverse impacts on the host 51039
community. 51040

Upon submitting the permit application, the applicant 51041
shall maintain a publicly accessible web site that includes the 51042
permit application and supporting documents, the community 51043
impact analysis, and public involvement information. 51044

(b) On and after the effective date of the rules adopted 51045
under division (A) of section 3734.02 of the Revised Code and 51046
division (D) of section 3734.12 of the Revised Code governing 51047
solid waste transfer facilities, each person proposing to open a 51048
new solid waste transfer facility or to modify an existing solid 51049
waste transfer facility shall submit an application for a permit 51050
with accompanying engineering detail plans, specifications, and 51051
information regarding the facility and its method of operation 51052
to the environmental protection agency for required approval 51053
under those rules at least two hundred seventy days before 51054
commencing proposed operation of the facility and concurrently 51055
shall make application for the issuance of a license under 51056
division (A)(1) of this section with the board of health of the 51057
health district in which the facility is located or proposed. 51058

(c) Each application for a permit under division (A)(2)(a) 51059
or (b) of this section shall be accompanied by a nonrefundable 51060
application fee of four hundred dollars that shall be credited 51061
to the general revenue fund. Each application for an annual 51062
license under division (A)(1) or (2) of this section shall be 51063
accompanied by a nonrefundable application fee of one hundred 51064
dollars. If the application for an annual license is submitted 51065
to a board of health on the approved list under section 3734.08 51066
of the Revised Code, the application fee shall be credited to 51067

the special fund of the health district created in division (B) 51068
of section 3734.06 of the Revised Code. If the application for 51069
an annual license is submitted to the director, the application 51070
fee shall be credited to the general revenue fund. If a permit 51071
or license is issued, the amount of the application fee paid 51072
shall be deducted from the amount of the permit fee due under 51073
division ~~(Q)~~(P) of section 3745.11 of the Revised Code or the 51074
amount of the license fee due under division (A) (1), (2), (3), 51075
(4), or (5) of section 3734.06 of the Revised Code. 51076

(d) As used in divisions (A) (2) (d), (e), and (f) of this 51077
section, "modify" means any of the following: 51078

(i) Any increase of more than ten per cent in the total 51079
capacity of a solid waste facility; 51080

(ii) Any expansion of the limits of solid waste placement 51081
at a solid waste facility; 51082

(iii) Any increase in the depth of excavation at a solid 51083
waste facility; 51084

(iv) Any change in the technique of waste receipt or type 51085
of waste received at a solid waste facility that may endanger 51086
human health, as determined by the director by rules adopted in 51087
accordance with Chapter 119. of the Revised Code. 51088

Not later than forty-five days after submitting an 51089
application under division (A) (2) (a) or (b) of this section for 51090
a permit to open a new or modify an existing solid waste 51091
facility, the applicant, in conjunction with an officer or 51092
employee of the environmental protection agency, shall hold a 51093
public meeting on the application within the county in which the 51094
new or modified solid waste facility is or is proposed to be 51095
located or within a contiguous county. 51096

Not less than thirty days before holding the public 51097
meeting on the application, the applicant shall use best efforts 51098
to notify property owners of record as depicted in the records 51099
of the county auditor, who are located within three miles of the 51100
proposed facility boundary, of the date, time, and location of 51101
the applicant's public meeting. The applicant shall provide such 51102
notice either by certified mail or by any method capable of 51103
documenting the intended recipient's receipt of notice. Not- 51104

Not less than thirty days before holding the public 51105
meeting on the application, the applicant shall publish notice 51106
of the meeting in each newspaper of general circulation that is 51107
published in the county in which the facility is or is proposed 51108
to be located. If no newspaper of general circulation is 51109
published in the county, the applicant shall publish the notice 51110
in a newspaper of general circulation in the county. The notice 51111
shall contain the date, time, and location of the public meeting 51112
and a general description of the proposed new or modified 51113
facility. ~~Not-~~ 51114

Not later than five days after publishing the notice, the 51115
applicant shall send by certified mail a copy of the notice and 51116
the date the notice was published to the director and the 51117
legislative authority of each municipal corporation, township, 51118
and county, and to the chief executive officer of each municipal 51119
corporation, in which the facility is or is proposed to be 51120
located. ~~At-~~ 51121

At the public meeting, the applicant shall provide 51122
information and describe the application and respond to comments 51123
or questions concerning the application, and the officer or 51124
employee of the agency shall describe the permit application 51125
process. At the public meeting, any person may submit written or 51126

oral comments on or objections to the application. ~~Not~~ 51127

Not more than thirty days after the public meeting, the 51128
applicant shall provide the director with a copy of a transcript 51129
of the full meeting, copies of any exhibits, displays, or other 51130
materials presented by the applicant at the meeting, and the 51131
original copy of any written comments submitted at the meeting. 51132

Within two hundred seventy days after submitting the 51133
transcript of the applicant's meeting, the applicant shall hold 51134
a public community involvement session on the application 51135
regarding the proposed new facility or, if the application 51136
involves a modification for the expansion of a facility, the 51137
proposed modified facility. The applicant shall hold the session 51138
within the county in which the new or modified solid waste 51139
facility is or is proposed to be located or within a contiguous 51140
county. 51141

Not less than thirty days before holding the public 51142
community involvement session, the applicant shall use best 51143
efforts to notify all property owners of record as depicted in 51144
the records of the county auditor, that are located within three 51145
miles of the proposed facility boundary, of the date, time, and 51146
location of the public community involvement session. The 51147
applicant shall provide such notice either by certified mail or 51148
by any method capable of documenting the intended recipient's 51149
receipt of notice. 51150

Not less than thirty days before holding the public 51151
community involvement session, the applicant shall publish 51152
notice of the session in each newspaper of general circulation 51153
that is published in the county in which the facility is or is 51154
proposed to be located. The notice shall contain the date, time, 51155
and location of the community involvement session, a general 51156

description of the proposed new or modified facility, and the 51157
address to the publicly accessible web site maintained by the 51158
applicant that includes the permit application and supporting 51159
documents, community impact analysis, and public involvement 51160
information. 51161

At the public community involvement session, the applicant 51162
shall provide information about and describe the application and 51163
community impact analysis and respond to comments or questions 51164
concerning the application and community impact analysis. In 51165
addition, any person may submit written or oral comments on or 51166
objections to the application or community impact analysis. 51167

Not more than thirty days after the public community 51168
involvement session, the applicant shall provide the director 51169
with a copy of a transcript of the full session and copies of 51170
any exhibits, displays, or other materials presented by the 51171
applicant at the session. 51172

(e) Except as provided in division (A) (2) (f) of this 51173
section, prior to taking an action, other than a proposed or 51174
final denial, upon an application submitted under division (A) 51175
(2) (a) of this section for a permit to open a new or modify an 51176
existing solid waste facility, the director shall hold a public 51177
information session and a public hearing on the application 51178
within the county in which the new or modified solid waste 51179
facility is or is proposed to be located or within a contiguous 51180
county. If the application is for a permit to open a new solid 51181
waste facility, the director shall hold the hearing not less 51182
than fourteen days after the information session. If the 51183
application is for a permit to modify an existing solid waste 51184
facility, the director may hold both the information session and 51185
the hearing on the same day unless any individual affected by 51186

the application requests in writing that the information session 51187
and the hearing not be held on the same day, in which case the 51188
director shall hold the hearing not less than fourteen days 51189
after the information session. The director shall publish notice 51190
of the public information session or public hearing not less 51191
than thirty days before holding the information session or 51192
hearing, as applicable. The notice shall be published in each 51193
newspaper of general circulation that is published in the county 51194
in which the facility is or is proposed to be located. ~~If no~~ 51195
~~newspaper of general circulation is published in the county, the~~ 51196
~~director shall publish the notice in a newspaper of general~~ 51197
~~circulation in the county~~ or by publication on the environmental 51198
protection agency's official web site. The notice shall contain 51199
the date, time, and location of the information session or 51200
hearing, as applicable, and a general description of the 51201
proposed new or modified facility. At the public information 51202
session, an officer or employee of the environmental protection 51203
agency shall describe the status of the permit application and 51204
be available to respond to comments or questions concerning the 51205
application. At the public hearing, any person may submit 51206
written or oral comments on or objections to the approval of the 51207
application. The applicant, or a representative of the applicant 51208
who has knowledge of the location, construction, and operation 51209
of the facility, shall attend the information session and public 51210
hearing to respond to comments or questions concerning the 51211
facility directed to the applicant or representative by the 51212
officer or employee of the environmental protection agency 51213
presiding at the information session and hearing. 51214

(f) The solid waste management policy committee of a 51215
county or joint solid waste management district may adopt a 51216
resolution requesting expeditious consideration of a specific 51217

application submitted under division (A) (2) (a) of this section 51218
for a permit to modify an existing solid waste facility within 51219
the district. The resolution shall make the finding that 51220
expedited consideration of the application without the public 51221
information session and public hearing under division (A) (2) (e) 51222
of this section is in the public interest and will not endanger 51223
human health, as determined by the director by rules adopted in 51224
accordance with Chapter 119. of the Revised Code. Upon receiving 51225
such a resolution, the director, at the director's discretion, 51226
may issue a final action upon the application without holding a 51227
public information session or public hearing pursuant to 51228
division (A) (2) (e) of this section. 51229

(3) The director may issue an order in accordance with 51230
Chapter 3745. of the Revised Code to the owner or operator of a 51231
solid waste facility requiring the person to submit to the 51232
director updated engineering detail plans, specifications, and 51233
information regarding the facility and its method of operation 51234
for approval under rules adopted under division (A) of section 51235
3734.02 of the Revised Code and applicable rules adopted under 51236
division (D) of section 3734.12 of the Revised Code if, in the 51237
director's judgment, conditions at the facility constitute a 51238
substantial threat to public health or safety or are causing or 51239
contributing to or threatening to cause or contribute to air or 51240
water pollution or soil contamination. Any person who receives 51241
such an order shall submit the updated engineering detail plans, 51242
specifications, and information to the director within one 51243
hundred eighty days after the effective date of the order. 51244

(4) The director shall act upon any updated engineering 51245
plans, specifications, and information submitted under division 51246
(A) (3) of this section within one hundred eighty days after 51247
receiving them. If the director issues an order disapproving the 51248

plans, specifications, and information submitted under division 51249
(A) (3) of this section, the order shall include all of the 51250
following requirements: 51251

(a) That the owner or operator submit a plan for closure 51252
and post-closure care of the facility to the director for 51253
approval within six months after issuance of the order; 51254

(b) That the owner or operator cease accepting solid 51255
wastes for disposal or transfer at the facility; and 51256

(c) The owner or operator commence closure of the facility 51257
not later than one year after issuance of the order. 51258

If the director determines that closure of the facility 51259
within that one-year period would result in the unavailability 51260
of sufficient solid waste management facility capacity within 51261
the county or joint solid waste management district in which the 51262
facility is located to dispose of or transfer the solid waste 51263
generated within the district, the director in the order of 51264
disapproval may postpone commencement of closure of the facility 51265
for such period of time as the director finds necessary for the 51266
board of county commissioners or directors of the district to 51267
secure access to or for there to be constructed within the 51268
district sufficient solid waste management facility capacity to 51269
meet the needs of the district, provided that the director shall 51270
certify in the director's order that postponing the date for 51271
commencement of closure will not endanger ground water or any 51272
property surrounding the facility, allow methane gas migration 51273
to occur, or cause or contribute to any other type of 51274
environmental damage. 51275

If an emergency need for disposal capacity that may affect 51276
public health and safety exists as a result of closure of a 51277

facility under division (A) (4) of this section, the director may 51278
issue an order designating another solid waste facility to 51279
accept the wastes that would have been disposed of at the 51280
facility to be closed. 51281

(5) If the director determines that standards more 51282
stringent than those applicable in rules adopted under division 51283
(A) of section 3734.02 of the Revised Code and division (D) of 51284
section 3734.12 of the Revised Code, or standards pertaining to 51285
subjects not specifically addressed by those rules, are 51286
necessary to ensure that a solid waste facility constructed at 51287
the proposed location will not cause a nuisance, cause or 51288
contribute to water pollution, or endanger public health or 51289
safety, the director may issue a permit for the facility with 51290
such terms and conditions as the director finds necessary to 51291
protect public health and safety and the environment. If a 51292
permit is issued, the director shall state in the order issuing 51293
it the specific findings supporting each such term or condition. 51294

(6) Divisions (A) (1) and (2) (a) of this section do not 51295
apply to a solid waste compost facility that accepts exclusively 51296
source separated yard wastes and that is registered under 51297
division (C) of section 3734.02 of the Revised Code or, unless 51298
otherwise provided in rules adopted under division (N) (3) of 51299
section 3734.02 of the Revised Code, to a solid waste compost 51300
facility if the director has adopted rules establishing an 51301
alternative system for authorizing the establishment, operation, 51302
or modification of a solid waste compost facility under that 51303
division. 51304

(7) Divisions (A) (1) to (5) of this section do not apply 51305
to scrap tire collection, storage, monocell, monofill, and 51306
recovery facilities. The approval of plans and specifications, 51307

as applicable, and the issuance of registration certificates, 51308
permits, and licenses for those facilities are subject to 51309
sections 3734.75 to 3734.78 of the Revised Code, as applicable, 51310
and section 3734.81 of the Revised Code. 51311

(B) (1) No person shall operate or maintain an infectious 51312
waste treatment facility without a license issued by the board 51313
of health of the health district in which the facility is 51314
located or by the director when the health district in which the 51315
facility is located is not on the approved list under section 51316
3734.08 of the Revised Code. 51317

(2) (a) During the month of December, but before the first 51318
day of January of the next year, every person proposing to 51319
continue to operate an existing infectious waste treatment 51320
facility shall procure a license to operate the facility for 51321
that year from the board of health of the health district in 51322
which the facility is located or, if the health district is not 51323
on the approved list under section 3734.08 of the Revised Code, 51324
from the director. The application for such a license shall be 51325
submitted to the board of health or to the director, as 51326
appropriate, on or before the last day of September of the year 51327
preceding that for which the license is sought. In addition to 51328
the application fee prescribed in division (B) (2) (c) of this 51329
section, a person who submits an application after that date 51330
shall pay an additional ten per cent of the amount of the 51331
application fee for each week that the application is late. Late 51332
payment fees accompanying an application submitted to the board 51333
of health shall be credited to the special infectious waste fund 51334
of the health district created in division (C) of section 51335
3734.06 of the Revised Code, and late payment fees accompanying 51336
an application submitted to the director shall be credited to 51337
the general revenue fund. A person who has received a license, 51338

upon sale or disposition of an infectious waste treatment 51339
facility and upon consent of the board of health and the 51340
director, may have the license transferred to another person. 51341
The board of health or the director may include such terms and 51342
conditions in a license or revision to a license as are 51343
appropriate to ensure compliance with the infectious waste 51344
provisions of this chapter and rules adopted under them. 51345

(b) Each person proposing to open a new infectious waste 51346
treatment facility or to modify an existing infectious waste 51347
treatment facility shall submit an application for a permit with 51348
accompanying detail plans and specifications to the 51349
environmental protection agency for required approval under the 51350
rules adopted by the director pursuant to section 3734.021 of 51351
the Revised Code two hundred seventy days before proposed 51352
operation of the facility and concurrently shall make 51353
application for a license with the board of health of the health 51354
district in which the facility is or is proposed to be located. 51355
Not later than ninety days after receiving a complete 51356
application under division (B) (2) (b) of this section for a 51357
permit to open a new infectious waste treatment facility or 51358
modify an existing infectious waste treatment facility to expand 51359
its treatment capacity, or receiving a complete application 51360
under division (A) (2) (a) of this section for a permit to open a 51361
new solid waste incineration facility, or modify an existing 51362
solid waste incineration facility to also treat infectious 51363
wastes or to increase its infectious waste treatment capacity, 51364
that pertains to a facility for which a notation authorizing 51365
infectious waste treatment is included or proposed to be 51366
included in the solid waste incineration facility's license 51367
pursuant to division (B) (3) of this section, the director shall 51368
hold a public hearing on the application within the county in 51369

which the new or modified infectious waste or solid waste 51370
facility is or is proposed to be located or within a contiguous 51371
county. Not less than thirty days before holding the public 51372
hearing on the application, the director shall publish notice of 51373
the hearing in each newspaper that has general circulation and 51374
that is published in the county in which the facility is or is 51375
proposed to be located. ~~If there is no newspaper that has~~ 51376
~~general circulation and that is published in the county, the~~ 51377
~~director shall publish the notice in a newspaper of general~~ 51378
~~circulation in the county or by publication on the environmental~~ 51379
protection agency's official web site. The notice shall contain 51380
the date, time, and location of the public hearing and a general 51381
description of the proposed new or modified facility. At the 51382
public hearing, any person may submit written or oral comments 51383
on or objections to the approval or disapproval of the 51384
application. The applicant, or a representative of the applicant 51385
who has knowledge of the location, construction, and operation 51386
of the facility, shall attend the public hearing to respond to 51387
comments or questions concerning the facility directed to the 51388
applicant or representative by the officer or employee of the 51389
environmental protection agency presiding at the hearing. 51390

(c) Each application for a permit under division (B) (2) (b) 51391
of this section shall be accompanied by a nonrefundable 51392
application fee of four hundred dollars that shall be credited 51393
to the general revenue fund. Each application for an annual 51394
license under division (B) (2) (a) of this section shall be 51395
accompanied by a nonrefundable application fee of one hundred 51396
dollars. If the application for an annual license is submitted 51397
to a board of health on the approved list under section 3734.08 51398
of the Revised Code, the application fee shall be credited to 51399
the special infectious waste fund of the health district created 51400

in division (C) of section 3734.06 of the Revised Code. If the
application for an annual license is submitted to the director,
the application fee shall be credited to the general revenue
fund. If a permit or license is issued, the amount of the
application fee paid shall be deducted from the amount of the
permit fee due under division ~~(Q)~~ (P) of section 3745.11 of the
Revised Code or the amount of the license fee due under division
(C) of section 3734.06 of the Revised Code.

(d) The director may issue an order in accordance with
Chapter 3745. of the Revised Code to the owner or operator of an
infectious waste treatment facility requiring the person to
submit to the director updated engineering detail plans,
specifications, and information regarding the facility and its
method of operation for approval under rules adopted under
section 3734.021 of the Revised Code if, in the director's
judgment, conditions at the facility constitute a substantial
threat to public health or safety or are causing or contributing
to or threatening to cause or contribute to air or water
pollution or soil contamination. Any person who receives such an
order shall submit the updated engineering detail plans,
specifications, and information to the director within one
hundred eighty days after the effective date of the order.

(e) The director shall act on any updated engineering
plans, specifications, and information submitted under division
(B) (2) (d) of this section within one hundred eighty days after
receiving them. If the director disapproves any such updated
engineering plans, specifications, and information, the director
shall include in the order disapproving the plans the
requirement that the owner or operator cease accepting
infectious wastes for treatment at the facility.

(3) Division (B) of this section does not apply to a 51431
generator of infectious wastes that meets any of the following 51432
conditions: 51433

(a) Treats, by methods, techniques, and practices 51434
established by rules adopted under division (B) (2) (a) of section 51435
3734.021 of the Revised Code, any of the following wastes: 51436

(i) Infectious wastes that are generated on any premises 51437
that are owned or operated by the generator; 51438

(ii) Infectious wastes that are generated by a generator 51439
who has staff privileges at a hospital as defined in section 51440
3727.01 of the Revised Code; 51441

(iii) Infectious wastes that are generated in providing 51442
care to a patient by an emergency medical services organization 51443
as defined in section 4765.01 of the Revised Code. 51444

(b) Holds a license or renewal of a license to operate a 51445
crematory facility issued under Chapter 4717. and a permit 51446
issued under Chapter 3704. of the Revised Code; 51447

(c) Treats or disposes of dead animals or parts thereof, 51448
or the blood of animals, and is subject to any of the following: 51449

(i) Inspection under the "Federal Meat Inspection Act," 81 51450
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 51451

(ii) Chapter 918. of the Revised Code; 51452

(iii) Chapter 953. of the Revised Code. 51453

Nothing in division (B) of this section requires a 51454
facility that holds a license issued under division (A) of this 51455
section as a solid waste facility and that also treats 51456
infectious wastes by the same method, technique, or process to 51457

obtain a license under division (B) of this section as an 51458
infectious waste treatment facility. However, the solid waste 51459
facility license for the facility shall include the notation 51460
that the facility also treats infectious wastes. 51461

The director shall not issue a permit to open a new solid 51462
waste incineration facility unless the proposed facility 51463
complies with the requirements for the location of new 51464
infectious waste incineration facilities established in rules 51465
adopted under division (B) (2) (b) of section 3734.021 of the 51466
Revised Code. 51467

(C) Except for a facility or activity described in 51468
division (E) (3) of section 3734.02 of the Revised Code, a person 51469
who proposes to establish or operate a hazardous waste facility 51470
shall submit a complete application for a hazardous waste 51471
facility installation and operation permit and accompanying 51472
detail plans, specifications, and such information as the 51473
director may require to the environmental protection agency at 51474
least one hundred eighty days before the proposed beginning of 51475
operation of the facility. The applicant shall notify by 51476
certified mail the legislative authority of each municipal 51477
corporation, township, and county in which the facility is 51478
proposed to be located of the submission of the application 51479
within ten days after the submission or at such earlier time as 51480
the director may establish by rule. If the application is for a 51481
proposed new hazardous waste disposal or thermal treatment 51482
facility, the applicant also shall give actual notice of the 51483
general design and purpose of the facility to the legislative 51484
authority of each municipal corporation, township, and county in 51485
which the facility is proposed to be located at least ninety 51486
days before the permit application is submitted to the 51487
environmental protection agency. 51488

In accordance with rules adopted under section 3734.12 of 51489
the Revised Code, prior to the submission of a complete 51490
application for a hazardous waste facility installation and 51491
operation permit, the applicant shall hold at least one meeting 51492
in the township or municipal corporation in which the facility 51493
is proposed to be located, whichever is geographically closer to 51494
the proposed location of the facility. The meeting shall be open 51495
to the public and shall be held to inform the community of the 51496
proposed hazardous waste management activities and to solicit 51497
questions from the community concerning the activities. 51498

(D) (1) Except as provided in section 3734.123 of the 51499
Revised Code, upon receipt of a complete application for a 51500
hazardous waste facility installation and operation permit under 51501
division (C) of this section, the director shall consider the 51502
application and accompanying information to determine whether 51503
the application complies with agency rules and the requirements 51504
of division (D) (2) of this section. After making a 51505
determination, the director shall issue either a draft permit or 51506
a notice of intent to deny the permit. The director, in 51507
accordance with rules adopted under section 3734.12 of the 51508
Revised Code or with rules adopted to implement Chapter 3745. of 51509
the Revised Code, shall provide public notice of the application 51510
and the draft permit or the notice of intent to deny the permit, 51511
provide an opportunity for public comments, and, if significant 51512
interest is shown, schedule a public meeting in the county in 51513
which the facility is proposed to be located and give public 51514
notice of the date, time, and location of the public meeting in 51515
a newspaper of general circulation in that county. 51516

(2) The director shall not approve an application for a 51517
hazardous waste facility installation and operation permit or an 51518
application for a modification under division (I) (3) of this 51519

section unless the director finds and determines as follows: 51520

(a) The nature and volume of the waste to be treated, 51521
stored, or disposed of at the facility; 51522

(b) That the facility complies with the director's 51523
hazardous waste standards adopted pursuant to section 3734.12 of 51524
the Revised Code; 51525

(c) That the facility represents the minimum adverse 51526
environmental impact, considering the state of available 51527
technology and the nature and economics of various alternatives, 51528
and other pertinent considerations; 51529

(d) That the facility represents the minimum risk of all 51530
of the following: 51531

(i) Fires or explosions from treatment, storage, or 51532
disposal methods; 51533

(ii) Release of hazardous waste during transportation of 51534
hazardous waste to or from the facility; 51535

(iii) Adverse impact on the public health and safety. 51536

(e) That the facility will comply with this chapter and 51537
Chapters 3704. and 6111. of the Revised Code and all rules and 51538
standards adopted under them; 51539

(f) That if the owner of the facility, the operator of the 51540
facility, or any other person in a position with the facility 51541
from which the person may influence the installation and 51542
operation of the facility has been involved in any prior 51543
activity involving transportation, treatment, storage, or 51544
disposal of hazardous waste, that person has a history of 51545
compliance with this chapter and Chapters 3704. and 6111. of the 51546
Revised Code and all rules and standards adopted under them, the 51547

"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 51548
42 U.S.C.A. 6921, as amended, and all regulations adopted under 51549
it, and similar laws and rules of other states if any such prior 51550
operation was located in another state that demonstrates 51551
sufficient reliability, expertise, and competency to operate a 51552
hazardous waste facility under the applicable provisions of this 51553
chapter and Chapters 3704. and 6111. of the Revised Code, the 51554
applicable rules and standards adopted under them, and terms and 51555
conditions of a hazardous waste facility installation and 51556
operation permit, given the potential for harm to the public 51557
health and safety and the environment that could result from the 51558
irresponsible operation of the facility. For off-site 51559
facilities, as defined in section 3734.41 of the Revised Code, 51560
the director may use the investigative reports of the attorney 51561
general prepared pursuant to section 3734.42 of the Revised Code 51562
as a basis for making a finding and determination under division 51563
(D) (2) (f) of this section. 51564

(g) That the active areas within a new hazardous waste 51565
facility where acute hazardous waste as listed in 40 C.F.R. 51566
261.33 (e), as amended, or organic waste that is toxic and is 51567
listed under 40 C.F.R. 261, as amended, is being stored, 51568
treated, or disposed of and where the aggregate of the storage 51569
design capacity and the disposal design capacity of all 51570
hazardous waste in those areas is greater than two hundred fifty 51571
thousand gallons, are not located or operated within any of the 51572
following: 51573

(i) Two thousand feet of any residence, school, hospital, 51574
jail, or prison; 51575

(ii) Any naturally occurring wetland; 51576

(iii) Any flood hazard area if the applicant cannot show 51577

that the facility will be designed, constructed, operated, and 51578
maintained to prevent washout by a one-hundred-year flood. 51579

Division (D) (2) (g) of this section does not apply to the 51580
facility of any applicant who demonstrates to the director that 51581
the limitations specified in that division are not necessary 51582
because of the nature or volume of the waste and the manner of 51583
management applied, the facility will impose no substantial 51584
danger to the health and safety of persons occupying the 51585
structures listed in division (D) (2) (g) (i) of this section, and 51586
the facility is to be located or operated in an area where the 51587
proposed hazardous waste activities will not be incompatible 51588
with existing land uses in the area. 51589

(h) That the facility will not be located within the 51590
boundaries of a state park established or dedicated under 51591
Chapter 1546. of the Revised Code, a state park purchase area 51592
established under section 1546.06 of the Revised Code, any unit 51593
of the national park system, or any property that lies within 51594
the boundaries of a national park or recreation area, but that 51595
has not been acquired or is not administered by the secretary of 51596
the United States department of the interior, located in this 51597
state, or any candidate area located in this state identified 51598
for potential inclusion in the national park system in the 51599
edition of the "national park system plan" submitted under 51600
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 51601
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 51602
filing of the application for the permit, unless the facility 51603
will be used exclusively for the storage of hazardous waste 51604
generated within the park or recreation area in conjunction with 51605
the operation of the park or recreation area. Division (D) (2) (h) 51606
of this section does not apply to the facility of any applicant 51607
for modification of a permit unless the modification application 51608

proposes to increase the land area included in the facility or 51609
to increase the quantity of hazardous waste that will be 51610
treated, stored, or disposed of at the facility. 51611

(3) Not later than one hundred eighty days after the end 51612
of the public comment period, the director, without prior 51613
hearing, shall issue or deny the permit in accordance with 51614
Chapter 3745. of the Revised Code. If the director approves an 51615
application for a hazardous waste facility installation and 51616
operation permit, the director shall issue the permit, upon such 51617
terms and conditions as the director finds are necessary to 51618
ensure the construction and operation of the hazardous waste 51619
facility in accordance with the standards of this section. 51620

(E) No political subdivision of this state shall require 51621
any additional zoning or other approval, consent, permit, 51622
certificate, or condition for the construction or operation of a 51623
hazardous waste facility authorized by a hazardous waste 51624
facility installation and operation permit issued pursuant to 51625
this chapter, nor shall any political subdivision adopt or 51626
enforce any law, ordinance, or rule that in any way alters, 51627
impairs, or limits the authority granted in the permit. 51628

(F) The director may issue a single hazardous waste 51629
facility installation and operation permit to a person who 51630
operates two or more adjoining facilities where hazardous waste 51631
is stored, treated, or disposed of if the application includes 51632
detail plans, specifications, and information on all facilities. 51633
For the purposes of this section, "adjoining" means sharing a 51634
common boundary, separated only by a public road, or in such 51635
proximity that the director determines that the issuance of a 51636
single permit will not create a hazard to the public health or 51637
safety or the environment. 51638

(G) No person shall falsify or fail to keep or submit any 51639
plans, specifications, data, reports, records, manifests, or 51640
other information required to be kept or submitted to the 51641
director by this chapter or the rules adopted under it. 51642

(H) (1) Each person who holds an installation and operation 51643
permit issued under this section and who wishes to obtain a 51644
permit renewal shall submit a completed application for an 51645
installation and operation permit renewal and any necessary 51646
accompanying general plans, detail plans, specifications, and 51647
such information as the director may require to the director no 51648
later than one hundred eighty days prior to the expiration date 51649
of the existing permit or upon a later date prior to the 51650
expiration of the existing permit if the permittee can 51651
demonstrate good cause for the late submittal. The director 51652
shall consider the application and accompanying information, 51653
inspection reports of the facility, results of performance 51654
tests, a report regarding the facility's compliance or 51655
noncompliance with the terms and conditions of its permit and 51656
rules adopted by the director under this chapter, and such other 51657
information as is relevant to the operation of the facility and 51658
shall issue a draft renewal permit or a notice of intent to deny 51659
the renewal permit. The director, in accordance with rules 51660
adopted under this section or with rules adopted to implement 51661
Chapter 3745. of the Revised Code, shall give public notice of 51662
the application and draft renewal permit or notice of intent to 51663
deny the renewal permit, provide for the opportunity for public 51664
comments within a specified time period, schedule a public 51665
meeting in the county in which the facility is located if 51666
significant interest is shown, and give public notice of the 51667
public meeting. 51668

(2) Within sixty days after the public meeting or close of 51669

the public comment period, the director, without prior hearing, 51670
shall issue or deny the renewal permit in accordance with 51671
Chapter 3745. of the Revised Code. The director shall not issue 51672
a renewal permit unless the director determines that the 51673
facility under the existing permit has a history of compliance 51674
with this chapter, rules adopted under it, the existing permit, 51675
or orders entered to enforce such requirements that demonstrates 51676
sufficient reliability, expertise, and competency to operate the 51677
facility henceforth under this chapter, rules adopted under it, 51678
and the renewal permit. If the director approves an application 51679
for a renewal permit, the director shall issue the permit 51680
subject to the payment of the annual permit fee required under 51681
division (E) of section 3734.02 of the Revised Code and upon 51682
such terms and conditions as the director finds are reasonable 51683
to ensure that continued operation, maintenance, closure, and 51684
post-closure care of the hazardous waste facility are in 51685
accordance with the rules adopted under section 3734.12 of the 51686
Revised Code. 51687

(3) An installation and operation permit renewal 51688
application submitted to the director that also contains or 51689
would constitute an application for a modification shall be 51690
acted upon by the director in accordance with division (I) of 51691
this section in the same manner as an application for a 51692
modification. In approving or disapproving the renewal portion 51693
of a permit renewal application containing an application for a 51694
modification, the director shall apply the criteria established 51695
under division (H) (2) of this section. 51696

(4) An application for renewal or modification of a permit 51697
that does not contain an application for a modification as 51698
described in divisions (I) (3) (a) to (d) of this section shall 51699
not be subject to division (D) (2) of this section. 51700

(I) (1) As used in this section, "modification" means a 51701
change or alteration to a hazardous waste facility or its 51702
operations that is inconsistent with or not authorized by its 51703
existing permit or authorization to operate. Modifications shall 51704
be classified as Class 1, 2, or 3 modifications in accordance 51705
with rules adopted under division (K) of this section. 51706
Modifications classified as Class 3 modifications, in accordance 51707
with rules adopted under that division, shall be further 51708
classified by the director as either Class 3 modifications that 51709
are to be approved or disapproved by the director under 51710
divisions (I) (3) (a) to (d) of this section or as Class 3 51711
modifications that are to be approved or disapproved by the 51712
director under division (I) (5) of this section. Not later than 51713
thirty days after receiving a request for a modification under 51714
division (I) (4) of this section that is not listed in Appendix I 51715
to 40 C.F.R. 270.42 or in rules adopted under division (K) of 51716
this section, the director shall classify the modification and 51717
shall notify the owner or operator of the facility requesting 51718
the modification of the classification. Notwithstanding any 51719
other law to the contrary, a modification that involves the 51720
transfer of a hazardous waste facility installation and 51721
operation permit to a new owner or operator for any off-site 51722
facility as defined in section 3734.41 of the Revised Code shall 51723
be classified as a Class 3 modification. The transfer of a 51724
hazardous waste facility installation and operation permit to a 51725
new owner or operator for a facility that is not an off-site 51726
facility shall be classified as a Class 1 modification requiring 51727
prior approval of the director. 51728

(2) Except as provided in section 3734.123 of the Revised 51729
Code, a hazardous waste facility installation and operation 51730
permit may be modified at the request of the director or upon 51731

the written request of the permittee only if any of the 51732
following applies: 51733

(a) The permittee desires to accomplish alterations, 51734
additions, or deletions to the permitted facility or to 51735
undertake alterations, additions, deletions, or activities that 51736
are inconsistent with or not authorized by the existing permit; 51737

(b) New information or data justify permit conditions in 51738
addition to or different from those in the existing permit; 51739

(c) The standards, criteria, or rules upon which the 51740
existing permit is based have been changed by new, amended, or 51741
rescinded standards, criteria, or rules, or by judicial decision 51742
after the existing permit was issued, and the change justifies 51743
permit conditions in addition to or different from those in the 51744
existing permit; 51745

(d) The permittee proposes to transfer the permit to 51746
another person. 51747

(3) The director shall approve or disapprove an 51748
application for a modification in accordance with division (D) 51749
(2) of this section and rules adopted under division (K) of this 51750
section for all of the following categories of Class 3 51751
modifications: 51752

(a) Authority to conduct treatment, storage, or disposal 51753
at a site, location, or tract of land that has not been 51754
authorized for the proposed category of treatment, storage, or 51755
disposal activity by the facility's permit; 51756

(b) Modification or addition of a hazardous waste 51757
management unit, as defined in rules adopted under section 51758
3734.12 of the Revised Code, that results in an increase in a 51759
facility's storage capacity of more than twenty-five per cent 51760

over the capacity authorized by the facility's permit, an 51761
increase in a facility's treatment rate of more than twenty-five 51762
per cent over the rate so authorized, or an increase in a 51763
facility's disposal capacity over the capacity so authorized. 51764
The authorized disposal capacity for a facility shall be 51765
calculated from the approved design plans for the disposal units 51766
at that facility. In no case during a five-year period shall a 51767
facility's storage capacity or treatment rate be modified to 51768
increase by more than twenty-five per cent in the aggregate 51769
without the director's approval in accordance with division (D) 51770
(2) of this section. Notwithstanding any provision of division 51771
(I) of this section to the contrary, a request for modification 51772
of a facility's annual total waste receipt limit shall be 51773
classified and approved or disapproved by the director under 51774
division (I) (5) of this section. 51775

(c) Authority to add any of the following categories of 51776
regulated activities not previously authorized at a facility by 51777
the facility's permit: storage at a facility not previously 51778
authorized to store hazardous waste, treatment at a facility not 51779
previously authorized to treat hazardous waste, or disposal at a 51780
facility not previously authorized to dispose of hazardous 51781
waste; or authority to add a category of hazardous waste 51782
management unit not previously authorized at the facility by the 51783
facility's permit. Notwithstanding any provision of division (I) 51784
of this section to the contrary, a request for authority to add 51785
or to modify an activity or a hazardous waste management unit 51786
for the purposes of performing a corrective action shall be 51787
classified and approved or disapproved by the director under 51788
division (I) (5) of this section. 51789

(d) Authority to treat, store, or dispose of waste types 51790
listed or characterized as reactive or explosive, in rules 51791

adopted under section 3734.12 of the Revised Code, or any acute 51792
hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a 51793
facility not previously authorized to treat, store, or dispose 51794
of those types of wastes by the facility's permit unless the 51795
requested authority is limited to wastes that no longer exhibit 51796
characteristics meeting the criteria for listing or 51797
characterization as reactive or explosive wastes, or for listing 51798
as acute hazardous waste, but still are required to carry those 51799
waste codes as established in rules adopted under section 51800
3734.12 of the Revised Code because of the requirements 51801
established in 40 C.F.R. 261(a) and (e), as amended, that is, 51802
the "mixture," "derived-from," or "contained-in" regulations. 51803

(4) A written request for a modification from the 51804
permittee shall be submitted to the director and shall contain 51805
such information as is necessary to support the request. 51806
Requests for modifications shall be acted upon by the director 51807
in accordance with this section and rules adopted under it. 51808

(5) Class 1 modification applications that require prior 51809
approval of the director, as provided in division (I)(1) of this 51810
section or as determined in accordance with rules adopted under 51811
division (K) of this section, Class 2 modification applications, 51812
and Class 3 modification applications that are not described in 51813
divisions (I)(3)(a) to (d) of this section shall be approved or 51814
disapproved by the director in accordance with rules adopted 51815
under division (K) of this section. The board of county 51816
commissioners of the county, the board of township trustees of 51817
the township, and the city manager or mayor of the municipal 51818
corporation in which a hazardous waste facility is located shall 51819
receive notification of any application for a modification for 51820
that facility and shall be considered as interested persons with 51821
respect to the director's consideration of the application. 51822

As used in division (I) of this section:

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(a) "Owner" means the person who owns a majority or
controlling interest in a facility.

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(b) "Operator" means the person who is responsible for the
overall operation of a facility.

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The director shall approve or disapprove an application
for a Class 1 modification that requires the director's approval
within sixty days after receiving the request for modification.
The director shall approve or disapprove an application for a
Class 2 modification within three hundred days after receiving
the request for modification. The director shall approve or
disapprove an application for a Class 3 modification within
three hundred sixty-five days after receiving the request for
modification.

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(6) The approval or disapproval by the director of a Class
1 modification application is not a final action that is
appealable under Chapter 3745. of the Revised Code. The approval
or disapproval by the director of a Class 2 modification or a
Class 3 modification is a final action that is appealable under
that chapter. In approving or disapproving a request for a
modification, the director shall consider all comments
pertaining to the request that are received during the public
comment period and the public meetings. The administrative
record for appeal of a final action by the director in approving
or disapproving a request for a modification shall include all
comments received during the public comment period relating to
the request for modification, written materials submitted at the
public meetings relating to the request, and any other documents
related to the director's action.

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(7) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E) (3) (a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I) (1) to (6) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit.

(J) (1) Except as provided in division (J) (2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E) (3) (b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J) (1) (a) or (b) of this section, within one hundred eighty days after the director has requested the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal.

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste 51882
facility installation and operation permit for hazardous waste 51883
treatment, storage, or disposal activities at the facility other 51884
than those authorized by the permit by rule, the owner or 51885
operator shall submit to the director a request for modification 51886
in accordance with division (I) of this section. Notwithstanding 51887
any other provision of law to the contrary, the director shall 51888
approve or disapprove the modification application in accordance 51889
with division (I)(5) of this section. 51890

(2) The owner or operator of a boiler or industrial 51891
furnace that is conducting thermal treatment activities in 51892
accordance with a permit by rule under rules adopted by the 51893
director under division (E)(3)(b) of section 3734.02 of the 51894
Revised Code shall submit a hazardous waste facility 51895
installation and operation permit application if the owner or 51896
operator does not have such a permit for any hazardous waste 51897
treatment, storage, or disposal activities at the facility or, 51898
if the owner or operator has such a permit for hazardous waste 51899
treatment, storage, or disposal activities at the facility other 51900
than thermal treatment activities authorized by the permit by 51901
rule, a modification application to add those activities 51902
authorized by the permit by rule, whichever is applicable, 51903
within one hundred eighty days after the director has requested 51904
the submission of the application or upon a later date if the 51905
owner or operator demonstrates to the director good cause for 51906
the late submittal. The application shall be accompanied by 51907
information necessary to support the request. The director shall 51908
approve or disapprove an application for a hazardous waste 51909
facility installation and operation permit in accordance with 51910
division (D) of this section and approve or disapprove an 51911
application for a modification in accordance with division (I) 51912

(3) of this section, except that the director shall not 51913
disapprove an application for the thermal treatment activities 51914
on the basis of the criteria set forth in division (D) (2) (g) or 51915
(h) of this section. 51916

(3) As used in division (J) of this section: 51917

(a) "Modification application" means a request for a 51918
modification submitted in accordance with division (I) of this 51919
section. 51920

(b) "Thermal treatment," "boiler," and "industrial 51921
furnace" have the same meanings as in rules adopted under 51922
section 3734.12 of the Revised Code. 51923

(K) The director shall adopt, and may amend, suspend, or 51924
rescind, rules in accordance with Chapter 119. of the Revised 51925
Code in order to implement divisions (H) and (I) of this 51926
section. Except when in actual conflict with this section, rules 51927
governing the classification of and procedures for the 51928
modification of hazardous waste facility installation and 51929
operation permits shall be substantively and procedurally 51930
identical to the regulations governing hazardous waste facility 51931
permitting and permit modifications adopted under the "Resource 51932
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 51933
U.S.C.A. 6921, as amended. 51934

Sec. 3734.281. Except as otherwise provided in section 51935
3734.282 of the Revised Code, moneys collected from ~~judgements~~ 51936
judgments for the state or settlements with the director of 51937
environmental protection, including those associated with 51938
bankruptcies, related to actions brought under ~~Chapter~~ Chapters 51939
3704. and 3714. of the Revised Code, and section ~~sections~~ 51940
3734.13, 3734.20, 3734.22, 6111.03, ~~or~~ and 6111.04 of the 51941

Revised Code; and moneys received under the "Comprehensive
Environmental Response, Compensation, and Liability Act of
1980," 94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, may be
paid into the state treasury to the credit of the environmental
protection remediation fund, which is hereby created. The
environmental protection agency shall use the moneys in the fund
only for the purpose of remediating conditions at a hazardous
waste facility, a solid waste facility, a construction and
demolition debris facility licensed under Chapter 3714. of the
Revised Code, or another location at which the director has
reason to believe there is a substantial threat to public health
or safety or the environment. Remediation may include the direct
and indirect costs associated with the overseeing, supervising,
performing, verifying, or reviewing of remediation activities by
agency employees. All investment earnings of the fund shall be
credited to the fund.

The director of environmental protection may enter into
contracts and grant agreements with federal, state, or local
government agencies, nonprofit organizations, and colleges and
universities for the purpose of carrying out the
responsibilities of the environmental protection agency for
which money may be expended from the fund.

Sec. 3734.283. Notwithstanding sections 3734.20 and
3734.22 of the Revised Code, when performing a remediation at a
facility or location for which money may be expended from the
environmental protection remediation fund under section 3734.281
of the Revised Code, the director of environmental protection,
through employees of the environmental protection agency or a
contractor, may enter upon the land for any of the following
purposes:

<u>(A) Conducting remediation activities funded by the</u>	51972
<u>environmental protection remediation fund;</u>	51973
<u>(B) Performing sampling and monitoring;</u>	51974
<u>(C) Abating or preventing air or water pollution or soil</u>	51975
<u>contamination from the facility or location;</u>	51976
<u>(D) Performing remediation activities;</u>	51977
<u>(E) Removing, transporting, and disposing of waste or</u>	51978
<u>debris into a landfill authorized to accept the type of waste or</u>	51979
<u>debris being disposed.</u>	51980
Sec. 3734.57. (A) The following fees are hereby levied on	51981
the transfer or disposal of solid wastes <u>and construction and</u>	51982
<u>demolition debris</u> in this state <u>at a solid waste transfer</u>	51983
<u>facility or solid waste disposal facility:</u>	51984
(1) Seventy-one <u>Fifty-five</u> cents per ton through June 30,	51985
2026, <u>eleven-nine</u> cents of the proceeds of which shall be	51986
deposited in the state treasury to the credit of the hazardous	51987
waste facility management fund created in section 3734.18 of the	51988
Revised Code and sixty-four <u>sixty-four</u> cents of the proceeds of which	51989
shall be deposited in the state treasury to the credit of the	51990
hazardous waste clean-up fund created in section 3734.28 of the	51991
Revised Code;	51992
(2) An additional ninety-one <u>ninety-one</u> dollar and <u>thirty-five</u> cents	51993
per ton through June 30, 2026, <u>ninety cents of</u> the proceeds of	51994
which shall be deposited in the state treasury to the credit of	51995
the waste management fund created in section 3734.061 of the	51996
Revised Code <u>and forty-five cents of the proceeds of which shall</u>	51997
<u>be transmitted to the applicable board of health approved</u>	51998
<u>pursuant to section 3734.09 of the Revised Code;</u>	51999

(3) An additional two dollars and ~~eighty-one~~ fifteen cents per ton ~~through June 30, 2026~~, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional twenty-five cents per ton ~~through June 30, 2026~~, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code;

(5) An additional ~~eight~~ six cents per ton ~~through June 30, 2026~~, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code;

(6) An additional eighteen cents per ton, the proceeds of which shall be deposited in the state treasury to the credit of the recycling and litter prevention fund created in section 3736.03 of the Revised Code;

(7) An additional twenty-one cents per ton, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection remediation fund created in section 3734.281 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a

transfer facility shall equal the total tonnage of solid wastes 52029
received at the facility multiplied by the fees levied under 52030
this division. In the case of solid wastes that are not taken to 52031
a solid waste transfer facility located in this state prior to 52032
being transported to a solid waste disposal facility, the fees 52033
shall be collected by the owner or operator of the solid waste 52034
disposal facility as a trustee for the state. The amount of fees 52035
required to be collected under this division at such a disposal 52036
facility shall equal the total tonnage of solid wastes received 52037
at the facility that was not previously taken to a solid waste 52038
transfer facility located in this state multiplied by the fees 52039
levied under this division. Fees levied under this division do 52040
not apply to materials separated from a mixed waste stream for 52041
recycling by a generator or materials removed from the solid 52042
waste stream through recycling, as "recycling" is defined in 52043
rules adopted under section 3734.02 of the Revised Code. 52044

The owner or operator of a solid waste transfer facility 52045
or disposal facility, as applicable, shall prepare and file with 52046
the director of environmental protection each month a return 52047
indicating the total tonnage of solid wastes received at the 52048
facility during that month and the total amount of the fees 52049
required to be collected under this division during that month. 52050
In addition, the owner or operator of a solid waste disposal 52051
facility shall indicate on the return the total tonnage of solid 52052
wastes received from transfer facilities located in this state 52053
during that month for which the fees were required to be 52054
collected by the transfer facilities. The monthly returns shall 52055
be filed on a form prescribed by the director. Not later than 52056
thirty days after the last day of the month to which a return 52057
applies, the owner or operator shall mail to the director the 52058
return for that month together with the fees required to be 52059

collected under this division during that month as indicated on 52060
the return or may submit the return and fees electronically in a 52061
manner approved by the director. If the return is filed and the 52062
amount of the fees due is paid in a timely manner as required in 52063
this division, the owner or operator may retain a discount of 52064
three-fourths of one per cent of the total amount of the fees 52065
that are required to be paid as indicated on the return. 52066

The owner or operator may request an extension of not more 52067
than thirty days for filing the return and remitting the fees, 52068
provided that the owner or operator has submitted such a request 52069
in writing to the director together with a detailed description 52070
of why the extension is requested, the director has received the 52071
request not later than the day on which the return is required 52072
to be filed, and the director has approved the request. If the 52073
fees are not remitted within thirty days after the last day of 52074
the month to which the return applies or are not remitted by the 52075
last day of an extension approved by the director, the owner or 52076
operator shall not retain the three-fourths of one per cent 52077
discount and shall pay an additional ten per cent of the amount 52078
of the fees for each month that they are late. For purposes of 52079
calculating the late fee, the first month in which fees are late 52080
begins on the first day after the deadline has passed for timely 52081
submitting the return and fees, and one additional month shall 52082
be counted every thirty days thereafter. 52083

The owner or operator of a solid waste facility may 52084
request a refund or credit of fees levied under this division 52085
and remitted to the director that have not been paid to the 52086
owner or operator. Such a request shall be made only if the fees 52087
have not been collected by the owner or operator, have become a 52088
debt that has become worthless or uncollectable for a period of 52089
six months or more, and may be claimed as a deduction, including 52090

a deduction claimed if the owner or operator keeps accounts on 52091
an accrual basis, under the "Internal Revenue Code of 1954," 68A 52092
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 52093
under it. Prior to making a request for a refund or credit, an 52094
owner or operator shall make reasonable efforts to collect the 52095
applicable fees. A request for a refund or credit shall not 52096
include any costs resulting from those efforts to collect unpaid 52097
fees. 52098

A request for a refund or credit of fees shall be made in 52099
writing, on a form prescribed by the director, and shall be 52100
supported by evidence that may be required in rules adopted by 52101
the director under this chapter. After reviewing the request, 52102
and if the request and evidence submitted with the request 52103
indicate that a refund or credit is warranted, the director 52104
shall grant a refund to the owner or operator or shall permit a 52105
credit to be taken by the owner or operator on a subsequent 52106
monthly return submitted by the owner or operator. The amount of 52107
a refund or credit shall not exceed an amount that is equal to 52108
ninety days' worth of fees owed to an owner or operator by a 52109
particular debtor of the owner or operator. A refund or credit 52110
shall not be granted by the director to an owner or operator 52111
more than once in any twelve-month period for fees owed to the 52112
owner or operator by a particular debtor. 52113

If, after receiving a refund or credit from the director, 52114
an owner or operator receives payment of all or part of the 52115
fees, the owner or operator shall remit the fees with the next 52116
monthly return submitted to the director together with a written 52117
explanation of the reason for the submittal. 52118

For purposes of computing the fees levied under this 52119
division or division (B) of this section, any solid waste 52120

transfer or disposal facility that does not use scales as a 52121
means of determining gate receipts shall use a conversion factor 52122
of three cubic yards per ton of solid waste or one cubic yard 52123
per ton for baled waste, as applicable. 52124

The fees levied under this division and divisions (B) and 52125
(C) of this section are in addition to all other applicable fees 52126
and taxes and shall be paid by the customer or a political 52127
subdivision to the owner or operator of a solid waste transfer 52128
or disposal facility. In the alternative, the fees shall be paid 52129
by a customer or political subdivision to a transporter of waste 52130
who subsequently transfers the fees to the owner or operator of 52131
such a facility. The fees shall be paid notwithstanding the 52132
existence of any provision in a contract that the customer or a 52133
political subdivision may have with the owner or operator or 52134
with a transporter of waste to the facility that would not 52135
require or allow such payment regardless of whether the contract 52136
was entered prior to or after October 16, 2009. For those 52137
purposes, "customer" means a person who contracts with, or 52138
utilizes the solid waste services of, the owner or operator of a 52139
solid waste transfer or disposal facility or a transporter of 52140
solid waste to such a facility. 52141

(B) For the purposes specified in division (G) of this 52142
section, the solid waste management policy committee of a county 52143
or joint solid waste management district may levy fees upon the 52144
following activities: 52145

(1) The disposal at a solid waste disposal facility 52146
located in the district of solid wastes generated within the 52147
district; 52148

(2) The disposal at a solid waste disposal facility within 52149
the district of solid wastes generated outside the boundaries of 52150

the district, but inside this state; 52151

(3) The disposal at a solid waste disposal facility within 52152
the district of solid wastes generated outside the boundaries of 52153
this state. 52154

The solid waste management plan of the county or joint 52155
district approved under section 3734.521 or 3734.55 of the 52156
Revised Code and any amendments to it, or the resolution adopted 52157
under this division, as appropriate, shall establish the rates 52158
of the fees levied under divisions (B) (1), (2), and (3) of this 52159
section, if any, and shall specify whether the fees are levied 52160
on the basis of tons or cubic yards as the unit of measurement. 52161
A solid waste management district that levies fees under this 52162
division on the basis of cubic yards shall do so in accordance 52163
with division (A) of this section. 52164

The fee levied under division (B) (1) of this section shall 52165
be not less than one dollar per ton nor more than two dollars 52166
per ton, the fee levied under division (B) (2) of this section 52167
shall be not less than two dollars per ton nor more than four 52168
dollars per ton, and the fee levied under division (B) (3) of 52169
this section shall be not more than the fee levied under 52170
division (B) (1) of this section. 52171

Prior to the approval of the solid waste management plan 52172
of a district under section 3734.55 of the Revised Code, the 52173
solid waste management policy committee of a district may levy 52174
fees under this division by adopting a resolution establishing 52175
the proposed amount of the fees. Upon adopting the resolution, 52176
the committee shall deliver a copy of the resolution to the 52177
board of county commissioners of each county forming the 52178
district and to the legislative authority of each municipal 52179
corporation and township under the jurisdiction of the district 52180

and shall prepare and publish the resolution and a notice of the 52181
time and location where a public hearing on the fees will be 52182
held. Upon adopting the resolution, the committee shall deliver 52183
written notice of the adoption of the resolution; of the amount 52184
of the proposed fees; and of the date, time, and location of the 52185
public hearing to the director and to the fifty industrial, 52186
commercial, or institutional generators of solid wastes within 52187
the district that generate the largest quantities of solid 52188
wastes, as determined by the committee, and to their local trade 52189
associations. The committee shall make good faith efforts to 52190
identify those generators within the district and their local 52191
trade associations, but the nonprovision of notice under this 52192
division to a particular generator or local trade association 52193
does not invalidate the proceedings under this division. The 52194
publication shall occur at least thirty days before the hearing. 52195
After the hearing, the committee may make such revisions to the 52196
proposed fees as it considers appropriate and thereafter, by 52197
resolution, shall adopt the revised fee schedule. Upon adopting 52198
the revised fee schedule, the committee shall deliver a copy of 52199
the resolution doing so to the board of county commissioners of 52200
each county forming the district and to the legislative 52201
authority of each municipal corporation and township under the 52202
jurisdiction of the district. Within sixty days after the 52203
delivery of a copy of the resolution adopting the proposed 52204
revised fees by the policy committee, each such board and 52205
legislative authority, by ordinance or resolution, shall approve 52206
or disapprove the revised fees and deliver a copy of the 52207
ordinance or resolution to the committee. If any such board or 52208
legislative authority fails to adopt and deliver to the policy 52209
committee an ordinance or resolution approving or disapproving 52210
the revised fees within sixty days after the policy committee 52211
delivered its resolution adopting the proposed revised fees, it 52212

shall be conclusively presumed that the board or legislative 52213
authority has approved the proposed revised fees. The committee 52214
shall determine if the resolution has been ratified in the same 52215
manner in which it determines if a draft solid waste management 52216
plan has been ratified under division (B) of section 3734.55 of 52217
the Revised Code. 52218

The committee may amend the schedule of fees levied 52219
pursuant to a resolution adopted and ratified under this 52220
division by adopting a resolution establishing the proposed 52221
amount of the amended fees. The committee may repeal the fees 52222
levied pursuant to such a resolution by adopting a resolution 52223
proposing to repeal them. Upon adopting such a resolution, the 52224
committee shall proceed to obtain ratification of the resolution 52225
in accordance with this division. 52226

Not later than fourteen days after declaring the new fees 52227
to be ratified or the fees to be repealed under this division, 52228
the committee shall notify by certified mail the owner or 52229
operator of each solid waste disposal facility that is required 52230
to collect the fees of the ratification and the amount of the 52231
fees or of the repeal of the fees. Collection of any fees shall 52232
commence or collection of repealed fees shall cease on the first 52233
day of the second month following the month in which 52234
notification is sent to the owner or operator. 52235

Fees levied under this division also may be established, 52236
amended, or repealed by a solid waste management policy 52237
committee through the adoption of a new district solid waste 52238
management plan, the adoption of an amended plan, or the 52239
amendment of the plan or amended plan in accordance with 52240
sections 3734.55 and 3734.56 of the Revised Code or the adoption 52241
or amendment of a district plan in connection with a change in 52242

district composition under section 3734.521 of the Revised Code. 52243

Not later than fourteen days after the director issues an 52244
order approving a district's solid waste management plan, 52245
amended plan, or amendment to a plan or amended plan that 52246
establishes, amends, or repeals a schedule of fees levied by the 52247
district, the committee shall notify by certified mail the owner 52248
or operator of each solid waste disposal facility that is 52249
required to collect the fees of the approval of the plan or 52250
amended plan, or the amendment to the plan, as appropriate, and 52251
the amount of the fees, if any. In the case of an initial or 52252
amended plan approved under section 3734.521 of the Revised Code 52253
in connection with a change in district composition, other than 52254
one involving the withdrawal of a county from a joint district, 52255
the committee, within fourteen days after the change takes 52256
effect pursuant to division (G) of that section, shall notify by 52257
certified mail the owner or operator of each solid waste 52258
disposal facility that is required to collect the fees that the 52259
change has taken effect and of the amount of the fees, if any. 52260
Collection of any fees shall commence or collection of repealed 52261
fees shall cease on the first day of the second month following 52262
the month in which notification is sent to the owner or 52263
operator. 52264

If, in the case of a change in district composition 52265
involving the withdrawal of a county from a joint district, the 52266
director completes the actions required under division (G) (1) or 52267
(3) of section 3734.521 of the Revised Code, as appropriate, 52268
forty-five days or more before the beginning of a calendar year, 52269
the policy committee of each of the districts resulting from the 52270
change that obtained the director's approval of an initial or 52271
amended plan in connection with the change, within fourteen days 52272
after the director's completion of the required actions, shall 52273

notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees or amended fees levied under divisions (B) (1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of January immediately following the issuance of the notice. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G) (1) or (3) of section 3734.521 of the Revised Code, as appropriate, less than forty-five days before the beginning of a calendar year, the director, on behalf of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change proceedings, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B) (1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second

month following the month in which notification is sent to the 52305
owner or operator. If such an initial or amended plan repeals a 52306
schedule of fees, collection of the fees shall cease on the 52307
first day of the second month following the month in which 52308
notification is sent to the owner or operator. 52309

If the schedule of fees that a solid waste management 52310
district is levying under divisions (B)(1) to (3) of this 52311
section is amended or repealed, the fees in effect immediately 52312
prior to the amendment or repeal shall continue to be collected 52313
until collection of the amended fees commences or collection of 52314
the repealed fees ceases, as applicable, as specified in this 52315
division. In the case of a change in district composition, money 52316
so received from the collection of the fees of the former 52317
districts shall be divided among the resulting districts in 52318
accordance with division (B) of section 343.012 of the Revised 52319
Code and the agreements entered into under division (B) of 52320
section 343.01 of the Revised Code to establish the former and 52321
resulting districts and any amendments to those agreements. 52322

For the purposes of the provisions of division (B) of this 52323
section establishing the times when newly established or amended 52324
fees levied by a district are required to commence and the 52325
collection of fees that have been amended or repealed is 52326
required to cease, "fees" or "schedule of fees" includes, in 52327
addition to fees levied under divisions (B)(1) to (3) of this 52328
section, those levied under section 3734.573 or 3734.574 of the 52329
Revised Code. 52330

(C) For the purposes of defraying the added costs to a 52331
municipal corporation or township of maintaining roads and other 52332
public facilities and of providing emergency and other public 52333
services, and compensating a municipal corporation or township 52334

for reductions in real property tax revenues due to reductions 52335
in real property valuations resulting from the location and 52336
operation of a solid waste disposal facility within the 52337
municipal corporation or township, a municipal corporation or 52338
township in which such a solid waste disposal facility is 52339
located may levy a fee of not more than twenty-five cents per 52340
ton on the disposal of solid wastes at a solid waste disposal 52341
facility located within the boundaries of the municipal 52342
corporation or township regardless of where the wastes were 52343
generated. 52344

The legislative authority of a municipal corporation or 52345
township may levy fees under this division by enacting an 52346
ordinance or adopting a resolution establishing the amount of 52347
the fees. Upon so doing the legislative authority shall mail a 52348
certified copy of the ordinance or resolution to the board of 52349
county commissioners or directors of the county or joint solid 52350
waste management district in which the municipal corporation or 52351
township is located or, if a regional solid waste management 52352
authority has been formed under section 343.011 of the Revised 52353
Code, to the board of trustees of that regional authority, the 52354
owner or operator of each solid waste disposal facility in the 52355
municipal corporation or township that is required to collect 52356
the fee by the ordinance or resolution, and the director of 52357
environmental protection. Although the fees levied under this 52358
division are levied on the basis of tons as the unit of 52359
measurement, the legislative authority, in its ordinance or 52360
resolution levying the fees under this division, may direct that 52361
the fees be levied on the basis of cubic yards as the unit of 52362
measurement based upon a conversion factor of three cubic yards 52363
per ton generally or one cubic yard per ton for baled wastes. 52364

Not later than five days after enacting an ordinance or 52365

adopting a resolution under this division, the legislative 52366
authority shall so notify by certified mail the owner or 52367
operator of each solid waste disposal facility that is required 52368
to collect the fee. Collection of any fee levied on or after 52369
March 24, 1992, shall commence on the first day of the second 52370
month following the month in which notification is sent to the 52371
owner or operator. 52372

(D) (1) The fees levied under divisions (A), (B), and (C) 52373
of this section do not apply to the disposal of solid wastes 52374
that: 52375

(a) Are disposed of at a facility owned by the generator 52376
of the wastes when the solid waste facility exclusively disposes 52377
of solid wastes generated at one or more premises owned by the 52378
generator regardless of whether the facility is located on a 52379
premises where the wastes are generated; 52380

(b) Are generated from the combustion of coal, or from the 52381
combustion of primarily coal, regardless of whether the disposal 52382
facility is located on the premises where the wastes are 52383
generated; 52384

(c) Are asbestos or asbestos-containing materials or 52385
products disposed of at a construction and demolition debris 52386
facility that is licensed under Chapter 3714. of the Revised 52387
Code or at a solid waste facility that is licensed under this 52388
chapter. 52389

(2) Except as provided in section 3734.571 of the Revised 52390
Code, any fees levied under division (B) (1) of this section 52391
apply to solid wastes originating outside the boundaries of a 52392
county or joint district that are covered by an agreement for 52393
the joint use of solid waste facilities entered into under 52394

section 343.02 of the Revised Code by the board of county 52395
commissioners or board of directors of the county or joint 52396
district where the wastes are generated and disposed of. 52397

(3) When solid wastes, other than solid wastes that 52398
consist of scrap tires, are burned in a disposal facility that 52399
is an incinerator or energy recovery facility, the fees levied 52400
under divisions (A), (B), and (C) of this section shall be 52401
levied upon the disposal of the fly ash and bottom ash remaining 52402
after burning of the solid wastes and shall be collected by the 52403
owner or operator of the sanitary landfill where the ash is 52404
disposed of. 52405

(4) When solid wastes are delivered to a solid waste 52406
transfer facility, the fees levied under divisions (B) and (C) 52407
of this section shall be levied upon the disposal of solid 52408
wastes transported off the premises of the transfer facility for 52409
disposal and shall be collected by the owner or operator of the 52410
solid waste disposal facility where the wastes are disposed of. 52411

(5) The fees levied under divisions (A), (B), and (C) of 52412
this section do not apply to sewage sludge that is generated by 52413
a waste water treatment facility holding a national pollutant 52414
discharge elimination system permit and that is disposed of 52415
through incineration, land application, or composting or at 52416
another resource recovery or disposal facility that is not a 52417
landfill. 52418

(6) The fees levied under divisions (A), (B), and (C) of 52419
this section do not apply to solid wastes delivered to a solid 52420
waste composting facility for processing. When any unprocessed 52421
solid waste or compost product is transported off the premises 52422
of a composting facility and disposed of at a landfill, the fees 52423
levied under divisions (A), (B), and (C) of this section shall 52424

be collected by the owner or operator of the landfill where the 52425
unprocessed waste or compost product is disposed of. 52426

(7) When solid wastes that consist of scrap tires are 52427
processed at a scrap tire recovery facility, the fees levied 52428
under divisions (A), (B), and (C) of this section shall be 52429
levied upon the disposal of the fly ash and bottom ash or other 52430
solid wastes remaining after the processing of the scrap tires 52431
and shall be collected by the owner or operator of the solid 52432
waste disposal facility where the ash or other solid wastes are 52433
disposed of. 52434

(8) The director of environmental protection may issue an 52435
order exempting from the fees levied under this section solid 52436
wastes, including, but not limited to, scrap tires, that are 52437
generated, transferred, or disposed of as a result of a contract 52438
providing for the expenditure of public funds entered into by 52439
the administrator or regional administrator of the United States 52440
environmental protection agency, the director of environmental 52441
protection, or the director of administrative services on behalf 52442
of the director of environmental protection for the purpose of 52443
remediating conditions at a hazardous waste facility, solid 52444
waste facility, or other location at which the administrator or 52445
regional administrator or the director of environmental 52446
protection has reason to believe that there is a substantial 52447
threat to public health or safety or the environment or that the 52448
conditions are causing or contributing to air or water pollution 52449
or soil contamination. An order issued by the director of 52450
environmental protection under division (D) (8) of this section 52451
shall include a determination that the amount of the fees not 52452
received by a solid waste management district as a result of the 52453
order will not adversely impact the implementation and financing 52454
of the district's approved solid waste management plan and any 52455

approved amendments to the plan. Such an order is a final action 52456
of the director of environmental protection. 52457

(E) The fees levied under divisions (B) and (C) of this 52458
section shall be collected by the owner or operator of the solid 52459
waste disposal facility where the wastes are disposed of as a 52460
trustee for the county or joint district and municipal 52461
corporation or township where the wastes are disposed of. Moneys 52462
from the fees levied under division (B) of this section shall be 52463
forwarded to the board of county commissioners or board of 52464
directors of the district in accordance with rules adopted under 52465
division (H) of this section. Moneys from the fees levied under 52466
division (C) of this section shall be forwarded to the treasurer 52467
or such other officer of the municipal corporation as, by virtue 52468
of the charter, has the duties of the treasurer or to the fiscal 52469
officer of the township, as appropriate, in accordance with 52470
those rules. 52471

(F) Moneys received by the treasurer or other officer of 52472
the municipal corporation under division (E) of this section 52473
shall be paid into the general fund of the municipal 52474
corporation. Moneys received by the fiscal officer of the 52475
township under that division shall be paid into the general fund 52476
of the township. The treasurer or other officer of the municipal 52477
corporation or the township fiscal officer, as appropriate, 52478
shall maintain separate records of the moneys received from the 52479
fees levied under division (C) of this section. 52480

(G) Moneys received by the board of county commissioners 52481
or board of directors under division (E) of this section or 52482
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 52483
Code shall be paid to the county treasurer, or other official 52484
acting in a similar capacity under a county charter, in a county 52485

district or to the county treasurer or other official designated 52486
by the board of directors in a joint district and kept in a 52487
separate and distinct fund to the credit of the district. If a 52488
regional solid waste management authority has been formed under 52489
section 343.011 of the Revised Code, moneys received by the 52490
board of trustees of that regional authority under division (E) 52491
of this section shall be kept by the board in a separate and 52492
distinct fund to the credit of the district. Moneys in the 52493
special fund of the county or joint district arising from the 52494
fees levied under division (B) of this section and the fee 52495
levied under division (A) of section 3734.573 of the Revised 52496
Code shall be expended by the board of county commissioners or 52497
directors of the district in accordance with the district's 52498
solid waste management plan or amended plan approved under 52499
section 3734.521, 3734.55, or 3734.56 of the Revised Code 52500
exclusively for the following purposes: 52501

(1) Preparation of the solid waste management plan of the 52502
district under section 3734.54 of the Revised Code, monitoring 52503
implementation of the plan, and conducting the periodic review 52504
and amendment of the plan required by section 3734.56 of the 52505
Revised Code by the solid waste management policy committee; 52506

(2) Implementation of the approved solid waste management 52507
plan or amended plan of the district, including, without 52508
limitation, the development and implementation of solid waste 52509
recycling or reduction programs; 52510

(3) Providing financial assistance to boards of health 52511
within the district, ~~if solid waste facilities are located~~ 52512
~~within the district, for enforcement of~~ to administer and 52513
enforce this chapter and rules, orders, and terms and conditions 52514
~~of permits, licenses, and variances adopted or issued under it,~~ 52515

other than the hazardous waste provisions of this chapter and 52516
rules adopted and orders and terms and conditions of permits 52517
issued under those provisions; 52518

(4) Providing financial assistance to each county within 52519
the district to defray the added costs of maintaining roads and 52520
other public facilities and of providing emergency and other 52521
public services resulting from the location and operation of a 52522
solid waste facility within the county under the district's 52523
approved solid waste management plan or amended plan; 52524

(5) Pursuant to contracts entered into with boards of 52525
health within the district, if solid waste facilities contained 52526
in the district's approved plan or amended plan are located 52527
within the district, for paying the costs incurred by those 52528
boards of health for collecting and analyzing samples from 52529
public or private water wells on lands adjacent to those 52530
facilities; 52531

(6) Developing and implementing a program for the 52532
inspection of solid wastes generated outside the boundaries of 52533
this state that are disposed of at solid waste facilities 52534
included in the district's approved solid waste management plan 52535
or amended plan; 52536

(7) Providing financial assistance to boards of health 52537
within the district for the enforcement of section 3734.03 of 52538
the Revised Code or to local law enforcement agencies having 52539
jurisdiction within the district for enforcing anti-littering 52540
laws and ordinances; 52541

(8) Providing financial assistance to boards of health of 52542
health districts within the district that are on the approved 52543
list under section 3734.08 of the Revised Code to defray the 52544

costs to the health districts for the participation of their 52545
employees responsible for enforcement of the solid waste 52546
provisions of this chapter and rules adopted and orders and 52547
terms and conditions of permits, licenses, and variances issued 52548
under those provisions in the training and certification program 52549
as required by rules adopted under division (L) of section 52550
3734.02 of the Revised Code; 52551

(9) Providing financial assistance to individual municipal 52552
corporations and townships within the district to defray their 52553
added costs of maintaining roads and other public facilities and 52554
of providing emergency and other public services resulting from 52555
the location and operation within their boundaries of a 52556
composting, energy or resource recovery, incineration, or 52557
recycling facility that either is owned by the district or is 52558
furnishing solid waste management facility or recycling services 52559
to the district pursuant to a contract or agreement with the 52560
board of county commissioners or directors of the district; 52561

(10) Payment of any expenses that are agreed to, awarded, 52562
or ordered to be paid under section 3734.35 of the Revised Code 52563
and of any administrative costs incurred pursuant to that 52564
section. In the case of a joint solid waste management district, 52565
if the board of county commissioners of one of the counties in 52566
the district is negotiating on behalf of affected communities, 52567
as defined in that section, in that county, the board shall 52568
obtain the approval of the board of directors of the district in 52569
order to expend moneys for administrative costs incurred. 52570

Prior to the approval of the district's solid waste 52571
management plan under section 3734.55 of the Revised Code, 52572
moneys in the special fund of the district arising from the fees 52573
shall be expended for those purposes in the manner prescribed by 52574

the solid waste management policy committee by resolution. 52575

Notwithstanding division (G) (6) of this section as it 52576
existed prior to October 29, 1993, or any provision in a 52577
district's solid waste management plan prepared in accordance 52578
with division (B) (2) (e) of section 3734.53 of the Revised Code 52579
as it existed prior to that date, any moneys arising from the 52580
fees levied under division (B) (3) of this section prior to 52581
January 1, 1994, may be expended for any of the purposes 52582
authorized in divisions (G) (1) to (10) of this section. 52583

(H) The director shall adopt rules in accordance with 52584
Chapter 119. of the Revised Code prescribing procedures for 52585
collecting and forwarding the fees levied under divisions (B) 52586
and (C) of this section to the boards of county commissioners or 52587
directors of county or joint solid waste management districts 52588
and to the treasurers or other officers of municipal 52589
corporations and the fiscal officers of townships. The rules 52590
also shall prescribe the dates for forwarding the fees to the 52591
boards and officials and may prescribe any other requirements 52592
the director considers necessary or appropriate to implement and 52593
administer divisions (A), (B), and (C) of this section. 52594

Sec. 3734.79. (A) Except as provided in division (B) of 52595
this section, each application for a permit submitted under 52596
sections 3734.76 to 3734.78 of the Revised Code shall be 52597
accompanied by a nonrefundable application fee of four hundred 52598
dollars that shall be credited to the scrap tire management fund 52599
created in section 3734.82 of the Revised Code. If a permit is 52600
issued, the amount of the application fee paid shall be deducted 52601
from the amount of the applicable permit fee due under division 52602
~~(R)~~ (Q) of section 3745.11 of the Revised Code. 52603

(B) Division (A) of this section does not apply to an 52604

application for a permit for a scrap tire storage facility 52605
submitted under section 3734.76 of the Revised Code if the owner 52606
or operator of the facility or proposed facility is a motor 52607
vehicle salvage dealer licensed under Chapter 4738. of the 52608
Revised Code. 52609

Sec. 3734.85. (A) ~~On and after the effective date of the~~ 52610
~~rules adopted under sections 3734.70, 3734.71, 3734.72, and~~ 52611
~~3734.73 of the Revised Code, the~~ The director of environmental 52612
protection may take action under this section to abate 52613
accumulations of scrap tires, solid waste that results from open 52614
dumping, or construction and demolition debris that is illegally 52615
disposed of. If the director determines that such an 52616
~~accumulation of scrap tires~~ constitutes a danger to the public 52617
health or safety or to the environment, the director shall issue 52618
an order under section 3734.13 of the Revised Code to the person 52619
responsible for the accumulation ~~of scrap tires~~ directing that 52620
person to remove the accumulation ~~of scrap tires~~ from the 52621
premises on which it is located and transport the tires to a 52622
scrap tire storage, monocell, monofill, or recovery facility 52623
licensed under section 3734.81 of the Revised Code, or transport 52624
the solid waste or construction or demolition debris to a 52625
facility licensed under sections 3714.06 or 3734.05 of the 52626
Revised Code, as applicable, to such a facility in another state 52627
operating in compliance with the laws of the state in which it 52628
is located, or to any other solid waste disposal facility in 52629
another state that is operating in compliance with the laws of 52630
that state. If the person responsible for causing the 52631
~~accumulation of scrap tires~~ is a person different from the owner 52632
of the land on which the accumulation is located, the director 52633
may issue such an order to the landowner. 52634

If the director is unable to ascertain immediately the 52635

identity of the person responsible for causing the accumulation 52636
~~of scrap tires~~, the director shall examine the records of the 52637
applicable board of health and law enforcement agencies to 52638
ascertain that person's identity. Before initiating any 52639
enforcement or removal actions under this division against the 52640
owner of the land on which the accumulation is located, the 52641
director shall initiate any such actions against the person that 52642
the director has identified as responsible for causing the 52643
accumulation ~~of scrap tires~~. Failure of the director to make 52644
diligent efforts to ascertain the identity of the person 52645
responsible for causing the accumulation ~~of scrap tires~~ or to 52646
initiate an action against the person responsible for causing 52647
the accumulation shall not constitute an affirmative defense by 52648
a landowner to an enforcement action initiated by the director 52649
under this division, or an order issued under section 3734.13 of 52650
the Revised Code, requiring immediate removal of any 52651
accumulation ~~of scrap tires~~. 52652

Upon the written request of the recipient of an order 52653
issued under this division, the director may extend the time for 52654
compliance with the order if the request demonstrates that the 52655
recipient has acted in good faith to comply with the order. If 52656
the recipient of an order issued under this division fails to 52657
comply with each milestone established in the order within the 52658
period of time specified in the order or, if the time for 52659
compliance with the order was so extended, within that time, the 52660
director shall take such actions as the director considers 52661
reasonable and necessary to remove and properly manage the 52662
accumulation of scrap tires, solid waste, or construction and 52663
demolition debris located on the land named in the order. The 52664
director, through employees of the environmental protection 52665
agency or a contractor, may enter upon the land on which the 52666

accumulation ~~of scrap tires~~ is located and remove and transport 52667
~~them~~ the scrap tires to a scrap tire recovery facility for 52668
processing, to a scrap tire storage facility for storage, or to 52669
a scrap tire monocell or monofill facility for storage or 52670
disposal, or remove and transport the solid waste or 52671
construction and demolition debris to a facility licensed under 52672
sections 3714.06 or 3734.05 of the Revised Code, as applicable. 52673

~~When performing a removal action under this section, the~~ 52674
~~director also may remove, transport, and dispose of any of the~~ 52675
~~following if the removal is required by the order issued under~~ 52676
~~this division:~~ 52677

~~(1) Any additional solid wastes that were open dumped on~~ 52678
~~the land named in the order;~~ 52679

~~(2) Any construction and demolition debris that was~~ 52680
~~illegally disposed of on the land named in the order.~~ 52681

The director shall enter into contracts for the storage, 52682
disposal, or processing of scrap tires, solid waste, or 52683
construction and demolition debris removed through removal 52684
operations conducted under this section. 52685

If a person to whom a removal order is issued under this 52686
division fails to comply with the order and if the director 52687
performs a removal action under this section, the person to whom 52688
the removal order is issued is liable to the director for the 52689
costs incurred by the director for conducting the removal 52690
operation. The costs incurred include the storage, 52691
transportation, processing, or disposal of the scrap tires ~~or~~ 52692
~~any additional,~~ solid wastes, or construction and demolition 52693
debris removed in accordance with this division, and the 52694
administrative and legal expenses incurred by the director in 52695

connection with the removal operation. The director shall keep 52696
an itemized record of those costs. Upon completion of the 52697
actions for which the costs were incurred, the director may 52698
record the costs at the office of the county recorder of the 52699
county in which the accumulation of scrap tires, ~~additional~~ 52700
solid wastes, ~~and or~~ construction and demolition debris were 52701
located. The costs so recorded constitute a lien on the property 52702
on which the accumulation of scrap tires, ~~additional solid~~ 52703
~~wastes, and construction and demolition debris were~~ was located 52704
until discharged. Upon the written request of the director, the 52705
attorney general shall bring a civil action against the person 52706
responsible for the accumulation ~~of the scrap tires that were~~ 52707
was the subject of the removal operation to recover the costs 52708
for which the person is liable under this division. Any money so 52709
received or recovered shall be credited to the scrap tire 52710
management fund created in section 3734.82 of the Revised Code. 52711

If, in a civil action brought under this division, an 52712
owner of real property is ordered to pay to the director the 52713
costs of a removal action ~~that removed an accumulation of scrap~~ 52714
~~tires from the person's land or if a lien is placed on the~~ 52715
person's land for the costs of such a removal action, and, in 52716
either case, if the landowner was not the person responsible for 52717
causing the accumulation ~~of scrap tires~~ so removed, the 52718
landowner may bring a civil action against the person who was 52719
responsible for causing the accumulation to recover the amount 52720
of the removal costs that the court ordered the landowner to pay 52721
to the director or the amount of the removal costs certified to 52722
the county recorder as a lien on the landowner's property, 52723
whichever is applicable. If the landowner prevails in the civil 52724
action against the person who was responsible for causing the 52725
accumulation ~~of scrap tires~~, the court, as it considers 52726

appropriate, may award to the landowner the reasonable 52727
attorney's fees incurred by the landowner for bringing the 52728
action, court costs, and other reasonable expenses incurred by 52729
the landowner in connection with the civil action. A landowner 52730
shall bring such a civil action within two years after making 52731
the final payment of the removal costs to the director pursuant 52732
to the judgment rendered against the landowner in the civil 52733
action brought under this division upon the director's request 52734
or within two years after the director certified the costs of 52735
the removal action to the county recorder, as appropriate. A 52736
person who, at the time that a removal action was conducted 52737
under this division, owned the land on which the removal action 52738
was performed may bring an action under this division to recover 52739
the costs of the removal action from the person responsible for 52740
causing the accumulation ~~of scrap tires~~ so removed regardless of 52741
whether the person owns the land at the time of bringing the 52742
action. 52743

Subject to the limitations set forth in division (G) of 52744
section 3734.82 of the Revised Code, the director may use moneys 52745
in the scrap tire management fund for conducting removal actions 52746
under this division. Any moneys recovered under this division 52747
shall be credited to the scrap tire management fund. 52748

(B) The director shall initiate enforcement and removal 52749
actions under division (A) of this section in accordance with 52750
the following descending listing of priorities: 52751

(1) Accumulations of scrap tires, solid wastes, or 52752
construction and demolition debris that the director finds 52753
constitute a fire hazard or threat to public health; 52754

(2) Accumulations of scrap tires determined by the 52755
director to contain more than one million scrap tires; 52756

- (3) Accumulations of scrap tires, solid wastes, or 52757
construction and demolition debris in densely populated areas; 52758
- (4) Other accumulations of scrap tires, solid wastes, or 52759
construction and demolition debris that the director or board of 52760
health of the health district in which the accumulation is 52761
located determines constitute a public nuisance; 52762
- (5) Any other accumulations of scrap tires, solid wastes, 52763
or construction and demolition debris present on premises 52764
operating without a valid license issued under ~~section~~ sections 52765
3714.06, 3734.05, or 3734.81 of the Revised Code, as applicable. 52766
- (C) The director shall not take enforcement and removal 52767
actions under division (A) of this section against the owner or 52768
operator of, or the owner of the land on which is located, any 52769
of the following: 52770
- (1) A premises where not more than one hundred scrap tires 52771
are present at any time; 52772
- (2) The premises of a business engaging in the sale of 52773
tires at retail that meets either of the following criteria: 52774
- (a) Not more than one thousand scrap tires are present on 52775
the premises at any time in an unsecured, uncovered outdoor 52776
location. 52777
- (b) Any number of scrap tires are secured in a building or 52778
a covered, enclosed container, trailer, or installation. 52779
- (3) The premises of a tire retreading business, a tire 52780
manufacturing finishing center, or a tire adjustment center on 52781
which is located a single, covered scrap tire storage area where 52782
not more than four thousand scrap tires are stored; 52783
- (4) The premises of a business that removes tires from 52784

motor vehicles in the ordinary course of business and on which 52785
is located a single scrap tire storage area that occupies not 52786
more than twenty-five hundred square feet; 52787

(5) A solid waste facility licensed under section 3734.05 52788
of the Revised Code that stores scrap tires on the surface of 52789
the ground if the total land area on which scrap tires are 52790
actually stored does not exceed ten thousand square feet; 52791

(6) A premises where not more than two hundred fifty scrap 52792
tires are stored or kept for agricultural use; 52793

(7) A construction site where scrap tires are stored for 52794
use or used in road resurfacing or the construction of 52795
embankments; 52796

(8) A scrap tire collection, storage, monocell, monofill, 52797
or recovery facility licensed under section 3734.81 of the 52798
Revised Code; 52799

(9) A solid waste incineration or energy recovery facility 52800
that is subject to regulation under this chapter and that burns 52801
scrap tires; 52802

(10) A premises where scrap tires are beneficially used 52803
and for which the notice required by rules adopted under section 52804
3734.84 of the Revised Code has been given; 52805

(11) A transporter registered under section 3734.83 of the 52806
Revised Code that collects and holds scrap tires in a covered 52807
trailer or vehicle for not longer than thirty days prior to 52808
transporting them to their final destination. 52809

(D) Nothing in this section restricts any right any person 52810
may have under statute or common law to enforce or seek 52811
enforcement of any law applicable to the management of scrap 52812

tires, solid wastes, or construction and demolition debris, 52813
~~abate~~ abating a nuisance, or ~~seek~~ seeking any other appropriate 52814
relief. 52815

(E) An owner of real property is not liable under division 52816
(A) of this section for the cost of the removal of up to ten 52817
thousand scrap tires on the owner's property, or more at the 52818
director's discretion, and no lien shall attach to the property 52819
under this section, if all of the following conditions are met: 52820

(1) The tires were placed on the property after the owner 52821
acquired title to the property, or the tires were placed on the 52822
property before the owner acquired title to the property and the 52823
owner acquired title to the property by bequest or devise. 52824

(2) The owner of the property did not have knowledge that 52825
the tires were being placed on the property, or the owner posted 52826
on the property signs prohibiting dumping or took other action 52827
to prevent the placing of tires on the property. 52828

(3) The owner of the property did not participate in or 52829
consent to the placing of the tires on the property. 52830

(4) The owner of the property received no financial 52831
benefit from the placing of the tires on the property or 52832
otherwise having the tires on the property. 52833

(5) Title to the property was not transferred to the owner 52834
for the purpose of evading liability under division (A) of this 52835
section. 52836

(6) The person responsible for placing the tires on the 52837
property, in doing so, was not acting as an agent for the owner 52838
of the property. 52839

(F) An owner of real property is not liable under division 52840

(A) of this section for the cost of the removal of at least one 52841
hundred scrap tires that were aggregated on the owner's property 52842
from multiple other properties when such scrap tires are 52843
collected during a community cleanup event approved by the 52844
environmental protection agency, and no lien shall attach to the 52845
owner's property under this section as a result of such event. 52846

(G) A county, municipal corporation, township, or county 52847
land reutilization corporation organized under Chapter 1724. of 52848
the Revised Code is not liable under division (A) of this 52849
section for the cost of the removal of up to ten thousand scrap 52850
tires, or more at the director's discretion, and no lien shall 52851
attach to the property under this section when scrap tires were 52852
placed on the property prior to acquisition. 52853

Sec. 3734.901. (A) (1) For the purpose of providing revenue 52854
to defray the cost of administering and enforcing the scrap tire 52855
provisions of this chapter, rules adopted under those 52856
provisions, and terms and conditions of orders, variances, and 52857
licenses issued under those provisions; to abate accumulations 52858
of scrap tires; to make grants supporting market development 52859
activities for scrap tires and synthetic rubber from tire 52860
manufacturing processes and tire recycling processes and to 52861
support scrap tire amnesty and cleanup events; to make loans to 52862
promote the recycling or recovery of energy from scrap tires; 52863
and to defray the costs of administering and enforcing sections 52864
3734.90 to 3734.9014 of the Revised Code, a fee of ~~fifty cents~~ 52865
one dollar per tire is hereby levied on the sale of tires. ~~The~~ 52866

(2) The proceeds of the fee shall be deposited as follows: 52867

(a) One half in the state treasury to the credit of the 52868
scrap tire management fund created in section 3734.82 of the 52869
Revised Code. ~~The fee is levied from the first day of the~~ 52870

~~calendar month that begins next after thirty days from October-~~ 52871
~~29, 1993, through June 30, 2026.~~ 52872

~~(2) Beginning on July 1, 2011, and ending on June 30,~~ 52873
~~2026, there is hereby levied an additional fee of fifty cents-~~ 52874
~~per tire on the sale of tires the proceeds of which shall be-~~ 52875
~~deposited;~~ 52876

(b) One half in the state treasury to the credit of the 52877
soil and water conservation district assistance fund created in 52878
section 940.15 of the Revised Code. 52879

(B) Only one sale of the same article shall be used in 52880
computing the amount of the fee due. 52881

Sec. 3734.904. (A) By the twentieth day of each month, 52882
each person required to pay the fee imposed by section 3734.901 52883
of the Revised Code shall file with the tax commissioner a 52884
return as prescribed by the tax commissioner and shall make 52885
payment of the full amount of the fee due for the preceding 52886
~~month after deduction of any discount provided for under~~ 52887
~~division (E) of this section.~~ The return shall be signed by the 52888
person required to file it, or an authorized employee, officer, 52889
or agent. The return shall be deemed filed when received by the 52890
tax commissioner. 52891

(B) Any person required by this section to file a return 52892
who fails to file such a return within the period prescribed may 52893
be required to pay an additional charge of fifty dollars or ten 52894
per cent of the fee required to be paid for the reporting 52895
period, whichever is greater. The commissioner may collect the 52896
additional charge by assessment pursuant to section 3734.907 of 52897
the Revised Code. ~~The commissioner may remit all or a portion of~~ 52898
~~the additional charge and may adopt rules relating thereto.~~ 52899

(C) If any fee due is not paid timely in accordance with this section, the person liable for the fee shall pay interest, calculated at the rate per annum as prescribed by section 5703.47 of the Revised Code, from the date the fee payment was due to the date of payment or to the date an assessment is issued, whichever occurs first. Interest shall be paid in the same manner as the fee, and the commissioner may collect the interest by assessment pursuant to section 3734.907 of the Revised Code.

(D) If, in the estimation of the tax commissioner, the average liability of the person liable for the fee is such as not to merit monthly filing, the commissioner may authorize the person to file and pay at less frequent intervals. Returns are due by the twentieth day of the month following the close of the applicable reporting period authorized under this division.

~~(E) If a return is filed and the amount of the fee shown to be due on the return is paid on or before the date that the return is required to be filed under division (A) of this section or pursuant to division (D) of this section, whichever is applicable, the person liable for the fee is entitled to a discount of four per cent of the amount shown to be due on the return.~~

~~(F)~~ All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the fee imposed by section 3734.901 of the Revised Code.

Sec. 3734.907. (A) Any person required to pay the fee imposed by section 3734.901 of the Revised Code is personally liable for the fee. The tax commissioner may make an assessment, based upon any information in the commissioner's possession,

against any person who fails to file a return or pay any fee, 52930
interest, or additional charge as required by sections 3734.90 52931
to 3734.9014 of the Revised Code. The commissioner shall give 52932
the person assessed written notice of the assessment in the 52933
manner provided in section 5703.37 of the Revised Code. With the 52934
notice, the commissioner shall provide instructions on how to 52935
petition for reassessment and request a hearing on the petition. 52936

(B) When the information in the possession of the tax 52937
commissioner indicates that a person liable for the fee imposed 52938
by section 3734.901 of the Revised Code has not paid the full 52939
amount of fee due, the commissioner may audit a representative 52940
sample of the person's business and may issue an assessment 52941
based on the audit. 52942

(C) A penalty of up to fifteen per cent may be added to 52943
all amounts assessed under this section. ~~The commissioner may~~ 52944
~~adopt rules providing for the imposition and remission of the~~ 52945
~~penalties.~~ 52946

(D) Unless the person assessed files with the tax 52947
commissioner within sixty days after service of the notice of 52948
assessment, ~~either personally or by certified mail,~~ a written 52949
petition for reassessment signed by the person assessed or that 52950
person's authorized agent having knowledge of the facts, the 52951
assessment becomes final and the amount of the assessment is due 52952
and payable from the person assessed to the treasurer of state. 52953
The petition shall indicate the objections of the person 52954
assessed, but additional objections may be raised in writing if 52955
received by the commissioner prior to the date shown on the 52956
final determination. If the petition has been properly filed, 52957
the commissioner shall proceed under section 5703.60 of the 52958
Revised Code. 52959

(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person's business is conducted. If the person assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state tire fee," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of the fee due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in

the same manner as the fee and may be collected by the issuance 52991
of an assessment under this section. 52992

(F) If the tax commissioner believes that collection of 52993
the fee will be jeopardized unless proceedings to collect or 52994
secure collection of the fee are instituted without delay, the 52995
commissioner may issue a jeopardy assessment against the person 52996
liable for the fee. Immediately upon the issuance of the 52997
jeopardy assessment, the commissioner shall file an entry with 52998
the clerk of the court of common pleas in the manner prescribed 52999
by division (E) of this section. Notice of the jeopardy 53000
assessment shall be served on the person assessed or the 53001
person's legal representative, as provided in section 5703.37 of 53002
the Revised Code, within five days of the filing of the entry 53003
with the clerk. The total amount assessed is immediately due and 53004
payable, unless the person assessed files a petition for 53005
reassessment in accordance with division (D) of this section and 53006
provides security in a form satisfactory to the commissioner and 53007
in an amount sufficient to satisfy the unpaid balance of the 53008
assessment. Full or partial payment of the assessment does not 53009
prejudice the commissioner's consideration of the petition for 53010
reassessment. 53011

(G) All money collected by the tax commissioner under this 53012
section shall be paid to the treasurer of state as revenue 53013
arising from the fee imposed by section 3734.901 of the Revised 53014
Code. 53015

Sec. 3742.32. (A) The director of health shall appoint an 53016
advisory council to assist in the ongoing development and 53017
implementation of the child lead poisoning prevention program 53018
created under section 3742.31 of the Revised Code. The advisory 53019
council shall consist of the following members: 53020

(1) A representative of the department of medicaid;	53021
(2) A representative of the bureau of child care in the	53022
department of job and family services;	53023
(3) A representative of the department of environmental	53024
protection;	53025
(4) <u>(3)</u> A representative of the department of education and	53026
workforce;	53027
(5) <u>(4)</u> A representative of the department of development;	53028
(6) <u>(5)</u> A representative of the department of children and	53029
youth;	53030
(7) <u>(6)</u> A representative of the Ohio apartment owner's	53031
association;	53032
(8) <u>(7)</u> A representative of the Ohio healthy homes network;	53033
(9) <u>(8)</u> A representative of the Ohio environmental health	53034
association;	53035
(10) <u>(9)</u> An Ohio representative of the American coatings	53036
association;	53037
(11) <u>(10)</u> A representative from Ohio realtors;	53038
(12) <u>(11)</u> A representative of the Ohio housing finance	53039
agency;	53040
(13) <u>(12)</u> A physician knowledgeable in the field of lead	53041
poisoning prevention;	53042
(14) <u>(13)</u> A certified nurse-midwife, clinical nurse	53043
specialist, or certified nurse practitioner knowledgeable in the	53044
field of lead poisoning prevention;	53045
(15) <u>(14)</u> A representative of the public.	53046

(B) The advisory council shall do both of the following: 53047

(1) Provide the director with advice regarding the 53048
policies the child lead poisoning prevention program should 53049
emphasize, preferred methods of financing the program, and any 53050
other matter relevant to the program's operation; 53051

(2) Submit a report of the state's activities to the 53052
governor, president of the senate, and speaker of the house of 53053
representatives on or before the first day of March each year. 53054

(C) The advisory council is not subject to sections 101.82 53055
to 101.87 of the Revised Code. 53056

Sec. 3742.50. (A) As used in this section: 53057

(1) "Lead abatement costs" means costs incurred by a 53058
taxpayer for either of the following: 53059

(a) A lead abatement specialist to conduct a lead risk 53060
assessment, a lead abatement project, or a clearance 53061
examination, provided the specialist is authorized under this 53062
chapter to conduct the respective task; 53063

(b) Relocation costs incurred in the relocation of 53064
occupants of an eligible dwelling to achieve occupant 53065
protection, as described in 24 C.F.R. 35.1345(a). 53066

"Lead abatement costs" do not include such costs for which 53067
the taxpayer is reimbursed or such costs the taxpayer deducts or 53068
excludes in computing the taxpayer's federal adjusted gross 53069
income for federal income tax purposes or Ohio adjusted gross 53070
income as determined under section 5747.01 of the Revised Code. 53071

(2) "Eligible dwelling" means a residential unit 53072
constructed in this state before 1978. 53073

(3) "Lead abatement specialist" means an individual who 53074
holds a valid license issued under section 3742.05 of the 53075
Revised Code. 53076

(4) "Taxable year" and "taxpayer" have the same meanings 53077
as in section 5747.01 of the Revised Code. 53078

(B) A taxpayer who incurs lead abatement costs on an 53079
eligible dwelling during a taxable year may apply to the 53080
director of health for a lead abatement tax credit certificate. 53081
The applicant shall list on the application the amount of lead 53082
abatement costs the applicant incurred for the eligible dwelling 53083
during the taxable year. The director, in consultation with the 53084
tax commissioner, shall prescribe the form of a lead abatement 53085
tax credit certificate, the manner by which an applicant shall 53086
apply for the certificate, and requirements for the submission 53087
of any record or other information an applicant must furnish 53088
with the application to verify the lead abatement costs. 53089

(C) (1) Upon receipt of an application under division (B) 53090
of this section, the director of health shall verify all of the 53091
following: 53092

(a) The residential unit that is the subject of the 53093
application is an eligible dwelling. 53094

(b) The taxpayer incurred lead abatement costs during the 53095
taxable year related to the eligible dwelling. 53096

(c) The eligible dwelling has passed a clearance 53097
examination in accordance with standards prescribed in rules 53098
adopted by the director under section 3742.03 or 3742.45 of the 53099
Revised Code. 53100

(2) After verifying the conditions described in division 53101
(C) (1) of this section, the director shall issue a lead 53102

abatement tax credit certificate to the applicant equal to the 53103
lesser of (a) the lead abatement costs incurred by the taxpayer 53104
on the eligible dwelling during the taxable year, (b) the amount 53105
of lead abatement costs listed on the application, or (c) ~~ten~~ 53106
fifty thousand dollars, subject to the limitation in division 53107
(C) (3) of this section. 53108

(3) The director may not issue more than five million 53109
dollars in lead abatement tax credit certificates in any fiscal 53110
year. 53111

(D) The director of health, in consultation with the tax 53112
commissioner, may adopt rules in accordance with Chapter 119. of 53113
the Revised Code as necessary for the administration of this 53114
section. 53115

Sec. 3743.56. Each fireworks exhibitor licensed under 53116
section 3743.51 of the Revised Code shall register annually with 53117
the state fire marshal all employees who assist the licensed 53118
exhibitor in conducting fireworks exhibitions. Once registered, 53119
such an employee may be employed by any other licensed fireworks 53120
exhibitor, without the need for that other licensed exhibitor to 53121
register the employee with the state fire marshal. The state 53122
fire marshal shall maintain a record of licensed exhibitors and 53123
registered employees and make it available, upon request, to any 53124
law enforcement agency. The record maintained by the state fire 53125
marshal is subject to section 4798.10 of the Revised Code. 53126

The state fire marshal shall adopt rules under Chapter 53127
119. of the Revised Code that establish appropriate fees for the 53128
registration of employees of licensed exhibitors and otherwise 53129
implement this section. 53130

In addition to the annual registration of employees 53131

required by this section, a licensed exhibitor shall file an 53132
application to register a new employee, unless the new employee 53133
is already registered under this section, not later than seven 53134
days after the date on which the employee is hired. 53135

Each applicant for registration under this section shall 53136
provide fingerprint or similar identifying information to the 53137
state fire marshal for the purposes of determining applicant 53138
compliance with section 3743.70 of the Revised Code. The state 53139
fire marshal may adopt rules under Chapter 119. of the Revised 53140
Code specifying the method to be used by the applicant to 53141
provide the fingerprint or similar identifying information, fees 53142
to be assessed by the state fire marshal to conduct such 53143
background checks, and the procedures to be used by the state 53144
fire marshal to verify compliance with this section. Such rules 53145
may include provisions establishing the frequency that license 53146
renewal applicants must update background check information 53147
filed by the applicant with previous license applications and 53148
provisions describing alternative forms of background check 53149
information that may be accepted by the state fire marshal to 53150
verify compliance with this section. 53151

Sec. 3745.11. (A) Applicants for and holders of permits, 53152
licenses, variances, plan approvals, and certifications issued 53153
by the director of environmental protection pursuant to Chapters 53154
3704., 3734., 6109., and 6111. of the Revised Code shall pay a 53155
fee to the environmental protection agency for each such 53156
issuance and each application for an issuance as provided by 53157
this section. No fee shall be charged for any issuance for which 53158
no application has been submitted to the director. 53159

(B) Except as otherwise provided in division (C) (2) of 53160
this section, beginning July 1, 1994, each person who owns or 53161

operates an air contaminant source and who is required to apply 53162
for and obtain a Title V permit under section 3704.036 of the 53163
Revised Code shall pay an annual fee of five thousand dollars in 53164
addition to the fees set forth in this division. For the 53165
purposes of this division, total emissions of air contaminants 53166
may be calculated using engineering calculations, emissions 53167
factors, material balance calculations, or performance testing 53168
procedures, as authorized by the director. 53169

The following fees shall be assessed on the total actual 53170
emissions from a source in tons per year of the regulated 53171
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 53172
organic compounds, and lead: 53173

(1) Fifteen dollars per ton on the total actual emissions 53174
of each such regulated pollutant during the period July through 53175
December 1993, to be collected no sooner than July 1, 1994; 53176

(2) Twenty dollars per ton on the total actual emissions 53177
of each such regulated pollutant during calendar year 1994, to 53178
be collected no sooner than April 15, 1995; 53179

(3) Twenty-five dollars per ton on the total actual 53180
emissions of each such regulated pollutant in calendar year 53181
1995, and each subsequent calendar year, to be collected no 53182
sooner than the fifteenth day of April of the year next 53183
succeeding the calendar year in which the emissions occurred. 53184

The fees levied under this division do not apply to that 53185
portion of the emissions of a regulated pollutant at a facility 53186
that exceed four thousand tons during a calendar year. 53187

(C) (1) The fees assessed under division (B) of this 53188
section are for the purpose of providing funding for the Title V 53189
permit program. 53190

(2) The fees assessed under division (B) of this section 53191
do not apply to emissions from any electric generating unit 53192
designated as a Phase I unit under Title IV of the federal Clean 53193
Air Act prior to calendar year 2000. Those fees shall be 53194
assessed on the emissions from such a generating unit commencing 53195
in calendar year 2001 based upon the total actual emissions from 53196
the generating unit during calendar year 2000 and shall continue 53197
to be assessed each subsequent calendar year based on the total 53198
actual emissions from the generating unit during the preceding 53199
calendar year. 53200

(3) The director shall issue invoices to owners or 53201
operators of air contaminant sources who are required to pay a 53202
fee assessed under division (B) or (D) of this section. Any such 53203
invoice shall be issued no sooner than the applicable date when 53204
the fee first may be collected in a year under the applicable 53205
division, shall identify the nature and amount of the fee 53206
assessed, and shall indicate that the fee is required to be paid 53207
within thirty days after the issuance of the invoice. 53208

(D) (1) Except as provided in division (D) (2) of this 53209
section, beginning January 1, 2004, each person who owns or 53210
operates an air contaminant source; who is required to apply for 53211
a permit to operate pursuant to rules adopted under division 53212
(G), or a variance pursuant to division (H), of section 3704.03 53213
of the Revised Code; and who is not required to apply for and 53214
obtain a Title V permit under section 3704.03 of the Revised 53215
Code shall pay a single fee based upon the sum of the actual 53216
annual emissions from the facility of the regulated pollutants 53217
particulate matter, sulfur dioxide, nitrogen oxides, organic 53218
compounds, and lead in accordance with the following schedule: 53219
53220

1	2
A Total tons per year of regulated pollutants emitted	Annual fee per facility
B More than 0, but less than 10	\$100
C 10 or more, but less than 50	200
D 50 or more, but less than 100	300
E 100 or more	700

(2) (a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) ~~Beginning January 1, 2000, through June 30, 2026, each~~
Each person who owns or operates a synthetic minor facility shall pay an annual fee of five thousand dollars in addition to a fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

1	2
A Combined total tons	Annual fee per facility

	per year of all regulated	
	pollutants emitted	
B	Less than 10	\$170
		<u>\$255</u>
C	10 or more, but less than 20	340 <u>510</u>
D	20 or more, but less than 30	670 <u>1,005</u>
E	30 or more, but less than 40	1,010 <u>1,515</u>
F	40 or more, but less than 50	1,340 <u>2,010</u>
G	50 or more, but less than 60	1,680 <u>2,520</u>
H	60 or more, but less than 70	2,010 <u>3,015</u>
I	70 or more, but less than 80	2,350 <u>3,525</u>
J	80 or more, but less than 90	2,680 <u>4,020</u>
K	90 or more, but less than 100	3,020 <u>4,530</u>
L	100 or more	3,350 <u>5,025</u>

(3) The fees assessed under division (D)(1) of this	53236
section shall be collected annually no sooner than the fifteenth	53237
day of April, commencing in 2005. The fees assessed under	53238
division (D)(2) of this section shall be collected no sooner	53239
than the fifteenth day of April, commencing in 2000. The fees	53240
assessed under division (D) of this section in a calendar year	53241
shall be based upon the sum of the actual emissions of those	53242
regulated pollutants during the preceding calendar year. For the	53243

purpose of division (D) of this section, emissions of air 53244
contaminants may be calculated using engineering calculations, 53245
emission factors, material balance calculations, or performance 53246
testing procedures, as authorized by the director. The director, 53247
by rule, may require persons who are required to pay the fees 53248
assessed under division (D) of this section to pay those fees 53249
biennially rather than annually. 53250

(E) (1) Consistent with the need to cover the reasonable 53251
costs of the Title V permit program, the director annually shall 53252
increase the fees assessed on emissions prescribed in division 53253
(B) of this section by the percentage, if any, by which the 53254
consumer price index for the most recent calendar year ending 53255
before the beginning of a year exceeds the consumer price index 53256
for calendar year 1989. Upon calculating an increase in fees 53257
authorized by division (E) (1) of this section, the director 53258
shall compile revised fee schedules for the purposes of division 53259
(B) of this section and shall make the revised schedules 53260
available to persons required to pay the fees assessed under 53261
that division and to the public. 53262

(2) For the purposes of division (E) (1) of this section: 53263

(a) The consumer price index for any year is the average 53264
of the consumer price index for all urban consumers published by 53265
the United States department of labor as of the close of the 53266
twelve-month period ending on the thirty-first day of August of 53267
that year. 53268

(b) If the 1989 consumer price index is revised, the 53269
director shall use the revision of the consumer price index that 53270
is most consistent with that for calendar year 1989. 53271

(F) Each person who is issued a permit to install pursuant 53272

to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

1	2
A Input capacity (maximum) (million British thermal units per hour)	Permit to install
B Greater than 0, but less than 10	\$200 <u>\$300</u>
C 10 or more, but less than 100	400 <u>600</u>
D 100 or more, but less than 300	1000 <u>1,500</u>
E 300 or more, but less than 500	2250 <u>3,375</u>
F 500 or more, but less than 1000	3750 <u>5,625</u>
G 1000 or more, but less than 5000	6000 <u>9,000</u>
H 5000 or more	9000 <u>13,500</u>

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity

53285

1	2
A Generating capacity (mega watts)	Permit to install
B 0 or more, but less than 10	\$25 <u>\$37.50</u>
C 10 or more, but less than 25	150 <u>225</u>
D 25 or more, but less than 50	300 <u>450</u>
E 50 or more, but less than 100	500 <u>750</u>
F 100 or more, but less than 250	1000 <u>1,500</u>
G 250 or more	2000 <u>3,000</u>

(3) Incinerators

53286

53287

1	2
A Input capacity (pounds per hour)	Permit to install
B 0 to 100	\$100 <u>\$150</u>
C 101 to 500	500 <u>750</u>
D 501 to 2000	1000 <u>1,500</u>
E 2001 to 20,000	1500 <u>2,250</u>
F more than 20,000	3750 <u>5,625</u>

(4) (a) Process	53288
	53289
1	2
A Process weight rate (pounds per hour)	Permit to install
B 0 to 1000	\$200
	<u>\$300</u>
C 1001 to 5000	500 <u>750</u>
D 5001 to 10,000	750 <u>1,125</u>
E 10,001 to 50,000	1000 <u>1,500</u>
F more than 50,000	1250 <u>1,875</u>
In any process where process weight rate cannot be	53290
ascertained, the minimum fee shall be assessed. A boiler,	53291
furnace, combustion turbine, stationary internal combustion	53292
engine, or process heater designed to provide direct heat or	53293
power to a process not designed to generate electricity shall be	53294
assessed a fee established in division (F) (4) (a) of this	53295
section. A combustion turbine or stationary internal combustion	53296
engine designed to generate electricity shall be assessed a fee	53297
established in division (F) (2) of this section.	53298
(b) Notwithstanding division (F) (4) (a) of this section,	53299
any person issued a permit to install pursuant to rules adopted	53300
under division (F) of section 3704.03 of the Revised Code shall	53301
pay the fees set forth in division (F) (4) (c) of this section for	53302
a process used in any of the following industries, as identified	53303
by the applicable two-digit, three-digit, or four-digit standard	53304
industrial classification code according to the Standard	53305

Industrial Classification Manual published by the United States	53306
office of management and budget in the executive office of the	53307
president, 1987, as revised:	53308
Major group 10, metal mining;	53309
Major group 12, coal mining;	53310
Major group 14, mining and quarrying of nonmetallic	53311
minerals;	53312
Industry group 204, grain mill products;	53313
2873 Nitrogen fertilizers;	53314
2874 Phosphatic fertilizers;	53315
3281 Cut stone and stone products;	53316
3295 Minerals and earth, ground or otherwise treated;	53317
4221 Grain elevators (storage only);	53318
5159 Farm related raw materials;	53319
5261 Retail nurseries and lawn and garden supply stores.	53320
(c) The fees set forth in the following schedule apply to	53321
the issuance of a permit to install pursuant to rules adopted	53322
under division (F) of section 3704.03 of the Revised Code for a	53323
process identified in division (F) (4) (b) of this section:	53324
	53325

1

2

A	Process weight rate (pounds per hour)	Permit to install
B	0 to 10,000	\$200
		<u>\$300</u>

C	10,001 to 50,000	400 <u>600</u>
D	50,001 to 100,000	500 <u>750</u>
E	100,001 to 200,000	600 <u>900</u>
F	200,001 to 400,000	750 <u>1,125</u>
G	400,001 or more	900 <u>1,350</u>

(5) Storage tanks 53326
53327

1

2

A	Gallons (maximum useful capacity)	Permit to install
B	0 to 20,000	\$100 <u>\$150</u>
C	20,001 to 40,000	150 <u>225</u>
D	40,001 to 100,000	250 <u>375</u>
E	100,001 to 500,000	400 <u>600</u>
F	500,001 or greater	750 <u>1,125</u>

(6) Gasoline/fuel dispensing facilities 53328
53329

1

2

A	For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install \$100 <u>\$150</u>
---	---	--

	(7) Dry cleaning facilities		53330
			53331
	1	2	
A	For each dry cleaning facility (includes all units at the facility)	Permit to install	
		\$100 <u>\$150</u>	
	(8) Registration status		53332
			53333
	1	2	
A	For each source covered by registration status	Permit to install	
		\$75 <u>\$112.50</u>	
	(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:		53334
			53335
			53336
			53337
			53338
			53339
	1	2	
A	Action	Fee	
B	Each notification		\$75
C	Asbestos removal	\$3/unit	
D	Asbestos cleanup	\$4/cubic yard	
	For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.		53340
			53341

(H) A person who is issued an extension of time for a 53342
permit to install an air contaminant source pursuant to rules 53343
adopted under division (F) of section 3704.03 of the Revised 53344
Code shall pay a fee equal to one-half the fee originally 53345
assessed for the permit to install under this section, except 53346
that the fee for such an extension shall not exceed two hundred 53347
dollars. 53348

(I) A person who is issued a modification to a permit to 53349
install an air contaminant source pursuant to rules adopted 53350
under section 3704.03 of the Revised Code shall pay a fee equal 53351
to one-half of the fee that would be assessed under this section 53352
to obtain a permit to install the source. The fee assessed by 53353
this division only applies to modifications that are initiated 53354
by the owner or operator of the source and shall not exceed two 53355
thousand dollars. 53356

(J) Notwithstanding division (F) of this section, a person 53357
who applies for or obtains a permit to install pursuant to rules 53358
adopted under division (F) of section 3704.03 of the Revised 53359
Code after the date actual construction of the source began 53360
shall pay a fee for the permit to install that is equal to twice 53361
the fee that otherwise would be assessed under the applicable 53362
division unless the applicant received authorization to begin 53363
construction under division (W) of section 3704.03 of the 53364
Revised Code. This division only applies to sources for which 53365
actual construction of the source begins on or after July 1, 53366
1993. The imposition or payment of the fee established in this 53367
division does not preclude the director from taking any 53368
administrative or judicial enforcement action under this 53369
chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised 53370
Code, or a rule adopted under any of them, in connection with a 53371
violation of rules adopted under division (F) of section 3704.03 53372

of the Revised Code. 53373

As used in this division, "actual construction of the 53374
source" means the initiation of physical on-site construction 53375
activities in connection with improvements to the source that 53376
are permanent in nature, including, without limitation, the 53377
installation of building supports and foundations and the laying 53378
of underground pipework. 53379

(K) (1) Money received under division (B) of this section 53380
shall be deposited in the state treasury to the credit of the 53381
Title V clean air fund created in section 3704.035 of the 53382
Revised Code. Annually, not more than fifty cents per ton of 53383
each fee assessed under division (B) of this section on actual 53384
emissions from a source and received by the environmental 53385
protection agency pursuant to that division may be transferred 53386
by the director using an interstate transfer voucher to the 53387
state treasury to the credit of the small business assistance 53388
fund created in section 3706.19 of the Revised Code. In 53389
addition, annually, the amount of money necessary for the 53390
operation of the office of ombudsperson as determined under 53391
division (B) of that section shall be transferred to the state 53392
treasury to the credit of the small business ombudsperson fund 53393
created by that section. 53394

(2) Money received by the agency pursuant to divisions 53395
(D), (F), (G), (H), (I), and (J) of this section shall be 53396
deposited in the state treasury to the credit of the non-Title V 53397
clean air fund created in section 3704.035 of the Revised Code. 53398

(L) (1) A person applying for a plan approval for a 53399
wastewater treatment works pursuant to section 6111.44, 6111.45, 53400
or 6111.46 of the Revised Code shall pay a nonrefundable fee of 53401
one hundred dollars plus sixty-five one-hundredths of one per 53402

cent of the estimated project cost ~~through June 30, 2026,~~ and a 53403
nonrefundable application fee of one hundred dollars plus two- 53404
tenths of one per cent of the estimated project cost ~~on and~~ 53405
~~after July 1, 2026,~~ except that the total fee shall not exceed 53406
fifteen thousand dollars ~~through June 30, 2026, and five~~ 53407
~~thousand dollars on and after July 1, 2026.~~ The fee shall be 53408
paid at the time the application is submitted. 53409

(2) A person who has entered into an agreement with the 53410
director under section 6111.14 of the Revised Code shall pay an 53411
administrative service fee for each plan submitted under that 53412
section for approval that shall not exceed the minimum amount 53413
necessary to pay administrative costs directly attributable to 53414
processing plan approvals. The director annually shall calculate 53415
the fee and shall notify all persons who have entered into 53416
agreements under that section, or who have applied for 53417
agreements, of the amount of the fee. 53418

(3) (a) (i) Not later than the thirtieth day of January 30, 53419
~~2024, and January 30, 2025~~of each year, a person holding an 53420
NPDES discharge permit issued pursuant to Chapter 6111. of the 53421
Revised Code with an average daily discharge flow of five 53422
thousand gallons or more shall pay a nonrefundable annual 53423
discharge fee. Any person who fails to pay the fee at that time 53424
shall pay an additional amount that equals ten per cent of the 53425
required annual discharge fee. 53426

(ii) The billing year for the annual discharge fee 53427
established in division (L) (3) (a) (i) of this section shall 53428
consist of a twelve-month period beginning on the first day of 53429
January of the year preceding the date when the annual discharge 53430
fee is due. In the case of an existing source that permanently 53431
ceases to discharge during a billing year, the director shall 53432

reduce the annual discharge fee, including the surcharge 53433
applicable to certain industrial facilities pursuant to division 53434
(L) (3) (c) of this section, by one-twelfth for each full month 53435
during the billing year that the source was not discharging, but 53436
only if the person holding the NPDES discharge permit for the 53437
source notifies the director in writing, not later than the 53438
first day of October of the billing year, of the circumstances 53439
causing the cessation of discharge. 53440

(iii) The annual discharge fee established in division (L) 53441
(3) (a) (i) of this section, except for the surcharge applicable 53442
to certain industrial facilities pursuant to division (L) (3) (c) 53443
of this section, shall be based upon the average daily discharge 53444
flow in gallons per day calculated using first day of May 53445
through thirty-first day of October flow data for the period two 53446
years prior to the date on which the fee is due. In the case of 53447
NPDES discharge permits for new sources, the fee shall be 53448
calculated using the average daily design flow of the facility 53449
until actual average daily discharge flow values are available 53450
for the time period specified in division (L) (3) (a) (iii) of this 53451
section. The annual discharge fee may be prorated for a new 53452
source as described in division (L) (3) (a) (ii) of this section. 53453

(b) (i) An NPDES permit holder that is a public discharger 53454
shall pay the fee specified in the following schedule: 53455
53456

1

2

A	Average daily discharge flow	Fee due <u>annually</u> by January 30, 2024 , and January 30, 2025
B	5,000 to 49,999	\$200

C	50,000 to 100,000	500
D	100,001 to 250,000	1,050
E	250,001 to 1,000,000	2,600
F	1,000,001 to 5,000,000	5,200
G	5,000,001 to 10,000,000	10,350
H	10,000,001 to 20,000,000	15,550
I	20,000,001 to 50,000,000	25,900
J	50,000,001 to 100,000,000	41,400
K	100,000,001 or more	62,100

(ii) Public dischargers owning or operating two or more 53457
publicly owned treatment works serving the same political 53458
subdivision, as "treatment works" is defined in section 6111.01 53459
of the Revised Code, and that serve exclusively political 53460
subdivisions having a population of fewer than one hundred 53461
thousand persons shall pay an annual discharge fee under 53462
division (L) (3) (b) (i) of this section that is based on the 53463
combined average daily discharge flow of the treatment works. 53464

(c) (i) An NPDES permit holder that is an industrial 53465
discharger, other than a coal mining operator identified by P in 53466
the third character of the permittee's NPDES permit number, 53467
shall pay the fee specified in the following schedule: 53468
53469

A	Average daily discharge flow	Fee due <u>annually</u> by January 30, 2024 , and January 30, 2025 2025
B	5,000 to 49,999	\$250
C	50,000 to 250,000	1,200
D	250,001 to 1,000,000	2,950
E	1,000,001 to 5,000,000	5,850
F	5,000,001 to 10,000,000	8,800
G	10,000,001 to 20,000,000	11,700
H	20,000,001 to 100,000,000	14,050
I	100,000,001 to 250,000,000	16,400
J	250,000,001 or more	18,700

(ii) In addition to the fee specified in the above 53470
schedule, an NPDES permit holder that is an industrial 53471
discharger classified as a major discharger during all or part 53472
of the annual discharge fee billing year specified in division 53473
(L) (3) (a) (ii) of this section shall pay a nonrefundable annual 53474
surcharge of seven thousand five hundred dollars not later than 53475
the thirtieth day of January 30, 2024, and not later than 53476
January 30, 2025 of each year. Any person who fails to pay the 53477
surcharge at that time shall pay an additional amount that 53478
equals ten per cent of the amount of the surcharge. 53479

(d) Notwithstanding divisions (L) (3) (b) and (c) of this 53480
section, a public discharger, that is not a separate municipal 53481

storm sewer system, identified by I in the third character of 53482
the permittee's NPDES permit number and an industrial discharger 53483
identified by I, J, L, V, W, X, Y, or Z in the third character 53484
of the permittee's NPDES permit number shall pay a nonrefundable 53485
annual discharge fee of one hundred eighty dollars not later 53486
than the thirtieth day of January 30, 2024, and not later than 53487
January 30, 2025 of each year. Any person who fails to pay the 53488
fee at that time shall pay an additional amount that equals ten 53489
per cent of the required fee. 53490

(4) Each person obtaining an NPDES permit for municipal 53491
storm water discharge shall pay a nonrefundable storm water 53492
annual discharge fee of ten dollars per one-tenth of a square 53493
mile of area permitted. The fee shall not exceed ten thousand 53494
dollars and shall be payable on or before January 30, 2004, and 53495
the thirtieth day of January of each year thereafter. Any person 53496
who fails to pay the fee on the date specified in division (L) 53497
(4) of this section shall pay an additional amount per year 53498
equal to ten per cent of the annual fee that is unpaid. 53499

(5) The director shall transmit all moneys collected under 53500
division (L) of this section to the treasurer of state for 53501
deposit into the state treasury to the credit of the surface 53502
water protection fund created in section 6111.038 of the Revised 53503
Code. 53504

(6) As used in this section: 53505

(a) "NPDES" means the federally approved national 53506
pollutant discharge elimination system individual and general 53507
program for issuing, modifying, revoking, reissuing, 53508
terminating, monitoring, and enforcing permits and imposing and 53509
enforcing pretreatment requirements under Chapter 6111. of the 53510
Revised Code and rules adopted under it. 53511

(b) "Public discharger" means any holder of an NPDES 53512
permit identified by P in the second character of the NPDES 53513
permit number assigned by the director. 53514

(c) "Industrial discharger" means any holder of an NPDES 53515
permit identified by I in the second character of the NPDES 53516
permit number assigned by the director. 53517

(d) "Major discharger" means any holder of an NPDES permit 53518
classified as major by the regional administrator of the United 53519
States environmental protection agency in conjunction with the 53520
director. 53521

(M) ~~Through June 30, 2026, a~~ A person applying for a 53522
license or license renewal to operate a public water system 53523
under section 6109.21 of the Revised Code shall pay the 53524
appropriate fee established under this division at the time of 53525
application to the director. Any person who fails to pay the fee 53526
at that time shall pay an additional amount that equals ten per 53527
cent of the required fee. The director shall transmit all moneys 53528
collected under this division to the treasurer of state for 53529
deposit into the drinking water protection fund created in 53530
section 6109.30 of the Revised Code. 53531

Except as provided in divisions (M) (4) and (5) of this 53532
section, fees required under this division shall be calculated 53533
and paid in accordance with the following schedule: 53534

(1) For the initial license required under section 6109.21 53535
of the Revised Code for any public water system that is a 53536
community water system as defined in section 6109.01 of the 53537
Revised Code, and for each license renewal required for such a 53538
system ~~prior to January 31, 2026,~~ the fee is as follows: 53539
53540

	1	2
A	Number of service connections	Fee amount
B	Not more than 49	\$112
C	50 to 99	176
D	Number of service connections	Average cost per connection
E	100 to 2,499	\$1.92
F	2,500 to 4,999	1.48
G	5,000 to 7,499	1.42
H	7,500 to 9,999	1.34
I	10,000 to 14,999	1.16
J	15,000 to 24,999	1.10
K	25,000 to 49,999	1.04
L	50,000 to 99,999	.92
M	100,000 to 149,999	.86
N	150,000 to 199,999	.80
O	200,000 or more	.76

A public water system may determine how it will pay the	53541
total amount of the fee calculated under division (M) (1) of this	53542
section, including the assessment of additional user fees that	53543

may be assessed on a volumetric basis. 53544

As used in division (M) (1) of this section, "service 53545
connection" means the number of active or inactive pipes, 53546
goosenecks, pigtails, and any other fittings connecting a water 53547
main to any building outlet. 53548

(2) For the initial license required under section 6109.21 53549
of the Revised Code for any public water system that is not a 53550
community water system and serves a nontransient population, and 53551
for each license renewal required for such a system ~~prior to~~ 53552
~~January 31, 2026~~, the fee is as follows: 53553
53554

	1	2
A	Population served	Fee amount
B	Fewer than 150	\$112
C	150 to 299	176
D	300 to 749	384
E	750 to 1,499	628
F	1,500 to 2,999	1,268
G	3,000 to 7,499	2,816
H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430

K 30,000 or more 16,820

As used in division (M) (2) of this section, "population
served" means the total number of individuals having access to
the water supply during a twenty-four-hour period for at least
sixty days during any calendar year. In the absence of a
specific population count, that number shall be calculated at
the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21
of the Revised Code for any public water system that is not a
community water system and serves a transient population, and
for each license renewal required for such a system ~~prior to~~
~~January 31, 2026~~, the fee is as follows:

	1	2
A	Number of wells or sources, other than surface water, supplying system	Fee amount
B	1	\$112
C	2	112
D	3	176
E	4	278
F	5	568
G	System designated as using a surface water source	792

As used in division (M) (3) of this section, "number of 53567

wells or sources, other than surface water, supplying system" 53568
means those wells or sources that are physically connected to 53569
the plumbing system serving the public water system. 53570

(4) A public water system designated as using a surface 53571
water source shall pay a fee of seven hundred ninety-two dollars 53572
or the amount calculated under division (M) (1) or (2) of this 53573
section, whichever is greater. 53574

(5) An applicant for an initial license who is proposing 53575
to operate a new public water supply system shall submit a fee 53576
that equals a prorated amount of the appropriate fee for the 53577
remainder of the licensing year. 53578

(N) (1) A person applying for a plan approval for a public 53579
water supply system under section 6109.07 of the Revised Code 53580
shall pay a fee of one hundred fifty dollars plus thirty-five 53581
hundredths of one per cent of the estimated project cost, except 53582
that the total fee shall not exceed twenty thousand dollars— 53583
~~through June 30, 2026, and fifteen thousand dollars on and after~~ 53584
~~July 1, 2026.~~ The fee shall be paid at the time the application 53585
is submitted. 53586

~~(2)~~ (2) (a) A person who has entered into an agreement with 53587
the director under division (A) (2) of section 6109.07 of the 53588
Revised Code shall pay an administrative service fee for each 53589
plan submitted under that section for approval that shall not 53590
exceed the minimum amount necessary to pay administrative costs 53591
directly attributable to processing plan approvals. The director 53592
annually shall calculate the fee and shall notify all persons 53593
that have entered into agreements under that division, or who 53594
have applied for agreements, of the amount of the fee. 53595

(b) The director may adopt rules in accordance with 53596

Chapter 119. of the Revised Code to establish conditions to 53597
allow the administrative service fee established under division 53598
(N) (2) (a) of this section to be paid in lieu of the fee 53599
requirements described in division (N) (1) of this section for 53600
other plan approvals for extensions of distribution facilities 53601
or to increase the number of service connections. 53602

(3) ~~Through June 30, 2026, the~~ The following fee, on a per 53603
survey basis, shall be charged any person for services rendered 53604
by the state in the evaluation of laboratories and laboratory 53605
personnel for compliance with accepted analytical techniques and 53606
procedures established pursuant to Chapter 6109. of the Revised 53607
Code for determining the qualitative characteristics of water: 53608
53609

	1	2	
A	microbiological		
B	MMO-MUG		\$2,000
C	MF	2,100	
D	MMO-MUG and MF	2,550	
E	organic chemical	5,400	
F	trace metals	5,400	
G	standard chemistry	2,800	
H	limited chemistry	1,550	

~~On and after July 1, 2026, the following fee, on a per~~ 53610
~~survey basis, shall be charged any such person:~~ 53611
53612

	1	2	
A	microbiological		\$1,650
B	organic chemicals	3,500	
C	trace metals	3,500	
D	standard chemistry	1,800	
E	limited chemistry	1,000	

The fee for those services shall be paid at the time the request for the survey is made. ~~Through June 30, 2026, an An~~ individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay five hundred dollars for each additional survey requested.

As used in division (N) (3) of this section:

(a) "MF" means membrane filtration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply

system or wastewater system under Chapter 6109. or 6111. of the 53631
Revised Code that is administered by the director, at the time 53632
the application is submitted, shall pay a fee in accordance with 53633
the following schedule ~~through November 30, 2026:~~ 53634
53635

	1	2	
A	Class A operator		\$80
B	Class I operator	105	
C	Class II operator	120	
D	Class III operator	130	
E	Class IV operator	145	

~~On and after December 1, 2026, the applicant shall pay a~~ 53636
~~fee in accordance with the following schedule:~~ 53637
53638

	1	2	
A	Class A operator		\$50
B	Class I operator	70	
C	Class II operator	80	
D	Class III operator	90	
E	Class IV operator	100	

Any person applying to the director for certification as 53639
an operator of a water supply system or wastewater system who 53640
has passed an examination administered by an examination 53641

provider approved by the director shall pay a certification fee 53642
of forty-five dollars. 53643

A person shall pay a biennial certification renewal fee 53644
for each applicable class of certification in accordance with 53645
the following schedule: 53646
53647

	1	2	
A	Class A operator		\$25
B	Class I operator	35	
C	Class II operator	45	
D	Class III operator	55	
E	Class IV operator	65	

If a certification renewal fee is received by the director 53648
more than thirty days, but not more than one year, after the 53649
expiration date of the certification, the person shall pay a 53650
certification renewal fee in accordance with the following 53651
schedule: 53652
53653

	1	2	
A	Class A operator		\$45
B	Class I operator	55	
C	Class II operator	65	
D	Class III operator	75	

E Class IV operator

85

A person who requests a replacement certificate shall pay 53654
a fee of twenty-five dollars at the time the request is made. 53655

Any person applying to be a water supply system or 53656
wastewater treatment system examination provider shall pay an 53657
application fee of five hundred dollars. Any person approved by 53658
the director as a water supply system or wastewater treatment 53659
system examination provider shall pay an annual fee that is 53660
equal to ten per cent of the fees that the provider assesses and 53661
collects for administering water supply system or wastewater 53662
treatment system certification examinations in this state for 53663
the calendar year. The fee shall be paid not later than forty- 53664
five days after the end of a calendar year. 53665

The director shall transmit all moneys collected under 53666
this division to the treasurer of state for deposit into the 53667
drinking water protection fund created in section 6109.30 of the 53668
Revised Code. 53669

~~(P) Any person submitting an application for an industrial 53670
water pollution control certificate under section 6111.31 of the 53671
Revised Code, as that section existed before its repeal by H.B. 53672
95 of the 125th general assembly, shall pay a nonrefundable fee 53673
of five hundred dollars at the time the application is 53674
submitted. The director shall transmit all moneys collected 53675
under this division to the treasurer of state for deposit into 53676
the surface water protection fund created in section 6111.038 of 53677
the Revised Code. A person paying a certificate fee under this 53678
division shall not pay an application fee under division (S)(1) 53679
of this section. On and after June 26, 2003, persons shall file 53680
such applications and pay the fee as required under sections 53681~~

~~5709.20 to 5709.27 of the Revised Code, and proceeds from the~~ 53682
~~fee shall be credited as provided in section 5709.212 of the~~ 53683
~~Revised Code.~~ 53684

~~(Q)~~ Except as otherwise provided in division ~~(R)~~ (Q) of 53685
this section, a person issued a permit by the director for a new 53686
solid waste disposal facility other than an incineration or 53687
composting facility, a new infectious waste treatment facility 53688
other than an incineration facility, or a modification of such 53689
an existing facility that includes an increase in the total 53690
disposal or treatment capacity of the facility pursuant to 53691
Chapter 3734. of the Revised Code shall pay a fee of ten dollars 53692
per thousand cubic yards of disposal or treatment capacity, or 53693
one thousand dollars, whichever is greater, except that the 53694
total fee for any such permit shall not exceed eighty thousand 53695
dollars. A person issued a modification of a permit for a solid 53696
waste disposal facility or an infectious waste treatment 53697
facility that does not involve an increase in the total disposal 53698
or treatment capacity of the facility shall pay a fee of one 53699
thousand dollars. A person issued a permit to install a new, or 53700
modify an existing, solid waste transfer facility under that 53701
chapter shall pay a fee of two thousand five hundred dollars. A 53702
person issued a permit to install a new or to modify an existing 53703
solid waste incineration or composting facility, or an existing 53704
infectious waste treatment facility using incineration as its 53705
principal method of treatment, under that chapter shall pay a 53706
fee of one thousand dollars. The increases in the permit fees 53707
under this division resulting from the amendments made by 53708
Amended Substitute House Bill 592 of the 117th general assembly 53709
do not apply to any person who submitted an application for a 53710
permit to install a new, or modify an existing, solid waste 53711
disposal facility under that chapter prior to September 1, 1987; 53712

any such person shall pay the permit fee established in this 53713
division as it existed prior to June 24, 1988. In addition to 53714
the applicable permit fee under this division, a person issued a 53715
permit to install or modify a solid waste facility or an 53716
infectious waste treatment facility under that chapter who fails 53717
to pay the permit fee to the director in compliance with 53718
division ~~(V)~~ (U) of this section shall pay an additional ten per 53719
cent of the amount of the fee for each week that the permit fee 53720
is late. 53721

Permit and late payment fees paid to the director under 53722
this division shall be credited to the general revenue fund. 53723

~~(R) (1)~~ (Q) (1) A person issued a registration certificate 53724
for a scrap tire collection facility under section 3734.75 of 53725
the Revised Code shall pay a fee of two hundred dollars, except 53726
that if the facility is owned or operated by a motor vehicle 53727
salvage dealer licensed under Chapter 4738. of the Revised Code, 53728
the person shall pay a fee of twenty-five dollars. 53729

(2) A person issued a registration certificate for a new 53730
scrap tire storage facility under section 3734.76 of the Revised 53731
Code shall pay a fee of three hundred dollars, except that if 53732
the facility is owned or operated by a motor vehicle salvage 53733
dealer licensed under Chapter 4738. of the Revised Code, the 53734
person shall pay a fee of twenty-five dollars. 53735

(3) A person issued a permit for a scrap tire storage 53736
facility under section 3734.76 of the Revised Code shall pay a 53737
fee of one thousand dollars, except that if the facility is 53738
owned or operated by a motor vehicle salvage dealer licensed 53739
under Chapter 4738. of the Revised Code, the person shall pay a 53740
fee of fifty dollars. 53741

(4) A person issued a permit for a scrap tire monocell or
monofill facility under section 3734.77 of the Revised Code
shall pay a fee of ten dollars per thousand cubic yards of
disposal capacity or one thousand dollars, whichever is greater,
except that the total fee for any such permit shall not exceed
eighty thousand dollars.

(5) A person issued a registration certificate for a scrap
tire recovery facility under section 3734.78 of the Revised Code
shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery
facility under section 3734.78 of the Revised Code shall pay a
fee of one thousand dollars.

(7) In addition to the applicable registration certificate
or permit fee under divisions ~~(R) (1)~~ (Q) (1) to (6) of this
section, a person issued a registration certificate or permit
for any such scrap tire facility who fails to pay the
registration certificate or permit fee to the director in
compliance with division ~~(V)~~ (U) of this section shall pay an
additional ten per cent of the amount of the fee for each week
that the fee is late.

(8) The registration certificate, permit, and late payment
fees paid to the director under divisions ~~(R) (1)~~ (Q) (1) to (7) of
this section shall be credited to the scrap tire management fund
created in section 3734.82 of the Revised Code.

~~(S) (1) (a)~~ (R) (1) (a) Except as otherwise provided, any
person applying for a permit, variance, or plan approval under
Chapter 6109. or 6111. of the Revised Code shall pay a
nonrefundable application fee of one hundred dollars at the time
the application is submitted ~~through June 30, 2026, and a~~

~~nonrefundable application fee of fifteen dollars at the time the~~ 53771
~~application is submitted on and after July 1, 2026.~~ 53772

(b) (i) Except as otherwise provided in divisions ~~(S) (1) (b)~~ 53773
~~(iii) (R) (1) (b) (iii)~~ and (iv) of this section, ~~through June 30,~~ 53774
~~2026,~~ any person applying for an NPDES permit under Chapter 53775
6111. of the Revised Code shall pay a nonrefundable application 53776
fee of two hundred dollars at the time of application for the 53777
permit. ~~On and after July 1, 2026, such a person shall pay a~~ 53778
~~nonrefundable application fee of fifteen dollars at the time of~~ 53779
~~application.~~ 53780

(ii) In addition to the nonrefundable application fee, any 53781
person applying for an NPDES permit under Chapter 6111. of the 53782
Revised Code shall pay a design flow discharge fee based on each 53783
point source to which the issuance is applicable in accordance 53784
with the following schedule: 53785
53786

1		2
A	Design flow discharge (gallons per day)	Fee
B	0 to 1,000	\$0
C	1,001 to 5,000	100
D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 53787

and (ii) of this section, the application and design flow 53788
discharge fee for an NPDES permit for a public discharger 53789
identified by the letter I in the third character of the NPDES 53790
permit number shall not exceed nine hundred fifty dollars. 53791

(iv) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 53792
and (ii) of this section, the application and design flow 53793
discharge fee for an NPDES permit for a coal mining operation 53794
regulated under Chapter 1513. of the Revised Code shall not 53795
exceed four hundred fifty dollars per mine. 53796

(v) A person issued a modification of an NPDES permit 53797
shall pay a nonrefundable modification fee equal to the 53798
application fee and one-half the design flow discharge fee based 53799
on each point source, if applicable, that would be charged for 53800
an NPDES permit, except that the modification fee shall not 53801
exceed six hundred dollars. 53802

(c) In addition to the application fee established under 53803
division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this section, any person 53804
applying for an NPDES general storm water construction permit 53805
shall pay a nonrefundable fee of twenty dollars per acre for 53806
each acre that is permitted above five acres at the time the 53807
application is submitted. However, the per acreage fee shall not 53808
exceed three hundred dollars. In addition to the application fee 53809
established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this 53810
section, any person applying for an NPDES general storm water 53811
industrial permit shall pay a nonrefundable fee of one hundred 53812
fifty dollars at the time the application is submitted. 53813

(d) The director shall transmit all moneys collected under 53814
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6109. 53815
of the Revised Code to the treasurer of state for deposit into 53816
the drinking water protection fund created in section 6109.30 of 53817

the Revised Code. 53818

(e) The director shall transmit all moneys collected under 53819
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6111. 53820
of the Revised Code and under division ~~(S) (2)~~ (R) (2) of this 53821
section to the treasurer of state for deposit into the surface 53822
water protection fund created in section 6111.038 of the Revised 53823
Code. 53824

(f) If a person submits an electronic application for a 53825
registration certificate, permit, variance, or plan approval for 53826
which an application fee is established under division ~~(S) (1)~~ (R) 53827
(1) of this section, the person shall pay all applicable fees as 53828
expeditiously as possible after the submission of the electronic 53829
application. An application for a registration certificate, 53830
permit, variance, or plan approval for which an application fee 53831
is established under division ~~(S) (1)~~ (R) (1) of this section shall 53832
not be reviewed or processed until the applicable application 53833
fee, and any other fees established under this division, are 53834
paid. 53835

(2) A person applying for coverage under an NPDES general 53836
discharge permit for household sewage treatment systems shall 53837
pay a nonrefundable fee of two hundred dollars at the time of 53838
application for initial permit coverage. No fee is required for 53839
an application for permit coverage renewal. 53840

~~(T)~~ (S) The director may adopt, amend, and rescind rules in 53841
accordance with Chapter 119. of the Revised Code that do all of 53842
the following: 53843

(1) Prescribe fees to be paid by applicants for and 53844
holders of any license, permit, variance, plan approval, or 53845
certification required or authorized by Chapter 3704., 3734., 53846

6109., or 6111. of the Revised Code that are not specifically 53847
established in this section. The fees shall be designed to 53848
defray the cost of processing, issuing, revoking, modifying, 53849
denying, and enforcing the licenses, permits, variances, plan 53850
approvals, and certifications. 53851

The director shall transmit all moneys collected under 53852
rules adopted under division ~~(T)(1)~~ (S)(1) of this section 53853
pursuant to Chapter 6109. of the Revised Code to the treasurer 53854
of state for deposit into the drinking water protection fund 53855
created in section 6109.30 of the Revised Code. 53856

The director shall transmit all moneys collected under 53857
rules adopted under division ~~(T)(1)~~ (S)(1) of this section 53858
pursuant to Chapter 6111. of the Revised Code to the treasurer 53859
of state for deposit into the surface water protection fund 53860
created in section 6111.038 of the Revised Code. 53861

(2) Exempt the state and political subdivisions thereof, 53862
including education facilities or medical facilities owned by 53863
the state or a political subdivision, or any person exempted 53864
from taxation by section 5709.07 or 5709.12 of the Revised Code, 53865
from any fee required by this section; 53866

(3) Provide for the waiver of any fee, or any part 53867
thereof, otherwise required by this section whenever the 53868
director determines that the imposition of the fee would 53869
constitute an unreasonable cost of doing business for any 53870
applicant, class of applicants, or other person subject to the 53871
fee; 53872

(4) Prescribe measures that the director considers 53873
necessary to carry out this section. 53874

~~(U)~~ (T) When the director reasonably demonstrates that the 53875

direct cost to the state associated with the issuance of a 53876
permit, license, variance, plan approval, or certification 53877
exceeds the fee for the issuance or review specified by this 53878
section, the director may condition the issuance or review on 53879
the payment by the person receiving the issuance or review of, 53880
in addition to the fee specified by this section, the amount, or 53881
any portion thereof, in excess of the fee specified under this 53882
section. The director shall not so condition issuances for which 53883
a fee is prescribed in division ~~(S) (1) (b) (iii)~~ (R) (1) (b) (iii) of 53884
this section. 53885

(V) Except as provided in divisions (L), (M), ~~(P)~~, and ~~(S)~~ 53886
(R) of this section or unless otherwise prescribed by a rule of 53887
the director adopted pursuant to Chapter 119. of the Revised 53888
Code, all fees required by this section are payable within 53889
thirty days after the issuance of an invoice for the fee by the 53890
director or the effective date of the issuance of the license, 53891
permit, variance, plan approval, or certification. If payment is 53892
late, the person responsible for payment of the fee shall pay an 53893
additional ten per cent of the amount due for each month that it 53894
is late. 53895

~~(W)~~ (V) As used in this section, "fuel-burning equipment," 53896
"fuel-burning equipment input capacity," "incinerator," 53897
"incinerator input capacity," "process," "process weight rate," 53898
"storage tank," "gasoline dispensing facility," "dry cleaning 53899
facility," "design flow discharge," and "new source treatment 53900
works" have the meanings ascribed to those terms by applicable 53901
rules or standards adopted by the director under Chapter 3704. 53902
or 6111. of the Revised Code. 53903

~~(X)~~ (W) As used in divisions (B), (D), (E), (F), (H), (I), 53904
and (J) of this section, and in any other provision of this 53905

section pertaining to fees paid pursuant to Chapter 3704. of the 53906
Revised Code: 53907

(1) "Facility," "federal Clean Air Act," "person," and 53908
"Title V permit" have the same meanings as in section 3704.01 of 53909
the Revised Code. 53910

(2) "Title V permit program" means the following 53911
activities as necessary to meet the requirements of Title V of 53912
the federal Clean Air Act and 40 C.F.R. part 70, including at 53913
least: 53914

(a) Preparing and adopting, if applicable, generally 53915
applicable rules or guidance regarding the permit program or its 53916
implementation or enforcement; 53917

(b) Reviewing and acting on any application for a Title V 53918
permit, permit revision, or permit renewal, including the 53919
development of an applicable requirement as part of the 53920
processing of a permit, permit revision, or permit renewal; 53921

(c) Administering the permit program, including the 53922
supporting and tracking of permit applications, compliance 53923
certification, and related data entry; 53924

(d) Determining which sources are subject to the program 53925
and implementing and enforcing the terms of any Title V permit, 53926
not including any court actions or other formal enforcement 53927
actions; 53928

(e) Emission and ambient monitoring; 53929

(f) Modeling, analyses, or demonstrations; 53930

(g) Preparing inventories and tracking emissions; 53931

(h) Providing direct and indirect support to small 53932

business stationary sources to determine and meet their 53933
obligations under the federal Clean Air Act pursuant to the 53934
small business stationary source technical and environmental 53935
compliance assistance program required by section 507 of that 53936
act and established in sections 3704.18, 3704.19, and 3706.19 of 53937
the Revised Code. 53938

(3) "Organic compound" means any chemical compound of 53939
carbon, excluding carbon monoxide, carbon dioxide, carbonic 53940
acid, metallic carbides or carbonates, and ammonium carbonate. 53941

~~(Y) (1)~~ (X) (1) Except as provided in divisions ~~(Y) (2)~~ (X) (2), 53942
(3), and (4) of this section, each sewage sludge facility shall 53943
pay a nonrefundable annual sludge fee equal to three dollars and 53944
fifty cents per dry ton of sewage sludge, including the dry tons 53945
of sewage sludge in materials derived from sewage sludge, that 53946
the sewage sludge facility treats or disposes of in this state. 53947
The annual volume of sewage sludge treated or disposed of by a 53948
sewage sludge facility shall be calculated using the first day 53949
of January through the thirty-first day of December of the 53950
calendar year preceding the date on which payment of the fee is 53951
due. 53952

(2) (a) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) 53953
of this section, each sewage sludge facility shall pay a minimum 53954
annual sewage sludge fee of one hundred dollars. 53955

(b) The annual sludge fee required to be paid by a sewage 53956
sludge facility that treats or disposes of exceptional quality 53957
sludge in this state shall be thirty-five per cent less per dry 53958
ton of exceptional quality sludge than the fee assessed under 53959
division ~~(Y) (1)~~ (X) (1) of this section, subject to the following 53960
exceptions: 53961

(i) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of 53962
this section, a sewage sludge facility that treats or disposes 53963
of exceptional quality sludge shall pay a minimum annual sewage 53964
sludge fee of one hundred dollars. 53965

(ii) A sewage sludge facility that treats or disposes of 53966
exceptional quality sludge shall not be required to pay the 53967
annual sludge fee for treatment or disposal in this state of 53968
exceptional quality sludge generated outside of this state and 53969
contained in bags or other containers not greater than one 53970
hundred pounds in capacity. 53971

A thirty-five per cent reduction for exceptional quality 53972
sludge applies to the maximum annual fees established under 53973
division ~~(Y) (3)~~ (X) (3) of this section. 53974

(c) A sewage sludge facility that transfers sewage sludge 53975
to another sewage sludge facility in this state for further 53976
treatment prior to disposal in this state shall not be required 53977
to pay the annual sludge fee for the tons of sewage sludge that 53978
have been transferred. In such a case, the sewage sludge 53979
facility that disposes of the sewage sludge shall pay the annual 53980
sludge fee. However, the facility transferring the sewage sludge 53981
shall pay the one-hundred-dollar minimum fee required under 53982
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section. 53983

In the case of a sewage sludge facility that treats sewage 53984
sludge in this state and transfers it out of this state to 53985
another entity for disposal, the sewage sludge facility in this 53986
state shall be required to pay the annual sludge fee for the 53987
tons of sewage sludge that have been transferred. 53988

(d) A sewage sludge facility that generates sewage sludge 53989
resulting from an average daily discharge flow of less than five 53990

thousand gallons per day is not subject to the fees assessed 53991
under division ~~(Y)~~(X) of this section. 53992

(3) No sewage sludge facility required to pay the annual 53993
sludge fee shall be required to pay more than the maximum annual 53994
fee for each disposal method that the sewage sludge facility 53995
uses. The maximum annual fee does not include the additional 53996
amount that may be charged under division ~~(Y)~~~~(5)~~(X) (5) of this 53997
section for late payment of the annual sludge fee. The maximum 53998
annual fee for the following methods of disposal of sewage 53999
sludge is as follows: 54000

(a) Incineration: five thousand dollars; 54001

(b) Preexisting land reclamation project or disposal in a 54002
landfill: five thousand dollars; 54003

(c) Land application, land reclamation, surface disposal, 54004
or any other disposal method not specified in division ~~(Y)~~~~(3)~~~~(a)~~ 54005
(X) (3) (a) or (b) of this section: twenty thousand dollars. 54006

(4) (a) In the case of an entity that generates sewage 54007
sludge or a sewage sludge facility that treats sewage sludge and 54008
transfers the sewage sludge to an incineration facility for 54009
disposal, the incineration facility, and not the entity 54010
generating the sewage sludge or the sewage sludge facility 54011
treating the sewage sludge, shall pay the annual sludge fee for 54012
the tons of sewage sludge that are transferred. However, the 54013
entity or facility generating or treating the sewage sludge 54014
shall pay the one-hundred-dollar minimum fee required under 54015
division ~~(Y)~~~~(2)~~~~(a)~~(X) (2) (a) of this section. 54016

(b) In the case of an entity that generates sewage sludge 54017
and transfers the sewage sludge to a landfill for disposal or to 54018
a sewage sludge facility for land reclamation or surface 54019

disposal, the entity generating the sewage sludge, and not the 54020
landfill or sewage sludge facility, shall pay the annual sludge 54021
fee for the tons of sewage sludge that are transferred. 54022

(5) Not later than the first day of April of the calendar 54023
year following March 17, 2000, and each first day of April 54024
thereafter, the director shall issue invoices to persons who are 54025
required to pay the annual sludge fee. The invoice shall 54026
identify the nature and amount of the annual sludge fee assessed 54027
and state the first day of May as the deadline for receipt by 54028
the director of objections regarding the amount of the fee and 54029
the first day of July as the deadline for payment of the fee. 54030

Not later than the first day of May following receipt of 54031
an invoice, a person required to pay the annual sludge fee may 54032
submit objections to the director concerning the accuracy of 54033
information regarding the number of dry tons of sewage sludge 54034
used to calculate the amount of the annual sludge fee or 54035
regarding whether the sewage sludge qualifies for the 54036
exceptional quality sludge discount established in division ~~(Y)~~ 54037
~~(2) (b)~~ (X) (2) (b) of this section. The director may consider the 54038
objections and adjust the amount of the fee to ensure that it is 54039
accurate. 54040

If the director does not adjust the amount of the annual 54041
sludge fee in response to a person's objections, the person may 54042
appeal the director's determination in accordance with Chapter 54043
119. of the Revised Code. 54044

Not later than the first day of June, the director shall 54045
notify the objecting person regarding whether the director has 54046
found the objections to be valid and the reasons for the 54047
finding. If the director finds the objections to be valid and 54048
adjusts the amount of the annual sludge fee accordingly, the 54049

director shall issue with the notification a new invoice to the 54050
person identifying the amount of the annual sludge fee assessed 54051
and stating the first day of July as the deadline for payment. 54052

Not later than the first day of July, any person who is 54053
required to do so shall pay the annual sludge fee. Any person 54054
who is required to pay the fee, but who fails to do so on or 54055
before that date shall pay an additional amount that equals ten 54056
per cent of the required annual sludge fee. 54057

(6) The director shall transmit all moneys collected under 54058
division ~~(Y)~~(X) of this section to the treasurer of state for 54059
deposit into the surface water protection fund created in 54060
section 6111.038 of the Revised Code. The moneys shall be used 54061
to defray the costs of administering and enforcing provisions in 54062
Chapter 6111. of the Revised Code and rules adopted under it 54063
that govern the use, storage, treatment, or disposal of sewage 54064
sludge. 54065

(7) Beginning in fiscal year 2001, and every two years 54066
thereafter, the director shall review the total amount of moneys 54067
generated by the annual sludge fees to determine if that amount 54068
exceeded six hundred thousand dollars in either of the two 54069
preceding fiscal years. If the total amount of moneys in the 54070
fund exceeded six hundred thousand dollars in either fiscal 54071
year, the director, after review of the fee structure and 54072
consultation with affected persons, shall issue an order 54073
reducing the amount of the fees levied under division ~~(Y)~~(X) of 54074
this section so that the estimated amount of moneys resulting 54075
from the fees will not exceed six hundred thousand dollars in 54076
any fiscal year. 54077

If, upon review of the fees under division ~~(Y)~~(7)(X) (7) of 54078
this section and after the fees have been reduced, the director 54079

determines that the total amount of moneys collected and 54080
accumulated is less than six hundred thousand dollars, the 54081
director, after review of the fee structure and consultation 54082
with affected persons, may issue an order increasing the amount 54083
of the fees levied under division ~~(Y)~~(X) of this section so that 54084
the estimated amount of moneys resulting from the fees will be 54085
approximately six hundred thousand dollars. Fees shall never be 54086
increased to an amount exceeding the amount specified in 54087
division ~~(Y)~~(7)(X) (7) of this section. 54088

Notwithstanding section 119.06 of the Revised Code, the 54089
director may issue an order under division ~~(Y)~~(7)(X) (7) of this 54090
section without the necessity to hold an adjudicatory hearing in 54091
connection with the order. The issuance of an order under this 54092
division is not an act or action for purposes of section 3745.04 54093
of the Revised Code. 54094

(8) As used in division ~~(Y)~~(X) of this section: 54095

(a) "Sewage sludge facility" means an entity that performs 54096
treatment on or is responsible for the disposal of sewage 54097
sludge. 54098

(b) "Sewage sludge" means a solid, semi-solid, or liquid 54099
residue generated during the treatment of domestic sewage in a 54100
treatment works as defined in section 6111.01 of the Revised 54101
Code. "Sewage sludge" includes, but is not limited to, scum or 54102
solids removed in primary, secondary, or advanced wastewater 54103
treatment processes. "Sewage sludge" does not include ash 54104
generated during the firing of sewage sludge in a sewage sludge 54105
incinerator, grit and screenings generated during preliminary 54106
treatment of domestic sewage in a treatment works, animal 54107
manure, residue generated during treatment of animal manure, or 54108
domestic septage. 54109

(c) "Exceptional quality sludge" means sewage sludge that	54110
meets all of the following qualifications:	54111
(i) Satisfies the class A pathogen standards in 40 C.F.R.	54112
503.32(a);	54113
(ii) Satisfies one of the vector attraction reduction	54114
requirements in 40 C.F.R. 503.33(b) (1) to (b) (8);	54115
(iii) Does not exceed the ceiling concentration	54116
limitations for metals listed in table one of 40 C.F.R. 503.13;	54117
(iv) Does not exceed the concentration limitations for	54118
metals listed in table three of 40 C.F.R. 503.13.	54119
(d) "Treatment" means the preparation of sewage sludge for	54120
final use or disposal and includes, but is not limited to,	54121
thickening, stabilization, and dewatering of sewage sludge.	54122
(e) "Disposal" means the final use of sewage sludge,	54123
including, but not limited to, land application, land	54124
reclamation, surface disposal, or disposal in a landfill or an	54125
incinerator.	54126
(f) "Land application" means the spraying or spreading of	54127
sewage sludge onto the land surface, the injection of sewage	54128
sludge below the land surface, or the incorporation of sewage	54129
sludge into the soil for the purposes of conditioning the soil	54130
or fertilizing crops or vegetation grown in the soil.	54131
(g) "Land reclamation" means the returning of disturbed	54132
land to productive use.	54133
(h) "Surface disposal" means the placement of sludge on an	54134
area of land for disposal, including, but not limited to,	54135
monofills, surface impoundments, lagoons, waste piles, or	54136
dedicated disposal sites.	54137

(i) "Incinerator" means an entity that disposes of sewage
sludge through the combustion of organic matter and inorganic
matter in sewage sludge by high temperatures in an enclosed
device.

(j) "Incineration facility" includes all incinerators
owned or operated by the same entity and located on a contiguous
tract of land. Areas of land are considered to be contiguous
even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under
division ~~(Y) (1)~~ (X) (1) of this section.

(l) "Landfill" means a sanitary landfill facility, as
defined in rules adopted under section 3734.02 of the Revised
Code, that is licensed under section 3734.05 of the Revised
Code.

(m) "Preexisting land reclamation project" means a
property-specific land reclamation project that has been in
continuous operation for not less than five years pursuant to
approval of the activity by the director and includes the
implementation of a community outreach program concerning the
activity.

Sec. 3748.13. (A) The director of health shall inspect
sources of radiation for which licensure or registration by the
handler is required, and the sources' shielding and
surroundings, according to the schedule established in rules
adopted under division (D) of section 3748.04 of the Revised
Code. In accordance with rules adopted under section 3748.04 of
the Revised Code, the director shall inspect all records and
operating procedures of handlers that install or service sources
of radiation and all sources of radiation for which licensure of

radioactive material or registration of radiation-generating 54167
equipment by the handler is required. The director may make 54168
other inspections upon receiving complaints or other evidence of 54169
a violation of this chapter or rules adopted under it. 54170

The director shall require any hospital registered under 54171
division (A) of section 3701.07 of the Revised Code to develop 54172
and maintain a quality assurance program for all sources of 54173
radiation-generating equipment. A certified radiation expert 54174
shall conduct oversight and maintenance of the program and shall 54175
file a report of audits of the program with the director on 54176
forms prescribed by the director. The audit reports shall become 54177
part of the inspection record. 54178

(B) (1) Except as provided in division (B) (2) of this 54179
section, a facility shall pay inspection fees for radioactive 54180
material and radiation-generating equipment according to the 54181
schedule and categories established in rules adopted under 54182
division (A) (9) of section 3748.04 of the Revised Code. 54183

(2) A facility that is, or is operated by, a medical 54184
practitioner or medical-practitioner group shall pay inspection 54185
fees for radiation-generating equipment according to the 54186
following schedule and categories: 54187
54188

1

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A	First dental x-ray tube	\$155.00
		<u>\$310.00</u>
B	Each additional dental x-ray tube at the same location	\$77.00
		<u>\$154.00</u>

C	First medical x-ray tube	\$307.00
		<u>\$614.00</u>
D	Each additional medical x-ray tube at the same location	\$163.00
		<u>\$326.00</u>
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$610.00
		<u>\$1,220.00</u>
F	First nonionizing radiation-generating equipment of any kind	\$307.00
		<u>\$614.00</u>
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	\$163.00
		<u>\$326.00</u>

(C) (1) Except as provided in division (C) (2) of this section, the fee for the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is four hundred seventy-four dollars plus the applicable fee specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.

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

schedule in division (B) (2) of this section. 54203

(D) (1) Except as provided in division (D) (2) of this 54204
section, for a facility that handles radioactive material or 54205
radiation-generating equipment, the fee for an inspection to 54206
determine whether violations cited in a previous inspection have 54207
been corrected is the amount specified in rules adopted under 54208
division (A) (9) of section 3748.04 of the Revised Code. 54209

(2) For a facility that is, or is operated by, a medical 54210
practitioner or medical-practitioner group and handles 54211
radiation-generating equipment, the fee for an inspection to 54212
determine whether violations cited in a previous inspection have 54213
been corrected is fifty per cent of the applicable fee under the 54214
schedule in division (B) (2) of this section. 54215

(E) The director may conduct a review of shielding plans 54216
or the adequacy of shielding on the request of a licensee or 54217
registrant or an applicant for licensure or registration or 54218
during an inspection when the director considers a review to be 54219
necessary. 54220

(1) Except as provided in division (E) (2) of this section, 54221
the fee for the review is the applicable amount specified in 54222
rules adopted under division (A) (9) of section 3748.04 of the 54223
Revised Code. 54224

(2) For a facility that is, or is operated by, a medical 54225
practitioner or medical-practitioner group and handles or 54226
proposes to handle radiation-generating equipment, the fee for 54227
the review is seven hundred sixty-two dollars for each room 54228
where a source of radiation is used and is in addition to any 54229
other fee applicable under the schedule in division (B) (2) of 54230
this section. 54231

(F) All fees shall be paid to the department of health no 54232
later than thirty days after the invoice for the fee is mailed. 54233
Fees shall be deposited in the general operations fund created 54234
in section 3701.83 of the Revised Code. The fees shall be used 54235
solely to administer and enforce this chapter and rules adopted 54236
under it. 54237

(G) Any fee required under this section that remains 54238
unpaid on the ninety-first day after the original invoice date 54239
shall be assessed an additional amount equal to ten per cent of 54240
the original fee. 54241

(H) If the director determines that a board of health of a 54242
city or general health district is qualified to conduct 54243
inspections of radiation-generating equipment, the director may 54244
delegate to the board, by contract, the authority to conduct 54245
such inspections. In making a determination of the 54246
qualifications of a board of health to conduct those 54247
inspections, the director shall evaluate the credentials of the 54248
individuals who are to conduct the inspections of radiation- 54249
generating equipment and the radiation detection and measuring 54250
equipment available to them for that purpose. If a contract is 54251
entered into, the board shall have the same authority to make 54252
inspections of radiation-generating equipment as the director 54253
has under this chapter and rules adopted under it. The contract 54254
shall stipulate that only individuals approved by the director 54255
as qualified shall be permitted to inspect radiation-generating 54256
equipment under the contract's provisions. The contract shall 54257
provide for such compensation for services as is agreed to by 54258
the director and the board of health of the contracting health 54259
district. The director may reevaluate the credentials of the 54260
inspection personnel and their radiation detecting and measuring 54261
equipment as often as the director considers necessary and may 54262

terminate any contract with the board of health of any health 54263
district that, in the director's opinion, is not satisfactorily 54264
performing the terms of the contract. 54265

(I) The director may enter at all reasonable times upon 54266
any public or private property to determine compliance with this 54267
chapter and rules adopted under it. 54268

Sec. 3750.02. (A) There is hereby created the emergency 54269
response commission consisting of the directors of environmental 54270
protection~~and~~, health, and administrative services, the 54271
chairperson of the public utilities commission, the fire 54272
marshal, the director of public safety, the director of 54273
transportation, the director of natural resources, the 54274
superintendent of the highway patrol, and the attorney general 54275
as members ex officio, or their designees; notwithstanding 54276
section 101.26 of the Revised Code, the chairpersons of the 54277
respective standing committees of the senate and house of 54278
representatives that are primarily responsible for considering 54279
environmental issues who may participate fully in all the 54280
commission's deliberations and activities, except that they 54281
shall serve as nonvoting members; and ten members to be 54282
appointed by the governor with the advice and consent of the 54283
senate. The appointed members, to the extent practicable, shall 54284
have technical expertise in the field of emergency response. Of 54285
the appointed members, two shall represent environmental 54286
advocacy organizations, one shall represent the interests of 54287
petroleum refiners or marketers or chemical manufacturers, one 54288
shall represent the interests of another industry subject to 54289
this chapter, one shall represent the interests of municipal 54290
corporations, one shall represent the interests of counties, one 54291
shall represent the interests of chiefs of fire departments, one 54292
shall represent the interests of professional firefighters, one 54293

shall represent the interests of volunteer firefighters, and one 54294
shall represent the interests of local emergency management 54295
agencies. 54296

An appointed member of the commission also may serve as a 54297
member of the local emergency planning committee of an emergency 54298
planning district. An appointed member of the commission who is 54299
also a member of a local emergency planning committee shall not 54300
participate as a member of the commission in the appointment of 54301
members of the local emergency planning committee of which the 54302
member is a member, in the review of the chemical emergency 54303
response and preparedness plan submitted by the local emergency 54304
planning committee of which the member is a member, in any vote 54305
to approve a grant to the member's district, or in any vote of 54306
the commission on any motion or resolution pertaining 54307
specifically to the member's district or the local emergency 54308
planning committee on which the member serves. A commission 54309
member who is also a member of a local emergency planning 54310
committee shall not lobby or otherwise act as an advocate for 54311
the member's district to other members of the commission to 54312
obtain from the commission anything of value for the member's 54313
district or the local emergency planning committee of which the 54314
member is a member. A member of the commission who is also a 54315
member of a local emergency planning committee may vote on 54316
resolutions of the commission that apply uniformly to all local 54317
emergency planning committees and districts in the state and do 54318
not provide a grant or other pecuniary benefit to the member's 54319
district or the committee of which the member is a member. 54320

The governor shall make the initial appointments to the 54321
commission within thirty days after December 14, 1988. Of the 54322
initial appointments to the commission, five shall be for a term 54323
of two years and five shall be for a term of one year. 54324

Thereafter, terms of office of the appointed members of the 54325
commission shall be for two years, with each term ending on the 54326
same day of the same month as did the term that it succeeds. 54327
Each member shall hold office from the date of appointment until 54328
the end of the term for which the member was appointed. Members 54329
may be reappointed. Vacancies shall be filled in the manner 54330
provided for original appointments. Any member appointed to fill 54331
a vacancy occurring prior to the expiration of the term for 54332
which the member's predecessor was appointed shall hold office 54333
for the remainder of that term. A member shall continue in 54334
office subsequent to the expiration date of the member's term 54335
until the member's successor takes office or until a period of 54336
sixty days has elapsed, whichever occurs first. The commission 54337
may at any time by a vote of two-thirds of all the members 54338
remove any appointed member of the commission for misfeasance, 54339
nonfeasance, or malfeasance. Members of the commission shall 54340
serve without compensation, but shall be reimbursed for the 54341
reasonable expenses incurred by them in the discharge of their 54342
duties as members of the commission. 54343

The commission shall meet at least annually and shall hold 54344
such additional meetings as are necessary to implement and 54345
administer this chapter. Additional meetings may be held at the 54346
behest of either a co-chairperson or a majority of the members. 54347
The commission shall, by adoption of internal management rules 54348
under division (B) (9) of this section, establish an executive 54349
committee and delegate to it the performance of such of the 54350
commission's duties and powers under this chapter as are 54351
required or authorized to be so delegated by that division. The 54352
commission may organize itself into such additional committees 54353
as it considers necessary or convenient to implement and 54354
administer this chapter. The director of environmental 54355

protection and the director of public safety or their designees 54356
shall serve as co-chairpersons of the commission and the 54357
executive committee. Except as otherwise provided in this 54358
chapter, a majority of the voting members of the commission 54359
constitutes a quorum and the affirmative vote of a majority of 54360
the voting members of the commission is necessary for any action 54361
taken by the commission. Meetings of the executive committee 54362
conducted for the purpose of determining whether to issue an 54363
enforcement order or request that a civil action, civil penalty 54364
action, or criminal action be brought to enforce this chapter or 54365
rules adopted or orders issued under it are not subject to 54366
section 121.22 of the Revised Code pursuant to division (D) of 54367
that section. 54368

Except for the purposes of Chapters 102. and 2921. and 54369
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 54370
as an appointed member of the commission does not constitute 54371
holding a public office or position of employment under the laws 54372
of this state and does not constitute grounds for removal of 54373
public officers or employees from their offices or positions of 54374
employment. 54375

(B) The commission shall: 54376

(1) Adopt rules in accordance with Chapter 119. of the 54377
Revised Code that are consistent with and equivalent in scope, 54378
content, and coverage to the "Emergency Planning and Community 54379
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 54380
and applicable regulations adopted under it: 54381

(a) Identifying or listing extremely hazardous substances 54382
and establishing a threshold planning quantity for each such 54383
substance. To the extent consistent with that act and applicable 54384
regulations adopted under it, the rules may establish threshold 54385

planning quantities based upon classes of those substances or 54386
categories of facilities at which such substances are present. 54387

(b) Listing hazardous chemicals, establishing threshold 54388
quantities for those chemicals, establishing categories of 54389
health and physical hazards of those chemicals, establishing 54390
criteria or procedures for identifying those chemicals and the 54391
appropriate hazard categories of those chemicals, and 54392
establishing ranges of quantities for those chemicals to be used 54393
in preparing emergency and hazardous chemical inventory forms 54394
under section 3750.08 of the Revised Code. To the extent 54395
consistent with that act and applicable regulations adopted 54396
under it, the rules may establish threshold quantities based 54397
upon classes of those chemicals or categories of facilities 54398
where those chemicals are present. 54399

To the extent consistent with that act, the threshold 54400
quantities for purposes of the submission of lists of hazardous 54401
chemicals under section 3750.07 and the submission of emergency 54402
and hazardous chemical inventory forms under section 3750.08 of 54403
the Revised Code may differ. 54404

(c) Identifying or listing hazardous substances and 54405
establishing reportable quantities of each of those substances 54406
and each extremely hazardous substance. In addition to being 54407
consistent with and equivalent in scope, content, and coverage 54408
to that act and applicable regulations adopted under it, the 54409
rules shall be consistent with and equivalent in scope, content, 54410
and coverage to regulations identifying or listing hazardous 54411
substances and reportable quantities of those substances adopted 54412
under the "Comprehensive Environmental Response, Compensation, 54413
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 54414
amended. 54415

(d) Prescribing the information to be included in the 54416
lists of hazardous chemicals required to be submitted under 54417
section 3750.07 of the Revised Code; 54418

(e) Prescribing the information to be included in the 54419
emergency and hazardous chemical inventory forms required to be 54420
submitted under section 3750.08 of the Revised Code. If the 54421
commission establishes its own emergency and hazardous chemical 54422
inventory form, the rules shall authorize owners and operators 54423
of facilities who also have one or more facilities located 54424
outside the state for which they are required to submit 54425
inventory forms under the federal act and regulations adopted 54426
under it to submit their annual inventories on forms prescribed 54427
by the administrator of the United States environmental 54428
protection agency under that act instead of on forms prescribed 54429
by the commission and shall require those owners or operators to 54430
submit any additional information required by the commission's 54431
inventory form on an attachment to the federal form. 54432

(f) Establishing procedures for giving verbal notice of 54433
releases under section 3750.06 of the Revised Code and 54434
prescribing the information to be provided in such a notice and 54435
in the follow-up written notice required by that section; 54436

(g) Establishing standards for determining valid needs for 54437
the release of tier II information under division (B) (4) of 54438
section 3750.10 of the Revised Code; 54439

(h) Identifying the types or categories of information 54440
submitted or obtained under this chapter and rules adopted under 54441
it that constitute confidential business information; 54442

(i) Establishing criteria and procedures to protect trade 54443
secret and confidential business information from unauthorized 54444

disclosure; 54445

(j) Establishing other requirements or authorizations that 54446
the commission considers necessary or appropriate to implement, 54447
administer, and enforce this chapter. 54448

(2) Adopt rules in accordance with Chapter 119. of the 54449
Revised Code to implement and administer this chapter that may 54450
be more stringent than the "Emergency Planning and Community 54451
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 54452
and regulations adopted under it. Rules adopted under division 54453
(B) (2) of this section shall not be inconsistent with that act 54454
or the regulations adopted under it. The rules shall: 54455

(a) Prescribe the information to be included in the 54456
chemical emergency response and preparedness plans prepared and 54457
submitted by local emergency planning committees under section 54458
3750.04 of the Revised Code; 54459

(b) Establish criteria and procedures for reviewing the 54460
chemical emergency response and preparedness plans of local 54461
emergency planning committees required by section 3750.04 of the 54462
Revised Code and the annual exercise of those plans and for 54463
providing concurrence or requesting modifications in the plans 54464
and the exercise of those plans. The criteria shall include, 54465
without limitation, the requirement that each exercise of a 54466
committee's plan involve, in addition to local emergency 54467
response and medical personnel, either a facility that is 54468
subject to the plan or a transporter of materials that are 54469
identified or listed as hazardous materials by regulations 54470
adopted under the "Hazardous Materials Transportation Act," 88 54471
Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 54472

(c) Establish policies and procedures for maintaining 54473

information submitted to the commission and local emergency 54474
planning committees under this chapter, and for receiving and 54475
fulfilling requests from the public for access to review and to 54476
obtain copies of that information. The criteria and procedures 54477
shall include the following requirements and authorizations 54478
regarding that information and access to it: 54479

(i) Information that is protected as trade secret 54480
information or confidential business information under this 54481
chapter and rules adopted under it shall be kept in files that 54482
are separate from those containing information that is not so 54483
protected. 54484

(ii) The original copies of information submitted to the 54485
commission or committee shall not be removed from the custody 54486
and control of the commission or committee. 54487

(iii) A person who, either in person or by mail, requests 54488
to obtain a copy of a material safety data sheet submitted under 54489
this chapter by a facility owner or operator shall submit a 54490
separate application for each facility for which a material 54491
safety data sheet is being requested. 54492

(iv) A person who requests to receive by mail a copy of 54493
information submitted under this chapter by a facility owner or 54494
operator shall submit a separate application for each facility 54495
for which information is being requested and shall specify both 54496
the facility for which information is being requested and the 54497
particular types of documents requested. 54498

(v) Only employees of the commission or committee shall 54499
copy information in the files of the commission or committee. 54500

(vi) The commission or committee may require any person 54501
who requests to review or obtain a copy of information in its 54502

files to schedule an appointment for that purpose with the 54503
information coordinator of the commission or committee at least 54504
twenty-four hours before arriving at the office of the 54505
commission or committee for the review or copy. 54506

(vii) Any person who seeks access to information in the 54507
files of the commission or a local emergency planning committee 54508
shall submit a written application, either in person or by mail, 54509
to the information coordinator on a form provided by the 54510
commission or committee. The person also shall provide the 54511
person's name and current mailing address on the application and 54512
may be requested by the commission or committee to provide basic 54513
demographic information on the form to assist in the evaluation 54514
of the information access provisions of this chapter and rules 54515
adopted under it. Application forms may be obtained by mail or 54516
in person or by request by telephone at the office of the 54517
commission or committee during regular business hours. Upon 54518
receipt of a request for an application by telephone or mail, 54519
the information coordinator shall promptly mail an application 54520
to the person who requested it. 54521

(viii) The application form shall provide the applicant 54522
with a means of indicating that the applicant's name and address 54523
are to be kept confidential. If the applicant so indicates, that 54524
information is not a public record under section 149.43 of the 54525
Revised Code and shall not be disclosed to any person who is not 54526
a member or employee of the commission or committee or an 54527
employee of the environmental protection agency. When a name and 54528
address are to be kept confidential, they also shall be deleted 54529
from the copy of the application required to be placed in the 54530
file of the facility under division (B)(2)(c)(xii) of this 54531
section and shall be withheld from any log of information 54532
requests kept by the commission or committee pursuant to that 54533

division. 54534

(ix) Neither the commission nor a local emergency planning 54535
committee shall charge any fee for access to review information 54536
in its files when no copies or computer searches of that 54537
information are requested. 54538

(x) An applicant shall be informed of the cost of copying, 54539
mailing, or conducting a computer search of information on file 54540
with the commission or committee before such a copy or search is 54541
made, and the commission or committee shall collect the 54542
appropriate fees as established under section 3750.13 of the 54543
Revised Code. Each applicant shall acknowledge on the 54544
application form that the applicant is aware that the applicant 54545
will be charged for copies and computer searches of that 54546
information the applicant requests and for the costs of mailing 54547
copies of the information to the applicant. 54548

(xi) The commission or committee may require a person 54549
requesting copies of information on file with it to take 54550
delivery of them in the office of the commission or committee 54551
whenever it considers the volume of the information to be large 54552
enough to make mailing or delivery by a parcel or package 54553
delivery service impractical. 54554

(xii) When the commission or committee receives a request 54555
for access to review or obtain copies of information in its 54556
files, it shall not routinely notify the owner or operator of 54557
the facility involved, but instead shall either keep a log or 54558
file of requests for the information or shall place a copy of 54559
each completed application form in the file for the facility to 54560
which the application pertains. Such a log or file shall be 54561
available for review by the public and by the owners and 54562
operators of facilities required to submit information to the 54563

commission or committee under this chapter and rules adopted 54564
under it. 54565

(d) Require that claims for the protection, as a trade 54566
secret, of information obtained under this chapter regarding 54567
extremely hazardous substances identified or listed in rules 54568
adopted under division (B) (1) (a) of this section and hazardous 54569
chemicals identified or listed in rules adopted under division 54570
(B) (1) (b) of this section be submitted to the administrator of 54571
the United States environmental protection agency for 54572
determination under section 322 of the the "Emergency Planning 54573
and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 54574
U.S.C.A. 11042, and regulations adopted under that section; 54575

(e) Establish criteria and procedures for the issuance of 54576
variances under divisions (B) and (C) of section 3750.11 of the 54577
Revised Code. The rules shall require that, before approval of 54578
an application for a variance, the commission or committee find 54579
by a preponderance of the scientific evidence based upon 54580
generally accepted scientific principles or laboratory tests 54581
that the extremely hazardous substances, hazardous chemicals, or 54582
hazardous substances that would be subject to the reporting 54583
requirement pose a substantial risk of catastrophic injury to 54584
public health or safety or to the environment, or pose an 54585
extraordinary risk of injury to emergency management personnel 54586
responding to a release of the chemicals or substances, when the 54587
substances or chemicals are present at a facility in an amount 54588
equal to or exceeding the quantity for which reporting would be 54589
required under the reporting requirement for which the variance 54590
is sought. The rules shall also require that before approval of 54591
an application for a variance, the commission or committee find 54592
by a preponderance of the evidence that the development and 54593
implementation of a local emergency response plan for releases 54594

of the substances or chemicals covered by the reporting 54595
requirement will reduce the risk of catastrophic injury to 54596
public health or safety or to the environment, or will reduce 54597
the extraordinary risk of injury to responding emergency 54598
management personnel, in the event of a release of the 54599
substances or chemicals and find by a preponderance of the 54600
evidence that the reporting requirement is necessary for the 54601
development of such a local emergency response plan. The rules 54602
shall require that when determining whether the substances or 54603
chemicals that would be subject to the reporting requirement 54604
pose a substantial risk of catastrophic injury to public health 54605
or safety or to the environment, or pose an extraordinary risk 54606
of injury to emergency management personnel responding to a 54607
release of the substance or chemical, the commission or 54608
committee consider all of the following factors: 54609

(i) The specific characteristics and degree and nature of 54610
the hazards posed by a release of the extremely hazardous 54611
substances, hazardous chemicals, or hazardous substances; 54612

(ii) The proximity of the facilities that would be subject 54613
to the reporting requirement to residential areas, to areas 54614
where significantly large numbers of people are employed or 54615
otherwise congregate, and to environmental resources that are 54616
subject to injury; 54617

(iii) The quantities of the extremely hazardous 54618
substances, hazardous chemicals, or hazardous substances that 54619
are routinely present at facilities that would be subject to the 54620
reporting requirement; 54621

(iv) The frequency with which the extremely hazardous 54622
substances, hazardous chemicals, or hazardous substances are 54623
present at the facilities that would be subject to the reporting 54624

requirement in quantities for which reporting would be required 54625
thereunder. 54626

(f) Establish criteria and procedures for the issuance of 54627
orders under division (D) of section 3750.11 of the Revised Code 54628
requiring the placement of emergency response lock box units. 54629
The rules shall require that before approval of an application 54630
for issuance of such an order, the commission or committee find 54631
by a preponderance of the scientific evidence based upon 54632
generally accepted scientific principles or laboratory tests 54633
that the presence of the extremely hazardous substances, 54634
hazardous chemicals, or hazardous substances in the quantities 54635
in which they are routinely or intermittently present at the 54636
facility for which the order is sought pose a substantial risk 54637
of catastrophic injury to public health or safety or to the 54638
environment, or pose an extraordinary risk of injury to 54639
responding emergency management personnel, in the event of a 54640
release of any of those substances or chemicals from the 54641
facility. The rules shall require that before approval of an 54642
application for issuance of such an order, the commission or 54643
committee also find by a preponderance of the evidence that the 54644
placement of an emergency response lock box unit at the facility 54645
is necessary to protect against the substantial risk of 54646
catastrophic injury to public health or safety or the 54647
environment, or to protect against an extraordinary risk of 54648
injury to responding emergency management personnel, in the 54649
event of a release of any of the extremely hazardous substances, 54650
hazardous chemicals, or hazardous substances routinely or 54651
intermittently present at the facility. The rules shall require 54652
that when determining whether the extremely hazardous 54653
substances, hazardous chemicals, or hazardous substances present 54654
at the facility pose a substantial risk of catastrophic injury 54655

to public health or safety or to the environment, or pose an 54656
extraordinary risk of injury to responding emergency management 54657
personnel, in the event of a release of any of those substances 54658
or chemicals from the facility, the commission or committee 54659
consider all of the following factors: 54660

(i) The specific characteristics and the degree and nature 54661
of the hazards posed by a release of the extremely hazardous 54662
substances, hazardous chemicals, or hazardous substances present 54663
at the facility; 54664

(ii) The proximity of the facility to residential areas, 54665
to areas where significantly large numbers of people are 54666
employed or otherwise congregate, and to environmental resources 54667
that are subject to injury; 54668

(iii) The quantities of the extremely hazardous 54669
substances, hazardous chemicals, or hazardous substances that 54670
are routinely present at the facility; 54671

(iv) The frequency with which the extremely hazardous 54672
substances, hazardous chemicals, or hazardous substances are 54673
present at the facility. 54674

(g) Establish procedures to be followed by the commission 54675
and the executive committee of the commission for the issuance 54676
of orders under this chapter. 54677

(3) In accordance with Chapter 119. of the Revised Code 54678
adopt rules establishing reportable quantities for releases of 54679
oil that are consistent with and equivalent in scope, content, 54680
and coverage to section 311 of the "Federal Water Pollution 54681
Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, 54682
as amended, and applicable regulations adopted under it; 54683

(4) Adopt rules in accordance with Chapter 119. of the 54684

Revised Code establishing criteria and procedures for 54685
identifying or listing extremely hazardous substances in 54686
addition to those identified or listed in rules adopted under 54687
division (B) (1) (a) of this section and for establishing 54688
threshold planning quantities and reportable quantities for the 54689
added extremely hazardous substances; for identifying or listing 54690
hazardous chemicals in addition to those identified or listed in 54691
rules adopted under division (B) (1) (b) of this section and for 54692
establishing threshold quantities and categories of health and 54693
physical hazards for the added hazardous chemicals; and for 54694
identifying or listing hazardous substances in addition to those 54695
identified or listed in rules adopted under division (B) (1) (c) 54696
of this section and for establishing reportable quantities for 54697
the added hazardous substances. The criteria for identifying or 54698
listing additional extremely hazardous substances and 54699
establishing threshold planning quantities and reportable 54700
quantities therefor and for identifying or listing additional 54701
hazardous chemicals and establishing threshold quantities and 54702
categories of health and physical hazards for the added 54703
hazardous chemicals shall be consistent with and equivalent to 54704
applicable criteria therefor under the "Emergency Planning and 54705
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 54706
U.S.C.A. 11001, and regulations adopted under it. The criteria 54707
for identifying additional hazardous substances and for 54708
establishing reportable quantities of the added hazardous 54709
substances shall be consistent with and equivalent to the 54710
applicable criteria for identifying or listing hazardous 54711
substances and establishing reportable quantities therefor under 54712
the "Comprehensive Environmental Response, Compensation, and 54713
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 54714
amended, and regulations adopted under it. 54715

The rules shall require that, before identifying or 54716
listing any such additional extremely hazardous substance, 54717
hazardous chemical, or hazardous substance and establishing a 54718
threshold planning quantity, threshold quantity, or reportable 54719
quantity therefor, the commission find by a preponderance of the 54720
scientific evidence based on generally accepted scientific 54721
principles or laboratory tests that the substance or chemical 54722
poses a substantial risk of catastrophic injury to public health 54723
or safety or to the environment, or poses an extraordinary risk 54724
of injury to emergency management personnel responding to a 54725
release of the chemical or substance, when the chemical or 54726
substance is present at a facility in an amount equal to the 54727
proposed threshold planning quantity or threshold quantity or, 54728
in the instance of a proposed additional extremely hazardous 54729
substance or hazardous substance, poses a substantial risk of 54730
catastrophic injury to public health or safety or to the 54731
environment if a release of the proposed reportable quantity of 54732
the substance occurs. The rules shall further require that, 54733
before so identifying or listing a substance or chemical, the 54734
commission find by a preponderance of the evidence that the 54735
development and implementation of state or local emergency 54736
response plans for releases of the substance or chemical will 54737
reduce the risk of a catastrophic injury to public health or 54738
safety or to the environment, or will reduce the extraordinary 54739
risk of injury to responding emergency response personnel, in 54740
the event of a release of the substance or chemical and find by 54741
a preponderance of the evidence that the identification or 54742
listing of the substance or chemical is necessary for the 54743
development of state or local emergency response plans for 54744
releases of the substance or chemical. The rules shall require 54745
that the commission consider the toxicity of the substance or 54746
chemical in terms of both the short-term and long-term health 54747

effects resulting from exposure to it and its reactivity, 54748
volatility, dispersibility, combustibility, and flammability 54749
when determining the risks posed by a release of the substance 54750
or chemical and, as appropriate, when establishing a threshold 54751
planning quantity, threshold quantity, reportable quantity, or 54752
category of health or physical hazard for it. 54753

(5) Adopt rules in accordance with Chapter 119. of the 54754
Revised Code establishing criteria and procedures for receiving 54755
and deciding claims for protection of information as a trade 54756
secret that are applicable only to extremely hazardous 54757
substances and hazardous chemicals identified or listed in rules 54758
adopted under division (C)(5) of this section. The rules shall 54759
be equivalent in scope, content, and coverage to section 322 of 54760
the "Emergency Planning and Community Right-To-Know Act of 54761
1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations 54762
adopted under it. 54763

(6)(a) After consultation with the fire marshal, adopt 54764
rules in accordance with Chapter 119. of the Revised Code 54765
establishing standards for the construction, placement, and use 54766
of emergency response lock box units at facilities that are 54767
subject to this chapter. The rules shall establish all of the 54768
following: 54769

(i) Specific standards of construction for lock box units; 54770

(ii) The specific types of information that shall be 54771
placed in the lock box units required to be placed at a facility 54772
by an order issued under division (D) of section 3750.11 of the 54773
Revised Code, which shall include the location of on-site 54774
emergency fire-fighting and spill cleanup equipment; a diagram 54775
of the public and private water supply and sewage systems 54776
serving the facility that are known to the owner or operator of 54777

the facility; a copy of the emergency and hazardous chemical 54778
inventory form for the facility most recently required to be 54779
submitted under section 3750.08 of the Revised Code from which 54780
the owner or operator may withhold information claimed or 54781
determined to be trade secret information pursuant to rules 54782
adopted under division (B)(2)(d) of this section, or pursuant to 54783
division (B)(14) of this section and rules adopted under 54784
division (B)(5) of this section, and confidential business 54785
information identified in rules adopted under division (B)(1)(h) 54786
of this section; a copy of the local fire department's and 54787
facility's emergency management plans for the facility, if any; 54788
a current list of the names, positions, addresses, and telephone 54789
numbers of all key facility personnel knowledgeable in facility 54790
safety procedures and the locations at the facility where 54791
extremely hazardous substances, hazardous chemicals, and 54792
hazardous substances are produced, used, or stored. The rules 54793
shall stipulate that, in the instance of lock box units placed 54794
voluntarily at facilities by the owners or operators of the 54795
facilities, such information shall be maintained in them as is 54796
prescribed by agreement by the owner or operator and the fire 54797
department having jurisdiction over the facility. 54798

(iii) The conditions that shall be met in order to provide 54799
safe and expedient access to a lock box unit during a release or 54800
threatened release of an extremely hazardous substance, 54801
hazardous chemical, or hazardous substance. 54802

(b) Unless the owner or operator of a facility is issued 54803
an order under division (D) of section 3750.11 of the Revised 54804
Code requiring the owner or operator to place a lock box unit at 54805
the facility, the owner or operator may place a lock box unit at 54806
the facility at the owner's or operator's discretion. If the 54807
owner or operator chooses to place a lock box unit at the 54808

facility, the responsibility to deposit information in the lock 54809
box unit is in addition to any other obligations established in 54810
this chapter. 54811

(c) Any costs associated with the purchase, construction, 54812
or placement of a lock box unit shall be paid by the owner or 54813
operator of the facility. 54814

(7) In accordance with Chapter 119. of the Revised Code, 54815
adopt rules governing the application for and awarding of grants 54816
under division (C) of section 3750.14 and division (B) of 54817
section 3750.15 of the Revised Code; 54818

(8) Adopt rules in accordance with Chapter 119. of the 54819
Revised Code establishing reasonable maximum fees that may be 54820
charged by the commission and local emergency planning 54821
committees for copying information in the commission's or 54822
committee's files to fulfill requests from the public for that 54823
information; 54824

(9) Adopt internal management rules governing the 54825
operations of the commission. The internal management rules 54826
shall establish an executive committee of the commission 54827
consisting of the director of environmental protection or the 54828
director's designee, the director of public safety or the 54829
director's designee, the attorney general or the attorney 54830
general's designee, one of the appointed members of the 54831
commission representing industries subject to this chapter to be 54832
appointed by the commission, one of the appointed members of the 54833
commission representing the interests of environmental advocacy 54834
organizations to be appointed by the commission, and one other 54835
appointed member or member ex officio of the commission to be 54836
appointed by the commission. The executive committee has 54837
exclusive authority to issue enforcement orders under section 54838

3750.18 of the Revised Code and to request the attorney general 54839
to bring a civil action, civil penalty action, or criminal 54840
action under section 3750.20 of the Revised Code in the name of 54841
the commission regarding violations of this chapter, rules 54842
adopted under it, or orders issued under it. The internal 54843
management rules may set forth the other specific powers and 54844
duties of the commission that the executive committee may 54845
exercise and carry out and the conditions under which the 54846
executive committee may do so. The internal management rules 54847
shall not authorize the executive committee to issue variances 54848
under division (B) or (C) of section 3750.11 of the Revised Code 54849
or orders under division (D) of that section. 54850

(10) Oversee and coordinate the implementation and 54851
enforcement of this chapter and make such recommendations to the 54852
director of environmental protection and the director of public 54853
safety as it considers necessary or appropriate to improve the 54854
implementation and enforcement of this chapter; 54855

(11) Make allocations of moneys under division (B) of 54856
section 3750.14 of the Revised Code and make grants under 54857
division (C) of section 3750.14 and division (B) of section 54858
3750.15 of the Revised Code; 54859

(12) Designate an officer of the environmental protection 54860
agency to serve as the commission's information coordinator 54861
under this chapter; 54862

(13) Not later than December 14, 1989, develop and 54863
distribute a state emergency response plan that defines the 54864
emergency response roles and responsibilities of the state 54865
agencies that are represented on the commission and that 54866
provides appropriate coordination with the national contingency 54867
plan and the regional contingency plan required by section 105 54868

of the "Comprehensive Environmental Response, Compensation, and 54869
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 54870
amended. The plan shall ensure a well-coordinated response by 54871
state agencies that may be involved in assisting local emergency 54872
responders during a major release of oil or a major sudden and 54873
accidental release of a hazardous substance or extremely 54874
hazardous substance. The plan may incorporate existing state 54875
emergency response plans by reference. At least annually, the 54876
commission and the state agencies that are represented on it 54877
shall jointly exercise the state plan in conjunction with the 54878
exercise of a local emergency response plan by a local emergency 54879
planning committee under section 3750.04 of the Revised Code. 54880
After any such exercise, the commission shall review the state 54881
plan and make such revisions in it as the commission considers 54882
necessary or appropriate. 54883

(14) Receive and decide claims for the protection of 54884
information as a trade secret that pertain only to extremely 54885
hazardous substances and hazardous chemicals identified or 54886
listed by rules adopted under division (C)(5) of this section. 54887
If the commission determines that the claim meets the criteria 54888
established in rules adopted under division (B)(5) of this 54889
section, it shall issue an order to that effect in accordance 54890
with section 3750.18 of the Revised Code. If the commission 54891
determines that the claim does not meet the criteria established 54892
in those rules, it shall issue an order to that effect in 54893
accordance with section 3750.18 of the Revised Code. 54894

(15) Annually compile, make available to the public, and 54895
submit to the president of the senate and the speaker of the 54896
house of representatives a summary report on the number of 54897
facilities estimated to be subject to regulation under sections 54898
3750.05, 3750.07, and 3750.08 of the Revised Code, the number of 54899

facilities reporting to the commission, an estimate of the 54900
percentage of facilities in compliance with those sections, and 54901
recommendations regarding the types of activities the commission 54902
considers necessary to improve such compliance. The commission 54903
shall base its estimate of the number of facilities that are 54904
subject to regulation under those sections on the current 54905
estimates provided by the local emergency planning committees 54906
under division (D) (6) of section 3750.03 of the Revised Code. 54907

(C) The commission may: 54908

(1) Procure by contract the temporary or intermittent 54909
services of experts or consultants when those services are to be 54910
performed on a part-time or fee-for-service basis and do not 54911
involve the performance of administrative duties; 54912

(2) Enter into contracts or agreements with political 54913
subdivisions or emergency planning districts for the purposes of 54914
this chapter; 54915

(3) Accept on behalf of the state any gift, grant, or 54916
contribution from any governmental or private source for the 54917
purposes of this chapter; 54918

(4) Enter into contracts, agreements, or memoranda of 54919
understanding with any state department, agency, board, 54920
commission, or institution to obtain the services of personnel 54921
thereof or utilize resources thereof for the purposes of this 54922
chapter. Employees of a state department, agency, board, 54923
commission, or institution providing services to the commission 54924
under any such contract, agreement, or memorandum shall perform 54925
only those functions and provide only the services provided for 54926
in the contract, agreement, or memorandum. 54927

(5) Identify or list extremely hazardous substances in 54928

addition to those identified or listed in rules adopted under 54929
division (B) (1) (a) of this section and establish threshold 54930
planning quantities and reportable quantities for the additional 54931
extremely hazardous substances, identify or list hazardous 54932
chemicals in addition to those identified or listed in rules 54933
adopted under division (B) (1) (b) of this section and establish 54934
threshold quantities and categories or health and physical 54935
hazards for the added chemicals, and identify or list hazardous 54936
substances in addition to those identified or listed in rules 54937
adopted under division (B) (1) (c) of this section and establish 54938
reportable quantities for the added hazardous substances. The 54939
commission may establish threshold planning quantities for the 54940
additional extremely hazardous substances based upon classes of 54941
those substances or categories of facilities at which they are 54942
present and may establish threshold quantities for the 54943
additional hazardous chemicals based upon classes of those 54944
chemicals or categories of facilities where they are present. 54945
The commission shall identify or list such additional substances 54946
or chemicals and establish threshold planning quantities, 54947
threshold quantities, reportable quantities, and hazard 54948
categories therefor in accordance with the criteria and 54949
procedures established in rules adopted under division (B) (4) of 54950
this section and, after compliance with those criteria and 54951
procedures, by the adoption of rules in accordance with Chapter 54952
119. of the Revised Code. The commission shall not adopt rules 54953
under division (C) (5) of this section modifying any threshold 54954
planning quantity established in rules adopted under division 54955
(B) (1) (a) of this section, any threshold quantity established in 54956
rules adopted under division (B) (1) (b) of this section, or any 54957
reportable quantity established in rules adopted under division 54958
(B) (1) (c) of this section. 54959

If, after the commission has adopted rules under division (C) (5) of this section identifying or listing an extremely hazardous substance, hazardous chemical, or hazardous substance, the administrator of the United States environmental protection agency identifies or lists the substance or chemical as an extremely hazardous substance or hazardous chemical under the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance as a hazardous substance under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the commission shall rescind its rules adopted under division (C) (5) of this section pertaining to the substance or chemical and adopt the appropriate rules under division (B) (1) (a), (b), or (c) of this section.

(6) From time to time, request the director of environmental protection and the executive director of the emergency management agency to review implementation, administration, and enforcement of the chemical emergency response planning and reporting programs created by this chapter and rules adopted under it regarding their effectiveness in preparing for response to releases of extremely hazardous substances, hazardous chemicals, and hazardous substances. After completion of any such review, the director of environmental protection and the director of public safety shall report their findings to the commission. Upon receipt of their findings, the commission may make such recommendations for legislative and administrative action as the commission finds necessary or appropriate to promote achievement of the purposes of this chapter.

(D) Except as provided in section 3750.06 of the Revised

Code, nothing in this chapter applies to the transportation, 54991
including the storage incident to transportation, of any 54992
substance or chemical subject to the requirements of this 54993
chapter, including the transportation and distribution of 54994
natural gas. 54995

(E) This chapter authorizes the state, through the 54996
emergency response commission, the department of public safety, 54997
and the environmental protection agency, to establish and 54998
maintain chemical emergency response planning and preparedness, 54999
community right-to-know, and hazardous substance and extremely 55000
hazardous substance release reporting programs that are 55001
consistent with and equivalent in scope, coverage, and content 55002
to the "Emergency Planning and Community Right-To-Know Act of 55003
1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations 55004
adopted under it, except as otherwise specifically required or 55005
authorized in this chapter. The commission, department, and 55006
agencies may do all things necessary, incidental, or appropriate 55007
to implement, administer, and enforce this chapter and to 55008
perform the duties and exercise the powers of the state 55009
emergency response commission under that act and regulations 55010
adopted under it and under this chapter. 55011

Sec. 3769.03. The state racing commission shall prescribe 55012
the rules and conditions under which horse racing may be 55013
conducted and may issue, deny, suspend, diminish, or revoke 55014
permits to conduct horse racing as authorized by sections 55015
3769.01 to 3769.14 of the Revised Code. The commission may 55016
impose, in addition to any other penalty imposed by the 55017
commission, fines in an amount not to exceed ~~ten~~fifty thousand 55018
dollars on any permit holder or any other person who violates 55019
the rules or orders of the commission and an additional fine on 55020
the violator in an amount equal to the costs incurred by the 55021

commission in hearing the matter. The commission may prescribe 55022
the forms of wagering that are permissible, the number of races, 55023
the procedures on wagering, and the wagering information to be 55024
provided to the public. 55025

The commission may require totalizator equipment to 55026
display the amount of wagering in each wagering pool. The 55027
commission shall initiate safeguards as necessary to account for 55028
the amount of money wagered at each track in each wagering pool. 55029
It may require permit holders to install equipment that will 55030
provide a complete check and analysis of the functioning of any 55031
computers and require safeguards on their performance. The 55032
commission shall require all permit holders, except those 55033
holding state fair, county fair, or other fair permits, to 55034
provide a photographic recording, approved by the commission, of 55035
the entire running of all races conducted by the permit holder. 55036

The state racing commission may issue, deny, suspend, or 55037
revoke licenses to those persons engaged in racing and to those 55038
employees of permit holders as is in the public interest for the 55039
purpose of maintaining a proper control over horse-racing 55040
meetings. The commission, as is in the public interest for the 55041
purpose of maintaining proper control over horse-racing 55042
meetings, also may rule any person off a permit holder's 55043
premises. License fees shall include registration fees and shall 55044
be set by the commission. Each license issued by the commission, 55045
unless revoked for cause, shall be for the period of one year 55046
from the first day of January of the year in which it is issued, 55047
except as otherwise provided in section 3769.07 of the Revised 55048
Code. Applicants for licenses issued by the commission shall 55049
submit their fingerprints to the commission, and the commission 55050
may forward the fingerprints to the federal bureau of 55051
investigation or to any other agency, or to both, for 55052

examination. The commission shall issue a license to a person 55053
engaged in racing or an employee of a permit holder in 55054
accordance with Chapter 4796. of the Revised Code if that person 55055
or employee holds a license in another state, or that person or 55056
employee has satisfactory work experience, a government 55057
certification, or a private certification as described in that 55058
chapter in horse racing in a state that does not issue that 55059
license. 55060

There is hereby created in the state treasury the state 55061
racing commission operating fund. All license fees established 55062
and collected by the commission pursuant to this section, and 55063
the amounts specified in divisions (B) and (C) of section 55064
3769.08 and division (A) (5) of section 3769.087 of the Revised 55065
Code, shall be paid into the state treasury to the credit of the 55066
fund. Moneys in the fund shall be expended by the commission to 55067
defray its operating costs, salaries and expenses, and the cost 55068
of administering and enforcing this chapter. 55069

The commission may deny a permit to any permit holder that 55070
has defaulted in payments to the public, employees, or the 55071
horsemen and may deny a permit to any successor purchaser of a 55072
track for as long as any of those defaults have not been 55073
satisfied by either the seller or purchaser. 55074

The commission shall deny a permit to any permit holder 55075
that has defaulted in payments to the state or has defaulted in 55076
payments required under section 3769.089 or 3769.0810 of the 55077
Revised Code and shall deny a permit to any successor purchaser 55078
of a track for as long as those defaults have not been satisfied 55079
by either the seller or purchaser. 55080

Any violation of this chapter, of any rule of racing 55081
adopted by the commission, or of any law or rule with respect to 55082

racing in any jurisdiction shall be sufficient reason for a 55083
refusal to issue a license, or a suspension or revocation of any 55084
license issued, pursuant to this section. 55085

With respect to the issuance, denial, suspension, or 55086
revocation of a license to a participant in horse racing, the 55087
action of the commission shall be subject to Chapter 119. of the 55088
Revised Code. 55089

The commission may sue and be sued in its own name. Any 55090
action against the commission shall be brought in the court of 55091
common pleas of Franklin county. Any appeal from a determination 55092
or decision of the commission rendered in the exercise of its 55093
powers and duties under this chapter shall be brought in the 55094
court of common pleas of Franklin county. 55095

The commission, biennially, shall make a full report to 55096
the governor of its proceedings for the two-year period ending 55097
with the thirty-first day of December preceding the convening of 55098
the general assembly and shall include its recommendations in 55099
the report. The commission, semiannually, on the thirtieth day 55100
of June and on the thirty-first day of December of each year, 55101
shall make a report and accounting to the governor. 55102

Sec. 3769.088. (A) (1) If any permit holder required by 55103
this chapter to pay the taxes levied by sections 3769.08, 55104
3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay 55105
the taxes as required, the tax commissioner may make an 55106
assessment against the permit holder based upon any information 55107
in the commissioner's possession. 55108

(2) If a permit holder required to remit taxes or file a 55109
report electronically in the manner prescribed under section 55110
3769.103 of the Revised Code fails to do so, the tax 55111

commissioner may impose an additional penalty of fifty dollars 55112
or ten per cent of the tax due as shown on the report, whichever 55113
is greater. 55114

(3) A penalty of up to fifteen per cent may be added to 55115
the amount of every assessment made under this section. 55116

(4) ~~The commissioner may adopt rules providing for the~~ 55117
~~imposition and remission of penalties added to assessments made~~ 55118
~~under this section.~~ 55119

~~(5)~~ The commissioner shall give the party assessed written 55120
notice of the assessment in the manner provided in section 55121
5703.37 of the Revised Code. With the notice, the commissioner 55122
shall provide instructions on how to petition for reassessment 55123
and request a hearing on the petition. 55124

(B) Unless the party assessed files with the tax 55125
commissioner within sixty days after service of the notice of 55126
assessment, ~~either personally or by certified mail,~~ a written 55127
petition for reassessment signed by the party assessed or that 55128
party's authorized agent having knowledge of the facts, the 55129
assessment becomes final and the amount of the assessment is due 55130
and payable from the party assessed to the commissioner. The 55131
petition shall indicate the objections of the party assessed, 55132
but additional objections may be raised in writing if received 55133
by the commissioner prior to the date shown on the final 55134
determination. If the petition has been properly filed, the 55135
commissioner shall proceed under section 5703.60 of the Revised 55136
Code. 55137

(C) After an assessment becomes final, if any portion of 55138
the assessment remains unpaid, including accrued interest, a 55139
certified copy of the tax commissioner's entry making the 55140

assessment final may be filed in the office of the clerk of the 55141
court of common pleas in the county in which the place, track, 55142
or enclosure for which the permit was issued is located or the 55143
county in which the party assessed resides or has its principal 55144
place of business. If the party assessed maintains no place of 55145
business in this state and is not a resident of this state, the 55146
certified copy of the entry may be filed in the office of the 55147
clerk of the court of common pleas of Franklin county. 55148

Immediately upon the filing of the entry, the clerk shall 55149
enter a judgment for the state against the party assessed in the 55150
amount shown on the entry. The judgment may be filed by the 55151
clerk in a loose-leaf book entitled "special judgments for state 55152
horse racing tax," and shall have the same effect as other 55153
judgments. Execution shall issue upon the judgment upon the 55154
request of the tax commissioner, and all laws applicable to 55155
sales on execution shall apply to sales made under the judgment. 55156

If the assessment is not paid in its entirety within sixty 55157
days after the day the assessment was issued, the portion of the 55158
assessment consisting of tax due shall bear interest at the rate 55159
per annum prescribed by section 5703.47 of the Revised Code from 55160
the day the tax commissioner issues the assessment until the day 55161
the assessment is paid or until it is certified to the attorney 55162
general for collection under section 131.02 of the Revised Code, 55163
whichever comes first. If the unpaid portion of the assessment 55164
is certified to the attorney general for collection, the entire 55165
unpaid portion of the assessment shall bear interest at the rate 55166
per annum prescribed by section 5703.47 of the Revised Code from 55167
the date of certification until the date it is paid in its 55168
entirety. Interest shall be paid in the same manner as the tax 55169
and may be collected by the issuance of an assessment under this 55170
section. 55171

(D) All money collected by the tax commissioner under this 55172
section shall be treated as revenue arising from the taxes 55173
imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of 55174
the Revised Code. 55175

Sec. 3769.091. (A) The state racing commission may 55176
delegate to the stewards and judges of racing meetings under the 55177
jurisdiction of the commission the power to suspend licenses for 55178
not to exceed one year and to impose fines not to exceed ~~one~~ 55179
fifty thousand dollars for any violation of the rules or orders 55180
of the commission, provided that two of such officials shall 55181
concur in such suspension. Any suspension of a license by such 55182
officials is valid even though the suspension extends beyond the 55183
period of the racing meeting for which such officials have been 55184
appointed. The suspension shall be effective at all other race 55185
meetings under the jurisdiction of the commission. ~~Any~~ 55186

(B) Any fine or suspension may be appealed to the 55187
commission. Such appeal shall stay the fine or suspension until 55188
further action by the commission. If the commission determines 55189
that a violation of the rules or orders of the commission has 55190
occurred, the commission may impose an additional fine in an 55191
amount equal to the costs incurred by the commission in hearing 55192
the appeal. 55193

Sec. 3770.02. (A) Subject to the advice and consent of the 55194
senate, the governor shall appoint a director of the state 55195
lottery commission who shall serve at the pleasure of the 55196
governor. The director shall devote full time to the duties of 55197
the office and shall hold no other office or employment. The 55198
director shall meet all requirements for appointment as a member 55199
of the commission and shall, by experience and training, possess 55200
management skills that equip the director to administer an 55201

enterprise of the nature of a state lottery. The director shall 55202
receive an annual salary in accordance with pay range 48 of the 55203
schedules created under section 124.152 of the Revised Code. 55204

(B) (1) The director shall attend all meetings of the 55205
commission and shall act as its secretary. The director shall 55206
keep a record of all commission proceedings and shall keep the 55207
commission's records, files, and documents at the commission's 55208
principal office. All records of the commission's meetings shall 55209
be available for inspection by any member of the public, upon a 55210
showing of good cause and prior notification to the director. 55211

(2) The director shall be the commission's executive 55212
officer and shall be responsible for keeping all commission 55213
records and supervising and administering the state lottery in 55214
accordance with this chapter, and carrying out all commission 55215
rules adopted under section 3770.03 of the Revised Code. 55216

(C) (1) The director shall appoint deputy directors as 55217
necessary and as many regional managers as are required. The 55218
director may also appoint necessary professional, technical, and 55219
clerical assistants. All such officers and employees shall be 55220
appointed and compensated pursuant to Chapter 124. of the 55221
Revised Code. Regional and assistant regional managers, sales 55222
representatives, and any lottery executive account 55223
representatives shall remain in the unclassified service. The 55224
assistant director shall act as director in the absence or 55225
disability of the director. If the director does not appoint an 55226
assistant director, the director shall designate a deputy 55227
director to act as director in the absence or disability of the 55228
director. 55229

(2) The director, in consultation with the director of 55230
administrative services, may establish standards of proficiency 55231

and productivity for commission field representatives. 55232

(D) The director shall request the bureau of criminal 55233
identification and investigation, the department of public 55234
safety, or any other state, local, or federal agency to supply 55235
the director with the criminal records of any job applicant and 55236
may periodically request the criminal records of commission 55237
employees. At or prior to the time of making such a request, the 55238
director shall require a job applicant or commission employee to 55239
obtain fingerprint cards prescribed by the superintendent of the 55240
bureau of criminal identification and investigation at a 55241
qualified law enforcement agency, and the director shall cause 55242
these fingerprint cards to be forwarded to the bureau of 55243
criminal identification and investigation and the federal bureau 55244
of investigation. The commission shall assume the cost of 55245
obtaining the fingerprint cards and shall pay to each agency 55246
supplying criminal records for each investigation under this 55247
division a reasonable fee, as determined by the agency. 55248

(E) The director shall license lottery sales agents 55249
pursuant to section 3770.05 of the Revised Code and, when it is 55250
considered necessary, may revoke or suspend the license of any 55251
lottery sales agent. The director may license video lottery 55252
technology providers, independent testing laboratories, and 55253
gaming employees, and promulgate rules relating thereto. When 55254
the director considers it necessary, the director may suspend or 55255
revoke the license of a video lottery technology provider, 55256
independent testing laboratory, or gaming employee, including 55257
suspension or revocation without affording an opportunity for a 55258
prior hearing under section 119.07 of the Revised Code when the 55259
public safety, convenience, or trust requires immediate action. 55260

(F) The director shall confer at least once each month 55261

with the commission, at which time the director shall advise it 55262
regarding the operation and administration of the lottery. The 55263
director shall make available at the request of the commission 55264
all documents, files, and other records pertaining to the 55265
operation and administration of the lottery. The director shall 55266
prepare and make available to the commission each month a 55267
complete and accurate accounting of lottery revenues, prize 55268
money disbursements and the cost of goods and services awarded 55269
as prizes, operating expenses, and all other relevant financial 55270
information, including an accounting of all transfers made from 55271
any lottery funds in the custody of the treasurer of state to 55272
benefit education. 55273

(G) The director may enter into contracts for the 55274
operation or promotion of the lottery pursuant to Chapter 125. 55275
of the Revised Code. 55276

(H) (1) Pursuant to rules adopted by the commission under 55277
section 3770.03 of the Revised Code, the director shall require 55278
any lottery sales agents to deposit to the credit of the state 55279
lottery fund, in banking institutions designated by the 55280
treasurer of state, net proceeds due the commission as 55281
determined by the director. 55282

(2) Pursuant to rules adopted by the commission under 55283
Chapter 119. of the Revised Code, the director may impose 55284
penalties for the failure of a sales agent to transfer funds to 55285
the commission in a timely manner. Penalties may include 55286
monetary penalties, immediate suspension or revocation of a 55287
license, or any other penalty the commission adopts by rule. 55288

(I) The director may arrange for any person, or any 55289
banking institution, to perform functions and services in 55290
connection with the operation of the lottery as the director may 55291

consider necessary to carry out this chapter. 55292

(J) (1) As used in this chapter, "statewide joint lottery 55293
game" means a lottery game that the commission sells solely 55294
within this state under an agreement with other lottery 55295
jurisdictions to sell the same lottery game solely within their 55296
statewide or other jurisdictional boundaries. 55297

(2) If the governor directs the director to do so, the 55298
director shall enter into an agreement with other lottery 55299
jurisdictions to conduct statewide joint lottery games. If the 55300
governor signs the agreement personally or by means of an 55301
authenticating officer pursuant to section 107.15 of the Revised 55302
Code, the director then may conduct statewide joint lottery 55303
games under the agreement. 55304

(3) The entire net proceeds from any statewide joint 55305
lottery games shall be used to fund elementary, secondary, 55306
vocational, and special education programs in this state. 55307

(4) The commission shall conduct any statewide joint 55308
lottery games in accordance with rules it adopts under division 55309
(B) (5) of section 3770.03 of the Revised Code. 55310

(K) (1) The director shall enter into an agreement with the 55311
department of mental health and addiction services under which 55312
the department shall provide a program of gambling addiction 55313
services on behalf of the commission. The commission shall pay 55314
the costs of the program provided pursuant to the agreement. 55315

(2) As used in this section, "gambling addiction services" 55316
has the same meaning as in section 5119.01 of the Revised Code. 55317

Sec. 3770.071. (A) As used in this section, "lottery prize 55318
award" does not include a prize award from a video lottery 55319
terminal and does not include winnings from lottery sports 55320

gaming, except that "lottery prize award" includes winnings from 55321
lottery sports gaming wagers placed through a terminal described 55322
in division (B) (3) of section 3770.24 of the Revised Code. 55323

(B) If the amount of the prize money or the cost of goods 55324
or services awarded as a lottery prize award meets or exceeds 55325
the reportable winnings amounts set by 26 U.S.C. 6041, or a 55326
subsequent analogous section of the Internal Revenue Code, the 55327
director of the state lottery commission or the director's 55328
designee shall consult the data match program established under 55329
section 3123.89 of the Revised Code to determine whether the 55330
person is subject to a final and enforceable determination of 55331
default made under sections 3123.01 to 3123.07 of the Revised 55332
Code. If so, the director or the director's designee shall 55333
withhold an amount from the prize award in accordance with 55334
section 3123.89 of the Revised Code. 55335

Sec. 3770.072. (A) As used in this section, "prize 55336
winner," and "transferee," and ~~"transferor"~~ have the same 55337
meanings as in section 3770.10 of the Revised Code. 55338

(B) The state lottery commission shall deduct amounts from 55339
lottery prize awards and file returns in accordance with 55340
~~sections~~ section 5747.062 ~~and 5747.064~~ of the Revised Code and 55341
any rules adopted by the tax commissioner pursuant to ~~those~~ 55342
~~sections~~ that section. This division also applies to lottery 55343
prize award payments the commission remits to transferees. 55344

~~(C) (1) (a)~~ (C) (1) Each transferee shall deduct and withhold 55345
from each gross amount payable to each prize winner four per 55346
cent of the gross amount payable prior to making any other 55347
reduction required by this chapter. 55348

~~(b) Subject to division (C) (1) (c) of this section, each~~ 55349

~~transferee, including any transferee that is a related member, 55350
as defined in section 5733.042 of the Revised Code, to the 55351
transferor, shall deduct and withhold from each amount payable 55352
to a transferor that is not a prize winner four per cent of the 55353
portion of the payment representing gain or income the 55354
transferor will recognize in connection with the payment. 55355~~

~~(c) For purposes of division (C) (1) (b) of this section, 55356
the portion of any payment representing gain or income 55357
recognized by the transferor shall be computed in accordance 55358
with the Internal Revenue Code. The transferor shall prepare a 55359
written statement setting forth that amount and sign the 55360
statement under penalty of perjury. Within five days before the 55361
date on which the payment is to be made, the transferor shall 55362
deliver the written statement to the transferee and deliver a 55363
copy of the written statement to the tax commissioner. If the 55364
transferee does not receive the written statement by the time 55365
the payment is made, the transferee shall withhold four per cent 55366
of the entire amount of the payment. If the tax commissioner 55367
notifies the transferee that the transferor has erroneously 55368
computed the amount of gain or income recognized, the transferee 55369
shall withhold four per cent of the entire amount of each 55370
payment to be made after the transferee receives the notice. 55371~~

~~(d) The tax commissioner may impose a penalty of up to one 55372
thousand dollars for any person failing to timely deliver to the 55373
tax commissioner the copy of the written statement as required 55374
by division (C) (1) (c) of this section. Proceeds from the 55375
imposition of the penalty shall be considered as revenue arising 55376
from the tax imposed under section 5733.06 or 5747.02 of the 55377
Revised Code, as applicable. 55378~~

(2) With respect to amounts deducted and withheld pursuant 55379

to division (C) (1) of this section, each transferee shall comply 55380
with divisions (A) (2) to (4) of section 5747.062 of the Revised 55381
Code. 55382

(3) An employee of a corporation, limited liability 55383
company, or business trust having control or supervision of or 55384
charged with the responsibility of filing the report and making 55385
the payment required by division (C) of this section and section 55386
5747.062 of the Revised Code, or an officer, member, manager, or 55387
trustee of a corporation, limited liability company, or business 55388
trust who is responsible for the execution of the corporation's, 55389
limited liability company's, or business trust's fiscal 55390
responsibilities, shall be personally liable for failure to file 55391
the report or pay the amount due as required by division (C) of 55392
this section and section 5747.062 of the Revised Code. The 55393
dissolution, termination, or bankruptcy of a corporation, 55394
limited liability company, or business trust does not discharge 55395
a responsible officer's, member's, manager's, employee's, or 55396
trustee's liability for a failure of the corporation, limited 55397
liability company, or business trust to file returns or pay the 55398
amount due. 55399

(4) (a) The tax commissioner may make an assessment against 55400
any person listed in division (C) (1) or (3) of this section for 55401
any deficiency for any period. Section 5747.13 of the Revised 55402
Code shall apply with respect to issuing assessments, filing 55403
petitions for reassessments, conducting hearings, issuing final 55404
determinations, making the assessment final, and filing the 55405
entry that makes the assessment final. Section 5717.02 of the 55406
Revised Code shall apply to appeals of the commissioner's final 55407
decision in connection with assessments issued pursuant to 55408
division (C) (4) of this section. 55409

(b) An assessment issued against any person listed in 55410
division (C) (1) or (3) of this section shall not be considered 55411
an election of remedies or a bar to an assessment against any 55412
other person for the failure to comply with division (C) (1) of 55413
this section. No assessment shall be issued against any person 55414
who is so listed if the amount required to be withheld has been 55415
paid by another. 55416

(c) The assessment shall include interest at the rate per 55417
annum prescribed by section 5703.47 of the Revised Code on 55418
liability from the time the payment is due until the date of 55419
assessment. Interest shall continue to accrue from the date of 55420
assessment until the date the assessment is paid in full. Any 55421
interest accruing subsequent to the date of the issuance of the 55422
assessment shall be considered to be an additional deficiency 55423
for which the tax commissioner may issue subsequent assessments. 55424
The initial assessment and any subsequent assessments may 55425
include a penalty in an amount not to exceed twice the 55426
applicable interest charged under this division. 55427

Sec. 3770.073. (A) As used in this section, "lottery prize 55428
award" does not include a prize award from a video lottery 55429
terminal and does not include winnings from lottery sports 55430
gaming, except that "lottery prize award" includes winnings from 55431
lottery sports gaming wagers placed through a terminal described 55432
in division (B) (3) of section 3770.24 of the Revised Code. 55433

(B) The attorney general shall provide the state lottery 55434
commission or its designee with access to the real time data 55435
match program described in sections 3772.37 and 3775.16 of the 55436
Revised Code for the purpose of identifying prize winners who 55437
owe amounts to the state or a political subdivision. 55438

(C) If a person is entitled to a lottery prize award and 55439

is indebted to the state for the payment of any tax, workers' 55440
compensation premium, unemployment contribution, payment in lieu 55441
of unemployment contribution, or certified claim under section 55442
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 55443
political subdivision that has a certified claim under section 55444
131.02 of the Revised Code, owes lottery sales receipts held in 55445
trust on behalf of the state lottery commission as described in 55446
division (H) (4) of section 3770.05 of the Revised Code, or owes 55447
any charge, penalty, or interest arising from ~~these~~ any of those 55448
debts and if the amount of the prize money or the cost of goods 55449
or services awarded as a lottery prize award meets or exceeds 55450
the reportable winnings amount set by 26 U.S.C. 6041, the 55451
director of the state lottery commission, or the director's 55452
designee, shall do either of the following: 55453

(1) If the prize award will be paid in a lump sum, deduct 55454
from the prize award and pay to the attorney general an amount 55455
in satisfaction of the debt and pay any remainder to that 55456
person. If the amount of the prize award is less than the amount 55457
of the debt, the entire amount of the prize award shall be 55458
deducted and paid in partial satisfaction of the debt. 55459

(2) If the prize award will be paid in annual 55460
installments, on the date the initial installment payment is 55461
due, deduct from that installment and pay to the attorney 55462
general an amount in satisfaction of the debt and, if necessary 55463
to collect the full amount of the debt, do the same for any 55464
subsequent annual installments, at the time the installments 55465
become due and owing to the person, until the debt is fully 55466
satisfied. 55467

~~(B)~~ (D) If a person entitled to a lottery prize award owes 55468
more than one debt, any debt owed to the state shall be 55469

satisfied first, subject to both section 5739.33 and division 55470
(G) of section 5747.07 of the Revised Code having first 55471
priority, and subject to division ~~(C)~~ (E) of this section. 55472

~~(C)~~ (E) Any debt owed under section 3770.071 of the 55473
Revised Code shall be satisfied with first priority over debts 55474
owed under this section. 55475

~~(D)~~ (F) Except as provided in section 131.021 of the 55476
Revised Code, this section applies only to debts that have 55477
become final. 55478

Sec. 3770.074. If the amount of a prize award from a video 55479
lottery terminal meets or exceeds the reportable winnings amount 55480
set by 26 U.S.C. 6041, the video lottery sales agent shall 55481
consult the data match program established under section 3123.89 55482
of the Revised Code to determine whether the person is subject 55483
to a final and enforceable determination of default made under 55484
sections 3123.01 to 3123.07 of the Revised Code. If so, the 55485
video lottery sales agent shall withhold an amount from the 55486
prize award in accordance with section 3123.89 of the Revised 55487
Code. 55488

Sec. 3770.075. (A) The attorney general shall provide each 55489
video lottery sales agent with access to the real time data 55490
match program described in sections 3772.37 and 3775.16 of the 55491
Revised Code for the purpose of identifying prize winners who 55492
owe amounts to the state or a political subdivision. 55493

(B) If a person is entitled to a prize award from a video 55494
lottery terminal that meets or exceeds the reportable winnings 55495
amount set by 26 U.S.C. 6041 and the person is indebted to the 55496
state for the payment of any tax, workers' compensation premium, 55497
unemployment contribution, payment in lieu of unemployment 55498

contribution, or certified claim under section 131.02 or 131.021 55499
of the Revised Code, is indebted to a political subdivision that 55500
has a certified claim under section 131.02 of the Revised Code, 55501
owes lottery sales receipts held in trust on behalf of the state 55502
lottery commission as described in division (H) (4) of section 55503
3770.05 of the Revised Code, or owes any charge, penalty, or 55504
interest arising from any of those debts, the video lottery 55505
sales agent shall deduct from the prize award and pay to the 55506
attorney general an amount in satisfaction of the debt and pay 55507
any remainder to that person. If the amount of the prize award 55508
is less than the amount of the debt, the entire amount of the 55509
prize award shall be deducted and paid in partial satisfaction 55510
of the debt. 55511

(C) If a person entitled to a prize award from a video 55512
lottery terminal owes more than one debt, any debt owed to the 55513
state shall be satisfied first, subject to both section 5739.33 55514
and division (G) of section 5747.07 of the Revised Code having 55515
first priority, and subject to division (C) of this section. 55516

(D) Any debt owed under section 3770.074 of the Revised 55517
Code shall be satisfied with first priority over debts owed 55518
under this section. 55519

(E) Except as provided in section 131.021 of the Revised 55520
Code, this section applies only to debts that have become final. 55521

Sec. 3770.10. As used in sections 3770.07 to ~~3770.073~~ 55522
3770.075 and 3770.10 to 3770.14 of the Revised Code: 55523

(A) "Court of competent jurisdiction" means either the 55524
general division or the probate division of the court of common 55525
pleas of the county in which the prize winner ~~or transferor~~ 55526
resides, or, if the prize winner ~~or transferor~~ is not a resident 55527

of this state, either the general division or the probate 55528
division of the court of common pleas of Franklin county or a 55529
federal court having jurisdiction over the lottery prize award. 55530

(B) "Discounted present value" means the present value of 55531
the future payments of a lottery prize award that is determined 55532
by discounting those payments to the present, using the most 55533
recently published applicable federal rate for determining the 55534
present value of an annuity as issued by the United States 55535
internal revenue service and assuming daily compounding. 55536

(C) "Independent professional advice" means the advice of 55537
~~an attorney, a certified public accountant, an actuary, or any~~ 55538
~~other~~ a licensed professional adviser if all of the following 55539
apply: 55540

(1) The prize winner has engaged the services of the 55541
licensed professional adviser to render advice concerning the 55542
legal, financial, and other implications of a transfer of the 55543
lottery prize award. 55544

(2) The licensed professional adviser is not affiliated in 55545
any manner with or compensated in any manner by the transferee 55546
of the lottery prize award. 55547

(3) The compensation of the licensed professional adviser 55548
is not affected by whether or not a transfer of a lottery prize 55549
award occurs. 55550

(D) "Prize winner" means any person that holds the right 55551
to receive all or any part of a lottery prize award as a result 55552
of being any of the following: 55553

(1) A person who is a claimant under division (A) of 55554
section 3770.07 of the Revised Code; 55555

(2) A person who is entitled to a prize award and who is 55556
under a legal disability as described in division (B) of section 55557
3770.07 of the Revised Code; 55558

(3) A person who was awarded a prize award to which 55559
another has claimed title by a federal bankruptcy court order or 55560
other court order referred to in division (D) of section 3770.07 55561
of the Revised Code; 55562

(4) A person who is receiving payments upon the death of a 55563
prize winner as provided in division (D) of section 3770.07 of 55564
the Revised Code. 55565

(E) "Transfer" means any form of sale, assignment, or 55566
redirection of payment of ~~all or any part~~ the remainder of a 55567
lottery prize award for consideration. 55568

(F) "Transfer agreement" means an agreement that is 55569
complete and valid, and that provides for the transfer of ~~all or~~ 55570
~~any part~~ the remainder of a lottery prize award from a 55571
~~transferor prize winner~~ to a transferee. A transfer agreement is 55572
incomplete and invalid unless the agreement contains both of the 55573
following: 55574

(1) A statement, signed by the ~~transferor prize winner~~ 55575
under penalties of perjury, that the ~~transferor prize winner~~ 55576
irrevocably agrees that the ~~transferor prize winner~~ is subject 55577
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 55578
with respect to gain or income which the ~~transferor prize winner~~ 55579
will recognize in connection with the transfer. ~~If the~~ 55580
~~transferor is a pass-through entity, as defined in section~~ 55581
~~5733.04 of the Revised Code, each investor in the pass-through~~ 55582
~~entity shall also sign under penalties of perjury a statement~~ 55583
~~that the investor irrevocably agrees that the investor is~~ 55584

~~subject to the tax imposed by Chapter 5733. or 5747. of the~~ 55585
~~Revised Code with respect to gain or income which the transferor~~ 55586
~~and the investor will recognize in connection with the transfer.~~ 55587

(2) A statement, signed by the transferee, that the 55588
transferee irrevocably agrees that the transferee is subject to 55589
the withholding requirements imposed by division (C) of section 55590
3770.072 of the Revised Code and that the transferee is subject 55591
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 55592
with respect to gain or income which the transferee will 55593
recognize in connection with a lottery prize awards-award to be 55594
received as a result of the transfer. If the transferee is a 55595
pass-through entity, as defined in section 5733.04 of the 55596
Revised Code, each investor in the pass-through entity shall 55597
also sign under penalties of perjury a statement setting forth 55598
that the investor irrevocably agrees that the investor is 55599
subject to the withholding requirements imposed by division (C) 55600
of section 3770.072 of the Revised Code and is subject to the 55601
tax imposed by Chapter 5733. or 5747. of the Revised Code with 55602
respect to gain or income which the transferee and the investor 55603
will recognize in connection with a lottery prize awards-award 55604
to be received as a result of the transfer. 55605

(G) "Transferee" means a party acquiring or proposing to 55606
acquire ~~all or any part~~ the remainder of a lottery prize award 55607
from a prize winner through a transfer. 55608

(H) ~~"Transferor" means either a prize winner or a~~ 55609
~~transferee in an earlier transfer whose interest is acquired by~~ 55610
~~or is sought to be acquired by a transferee or a new transferee~~ 55611
~~through a transfer.~~ "Licensed professional adviser" means any of 55612
the following: 55613

(1) An attorney; 55614

<u>(2) A certified public accountant;</u>	55615
<u>(3) An actuary;</u>	55616
<u>(4) A financial planner who is accredited by a nationally recognized accreditation agency.</u>	55617 55618
(I) "Lottery prize award" includes winnings from lottery sports gaming, <u>except as otherwise specified in the applicable section of the Revised Code.</u>	55619 55620 55621
<u>(J) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.</u>	55622 55623
<u>(K) "Video lottery sales agent" means an agent of the state lottery authorized to operate video lottery terminals under section 3770.21 of the Revised Code.</u>	55624 55625 55626
Sec. 3770.12. A court of competent jurisdiction shall approve a transfer of a lottery prize award only in a final order that is based on express findings of the court. The court shall approve the transfer if each of the following conditions that applies is met and is included in the court's express findings:	55627 55628 55629 55630 55631 55632
(A) If the transferor is a prize winner, the <u>The</u> transferee has provided to the prize winner a disclosure statement that complies with section 3770.11 of the Revised Code, and the prize winner has confirmed the prize winner's receipt of the disclosure statement, as evidenced by the prize winner's notarized signature on a copy of the disclosure statement.	55633 55634 55635 55636 55637 55638 55639
(B) If the transferor is a <u>The</u> prize winner, the prize winner has received independent professional advice regarding the legal, <u>financial</u> , and other implications of the transfer, <u>as</u>	55640 55641 55642

evidenced by a statement signed under penalty of perjury by the 55643
prize winner and the licensed professional adviser. 55644

(C) The transferee has given written notice of the 55645
transferee's name, address, and taxpayer identification number 55646
to the state lottery commission and has filed a copy of that 55647
notice with the court in which the application for approval of 55648
the transfer was filed. 55649

(D) The transferee is a trust, limited partnership, 55650
general partnership, corporation, professional association, 55651
limited liability company, or other entity that is qualified to 55652
do business in this state and meets the registration 55653
requirements for that type of entity under Title XVII of the 55654
Revised Code. 55655

(E) The transfer complies with all applicable requirements 55656
of the Revised Code and does not contravene any applicable 55657
statute or court order. 55658

(F) The transfer does not include or cover the amounts of 55659
the lottery prize award that are required to be withheld or 55660
deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 55661
3123.06, 3770.071, or 3770.072 of the Revised Code. 55662

(G) Any amounts described in division (F) of this section 55663
that are required to be withheld or deducted, as of the date of 55664
the court order, will be offset by the commission first against 55665
remaining payments due the ~~transferor~~ prize winner and then 55666
against payments due the transferee. 55667

(H) Except as provided in divisions (F) and (G) of this 55668
section, that the ~~transferor's~~ prize winner's interest in each 55669
and all of the future payments from a particular lottery prize 55670
award is to be paid to a single transferee, ~~or, if the payments~~ 55671

~~from the lottery prize award are to be directed from the state~~ 55672
~~lottery commission to multiple transferees, the commission has~~ 55673
~~promulgated rules under section 3770.03 of the Revised Code~~ 55674
~~permitting transfers to multiple transferees, and the transfer~~ 55675
~~is consistent with those rules.~~ 55676

~~(I) If the lottery prize award has been transferred within~~ 55677
~~twelve months immediately preceding the effective date of the~~ 55678
~~proposed transfer, the state lottery commission has not objected~~ 55679
~~to the proposed transfer. The court shall presume that the~~ 55680
~~requirements of this division are met unless the commission~~ 55681
~~notifies the court in writing before the hearing on the~~ 55682
~~application for transfer, or through counsel at that hearing,~~ 55683
~~that a transfer of the same lottery prize award has been made~~ 55684
~~within that twelve-month period and that the commission objects~~ 55685
~~to a subsequent transfer within that twelve-month period. The~~ 55686
~~court shall find that the requirements of this division are not~~ 55687
~~met if the commission provides notice of a prior transfer of the~~ 55688
~~same lottery prize award within that twelve-month period and its~~ 55689
~~objection to the proposed transfer, unless the transferor or~~ 55690
~~transferee shows by clear and convincing evidence that no~~ 55691
~~previous transfer of the same lottery prize award occurred~~ 55692
~~within that twelve-month period. For purposes of this division,~~ 55693
~~any of a series of transfers of a lottery prize award that occur~~ 55694
~~simultaneously as part of a single transaction shall not be~~ 55695
~~considered to be a prior transfer of the lottery prize award~~ 55696
~~within the twelve-month period immediately preceding the~~ 55697
~~effective date of the proposed transfer, provided that the~~ 55698
~~condition set forth in division (C) of this section is met.~~ 55699

If the court determines that all of the conditions in 55700
divisions (A) to ~~(I)~~ (H) of this section that apply are met, the 55701
transfer of the lottery prize award shall be presumed to be fair 55702

and reasonable and in the best interests of the prize winner. 55703

Sec. 3770.121. Any state lottery commission rules allowing 55704
lottery prize awards to be paid in installments also shall allow 55705
a prize winner who is being paid a prize award in that manner to 55706
transfer ~~all or a portion of the~~ remainder of the prize award, 55707
subject to each of the following conditions: 55708

(A) ~~If each transfer is for less than one hundred per cent~~ 55709
~~of the remainder of the prize award, the remainder of the prize~~ 55710
~~award for each transfer must be five hundred thousand dollars or~~ 55711
~~greater at the time of the transfer. If the lottery prize award~~ 55712
~~is a lifetime prize, for each transfer the remainder of the~~ 55713
~~minimum guaranteed prize to which the prize winner is entitled~~ 55714
~~must be five hundred thousand dollars or greater at the time of~~ 55715
~~the transfer.~~ 55716

~~(B)~~ Payments of the prize award transferred shall be 55717
subject to the withholding or deduction of any amounts that are 55718
required to be withheld or deducted under section 3119.80, 55719
3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the 55720
Revised Code. 55721

~~(C) The maximum number of transfers~~ (B) Only one transfer 55722
is permitted under this section with respect to any single prize 55723
award ~~shall not exceed three unless a greater number of~~ 55724
permitted transfers has been specified by the commission in the 55725
rules. 55726

Sec. 3770.13. (A) A transferee shall file an application 55727
under sections 3770.10 to 3770.14 of the Revised Code for the 55728
approval in advance of a transfer of a lottery prize award in a 55729
court of competent jurisdiction. 55730

(B) The following procedures shall apply to an application 55731

for the approval in advance by a court of a transfer of a 55732
lottery prize award under division (A) of this section: 55733

(1) Upon the filing of the application, the court shall 55734
set a date, time, and place for a hearing on the application and 55735
shall notify the transferee and ~~transferor~~ the prize winner of 55736
the date, time, and place of the hearing. 55737

(2) Not less than thirty days prior to the date set by the 55738
court for the hearing on an application filed pursuant to this 55739
section, the transferee shall file with the court and shall 55740
serve on the state lottery commission, in the manner prescribed 55741
in the Rules of Civil Procedure for the service of process, a 55742
notice of the proposed transfer and the application for its 55743
approval in advance. The notice shall include all of the 55744
following: 55745

(a) A copy of the application; 55746

(b) A copy of the transfer agreement ~~or, if the transferor~~ 55747
~~is not a prize winner, a redacted copy of the transfer agreement~~ 55748
~~that discloses sufficient information to allow the commission~~ 55749
~~and the court to determine the validity of the transfer~~ 55750
~~agreement;~~ 55751

(c) ~~If the transferor is a prize winner, a~~ A copy of the 55752
disclosure statement provided by the transferee pursuant to 55753
section 3770.11 of the Revised Code and signed by the prize 55754
winner pursuant to division (A) of section 3770.12 of the 55755
Revised Code; 55756

(d) A statement, signed under penalty of perjury by the 55757
prize winner and a licensed professional adviser, that the prize 55758
winner has received independent professional advice regarding 55759
the legal, financial, and other implications of the transfer; 55760

(e) The amounts and due dates of the lottery prize award 55761
payments that will be transferred under the transfer agreement; 55762

~~(e)~~ (f) Notification of the date, time, and place of the 55763
hearing on the application; 55764

~~(f)~~ (g) The complete name, address, and taxpayer 55765
identification number of the transferee. 55766

(3) The commission shall not be required to appear in or 55767
be named as a party to a hearing on the application, but may 55768
intervene as of right in the proceeding. 55769

(4) At the conclusion of the hearing on an application 55770
under this section, the court may grant or deny the approval of 55771
the transfer. The court shall enter its order accordingly. If 55772
the court grants the approval of the transfer, it shall include 55773
in its order all of the express findings specified in section 55774
3770.12 of the Revised Code. If the court denies the approval of 55775
the transfer, it shall include in its order the reasons for the 55776
denial. 55777

(5) An order of the court made under division (B) (4) of 55778
this section is a final and appealable order. 55779

Sec. 3770.25. (A) The state lottery commission shall offer 55780
lottery sports gaming only at type C sports gaming hosts' 55781
facilities on self-service or clerk-operated terminals, and only 55782
to individuals who are at least twenty-one years of age and who 55783
are physically present on the premises of the facility. 55784

(B) All of the following apply concerning lottery sports 55785
gaming: 55786

(1) If a type C sports gaming proprietor intends to 55787
install more than two terminals in any type C sports gaming 55788

host's facility, the type C sports gaming proprietor shall 55789
notify the Ohio casino control commission of that fact not later 55790
than seven days before installing the additional terminals. The 55791
commission may disallow the installation of more than two 55792
terminals in the facility, in accordance with the commission's 55793
rules. 55794

(2) The self-service terminal or the clerk, as applicable, 55795
shall verify that the lottery sports gaming participant is at 55796
least twenty-one years of age. 55797

(3) A type C sports gaming proprietor may offer only the 55798
following types of wagers on sporting events, as approved by the 55799
Ohio casino control commission: 55800

(a) Spread wagers; 55801

(b) Over-under wagers; 55802

(c) Moneyline wagers; 55803

(d) Parlay wagers that are based on not more than four 55804
component wagers. 55805

(4) A self-service terminal or clerk shall accept wagers 55806
only by cash, credit card, debit card, or electronic payment 55807
account. As used in this section, "electronic payment account" 55808
means an account maintained with a third party for purposes of 55809
making electronic payments, such as paypal, google pay, or apple 55810
pay, that is intended for general use and not only for sports 55811
gaming purposes. 55812

(5) A self-service terminal or clerk shall not accept 55813
wagers aggregating more than seven hundred dollars in a calendar 55814
week from any one participant. 55815

(6) The rules of the Ohio casino control commission and 55816

the state lottery commission concerning lottery sports gaming 55817
shall apply identically in all applicable respects to lottery 55818
sports gaming offered on a self-service terminal and to lottery 55819
sports gaming offered on a clerk-operated terminal. 55820

(C) (1) A participant whose winnings from lottery sports 55821
gaming are of an amount that ~~is not subject to withholding under~~ 55822
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 55823
~~Code~~ does not meet or exceed the reportable winnings amount set 55824
by 26 U.S.C. 6041 may receive the participant's winnings by any 55825
of the following methods: 55826

(a) As a credit to the participant's credit card, debit 55827
card, or electronic payment account; 55828

(b) In cash from any type C sports gaming host; 55829

(c) By any additional method permitted by the state 55830
lottery commission by rule. 55831

(2) A participant whose winnings from lottery sports 55832
gaming are of an amount that ~~is subject to withholding under~~ 55833
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 55834
~~Code~~ meets or exceeds the reportable winnings amount set by 26 55835
U.S.C. 6041 may receive the participant's winnings in the ~~same~~ 55836
~~manner as any other determined by the state lottery prize award~~ 55837
~~of an amount that is subject to~~ commission, subject to 55838
withholding by the sports gaming proprietor under those sections 55839
718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or 55840
subject to withholding by the state lottery commission under 55841
sections 718.031, 3770.071, 3770.073, and 5747.062 of the 55842
Revised Code, as applicable. 55843

Sec. 3772.06. (A) (1) The commission shall appoint an 55844
executive director who shall serve at the pleasure of the 55845

commission. The executive director is in the unclassified 55846
service, shall devote full time to the duties of the office, and 55847
shall hold no other office or employment. The executive director 55848
shall, by experience and training, possess management skills 55849
that equip the executive director to administer an enterprise of 55850
the nature of the commission. The executive director shall not 55851
have a pecuniary interest in any business organization that 55852
holds a license under this chapter, or that does business with 55853
any person licensed under this chapter. A member of the general 55854
assembly, a person who holds an elective office, or an office 55855
holder of a political party is ineligible to be appointed 55856
executive director at the same time as being such a member or 55857
holding such an office. The executive director shall receive an 55858
annual salary in accordance with pay range 48 of the schedules 55859
created under section 124.152 of the Revised Code. 55860

(2) The executive director, before entering upon the 55861
discharge of the executive director's official duties, shall 55862
give, and thereafter shall maintain, bond in the amount of 55863
twenty-five thousand dollars, payable to the state, conditioned 55864
upon the executive director's faithful and proper performance of 55865
the executive director's official duties. The bond shall be 55866
issued by a surety authorized to do business in this state and 55867
shall be filed with the secretary of state. The bond may be an 55868
individual bond or a schedule or blanket bond. 55869

(B) (1) The executive director or a deputy designated in 55870
writing by the executive director shall attend all meetings of 55871
the commission and shall act as its secretary. The executive 55872
director shall keep a record of all commission proceedings and 55873
shall keep the commission's records, files, and documents at the 55874
commission's principal office. 55875

(2) The executive director shall be the chief executive officer and shall be responsible for keeping all commission records and supervising and administering casino gaming in accordance with this chapter, and enforcing all commission rules adopted under this chapter.

(3) The executive director shall hire staff, including an assistant director or deputy directors, as necessary to assist the executive director in the executive director's duties under this chapter. In appointing employees, the executive director is subject to section 3772.061 of the Revised Code. The executive director may employ employees as necessary, unless the commission determines otherwise. Except as otherwise provided in this chapter, all costs of administration incurred by the executive director and the executive director's employees shall be paid out of the casino control commission fund.

(C) A state agency or other unit of state government shall cooperate with the commission, and shall provide the commission with information and services the commission considers necessary to carry out the commission's duties and functions under this chapter.

(D) The executive director shall confer at least once each month with the commission, at which time the executive director shall advise it regarding the operation and administration of the commission and casino gaming. The executive director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the commission and casino gaming. The executive director shall prepare and make available to the commission each month a complete and accurate accounting of gross casino gaming revenues, and all other relevant financial

information, including an accounting of all transfers made from 55906
the casino control commission fund. 55907

Sec. 3775.16. (A) Pursuant to section 131.02 of the 55908
Revised Code, the attorney general shall develop and implement a 55909
real time data match program and make it available to each 55910
sports gaming proprietor to identify patrons who owe amounts to 55911
the state or a political subdivision. 55912

(B) (1) ~~Before~~ Subject to division (E) of this section, 55913
before disbursing any sports gaming winnings to a patron in an 55914
amount for which reporting to the internal revenue service of 55915
the amount is required by section 6041 of the Internal Revenue 55916
Code, as amended, a sports gaming proprietor shall consult the 55917
data match program to determine whether the patron owes any 55918
amounts to the state or a political subdivision. If the data 55919
match program indicates that the patron owes any amounts to the 55920
state or a political subdivision, the sports gaming proprietor 55921
shall withhold from the patron's winnings an amount sufficient 55922
to satisfy those amounts, up to the amount of the winnings. 55923

(2) If the data match program described in section 3123.90 55924
of the Revised Code indicates that the patron also is in default 55925
under a support order, the sports gaming proprietor shall 55926
transmit to the department of job and family services an amount 55927
sufficient to satisfy any past due support owed by the patron, 55928
up to the amount of the winnings, before transmitting any 55929
remaining amount to the attorney general under division (C) of 55930
this section. 55931

(C) (1) Not later than fourteen days after withholding an 55932
amount under division (B) of this section, the sports gaming 55933
proprietor shall transmit to the attorney general any amount 55934
withheld and not already disbursed to the department of job and 55935

family services under section 3123.90 of the Revised Code as 55936
payment on the amount owed. 55937

(2) If the patron owes more than one amount to the state 55938
or a political subdivision as identified by the data match 55939
program described in this section, the amount owed to the state 55940
shall be satisfied first, except that any amounts owed under 55941
section 5739.33 and division (G) of section 5747.07 of the 55942
Revised Code shall have first priority. 55943

(D) Except as otherwise provided in section 131.021 of the 55944
Revised Code, this section applies only to amounts owed that 55945
have become final. 55946

(E) A sports gaming proprietor that offers lottery sports 55947
gaming through a terminal described in division (B) (3) of 55948
section 3770.24 of the Revised Code shall not withhold amounts 55949
under this section from winnings from wagers placed through that 55950
terminal. The state lottery commission shall withhold amounts 55951
from those winnings under section 3770.073 of the Revised Code. 55952

(F) The attorney general, in consultation with the 55953
commission, may adopt rules under Chapter 119. of the Revised 55954
Code as necessary to implement this section. 55955

Sec. 3776.01. As used in this chapter: 55956

(A) "Environmental health science" means the aspect of 55957
public health science that includes, but is not limited to, the 55958
following bodies of knowledge: air quality, food quality and 55959
protection, hazardous and toxic substances, consumer product 55960
safety, housing, institutional health and safety, community 55961
noise control, radiation protection, recreational facilities, 55962
solid and liquid waste management, vector control, drinking 55963
water quality, milk sanitation, and rabies control. 55964

(B) "Environmental health specialist" means a person who 55965
performs for compensation educational, investigational, 55966
technical, or administrative duties requiring specialized 55967
knowledge and skills in the field of environmental health 55968
science. 55969

(C) "Registered environmental health specialist" means a 55970
person who is registered as an environmental health specialist 55971
in accordance with this chapter. 55972

(D) "Environmental health specialist in training" means a 55973
person who is registered as an environmental health specialist 55974
in training in accordance with this chapter. 55975

(E) "Practice of environmental health" means consultation, 55976
instruction, investigation, inspection, or evaluation by an 55977
employee of a city health district, a general health district, 55978
the environmental protection agency, the department of health, 55979
or the department of agriculture requiring specialized 55980
knowledge, training, and experience in the field of 55981
environmental health science, with the primary purpose of 55982
improving or conducting administration or enforcement under any 55983
of the following: 55984

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 55985
3730., or 3733. of the Revised Code; 55986

(2) Chapter 3734. of the Revised Code as it pertains to 55987
solid ~~and hazardous~~ waste; 55988

(3) Section 955.26, 955.261, 3701.344, 3707.01, 3707.03, 55989
3707.26, or 3715.021 of the Revised Code; 55990

(4) Rules adopted under Chapter 3749. of the Revised Code 55991
pertaining to swimming pools. 55992

"Practice of environmental health" does not include 55993
sampling, testing, controlling of vectors, reporting of 55994
observations, or other duties that do not require application of 55995
specialized knowledge and skills in environmental health science 55996
performed under the supervision of a registered environmental 55997
health specialist. 55998

The director of health may further define environmental 55999
health science in relation to specific functions in the practice 56000
of environmental health through rules adopted by the director 56001
under Chapter 119. of the Revised Code. 56002

Sec. 3780.02. Authorization and purpose. 56003

(A) Controlled and regulated sales and use of adult use cannabis 56004
shall be permitted under this chapter for the following public 56005
purposes: 56006

(1) Reducing illegal marijuana sales and providing for a safer 56007
and regulated cannabis product; 56008

(2) Limiting the transportation of out-of-state cannabis into 56009
the state; 56010

(3) Providing key funding to ~~support social equity, job-~~ 56011
~~creation, host communities that have adult use dispensaries,~~ 56012
~~cannabis research, and proper oversight and regulation of the~~ 56013
~~adult cannabis industry; and~~ 56014

~~(4) Improving social equity issues to address the state's-~~ 56015
~~compelling interest to redress past and present effects of-~~ 56016
~~discrimination and economic disadvantage for individuals in the-~~ 56017
~~state~~fund the needs of the state, including law enforcement 56018
training and operations, public health and safety, access to 56019
justice initiatives, and administration of adult use marijuana 56020
laws. 56021

(B) Adult use cannabis shall only be sold to, or used by, an 56022
adult use consumer pursuant to this chapter unless otherwise 56023
authorized pursuant to the Revised Code. 56024

(C) Nothing in this chapter shall limit any sale, use, 56025
possession, or any other activity authorized by Chapter 3796_ of 56026
the Revised Code. 56027

**Sec. 3780.03. Establishment and authority of division of 56028
cannabis control; adoption of rules. 56029**

(A) There is hereby established a division of cannabis control 56030
within the department of commerce. 56031

(B) To ensure the proper oversight and control of the adult use 56032
cannabis industry, the division of cannabis control shall have 56033
the authority to license, regulate, investigate, and penalize 56034
adult use cannabis operators, adult use testing laboratories, 56035
and individuals required to be licensed under this chapter. 56036

(C) The division of cannabis control shall adopt, and as 56037
advisable and necessary shall amend or repeal, rules on the 56038
following: 56039

(1) Prevention of practices detrimental to the public interest 56040
consistent with this chapter, and also ways to educate the 56041
public about this chapter; 56042

(2) Establishing application, licensure, and renewal standards 56043
and procedures for license applicants or license holders related 56044
to adult use cannabis operators, adult use testing laboratories, 56045
and individuals required to be licensed, including any 56046
additional background check requirements, the disqualifying 56047
offenses under section 3780.01 of the Revised Code that prohibit 56048
licensure, and any exemption criteria from licensing 56049
requirements for institutional or private investors who do not 56050

have significant control or influence over a license applicant 56051
or license holder, and whose ownership in a license is for 56052
investment purposes only; 56053

(3) Establishing reasonable application, licensure, and renewal 56054
fees amounts to ensure license applicants and license holders 56055
under this chapter pay for the actual costs for administration 56056
and licensure for the division of cannabis control; 56057

(4) Establishing standards for provisional licenses for an 56058
individual who is required to be licensed and who has exigent 56059
circumstances. Such standards for provisional licenses must 56060
include submission of a complete application and compliance with 56061
a required background check. A provisional license shall be 56062
valid not longer than three months. A provisional license may be 56063
renewed, at the division of cannabis control's discretion, for 56064
an additional three months. In establishing standards with 56065
regard to instant background checks the division of cannabis 56066
control may use all available resources~~+~~. 56067

(5) Specifying the process and reasons for which a license 56068
holder may be fined, suspended either with or without a prior 56069
hearing, revoked, or not renewed or issued; 56070

(6) The process and requirements for division of cannabis 56071
control approval of any requested change in ownership or 56072
transfer of control of an adult use cannabis operator or adult 56073
use testing laboratory; 56074

(7) Establishing ~~process~~ processes and standards for expanding 56075
the size of the cultivation area for a cultivation facility; 56076

(8) Establishing standards and procedures for the testing of 56077
adult use cannabis by an adult use testing laboratory licensed 56078
under this chapter. When establishing standards and procedures 56079

for the testing of cannabis, the division of cannabis control 56080
shall do all of the following: 56081

(a) Specify when testing must be conducted; 56082

(b) Determine the minimum amount of adult use cannabis that must 56083
be tested; 56084

(c) Specify the manner in which testing is to be conducted in an 56085
effort to ensure uniformity of cannabis products processed ~~for~~ 56086
and dispensed; and 56087

(d) Specify the manner in which test results are provided. 56088

(9) The minimum amount of insurance or surety bond that must be 56089
maintained by an adult use cannabis operator and adult use 56090
testing laboratory; 56091

(10) Requiring the division of cannabis control to adopt 56092
reasonable standards for any adult use cannabis samples, and 56093
advertising as prescribed in section 3780.21 of the Revised 56094
Code; 56095

(11) Requiring that the records, including financial statements, 56096
of an adult use cannabis operator or adult use testing 56097
laboratory be maintained in the manner up to two years as 56098
prescribed by the division of cannabis control and which shall 56099
be made available for inspection upon demand by the division of 56100
cannabis control, but shall be subject to section 3780.31 of the 56101
Revised Code; 56102

(12) Prescribing technical standards and requirements consistent 56103
with industry standards that must be met for security and 56104
surveillance equipment necessary for the provision of security 56105
and surveillance of adult use cannabis operators and adult use 56106
testing laboratories; 56107

(13) Prescribing requirements for a license holder's provision of security services for an adult use cannabis operator and adult use testing laboratories which shall include the license holder's option to use armed or unarmed services including through agents of the license holder;

(14) Prescribing standards according to which license holders shall keep accounts and standards according to which adult use cannabis operators and adult use testing laboratories accounts shall be audited, and establish guidance for assisting the department of taxation in levying and collecting the adult use tax levied under section 3780.22 of the Revised Code;

(15) Determining penalties for violation of division of cannabis control rules or this chapter, and a process for imposing such penalties;

(16) Training requirements for employees and agents of adult use cannabis operators and adult use laboratories;

(17) Prescribing standards and procedures to allow for adult use cannabis delivery to adult use consumers, and online and mobile ordering procedures, which may only be conducted by an adult use dispensary or their agent;

(18) Prescribing cannabis inventory requirements to be maintained in an electronic database consistent with section 3780.05 of the Revised Code;

(19) Prescribing standards and procedures for product packaging and labeling of adult use cannabis products;

(20) ~~Prescribing standards and procedures in coordination with the department of development to administer and enforce the cannabis social equity and jobs program as prescribed under 3780.19 of the Revised Code;~~

~~(21)~~ Establishing a tetrahydrocannabinol content limit for adult use cannabis, which for plant material the content limit shall be ~~no~~ not less than thirty-five per cent and for extracts the content limit shall be ~~no~~ not less than ninety per cent, but that such content limits may be increased or eliminated by the division of cannabis control; and

~~(22)~~ (21) Prescribing duty to update requirements for license holders.

(D) All rules adopted under this section and chapter shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) In addition to the rules described in division (C) of this section, the division of cannabis control may adopt any other rules it considers necessary for the administration, implementation, and enforcement of this chapter consistent with this chapter.

(F) When adopting rules under this section, the division of cannabis control shall consider standards and procedures that have been found to be best practices relative to the use and regulation of adult use cannabis and shall harmonize any rules with the rules adopted pursuant to sections 3796.03 and 3796.04 of the Revised Code to minimize duplication of operational requirements and fees as much as possible. If there is a conflict with Chapter 3796. of the Revised Code and related rules, and ~~chapter~~ Chapter 3780. of the Revised Code and related rules, then ~~chapter~~ Chapter 3780. of the Revised Code and related rules shall govern.

Sec. 3780.06. Information provided by the department of taxation.

(A) (1) Notwithstanding section 149.43 of the Revised Code or any

other public records law to the contrary or any law relating to 56166
the confidentiality of tax return information, upon the request 56167
of the division of cannabis control, the department of taxation 56168
shall provide to the division of cannabis control all of the 56169
following information: 56170

(a) Whether an applicant for license or licensee under this 56171
chapter follows the applicable tax laws of this state; 56172

(b) Any past or pending violation by the applicant or licensee 56173
of those tax laws, and any penalty imposed on the applicant or 56174
licensee for such a violation. 56175

(2) The division of cannabis control shall request the 56176
information only as it pertains to an application for license 56177
that the division of cannabis control is reviewing or a licensee 56178
operating under this chapter. 56179

(3) The department of taxation may charge the division of 56180
cannabis control a reasonable fee to cover the administrative 56181
cost of providing the information. 56182

(B) Information received under this section is confidential. 56183
Except as otherwise permitted by other state law or federal law, 56184
the division of cannabis control shall not make the information 56185
available to any person other than the applicant for licensure_ 56186
or the licensee to whom the information applies. 56187

**Sec. 3780.10. Adult use cannabis operator and adult use 56188
testing laboratory licenses. 56189**

(A) No person shall operate as an adult use cannabis operator or 56190
adult use testing laboratory without a license issued pursuant 56191
to this chapter. 56192

(B) The following licenses shall be issued by the division of 56193

cannabis control within nine months of ~~the effective date of~~ 56194
~~this section~~ December 7, 2023, if the license applicant is in 56195
compliance with section 3780.11 of the Revised Code and this 56196
chapter, and the license applicant has, or the same owners of 56197
the license applicant, have, a certificate of operation or 56198
medical provisional license issued as of ~~the effective date of~~ 56199
~~this section~~ December 7, 2023: 56200

(1) A dispensary issued a certificate of operation or medical 56201
provisional license shall be issued an adult use dispensary 56202
license under this chapter for the current location of the 56203
dispensary; 56204

(2) A level I cultivator issued a certificate of operation or 56205
medical provisional license shall be issued under this chapter 56206
three adult use dispensary licenses at locations designated in a 56207
license application, and one level I adult use cultivator 56208
license for the current location of the level I cultivation 56209
facility; 56210

(3) A level II cultivator issued a certificate of operation or 56211
medical provisional license shall be issued under this chapter 56212
one adult use dispensary license at a location designated in the 56213
license application, and one level II adult use cultivator 56214
license for the current location of the level II cultivation 56215
facility; 56216

(4) A dispensary issued a certificate of operation or medical 56217
provisional license shall be issued under this chapter one adult 56218
use dispensary license at a different location as designated in 56219
the license application if the dispensary does not have any 56220
common ownership or control with any level I adult use 56221
cultivator, level II adult use cultivator, or adult use 56222
processor license applicant or licensee; 56223

(5) A processor issued a certificate of operation or medical
provisional license shall be issued under this chapter one adult
use processor license for the current location of the processor;
and

(6) A testing laboratory issued a certificate of operation shall
be issued under this chapter one adult use testing laboratory
license for the current location of the testing laboratory.

Notwithstanding anything in this section, a license shall not be
issued pursuant to division (B) of this section to a license
applicant holding only a related medical provisional license
unless the medical provisional license holder is issued a
certificate of operation within two years of ~~the effective date
of this section~~ December 7, 2023.

(C) The division of cannabis control shall issue up to forty
level III adult use cultivator licenses consistent with this
~~chapter with preference provided to applicants who have been
certified as cannabis social equity and jobs program
participants under the cannabis social equity and jobs program
pursuant to 3780.19 of this chapter.~~ No person may have any
ownership or control in more than one level III adult use
cultivator license under this chapter. No adult use cultivator
or adult use processor may have any ownership or control in a
level III adult use cultivator license.

(D) The division of cannabis control shall issue up to fifty
additional adult use dispensary licenses in conformity with this
~~chapter with preference provided to applicants who have been
certified as cannabis social equity and jobs program
participants under the cannabis social equity and jobs program.~~

(E) Following twenty-four months from the first date of issuance

of an adult use operator license, the division of cannabis control shall review the number of adult use cannabis operator licenses on a biannual basis and may authorize additional licenses after considering:

(1) The current and anticipated market growth and consumer demand, including the number of adult use consumers seeking adult use cannabis;

(2) The current and projected supply of adult use cannabis produced by licensed adult use cultivators, level III adult use cultivators, and adult use processors; and

(3) The geographic distribution of adult use dispensary sites in an effort to ensure adult use customer access to adult use cannabis.

(F) (1) The division of cannabis control shall provide a report and recommendation within ninety days of the conclusion of the requirements in division (E) of this section to the director for consideration.

(2) The division of cannabis control may adopt rules as necessary to implement this division.

(3) The division of cannabis control shall adopt a rule regarding the number of licenses a license holder may hold for each type of license consistent with this chapter. As of ~~the effective date of this section~~ December 7, 2023, and notwithstanding any other provision of this chapter, no person shall be issued more than eight adult use dispensary licenses, ~~and~~ not more than one adult use cultivator license, and not more than one adult use processor license at any time, unless authorized by the division of cannabis control after an analysis supporting the licensing pursuant to rule.

(G) The division of cannabis control may authorize additional 56282
adult use testing laboratory licenses at any time. 56283

Sec. 3780.22. (A) Terms used in this section have the same 56284
meanings as in section 5739.01 of the Revised Code. As used in 56285
this section, "adult use marijuana" means marijuana that is 56286
cultivated, processed, dispensed, or tested for, or possessed or 56287
used by, an adult use consumer, in accordance with this chapter. 56288

(B) For the purpose of funding the needs of the state, 56289
including law enforcement training and operations, public health 56290
and safety, access to justice initiatives, and administration of 56291
adult use marijuana laws, an excise tax is levied on the retail 56292
sale of adult use marijuana. The rate of the tax shall equal 56293
twenty per cent of the price of adult use marijuana and is in 56294
addition to other taxes levied under Chapters 5739. and 5741. of 56295
the Revised Code. 56296

(C) The tax shall be paid by the consumer to the vendor at 56297
the time of the sale, and the vendor shall report and remit the 56298
tax to the state in the same manner and at the same time the 56299
vendor reports and remits the tax levied under section 5739.02 56300
of the Revised Code. The return required under this division 56301
shall be filed on a form prescribed by the tax commissioner, 56302
which shall be separate from the return required to be filed 56303
under section 5739.12 of the Revised Code. A vendor with no 56304
sales of adult use marijuana for a reporting period is not 56305
required to file this separate return. Except as otherwise 56306
provided in this section and section 3780.23 of the Revised 56307
Code, and for all purposes of the Revised Code, the tax levied 56308
under this section shall be considered a tax levied under 56309
section 5739.02 of the Revised Code. 56310

(D) For the same purpose as the tax levied under division 56311

(B) of this section, a tax is levied on a vendor that sells any 56312
marijuana other than adult use marijuana or medical marijuana to 56313
a consumer. That tax equals twenty per cent of the price of such 56314
marijuana, and the consumer and vendor are liable for any 56315
amounts, including tax, interest, and penalties, imposed under 56316
this section and chapter in the same manner as a vendor subject 56317
to the tax imposed under division (B) of this section. 56318

Sec. 3780.23. ~~Funds~~ Fund created. 56319

_____ (A) For the purpose of receiving and distributing, and 56320
accounting for, revenue received from the adult use tax levied 56321
by section 3780.22 of the Revised Code and any civil penalty 56322
paid under division (B) (4) of section 3780.26 of the Revised 56323
Code, the ~~following funds are~~ adult use tax fund is created in 56324
the state treasury;— 56325

~~(1) The adult use tax fund;—~~ 56326

~~(2) The cannabis social equity and jobs fund;—~~ 56327

~~(3) The host community cannabis fund;—~~ 56328

~~(4) The substance abuse and addiction fund; and—~~ 56329

~~(5) The division of cannabis control and tax commissioner fund.~~ 56330

_____ (B) All monies collected from the tax levied under this 56331
chapter shall be deposited into the adult use tax fund. 56332

~~(C) Unless otherwise authorized under this chapter or rule, the~~ 56333
~~director of budget and management shall transfer amounts to each~~ 56334
~~fund as follows:—~~ 56335

~~(1) Thirty-six per cent to the cannabis social equity and jobs~~ 56336
~~fund to be used to implement the requirements of 3780.19 of the~~ 56337
~~Revised Code;—~~ 56338

~~(2) Thirty-six per cent to the host community cannabis fund for the benefit of municipal corporations or townships that have adult use dispensaries, and the municipal corporations or townships may use such funds for any approved purpose. Distributions to municipal corporations or townships shall be based on the percentage of adult use tax attributable to each municipal corporation or township;~~

~~(3) Twenty-five per cent to the substance abuse and addiction fund to support the efforts of the department of mental health and addiction services to alleviate substance and opiate abuse and related research in the state under section 3780.30 of the Revised Code; and~~

~~(4) Three per cent to the division of cannabis control and tax commissioner fund to support the operations of the division of cannabis control and to defray the cost of the department of taxation for administering the tax levied under section 3780.22 of the Revised Code.~~

~~Payments under of this section shall be made by the end of the month following the end of each quarterly period. The tax commissioner shall make the data available to the director of the office of budget and management for this purpose and the director of budget and management shall transfer amounts the funds in this section as required. The tax commission may serve as agent of the municipal corporations or townships only for the purposes of division (C) (2) of this section as promulgated by rule to be used as follows:~~

(1) Fourteen per cent for substance abuse prevention, treatment, and recovery programs as well as the administration of the 9-8-8 suicide prevention and mental health crisis hotline created under section 5119.82 of the Revised Code;

<u>(2) Two and one-half per cent to the department of commerce</u>	56369
<u>and the department of taxation for the administration of the</u>	56370
<u>nonmedical cannabis tax and program regulation;</u>	56371
<u>(3) Twenty-five per cent to fund grants to fund the</u>	56372
<u>construction, renovation, or improvement of county jails;</u>	56373
<u>(4) Fourteen per cent to fund the training of peace</u>	56374
<u>officers and troopers required under section 109.803 of the</u>	56375
<u>Revised Code, but in no event shall the total amount used for</u>	56376
<u>that purpose exceed forty million dollars per fiscal year;</u>	56377
<u>(5) Sixteen per cent to fund the training of peace</u>	56378
<u>officers, including construction, renovation, or improvement of</u>	56379
<u>facilities for peace officer training;</u>	56380
<u>(6) Five per cent to fund local drug task forces, but in no</u>	56381
<u>event shall the total amount used for that purpose exceed</u>	56382
<u>fourteen million two hundred fifty thousand dollars per fiscal</u>	56383
<u>year;</u>	56384
<u>(7) Eight per cent to fund safe driver programs;</u>	56385
<u>(8) Four per cent to fund Ohio investigative unit</u>	56386
<u>operations, which shall be used by the director of public safety</u>	56387
<u>for the same purposes as the Ohio investigative unit fund</u>	56388
<u>created under section 5502.132 of the Revised Code;</u>	56389
<u>(9) Four per cent to fund Ohio poison control programs and</u>	56390
<u>laboratory testing;</u>	56391
<u>(10) Five per cent, through fiscal year 2030, not to exceed</u>	56392
<u>fourteen million two hundred fifty thousand dollars per fiscal</u>	56393
<u>year, to the attorney general for administering requests for</u>	56394
<u>expungement.</u>	56395
<u>(C) The director of budget and management shall transfer any</u>	56396

amounts that are in excess of the amounts allocated in division 56397
(B) of this section to the general revenue fund. 56398

Sec. 3780.25. Local authority regarding adult use cannabis 56399
operators. 56400

(A) ~~The~~ Except as provided in divisions (B) and (C) of this 56401
section, the legislative authority of a municipal corporation 56402
may adopt an ordinance, or a board of township trustees may 56403
adopt a resolution, by majority vote to prohibit, or limit the 56404
number of, adult use ~~cannabis operators permitted under this~~ 56405
~~chapter~~ cultivators, adult use processors, or adult use 56406
dispensaries licensed under this chapter within the municipal 56407
corporation or within the unincorporated territory of the 56408
township, respectively. 56409

(B) Notwithstanding division (A) above: 56410

~~(1) Existing cultivators, processors, or dispensaries who have a~~ 56411
~~certificate of operation may not be prohibited or limited by a~~ 56412
~~municipal corporation or township from operating under Chapter~~ 56413
~~3796 of the Revised Code and Chapter 3796 of the Administrative~~ 56414
~~Code by a municipal corporation or township unless there is a~~ 56415
~~revocation of the certificate of operation;~~ 56416

~~(2) Adult use cultivators, adult use processors, and adult use~~ 56417
~~dispensaries that are co-located on the same parcel or~~ 56418
~~contiguous parcels with an adult use cultivator and an adult use~~ 56419
~~processor, who are applicants or license holders under this~~ 56420
~~chapter, and whose owners also have a certificate of operation~~ 56421
~~at the same location as the effective date of this section, may~~ 56422
~~not be prohibited or limited by any municipal corporation or~~ 56423
~~township from operating as an adult use cultivator, adult use~~ 56424
~~processor, or an adult use dispensary co-located with an adult~~ 56425

~~use cultivator and an adult use processor under this chapter— 56426~~
~~because of the significant capital investment in the facilities; 56427~~
~~and— 56428~~

~~(3) Dispensaries, or the owners of dispensaries, who have a 56429~~
~~certificate of operation, and who are not co-located on the same 56430~~
~~parcel or contiguous parcels with a cultivator or processor that 56431~~
~~has a certificate of operation, as of the effective date of this 56432~~
~~section, shall also be authorized to operate as an adult use 56433~~
~~dispensary without any municipal or township prohibitions upon 56434~~
~~receiving a license from the division of cannabis control, 56435~~
~~unless a majority of the members of the legislative authority of 56436~~
~~a municipal corporation affirmatively pass an ordinance, or a 56437~~
~~majority of township trustees in a township affirmatively pass a 56438~~
~~resolution, after the license is issued and within one hundred 56439~~
~~and twenty days from license issuance, prohibiting the operation 56440~~
~~of the adult use dispensary within the municipal corporation or 56441~~
~~within the unincorporated territory of the township, 56442~~
~~respectively.— 56443~~

~~(C) If a majority of the members of the legislative authority of 56444~~
~~a municipal corporation pass an ordinance, or a majority of 56445~~
~~township trustees in a township pass a resolution, prohibiting 56446~~
~~the adult use dispensary pursuant to division (B) (3) of this 56447~~
~~section, then the adult use dispensary license holder shall 56448~~
~~cease operations within sixty days, unless the adult use 56449~~
~~dispensary license holder files with the board of elections 56450~~
~~within the sixty day timeframe a petition prescribed by the 56451~~
~~secretary of state, and signed by the lessor of one hundred 56452~~
~~qualified electors or five per cent of the qualified electors of 56453~~
~~the municipal corporation or township, requesting that the 56454~~
~~issue, of whether the adult use dispensary shall remain open as 56455~~
~~long as the adult use dispensary is licensed pursuant to chapter 56456~~

~~3780of the Revised Code by the division of cannabis control and~~ 56457
~~the municipal corporation or township is eligible to receive~~ 56458
~~host community cannabis funding, be placed on the next general~~ 56459
~~election ballotwhich election shall not occur less than ninety~~ 56460
~~days from petition filing. If the required signatures and form~~ 56461
~~of petition is verified by the board of election, the issue~~ 56462
~~shall be placed on the next general election which is ninety~~ 56463
~~days or greater away from the petition filing, and~~ 56464
~~notwithstanding any provision of this chapter, the adult use~~ 56465
~~dispensary license holder may continue to operate until the~~ 56466
~~issue is decided at the next authorized general election. A~~ 56467
~~board of elections may discontinue verifying signatures when the~~ 56468
~~number of verified signatures on a petition equals the minimum~~ 56469
~~number of qualified signatures. The secretary of state shall~~ 56470
~~adopt rules in accordance with 119of the Revised Code for the~~ 56471
~~proper administration and implementation of divisions (C) and~~ 56472
~~(D) of this section.~~ 56473

~~(D) The form of the ballot to be used at the election provided~~ 56474
~~for in division (C) of this section shall be as follows:~~ 56475

~~"Shall the following adult use dispensary, _____ (here~~ 56476
~~insert name of adult use dispensary), whose owners also have had~~ 56477
~~a licensed medical marijuana dispensary at _____ (here~~ 56478
~~insert address) since _____ (here insert the date of opening),~~ 56479
~~remain open as long as the adult use dispensary is licensed~~ 56480
~~pursuant to Chapter 3780of the Revised Code by the Division of~~ 56481
~~Cannabis Control under the Department of Commerce, and~~ 56482
~~the _____ (here insert name of municipal corporation or~~ 56483
~~township) is eligible to receive host community cannabis~~ 56484
~~funding?~~ 56485

~~Yes for the Issue~~ 56486

~~No for the Issue—~~ 56487

~~"~~ 56488

~~(E) If a majority of the voters at the general election vote yes~~ 56489
~~for the issue, then the adult use dispensary may operate within~~ 56490
~~the municipal corporation or township and the municipal~~ 56491
~~corporation or township shall receive related host community~~ 56492
~~cannabis funding as authorized under section 3780.23 of the~~ 56493
~~Revised Code.—~~ 56494

~~(F) If a majority of the voters at the general election vote no~~ 56495
~~for the issue, then:—~~ 56496

~~(1) The dispensary with a certificate of operation at that~~ 56497
~~location may continue to operate at its current address, or the~~ 56498
~~dispensary may request to relocate the dispensary within ninety~~ 56499
~~days of election certification consistent with the requirements~~ 56500
~~of Chapter 3796of the Revised Code, and related rules, which~~ 56501
~~relocation request shall be approved regardless of the~~ 56502
~~dispensary districts established by the board of pharmacy as~~ 56503
~~long as the relocation request meets all other applicable~~ 56504
~~requirements of Chapter 3796of the Revised Code and related~~ 56505
~~rules; and—~~ 56506

~~(2) The adult use dispensary must close within ninety days of~~ 56507
~~election certification unless the adult use dispensary applies~~ 56508
~~to the division of cannabis control for a request to relocate~~ 56509
~~within ninety days of the election certification, and then the~~ 56510
~~adult use dispensary may continue to operate until the request~~ 56511
~~to relocate is approved by the division of cannabis control. The~~ 56512
~~division of cannabis control shall review and approve a request~~ 56513
~~to relocate timely once the request to relocate application is~~ 56514
~~in compliance with this chapter and related rules.—~~ 56515

~~(G) A legislative authority of a municipal corporation or a board of township trustees is prohibited from:~~ 56516
56517

~~(1) Adopting an ordinance or resolution limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity;~~ 56518
56519
56520
56521
56522

~~(2) Levying any tax, fee, or charge on adult use cannabis operators, their owners or their property which is not generally charged on other businesses in the municipal corporation or township;~~ 56523
56524
56525
56526

~~(3) Prohibiting or limiting home grow otherwise authorized under this chapter; and~~ 56527
56528

~~(4) Prohibiting or restricting an activity that is authorized by this chapter.~~ 56529
The legislative authority of a municipal 56530
corporation shall not adopt an ordinance, and a board of 56531
township trustees shall not adopt a resolution, that prohibits 56532
or limits the operations of an adult use cultivator, adult use 56533
processor, or adult use dispensary licensed under this chapter 56534
on or after the effective date of this amendment. This division 56535
does not prohibit the enforcement of a municipal ordinance or 56536
township resolution adopted before the effective date of this 56537
amendment. 56538

(C) This section does not authorize the legislative authority of 56539
a municipal corporation or a board of township trustees to adopt 56540
an ordinance or resolution limiting research related to 56541
marijuana conducted at a state university, academic medical 56542
center, or private research and development organization as part 56543
of a research protocol approved by an institutional review board 56544

or equivalent entity. 56545

Sec. 3780.26. Enforcement authority of the division of 56546
cannabis control. 56547

(A) The division of cannabis control shall enforce, or cause to 56548
be enforced, all sections of this chapter and the rules adopted 56549
thereunder. If the division of cannabis control has information 56550
that any provision of this chapter or that any rule adopted 56551
thereunder has been violated, it may investigate the matter and 56552
take any reasonable action as it considers appropriate. 56553

(B) The division of cannabis control may do any of the following 56554
for any reason specified in rules adopted under section 3780.03 56555
of the Revised Code: 56556

(1) Suspend, suspend without prior hearing upon finding clear 56557
and convincing evidence that continued distribution of adult use 56558
cannabis presents a danger of immediate and serious harm to 56559
others, revoke, restrict, or refuse to renew a license it issued 56560
under this chapter; 56561

(2) Refuse to issue a license unless a license is required in 56562
accordance with this chapter; 56563

(3) Inspect the premises of an adult use cannabis operator or an 56564
adult use testing laboratory without prior notice; or 56565

(4) Impose on a provisional license holder or license holder a 56566
civil penalty in an amount to be determined by the division of 56567
cannabis control through rule to be paid into the ~~division of~~ 56568
~~cannabis control and tax commissioner fund~~ adult use tax fund 56569
created under section 3780.23 of the Revised Code. 56570

(C) If the division of cannabis control suspends, revokes, or 56571
refuses to renew any license issued under this chapter or 56572

determines that there is clear and convincing evidence of a 56573
danger of immediate and serious harm to any individual, the 56574
division of cannabis control may place under seal all adult use 56575
cannabis owned by or in the possession, custody, or control of 56576
the affected license holder. Except as provided in this section, 56577
the division of cannabis control shall not dispose of the adult 56578
use cannabis sealed under this section until the license holder 56579
exhausts all of the license holder's appeal rights under Chapter 56580
119. of the Revised Code. The court involved in such an appeal 56581
may order the division of cannabis control, during the pendency 56582
of the appeal, to sell cannabis that is perishable. The division 56583
of cannabis control shall deposit the proceeds of the sale with 56584
the court. 56585

(D) The division of cannabis control's enforcement actions under 56586
this section shall be taken in accordance with Chapter 119. of 56587
the Revised Code. 56588

(E) Nothing in this chapter shall be construed to require the 56589
division of cannabis control to enforce minor violations of this 56590
chapter if the division of cannabis control determines that the 56591
public interest is adequately served by a notice or warning to 56592
the alleged offender. 56593

Sec. 3780.30. Cannabis addiction services; toll-free 56594
telephone numbers. 56595

(A) The division of cannabis control shall enter into an 56596
agreement with the department of mental health and addiction 56597
services under which the department shall provide a program for 56598
cannabis addiction services to be implemented on behalf of the 56599
division of cannabis control, which includes best practices for 56600
education and treatment for individuals with addiction issues 56601
related to cannabis or other controlled substances, including 56602

opioids. 56603

(B) The department of mental health and addiction services shall 56604
establish, operate, and publicize an in-state, toll-free 56605
telephone number Ohio residents may call to obtain basic 56606
information about addiction services available to ~~consumer~~ 56607
consumers, and options for an addicted consumer to obtain help. 56608
The telephone number shall be staffed twenty-four hours per day, 56609
seven days a week in order to respond to inquiries and provide 56610
that information. The costs of establishing, operating, and 56611
publicizing the telephone number shall be paid for ~~with money in~~ 56612
~~the substance abuse and addiction fund~~ with funds allocated under 56613
division (B) (1) of section 3780.23 of the Revised Code. 56614

(C) ~~The director of mental health and addiction services shall~~ 56615
~~administer the substance abuse and addiction fund.~~ The director 56616
shall use the money ~~in the fund~~ allocated under division (B) (1) 56617
of section 3780.23 of the Revised Code to support addiction 56618
services or other services that relate to addiction and 56619
substance abuse, and research that relates to addiction and 56620
substance abuse. Treatment and prevention services supported by 56621
~~such money in the fund under this section~~ shall be services that 56622
are certified by the department of mental health and addiction 56623
services. 56624

(D) The director of mental health and addiction services shall 56625
prepare an annual report describing the use of ~~the fund~~ funds 56626
allocated under division (B) (1) of section 3780.23 of the 56627
Revised Code for these purposes. The director shall submit the 56628
report to the director of the department of commerce, the 56629
speaker and minority leader of the house of representatives, the 56630
president and minority leader of the senate, and the governor. 56631

(E) License holders shall provide informational resources for 56632

patrons related to cannabis addiction issues and services. 56633

(F) License holders shall provide training for their employees 56634
regarding the cannabis addiction services resources for patrons 56635
related to this section. 56636

Sec. 3781.10. (A) (1) The board of building standards shall 56637
formulate and adopt rules governing the erection, construction, 56638
repair, alteration, and maintenance of all buildings or classes 56639
of buildings specified in section 3781.06 of the Revised Code, 56640
including land area incidental to those buildings, the 56641
construction of industrialized units, the installation of 56642
equipment, and the standards or requirements for materials used 56643
in connection with those buildings. The board shall incorporate 56644
those rules into separate residential and nonresidential 56645
building codes. The standards shall relate to the conservation 56646
of energy and the safety and sanitation of those buildings. 56647

~~(2)~~ (2) (a) The rules governing nonresidential buildings are 56648
the lawful minimum requirements specified for those buildings 56649
and industrialized units, except that no rule other than as 56650
provided in division (C) of section 3781.108 of the Revised Code 56651
that specifies a higher requirement than is imposed by any 56652
section of the Revised Code is enforceable. 56653

(b) The rules governing residential buildings are uniform 56654
requirements for residential buildings in any area with a 56655
building department certified to enforce the state residential 56656
building code in accordance with division (E) of this section, 56657
for both of the following: 56658

(i) The erection and construction of new residential 56659
buildings; 56660

(ii) The repair and alteration of existing residential 56661

buildings. 56662

(c) In no case shall any local code or regulation differ 56663
from the state residential building code for either the erection 56664
and construction of new residential buildings or for the repair 56665
and alteration of existing residential buildings unless that 56666
code or regulation addresses subject matter not addressed by the 56667
state residential building code or is adopted pursuant to 56668
section 3781.01 of the Revised Code. 56669

(3) The rules adopted pursuant to this section are 56670
complete, lawful alternatives to any requirements specified for 56671
buildings or industrialized units in any section of the Revised 56672
Code. Except as otherwise provided in division (I) of this 56673
section, the board shall, on its own motion or on application 56674
made under sections 3781.12 and 3781.13 of the Revised Code, 56675
formulate, propose, adopt, modify, amend, or repeal the rules to 56676
the extent necessary or desirable to effectuate the purposes of 56677
sections 3781.06 to 3781.18 of the Revised Code. 56678

(B) The board shall report to the general assembly 56679
proposals for amendments to existing statutes relating to the 56680
purposes declared in section 3781.06 of the Revised Code that 56681
public health and safety and the development of the arts require 56682
and shall recommend any additional legislation to assist in 56683
carrying out fully, in statutory form, the purposes declared in 56684
that section. The board shall prepare and submit to the general 56685
assembly a summary report of the number, nature, and disposition 56686
of the petitions filed under sections 3781.13 and 3781.14 of the 56687
Revised Code. 56688

(C) On its own motion or on application made under 56689
sections 3781.12 and 3781.13 of the Revised Code, and after 56690
thorough testing and evaluation, the board shall determine by 56691

rule that any particular fixture, device, material, process of 56692
manufacture, manufactured unit or component, method of 56693
manufacture, system, or method of construction complies with 56694
performance standards adopted pursuant to section 3781.11 of the 56695
Revised Code. The board shall make its determination with regard 56696
to adaptability for safe and sanitary erection, use, or 56697
construction, to that described in any section of the Revised 56698
Code, wherever the use of a fixture, device, material, method of 56699
manufacture, system, or method of construction described in that 56700
section of the Revised Code is permitted by law. The board shall 56701
amend or annul any rule or issue an authorization for the use of 56702
a new material or manufactured unit on any like application. No 56703
department, officer, board, or commission of the state other 56704
than the board of building standards or the board of building 56705
appeals shall permit the use of any fixture, device, material, 56706
method of manufacture, newly designed product, system, or method 56707
of construction at variance with what is described in any rule 56708
the board of building standards adopts or issues or that is 56709
authorized by any section of the Revised Code. Nothing in this 56710
section shall be construed as requiring approval, by rule, of 56711
plans for an industrialized unit that conforms with the rules 56712
the board of building standards adopts pursuant to section 56713
3781.11 of the Revised Code. 56714

(D) The board shall recommend rules, codes, and standards 56715
to help carry out the purposes of section 3781.06 of the Revised 56716
Code and to help secure uniformity of state administrative 56717
rulings and local legislation and administrative action to the 56718
bureau of workers' compensation, the director of commerce, any 56719
other department, officer, board, or commission of the state, 56720
and to legislative authorities and building departments of 56721
counties, townships, and municipal corporations, and shall 56722

recommend that they audit those recommended rules, codes, and 56723
standards by any appropriate action that they are allowed 56724
pursuant to law or the constitution. 56725

(E) (1) The board shall certify municipal, township, and 56726
county building departments, the personnel of those building 56727
departments, persons described in division (E) (7) of this 56728
section, and employees of individuals, firms, the state, or 56729
corporations described in division (E) (7) of this section to 56730
exercise enforcement authority, to accept and approve plans and 56731
specifications, and to make inspections, pursuant to sections 56732
3781.03, 3791.04, and 4104.43 of the Revised Code. 56733

(2) The board shall certify departments, personnel, and 56734
persons to enforce the state residential building code for the 56735
erection and construction of new residential buildings, to 56736
enforce the nonresidential building code, or to enforce both the 56737
residential and the nonresidential building codes. A department 56738
certified to enforce the state residential building code for the 56739
erection and construction of new residential buildings may also 56740
enforce the state residential building code for the repair and 56741
alteration of existing residential buildings upon obtaining the 56742
appropriate certification from the board, in accordance with 56743
this section, for the department and its personnel. Any 56744
department, personnel, or person may enforce only the type of 56745
building code for which certified. 56746

(3) The board shall not require a building department, its 56747
personnel, or any persons that it employs to be certified for 56748
residential building code enforcement if that building 56749
department does not enforce the state residential building code. 56750
The board shall specify, in rules adopted pursuant to Chapter 56751
119. of the Revised Code, the requirements for certification for 56752

residential and nonresidential building code enforcement, which 56753
shall be consistent with this division. The requirements for 56754
residential and nonresidential certification may differ. Except 56755
as otherwise provided in this division, the requirements shall 56756
include, but are not limited to, the satisfactory completion of 56757
an initial examination and, to remain certified, the completion 56758
of a specified number of hours of continuing building code 56759
education within each three-year period following the date of 56760
certification which shall be not less than thirty hours. The 56761
rules shall provide that continuing education credits and 56762
certification issued by the council of American building 56763
officials, national model code organizations, and agencies or 56764
entities the board recognizes are acceptable for purposes of 56765
this division. The rules shall specify requirements that are 56766
consistent with the provisions of section 5903.12 of the Revised 56767
Code relating to active duty military service and are 56768
compatible, to the extent possible, with requirements the 56769
council of American building officials and national model code 56770
organizations establish. 56771

(4) The board shall establish and collect a certification 56772
and renewal fee for building department personnel, and persons 56773
and employees of persons, firms, or corporations as described in 56774
this section, who are certified pursuant to this division. 56775

(5) Any individual certified pursuant to this division 56776
shall complete the number of hours of continuing building code 56777
education that the board requires or, for failure to do so, 56778
forfeit certification. 56779

(6) This division does not require or authorize the board 56780
to certify personnel of municipal, township, and county building 56781
departments, and persons and employees of persons, firms, or 56782

corporations as described in this section, whose 56783
responsibilities do not include the exercise of enforcement 56784
authority, the approval of plans and specifications, or making 56785
inspections under the state residential and nonresidential 56786
building codes. 56787

(7) Enforcement authority for approval of plans and 56788
specifications and enforcement authority for inspections may be 56789
exercised, and plans and specifications may be approved and 56790
inspections may be made on behalf of a municipal corporation, 56791
township, or county, by any of the following who the board of 56792
building standards certifies: 56793

(a) Officers or employees of the municipal corporation, 56794
township, or county; 56795

(b) Persons, or employees of persons, firms, or 56796
corporations, pursuant to a contract to furnish architectural, 56797
engineering, or other services to the municipal corporation, 56798
township, or county; 56799

(c) Officers or employees of, and persons under contract 56800
with, a municipal corporation, township, county, health 56801
district, or other political subdivision, pursuant to a contract 56802
to furnish architectural, engineering, or other services; 56803

(d) Officers or employees of the division of industrial 56804
compliance in the department of commerce pursuant to a contract 56805
authorized by division (B) of section 121.083 of the Revised 56806
Code. 56807

(8) Municipal, township, and county building departments 56808
have jurisdiction within the meaning of sections 3781.03, 56809
3791.04, and 4104.43 of the Revised Code, only with respect to 56810
the types of buildings and subject matters for which they are 56811

certified under this section. 56812

(9) A certified municipal, township, or county building 56813
department may exercise enforcement authority, accept and 56814
approve plans and specifications, and make inspections pursuant 56815
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 56816
for a park district created pursuant to Chapter 1545. of the 56817
Revised Code upon the approval, by resolution, of the board of 56818
park commissioners of the park district requesting the 56819
department to exercise that authority and conduct those 56820
activities, as applicable. 56821

(10) Certification shall be granted upon application by 56822
the municipal corporation, the board of township trustees, or 56823
the board of county commissioners and approval of that 56824
application by the board of building standards. The application 56825
shall set forth: 56826

(a) Whether the certification is requested for residential 56827
or nonresidential buildings, or both; 56828

(b) If the certification is requested for residential 56829
buildings, whether the requested certification is for only the 56830
erection and construction of new residential buildings or also 56831
the repair and alteration of existing residential buildings; 56832

(c) The number and qualifications of the staff composing 56833
the building department; 56834

~~(e)~~(d) The names, addresses, and qualifications of 56835
persons, firms, or corporations contracting to furnish work or 56836
services pursuant to division (E) (7) (b) of this section; 56837

~~(d)~~(e) The names of any other municipal corporation, 56838
township, county, health district, or political subdivision 56839
under contract to furnish work or services pursuant to division 56840

(E) (7) of this section; 56841

~~(e)~~(f) The proposed budget for the operation of the 56842
building department; 56843

(g) Whether the building department intends to accept 56844
plans examination and inspection reports from a third-party 56845
examiner or inspector in accordance with rules adopted by the 56846
board of building standards pursuant to division (E) (15) of this 56847
section. 56848

(11) The board of building standards shall adopt rules 56849
governing all of the following: 56850

(a) The certification of building department personnel and 56851
persons and employees of persons, firms, or corporations 56852
exercising authority pursuant to division (E) (7) of this 56853
section. The rules shall disqualify any employee of the 56854
department or person who contracts for services with the 56855
department from performing services for the department when that 56856
employee or person would have to pass upon, inspect, or 56857
otherwise exercise authority over any labor, material, or 56858
equipment the employee or person furnishes for the construction, 56859
alteration, or maintenance of a building or the preparation of 56860
working drawings or specifications for work within the 56861
jurisdictional area of the department. The department shall 56862
provide other similarly qualified personnel to enforce the 56863
residential and nonresidential building codes as they pertain to 56864
that work. 56865

(b) The minimum services to be provided by a certified 56866
building department. 56867

(12) The board of building standards may revoke or suspend 56868
certification to enforce the residential and nonresidential 56869

building codes, on petition to the board by any person affected 56870
by that enforcement or approval of plans, or by the board on its 56871
own motion. Hearings shall be held and appeals permitted on any 56872
proceedings for certification or revocation or suspension of 56873
certification in the same manner as provided in section 3781.101 56874
of the Revised Code for other proceedings of the board of 56875
building standards. 56876

(13) Upon certification, and until that authority is 56877
revoked, any county or township building department shall 56878
enforce the residential and nonresidential building codes for 56879
which it is certified without regard to limitation upon the 56880
authority of boards of county commissioners under Chapter 307. 56881
of the Revised Code or boards of township trustees under Chapter 56882
505. of the Revised Code. 56883

(14) The board shall certify a person to exercise 56884
enforcement authority, to accept and approve plans and 56885
specifications, or to make inspections in this state in 56886
accordance with Chapter 4796. of the Revised Code if either of 56887
the following applies: 56888

(a) The person holds a license or certificate in another 56889
state. 56890

(b) The person has satisfactory work experience, a 56891
government certification, or a private certification as 56892
described in that chapter in the same profession, occupation, or 56893
occupational activity as the profession, occupation, or 56894
occupational activity for which the certificate is required in 56895
this state in a state that does not issue that license or 56896
certificate. 56897

(15) (a) In addition to the personnel and persons certified 56898

by the board of building standards pursuant to this section, the 56899
board may adopt rules authorizing certified municipal, township, 56900
and county building departments to accept plans examination and 56901
inspection reports from a third-party examiner or inspector, but 56902
only with respect to the state building codes, or portions 56903
thereof, the building department is certified to enforce. 56904

(b) The rules may require the third-party examiner or 56905
inspector be certified pursuant to sections 3781.10 and 3783.03 56906
of the Revised Code and authorized to conduct such a plans 56907
examination or inspection elsewhere in this state or to 56908
demonstrate equivalent competency as specified and determined by 56909
the board of building standards. 56910

(c) Fees charged by a third-party examiner or inspector 56911
are in addition to any fees prescribed by the political 56912
subdivision pursuant to section 3781.102 of the Revised Code and 56913
are the responsibility of the building owner. 56914

(d) The issuance of certificates of plan approval under 56915
section 3791.04 of the Revised Code and certificates of 56916
occupancy or completion remains the exclusive authority of the 56917
certified personnel employed by or under contract with a 56918
certified municipal, township, and county building department 56919
and shall not be issued by a third-party examiner or inspector. 56920

(F) In addition to hearings sections 3781.06 to 3781.18 56921
and 3791.04 of the Revised Code require, the board of building 56922
standards shall make investigations and tests, and require from 56923
other state departments, officers, boards, and commissions 56924
information the board considers necessary or desirable to assist 56925
it in the discharge of any duty or the exercise of any power 56926
mentioned in this section or in sections 3781.06 to 3781.18, 56927
3791.04, and 4104.43 of the Revised Code. 56928

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D) (1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I) (1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I) (1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I) (1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of children and youth when the director promulgates rules pursuant

to section 5104.05 of the Revised Code regarding safety and 56959
sanitation in type A family child care homes. 56960

(K) The board shall adopt rules to implement the 56961
requirements of section 3781.108 of the Revised Code. 56962

(L) The board may establish a grant program to assist 56963
municipal, township, and county building departments certified 56964
by the board pursuant to division (E) of this section in the 56965
recruitment, training, and retention of qualified personnel. 56966

Sec. 3781.102. (A) Any county or municipal building 56967
department certified pursuant to division (E) of section 3781.10 56968
of the Revised Code as of September 14, 1970, and that, as of 56969
that date, was inspecting single-family, two-family, and three- 56970
family residences, and any township building department 56971
certified pursuant to division (E) of section 3781.10 of the 56972
Revised Code, is hereby declared to be certified to inspect 56973
single-family, two-family, and three-family residences 56974
containing industrialized units, and shall inspect the buildings 56975
or classes of buildings subject to division (E) of section 56976
3781.10 of the Revised Code. 56977

(B) Each board of county commissioners may adopt, by 56978
resolution, rules establishing standards and providing for the 56979
licensing of electrical and heating, ventilating, and air 56980
conditioning contractors who are not required to hold a valid 56981
and unexpired license pursuant to Chapter 4740. of the Revised 56982
Code. 56983

Rules adopted by a board of county commissioners pursuant 56984
to this division may be enforced within the unincorporated areas 56985
of the county and within any municipal corporation where the 56986
legislative authority of the municipal corporation has 56987

contracted with the board for the enforcement of the county 56988
rules within the municipal corporation pursuant to section 56989
307.15 of the Revised Code. The rules shall not conflict with 56990
rules adopted by the board of building standards pursuant to 56991
section 3781.10 of the Revised Code or by the department of 56992
commerce pursuant to Chapter 3703. of the Revised Code. This 56993
division does not impair or restrict the power of municipal 56994
corporations under Section 3 of Article XVIII, Ohio 56995
Constitution, to adopt rules concerning the erection, 56996
construction, repair, alteration, and maintenance of buildings 56997
and structures or of establishing standards and providing for 56998
the licensing of specialty contractors pursuant to section 56999
715.27 of the Revised Code. 57000

A board of county commissioners, pursuant to this 57001
division, may require all electrical contractors and heating, 57002
ventilating, and air conditioning contractors, other than those 57003
who hold a valid and unexpired license issued pursuant to 57004
Chapter 4740. of the Revised Code, to successfully complete an 57005
examination, test, or demonstration of technical skills, and may 57006
impose a fee and additional requirements for a license to engage 57007
in their respective occupations within the jurisdiction of the 57008
board's rules under this division. 57009

(C) No board of county commissioners shall require any 57010
specialty contractor who holds a valid and unexpired license 57011
issued pursuant to Chapter 4740. of the Revised Code to 57012
successfully complete an examination, test, or demonstration of 57013
technical skills in order to engage in the type of contracting 57014
for which the license is held, within the unincorporated areas 57015
of the county and within any municipal corporation whose 57016
legislative authority has contracted with the board for the 57017
enforcement of county regulations within the municipal 57018

corporation, pursuant to section 307.15 of the Revised Code. 57019

(D) A board may impose a fee for registration of a 57020
specialty contractor who holds a valid and unexpired license 57021
issued pursuant to Chapter 4740. of the Revised Code before that 57022
specialty contractor may engage in the type of contracting for 57023
which the license is held within the unincorporated areas of the 57024
county and within any municipal corporation whose legislative 57025
authority has contracted with the board for the enforcement of 57026
county regulations within the municipal corporation, pursuant to 57027
section 307.15 of the Revised Code, provided that the fee is the 57028
same for all specialty contractors who wish to engage in that 57029
type of contracting. If a board imposes such a fee, the board 57030
immediately shall permit a specialty contractor who presents 57031
proof of holding a valid and unexpired license and pays the 57032
required fee to engage in the type of contracting for which the 57033
license is held within the unincorporated areas of the county 57034
and within any municipal corporation whose legislative authority 57035
has contracted with the board for the enforcement of county 57036
regulations within the municipal corporation, pursuant to 57037
section 307.15 of the Revised Code. 57038

(E) The political subdivision associated with each 57039
municipal, township, and county building department the board of 57040
building standards certifies pursuant to division (E) of section 57041
3781.10 of the Revised Code may prescribe fees to be paid by 57042
persons, political subdivisions, or any department, agency, 57043
board, commission, or institution of the state, for the 57044
acceptance and approval of plans and specifications, and for the 57045
making of inspections, pursuant to sections 3781.03 and 3791.04 57046
of the Revised Code. 57047

(F) Each political subdivision that prescribes fees 57048

pursuant to division (E) of this section shall collect, on 57049
behalf of the board of building standards, fees equal to the 57050
following: 57051

(1) Three per cent of the fees the political subdivision 57052
collects in connection with nonresidential buildings; 57053

(2) One per cent of the fees the political subdivision 57054
collects in connection with the erection of and construction of 57055
new residential buildings and, if the political subdivision 57056
elects under division (E) of section 3781.10 of the Revised Code 57057
to enforce the state residential building code for the repair 57058
and alteration of existing residential buildings, one per cent 57059
of the fees the political subdivision collects in connection 57060
with the repair and alteration of existing residential 57061
buildings. 57062

(G) (1) The board shall adopt rules, in accordance with 57063
Chapter 119. of the Revised Code, specifying the manner in which 57064
the fee assessed pursuant to division (F) of this section shall 57065
be collected and remitted monthly to the board. The board shall 57066
pay the fees into the state treasury to the credit of the 57067
industrial compliance operating fund created in section 121.084 57068
of the Revised Code. 57069

(2) All money credited to the industrial compliance 57070
operating fund under this division shall be used exclusively for 57071
the following: 57072

(a) Operating costs of the board; 57073

(b) Providing services, including educational programs, 57074
for the building departments that are certified by the board 57075
pursuant to division (E) of section 3781.10 of the Revised Code; 57076

(c) Paying the expenses of the residential construction 57077

advisory committee, including the expenses of committee members 57078
as provided in section 4740.14 of the Revised Code; 57079

(d) Administering a grant program established under 57080
division (L) of section 3781.10 of the Revised Code and awarding 57081
grants to municipal, township, and county building departments 57082
under that program. 57083

(H) A board of county commissioners that adopts rules 57084
providing for the licensing of electrical and heating, 57085
ventilating, and air conditioning contractors, pursuant to 57086
division (B) of this section, may accept, for purposes of 57087
satisfying the requirements of rules adopted under that 57088
division, a valid and unexpired license issued pursuant to 57089
Chapter 4740. of the Revised Code that is held by an electrical 57090
or heating, ventilating, and air conditioning contractor, for 57091
the construction, replacement, maintenance, or repair of one- 57092
family, two-family, or three-family dwelling houses or accessory 57093
structures incidental to those dwelling houses. 57094

(I) A board of county commissioners shall not register a 57095
specialty contractor who is required to hold a license under 57096
Chapter 4740. of the Revised Code but does not hold a valid 57097
license issued under that chapter. 57098

(J) If a board of county commissioners regulates a 57099
profession, occupation, or occupational activity under this 57100
section, the board shall comply with Chapter 4796. of the 57101
Revised Code. 57102

(K) As used in this section, "specialty contractor" means 57103
a heating, ventilating, and air conditioning contractor, 57104
refrigeration contractor, electrical contractor, plumbing 57105
contractor, or hydronics contractor, as those contractors are 57106

described in Chapter 4740. of the Revised Code. 57107

Sec. 3793.01. As used in this chapter: 57108

(A) "Algorithmic ranking system" means a computational 57109
process, including one derived from algorithmic decision-making, 57110
machine learning, statistical analysis, or other data processing 57111
or artificial intelligence techniques, used to determine the 57112
selection, order, relative prioritization, or relative 57113
prominence of content from a set of information that is provided 57114
to a user on an online platform, including the ranking of search 57115
results, the provision of content recommendations, the display 57116
of social media posts, or any other method of automated content 57117
selection. 57118

(B) "Approximate geolocation information" means 57119
information that identifies the location of an individual, but 57120
with a precision of less than five miles. 57121

(C) (1) "Broadband internet access service" means a mass- 57122
market retail service by wire or radio that provides the 57123
capability to transmit data to and receive data from all or 57124
substantially all internet endpoints, including any capabilities 57125
that are incidental to and enable the operation of the 57126
communications service, but excluding dial-up internet access 57127
service. 57128

(2) "Broadband internet access service" includes any 57129
service that the federal communications commission finds to be 57130
providing a functional equivalent of the service described in 57131
division (C) (1) of this section or that is used to evade the 57132
protections set forth in this chapter. 57133

(D) "Child" means an individual under thirteen years of 57134
age. 57135

(E) "Compulsive use" means a persistent and repetitive use 57136
of a covered platform that significantly impacts one or more of 57137
an individual's major life activities, including socializing, 57138
sleeping, eating, learning, reading, concentrating, 57139
communicating, or working. 57140

(F) "Connected device" means a device that is all of the 57141
following: 57142

(1) Capable of connecting to the internet, directly or 57143
indirectly, to communicate information at the direction of an 57144
individual; 57145

(2) Has computer processing capabilities for collecting, 57146
sending, receiving, or analyzing data; 57147

(3) Primarily designed for or marketed to consumers. 57148

(G) (1) "Covered platform" means an online platform, online 57149
video game, messaging application, or video streaming service 57150
that connects to the internet and that is used, or is reasonably 57151
likely to be used, by a child or teen. 57152

(2) "Covered platform" does not include any of the 57153
following: 57154

(a) An entity acting in the entity's capacity as a 57155
provider of any of the following: 57156

(i) A common carrier service subject to the 57157
"Communications Act of 1934," 47 U.S.C. 151 et seq., or a 57158
supplemental federal law; 57159

(ii) A broadband internet access service; 57160

(iii) An electronic mail service; 57161

(iv) A teleconferencing or video conferencing service that 57162

allows reception and transmission of audio or video signals for 57163
real-time communication, provided that the service is not an 57164
online platform and the real-time communication is initiated by 57165
using a unique link or identifier to facilitate access; 57166

(v) A wireless messaging service, including such a service 57167
provided through short messaging service or multimedia messaging 57168
service protocols, that is not a component of, or linked to, an 57169
online platform and where the predominant or exclusive function 57170
is direct messaging consisting of the transmission of text, 57171
photos, or videos that are sent by electronic means, where 57172
messages are transmitted from the sender to a recipient, and are 57173
not posted within an online platform or publicly. 57174

(b) An organization not organized to carry on business for 57175
the organization's own profit or the profit of the 57176
organization's members; 57177

(c) Any public or private early childhood education 57178
program or preschool that provides for the care, development, 57179
and education of infants, toddlers, or young children who are 57180
not yet enrolled in kindergarten; 57181

(d) Any public or private elementary school or secondary 57182
school, as those terms are defined in 20 U.S.C. 7801; 57183

(e) Any public or private career and technical education 57184
school, as defined in 20 U.S.C. 2302; 57185

(f) Any public or private school providing adult education 57186
and literacy activities, as defined in 29 U.S.C. 3272; 57187

(g) Any institution of higher education, as defined in 20 57188
U.S.C. 1001; 57189

(h) A library, as defined in 20 U.S.C. 9122; 57190

<u>(i) A news or sports coverage web site or application</u>	57191
<u>where both of the following apply:</u>	57192
<u>(i) The inclusion of video content on the web site or</u>	57193
<u>application is related to the web site's or application's own</u>	57194
<u>gathering, reporting, or publishing of news content or sports</u>	57195
<u>coverage.</u>	57196
<u>(ii) The web site or application is not otherwise an</u>	57197
<u>online platform.</u>	57198
<u>(j) A product or service that primarily functions as</u>	57199
<u>business-to-business software, such as a cloud storage, file</u>	57200
<u>sharing, or file collaboration service;</u>	57201
<u>(k) A virtual private network or similar service that</u>	57202
<u>exists predominantly to route internet traffic between</u>	57203
<u>locations;</u>	57204
<u>(l) A government entity with a.gov internet domain, as</u>	57205
<u>described in 6 U.S.C. 665.</u>	57206
<u>(H) "De-identified" means data that does not identify and</u>	57207
<u>is not linked or reasonably linkable to a device that is linked</u>	57208
<u>or reasonably linkable to an individual, regardless of whether</u>	57209
<u>the information is aggregated.</u>	57210
<u>(I) (1) "Design feature" means any feature or component of</u>	57211
<u>a covered platform that encourages or increases the frequency,</u>	57212
<u>time spent, or activity of users of the covered platform.</u>	57213
<u>(2) "Design feature" includes infinite scrolling or</u>	57214
<u>automatic audio or video play; rewards or incentives based on</u>	57215
<u>the frequency, time spent, or activity of users on the covered</u>	57216
<u>platform; notifications and push alerts; badges or other visual</u>	57217
<u>award symbols based on the frequency, time spent, or activity of</u>	57218

users on the covered platform; personalized design features; in- 57219
game purchases; and appearance-altering filters. 57220

(J) (1) "Disclosure" means, with respect to personal 57221
information, either of the following: 57222

(a) Subject to division (J) (2) of this section, the 57223
release of personal information collected from a child or teen 57224
by an operator for any purpose; 57225

(b) Making personal information collected from a child or 57226
teen by a web site, online service, online application, or 57227
mobile application directed to children or that the operator 57228
knows was collected from a child or teen, publicly available in 57229
identifiable form, by any means including by a public posting, 57230
through the internet, or through any of the following: 57231

(i) A home page of a web site; 57232

(ii) A pen pal service; 57233

(iii) An electronic mail service; 57234

(iv) A message board; 57235

(v) A chat room. 57236

(2) "Disclosure" does not include the release of personal 57237
information to a person other than the operator who provides 57238
support for the internal operations of the web site, online 57239
service, online application, or mobile application of the 57240
operator, excluding any activity relating to individual-specific 57241
advertising to children and teens, and who does not disclose or 57242
use that personal information for any other purpose. 57243

(K) (1) "Directed to children" means, in the context of a 57244
commercial web site, online service, online application, or 57245

mobile application, that the site, service, or application is 57246
targeted, in whole or in part, to children as determined by the 57247
kids internet and data safety commission in accordance with 57248
section 3793.04 of the Revised Code. 57249

(2) A web site, online service, online application, or 57250
mobile application, is not "directed to children" solely because 57251
it refers or links users to a another site, service, or 57252
application that is directed to children by using information 57253
location tools, such as a directory, index, reference, pointer, 57254
or hypertext link. 57255

(L) "Geolocation" means information sufficient to identify 57256
a street name and the name of a city or town. 57257

(M) (1) "Individual-specific advertising to children or 57258
teens" means advertising or otherwise marketing a product or 57259
service in a manner directed to a specific child or teen or a 57260
connected device that is linked or reasonably linkable to a 57261
child or teen, based on any of the following: 57262

(a) Personal information from either: 57263

(i) The child or teen; 57264

(ii) A group of children or teens who are similar in sex, 57265
age, household income level, race, or ethnicity to the specific 57266
child or teen to whom the product or service is marketed. 57267

(b) Profiling of a child or teen or a group of children or 57268
teens; 57269

(c) A unique identifier of the connected device. 57270

(2) "Individual-specific advertising to children or teens" 57271
does not include any of the following: 57272

(a) Advertising or marketing to an individual or an individual's connected device in response to the individual's specific request for information or feedback, such as the individual's current search query; 57273
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(b) Contextual advertising, such as when an advertisement is displayed based on the context of the web site, online service, online application, mobile application, or connected device in which the advertisement appears and does not vary based on the personal information of the viewer; 57277
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(c) Processing personal information solely for measuring or reporting advertising or content performance, reach, or frequency, including independent measurement. 57282
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(N) (1) "Input-transparent algorithm" means an algorithmic ranking system that does not use user-specific data to determine the selection, order, relative prioritization, or relative prominence of information that is furnished to the user on an online platform, unless the user-specific data is expressly provided to the online platform by the user for such purpose. 57285
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(2) For the purposes of division (N) (1) of this section, user-specific data that is provided by a user for the express purpose of determining the selection, order, relative prioritization, or relative prominence of information that is furnished to such user on an online platform: 57291
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(a) Includes all of the following: 57296

(i) User-supplied search terms, filters, speech patterns provided for the purpose of enabling the platform to accept spoken input or selecting the language in which the user interacts with the online platform, saved preferences, the resumption of a previous search, and the current precise 57297
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geolocation information that is supplied by the user; 57302

(ii) The user's current approximate geolocation 57303
information; 57304

(iii) Data submitted to the online platform by the user 57305
that expresses the user's desire to receive particular 57306
information, such as the social media profiles the user follows, 57307
the video channels the user subscribes to, or other content or 57308
sources of content on the online platform the user has selected. 57309

(b) Does not include either of the following: 57310

(i) The history of the connected device of the user, 57311
including the history of web searches and browsing, previous 57312
geographical locations, physical activity, device interaction, 57313
and financial transactions of the user; 57314

(ii) Inferences about the user or the connected device of 57315
the user, without regard to whether such inferences are based on 57316
data described in divisions (N) (2) (a) (i) or (ii) of this 57317
section. 57318

(O) "Internet" has the same meaning as in section 1.59 of 57319
the Revised Code. 57320

(P) "Know" or "knows" means to have actual knowledge or 57321
knowledge fairly implied on the basis of objective 57322
circumstances. 57323

(Q) (1) "Microtransaction" means a purchase made in an 57324
online video game, including both of the following: 57325

(a) Purchases made using a virtual currency that is 57326
purchasable or redeemable using cash or credit or that is 57327
included as part of a paid subscription service; 57328

(b) Purchases involving surprise mechanics, new 57329
characters, or in-game items. 57330

(2) "Microtransaction" does not include either of the 57331
following: 57332

(a) A purchase made in an online video game using a 57333
virtual currency that is earned through game play and is not 57334
otherwise purchasable or redeemable using cash or credit or 57335
included as part of a paid subscription service; 57336

(b) A purchase of additional levels within the game or an 57337
overall expansion of the game. 57338

(R) (1) "Mobile application" means a software program that 57339
runs on the operating system of any of the following: 57340

(a) A cellular telephone; 57341

(b) A tablet computer; 57342

(c) A similar portable computing device that transmits 57343
data over a wireless connection. 57344

(2) "Mobile application" includes a service or application 57345
offered via a connected device. 57346

(S) "Narcotic drug" has the same meaning as in 21 U.S.C. 57347
802. 57348

(T) "Online application" means an internet-connected 57349
software program, including a service or application offered via 57350
a connected device. 57351

(U) "Online contact information" means an electronic mail 57352
address or other substantially similar identifier that permits 57353
direct contact with a person online. 57354

(V) (1) "Online platform" means any public-facing web site, 57355

online service, online application, or mobile application that 57356
predominantly provides a community forum for user generated 57357
content, such as sharing videos, images, games, audio files, or 57358
other content, including a social media service, social network, 57359
or virtual reality environment. 57360

(2) A web site, online service, online application, or 57361
mobile application is not an online platform solely on the basis 57362
that it includes a chat, comment, or other interactive function 57363
that is incidental to its predominant purpose. 57364

(3) A web site, online service, online application, or 57365
mobile application that has the predominant purpose of providing 57366
travel reviews is not an online platform. 57367

(W) "Online video game" means a video game, including an 57368
educational video game, that connects to the internet and that 57369
allows a user to do any of the following: 57370

(1) Create and upload content other than content that is 57371
incidental to game play, such as character or level designs 57372
created by the user, preselected phrases, or short interactions 57373
with other users; 57374

(2) Engage in microtransactions within the game; 57375

(3) Communicate with other users. 57376

(X) (1) "Opaque algorithm" means an algorithmic ranking 57377
system that determines the selection, order, relative 57378
prioritization, or relative prominence of information that is 57379
furnished to such user on an online platform based, in whole or 57380
part, on user specific data that was not expressly provided by 57381
the user to the platform for such purpose. 57382

(2) "Opaque algorithm" does not include an algorithmic 57383

ranking system used by an online platform if both of the 57384
following apply: 57385

(a) The only user-specific data, including inferences 57386
about the user, that the system uses is information relating to 57387
the age of the user. 57388

(b) Such information is only used to restrict the access 57389
of a user to content on the basis that the individual is not old 57390
enough to access such content. 57391

(Y) (1) "Operator" means a person who, for commercial 57392
purposes, in this state, operates or provides a web site on the 57393
internet, an online service, an online application, or a mobile 57394
application, and does any of the following: 57395

(a) Collects or maintains, either directly or through a 57396
service provider, personal information from or about the users 57397
of that web site, service, or application; 57398

(b) Allows another person to collect personal information 57399
directly from users of that web site, service, or application; 57400

(c) Allows users of that web site, service, or application 57401
to publicly disclose personal information. 57402

(2) "Operator" does not include a nonprofit corporation or 57403
an unincorporated nonprofit organization existing under the laws 57404
of this state or any other state. 57405

(Z) "Parent" includes a legal guardian. 57406

(AA) "Person" means an individual, partnership, 57407
corporation, trust, estate, cooperative, association, or other 57408
entity. 57409

(BB) (1) "Personal information" means individually 57410

<u>identifiable information about an individual collected online,</u>	57411
<u>including all of the following:</u>	57412
<u>(a) A first and last name;</u>	57413
<u>(b) A home address or other address of a physical location</u>	57414
<u>that includes the street name and the name of a city or town;</u>	57415
<u>(c) An electronic mail address;</u>	57416
<u>(d) A telephone number;</u>	57417
<u>(e) A social security number;</u>	57418
<u>(f) A photograph, video, or audio file containing a</u>	57419
<u>specific individual's image or voice;</u>	57420
<u>(g) Geolocation information;</u>	57421
<u>(h) Information used to identify an individual that is</u>	57422
<u>generated from the measurement or technological processing of an</u>	57423
<u>individual's biological, physical, or physiological</u>	57424
<u>characteristics, including fingerprints, voice prints, iris or</u>	57425
<u>retina imagery scans, facial templates, gait, or DNA, as defined</u>	57426
<u>in section 109.573 of the Revised Code;</u>	57427
<u>(i) A persistent identifier that can be used to recognize</u>	57428
<u>a specific individual over time and across different online</u>	57429
<u>platforms, web sites, online services, online applications, or</u>	57430
<u>mobile applications, including a customer number held in a</u>	57431
<u>cookie, an internet protocol address, a processor or device</u>	57432
<u>serial number, or a unique device identifier;</u>	57433
<u>(j) Any other identifier that the kids internet and data</u>	57434
<u>safety commission determines permits the physical or online</u>	57435
<u>contacting of a specific individual;</u>	57436
<u>(k) Information linked or reasonably linkable to an</u>	57437

individual that is collected online and combined with an 57438
identifier described in division (BB)(1) of this section. 57439

(2) "Personal information" does not include either of the 57440
following: 57441

(a) An identifier that is used by an operator or covered 57442
platform solely for providing support for the internal 57443
operations of the web site, online service, online application, 57444
or mobile application; 57445

(b) An audio file that contains an individual's voice if 57446
all of the following apply: 57447

(i) The operator or covered platform does not require 57448
information via voice that would otherwise be considered 57449
personal information. 57450

(ii) The operator or covered platform provides clear 57451
notice of the collection and use of the audio file and the 57452
deletion policy in the operator's or covered platform's privacy 57453
policy. 57454

(iii) The operator or covered platform uses the voice 57455
within the audio file as a replacement for written words, to 57456
perform a task, or to engage with a covered platform, web site, 57457
online service, online application, or mobile application, such 57458
as to perform a search or to fulfill a verbal instruction or 57459
request. 57460

(iv) The operator or covered platform only maintains the 57461
audio file long enough to complete the stated purpose and then 57462
immediately deletes the audio file and does not make any other 57463
use of the audio file prior to deletion. 57464

(CC) "Personalized design feature" means a fully or 57465

partially automated system, including a recommendation system, 57466
that is based on the collection of personal information of users 57467
and that encourages or increases the frequency, time spent, or 57468
activity of users on the covered platform. 57469

(DD) (1) "Personalized recommendation system" means a fully 57470
or partially automated system used to suggest, promote, or rank 57471
content, including other users, hashtags, or posts, based on the 57472
personal information of users. 57473

(2) "Personalized recommendation system" does not include 57474
a recommendation system that suggests, promotes, or ranks 57475
content based solely on the user's language, city or town, or 57476
age. 57477

(EE) "Precise geolocation information" means geolocation 57478
information that identifies the location of an individual to 57479
within a range of five miles or less. 57480

(FF) "Sexual exploitation and abuse" means any of the 57481
following: 57482

(1) Coercion and enticement, as described in 18 U.S.C. 57483
2422; 57484

(2) Child sexual abuse material, as described in 18 U.S.C. 57485
2251, 2252, 2252A, and 2260; 57486

(3) Trafficking for the production of images, as described 57487
in 18 U.S.C. 2251A; 57488

(4) Sex trafficking of children, as described in 18 U.S.C. 57489
1591. 57490

(GG) "Support for the internal operations of a web site, 57491
online service, online application, or mobile application" means 57492
those activities necessary to: 57493

<u>(1) Maintain or analyze the functioning of a web site,</u>	57494
<u>online service, online application, or mobile application;</u>	57495
<u>(2) Perform network communications;</u>	57496
<u>(3) Authenticate users of, or personalize the content on,</u>	57497
<u>the web site, online service, online application, or mobile</u>	57498
<u>application;</u>	57499
<u>(4) Serve contextual advertising, provided that any</u>	57500
<u>persistent identifier is only used as necessary for technical</u>	57501
<u>purposes to serve the contextual advertisement or to cap the</u>	57502
<u>frequency of advertising;</u>	57503
<u>(5) Protect the security or integrity of the user, web</u>	57504
<u>site, online service, online application, or mobile application;</u>	57505
<u>(6) Ensure legal or regulatory compliance;</u>	57506
<u>(7) Fulfill a request of a child or teen when consent is</u>	57507
<u>not required under this chapter.</u>	57508
<u>(HH) "Teen" means an individual who is at least thirteen</u>	57509
<u>years of age but under seventeen years of age.</u>	57510
<u>(II) "User" means, with respect to a covered platform, an</u>	57511
<u>individual who registers an account or creates a profile on the</u>	57512
<u>covered platform.</u>	57513
<u>(JJ) "User-specific data" means information relating to an</u>	57514
<u>individual or a specific connected device that would not</u>	57515
<u>necessarily be true of every individual or device.</u>	57516
<u>(KK) "Verifiable consent" means a reasonable effort,</u>	57517
<u>taking into consideration available technology, to ensure that</u>	57518
<u>the user of a covered platform, web site, online service, online</u>	57519
<u>application, or mobile application, or the user's parent, as</u>	57520

applicable, both: 57521

(1) Receives direct notice of the personal information 57522
collection, use, and disclosure practices of the operator or 57523
covered platform; 57524

(2) Freely and unambiguously authorizes, before the 57525
collection of personal information from the user, the 57526
collection, use, and disclosure, as applicable, of the personal 57527
information and any subsequent use of that personal information. 57528

Sec. 3793.02. (A) The kids internet and data safety 57529
commission is created within the department of commerce. The 57530
commission shall administer and enforce this chapter. The 57531
commission may also do the following: 57532

(1) Identify emerging or current risks of harm to children 57533
and teens associated with online platforms; 57534

(2) Recommend measures and methods for assessing, 57535
preventing, and mitigating harm to children and teens on online 57536
platforms; 57537

(3) Recommend methods and themes for conducting research 57538
regarding harm to children and teens on online platforms, 57539
including research conducted in a variety of languages; 57540

(4) Recommend best practices and clear, consensus-based 57541
technical standards for transparency reports and audits, as 57542
required by this chapter, including methods, criteria, and scope 57543
to promote overall accountability. 57544

(B) The commission shall consist of the following members: 57545

(1) One member appointed by the president of the senate; 57546

(2) One member appointed by the speaker of the house of 57547

representatives; 57548

(3) The director of the department of mental health and 57549
addiction services or the director's designee; 57550

(4) The director of children and youth or the director's 57551
designee; 57552

(5) The director of commerce or the director's designee; 57553

(6) Five members appointed by the governor, at least two 57554
of whom have expertise in preventing online harm to children and 57555
teens. 57556

(C) The director of commerce or the director's designee 57557
shall serve as the chair of the commission. 57558

(D) The staff of the department of commerce shall provide 57559
technical and administrative support as needed by the 57560
commission. 57561

(E) Meetings of the commission shall take place at the 57562
call of the chair. 57563

(F) Each member of the commission shall serve at the 57564
discretion of the member's appointing authority. 57565

Sec. 3793.03. The kids internet and data safety commission 57566
shall adopt rules in accordance with Chapter 119. of the Revised 57567
Code as necessary to implement and enforce this chapter. 57568

Sec. 3793.04. (A) For the purposes of this chapter and 57569
rules adopted by the kids internet and data safety commission 57570
thereunder, whether a web site, online service, online 57571
application, or mobile application, or any portion thereof, is 57572
directed to children, shall be determined based on the totality 57573
of circumstances and in consideration of both of the following: 57574

(1) Competent and reliable empirical evidence regarding 57575
the composition of the actual audience of the web site, online 57576
service, online application, or mobile application; 57577

(2) Evidence regarding the intended audience of the web 57578
site, online service, online application, or mobile application. 57579

(B) For the purposes of this chapter and rules adopted by 57580
the commission thereunder, whether an operator or covered 57581
platform knows that a specific user is a child or teen shall be 57582
determined based on competent and reliable evidence, taking into 57583
account the totality of the circumstances, including whether a 57584
reasonable and prudent person under the circumstances would have 57585
known that the user is a child or teen. Nothing in this chapter, 57586
including a determination described in this division, shall be 57587
construed to require an operator or covered platform to do 57588
either of the following: 57589

(1) Affirmatively collect any personal information with 57590
respect to the age of a child or teen that an operator or 57591
covered platform is not already collecting in the normal course 57592
of business; 57593

(2) Implement an age gating or age verification 57594
functionality. 57595

(C) Within ninety days after the effective date of this 57596
section, the commission shall issue guidance concerning both of 57597
the following: 57598

(1) To provide information and examples for covered 57599
platforms and auditors regarding the following, with 57600
consideration given to differences across English and non- 57601
English languages: 57602

(a) Identifying design features that encourage or increase 57603

<u>the frequency, time spent, or activity of children or teens on</u>	57604
<u>the covered platform;</u>	57605
<u>(b) Safeguarding children and teens against the possible</u>	57606
<u>misuse of parental tools;</u>	57607
<u>(c) Best practices in providing children, teens, and the</u>	57608
<u>parents of children and teens the most protective level of</u>	57609
<u>control over privacy and safety;</u>	57610
<u>(d) Using indicia or inferences of age of users for</u>	57611
<u>assessing use of the covered platform by children and teens;</u>	57612
<u>(e) Methods for evaluating the efficacy of safeguards set</u>	57613
<u>forth in this chapter;</u>	57614
<u>(f) Providing additional parental tool options that allow</u>	57615
<u>parents to address the harms described in section 3793.20 of the</u>	57616
<u>Revised Code;</u>	57617
<u>(2) Outline conduct that does not have the purpose or</u>	57618
<u>substantial effect of subverting or impairing user autonomy,</u>	57619
<u>decision-making, or choice, or of causing, increasing, or</u>	57620
<u>encouraging compulsive usage for a child or teen, such as the</u>	57621
<u>following:</u>	57622
<u>(a) De minimis user interface changes derived from testing</u>	57623
<u>consumer preferences, including different styles, layouts, or</u>	57624
<u>text, where such changes are not done with the purpose of</u>	57625
<u>weakening or disabling safeguards or parental tools;</u>	57626
<u>(b) Algorithms or data outputs outside the control of a</u>	57627
<u>covered platform;</u>	57628
<u>(c) Establishing default settings that provide enhanced</u>	57629
<u>privacy protection to users or otherwise enhance their autonomy</u>	57630
<u>and decision-making ability.</u>	57631

(D) Within ninety days after the effective date of this 57632
section, the commission shall issue guidance to provide 57633
information, including best practices and examples, for 57634
operators and covered platforms to understand how the commission 57635
will determine whether an operator or a covered platform knows 57636
that a user is a child or teen for purposes of this chapter. 57637

(E) No guidance issued by the commission with respect to 57638
this chapter confers any rights on any person or locality, nor 57639
shall such guidance operate to bind the commission or any person 57640
to the approach recommended in such guidance. 57641

(F) Any enforcement action brought pursuant to this 57642
chapter shall allege a specific violation of a provision of this 57643
chapter. An enforcement action or consent order shall not be 57644
based on practices that are alleged to be inconsistent with any 57645
guidance issued by the commission, unless the practices 57646
allegedly violate this chapter. 57647

Sec. 3793.05. (A) Subject to division (B) of this section, 57648
the kids internet and data safety commission shall publish on 57649
the commission's web site any report or documentation required 57650
to be submitted to the commission under this chapter. 57651

(B) The commission shall not publish or otherwise make 57652
public any trade secret, as defined in section 1333.61 of the 57653
Revised Code, or any commercial or financial information 57654
obtained under this chapter that is privileged or confidential, 57655
except that the commission may disclose such information to 57656
either of the following: 57657

(1) Officers and employees of appropriate state or federal 57658
law enforcement agencies upon prior certification by such an 57659
officer, employee, or agency that the information will be 57660

maintained in confidence and will be used only for official law 57661
enforcement purposes; 57662

(2) Any officer or employee of a foreign law enforcement 57663
agency under the same circumstances that apply to the federal 57664
trade commission in making material available to foreign law 57665
enforcement agencies under 15 U.S.C. 57b-2. 57666

Sec. 3793.06. (A) The kids internet and data safety fund 57667
is created in the state treasury. The fund shall consist of all 57668
money collected through administrative penalties under section 57669
3793.90 of the Revised Code. All investment earnings of the fund 57670
shall be credited to the fund. The Ohio kids internet and data 57671
safety commission shall use the money in the fund only for the 57672
purposes of the commission's expenses administering and 57673
enforcing the provisions of this chapter. 57674

(B) The director of mental health and addiction services 57675
may use unencumbered funds beyond the amount necessary for the 57676
commission to administer and enforce the provisions of this 57677
chapter to support online addiction treatment for minors as 57678
administered by the department of mental health and addiction 57679
services. 57680

Sec. 3793.20. (A) A covered platform shall exercise 57681
reasonable care in the creation and implementation of any design 57682
feature to prevent and mitigate the following harms to children 57683
and teens where a reasonable and prudent person would agree that 57684
such harms are reasonably foreseeable by the covered platform 57685
and would agree that the design feature is a contributing factor 57686
to such harms: 57687

(1) Eating disorders, substance use disorders, and 57688
suicidal behaviors; 57689

(2) Depressive disorders and anxiety disorders when such 57690
conditions have objectively verifiable and clinically 57691
diagnosable symptoms and are related to compulsive use of the 57692
covered platform; 57693

(3) Patterns of use that indicate compulsive use of the 57694
covered platform; 57695

(4) Physical violence or online harassment activity that 57696
is so severe, pervasive, or objectively offensive that it 57697
impacts a major life activity of a child or teen; 57698

(5) Sexual exploitation and abuse of a child or teen; 57699

(6) Distribution, sale, or use of narcotic drugs, tobacco 57700
products, cannabis products, gambling, or alcohol; 57701

(7) Financial harms caused by unfair or deceptive acts or 57702
practices or unconscionable acts or practices, as those terms 57703
are used in Chapter 1345. of the Revised Code. 57704

(B) Nothing in this section shall be construed to require 57705
a covered platform to prevent or preclude any child or teen from 57706
doing either of the following: 57707

(1) Deliberately and independently searching for, or 57708
specifically requesting, content; 57709

(2) Accessing resources and information regarding the 57710
prevention or mitigation of the harms described in this section. 57711

(C) Nothing in this section shall be construed to allow a 57712
government entity to enforce this section based upon the 57713
viewpoint of users expressed by or through any speech, 57714
expression, or information protected by the First Amendment to 57715
the Constitution of the United States. 57716

Sec. 3793.21. (A) (1) A covered platform shall provide a 57717
user or visitor that the covered platform knows is a child or 57718
teen with readily-accessible and easy-to-use safeguards to do 57719
the following: 57720

(a) Limit the ability of other users or visitors to 57721
communicate with the child or teen; 57722

(b) Prevent other users or visitors, whether registered or 57723
not, from viewing the child's or teen's personal information 57724
collected by or shared on the covered platform, in particular 57725
restricting public access to personal information; 57726

(c) Limit by default design features that encourage or 57727
increase the frequency, time spent, or activity of children or 57728
teens on the covered platform; 57729

(d) Control personalized recommendation systems, including 57730
both of the following: 57731

(i) A prominently displayed option to opt out of such 57732
personalized recommendation systems, while still allowing the 57733
display of content based on a chronological format; 57734

(ii) A prominently displayed option to limit types or 57735
categories of recommendations from such systems. 57736

(e) Restrict the sharing of the geolocation information of 57737
the child or teen and provide notice regarding the tracking of 57738
the child's or teen's geolocation information; 57739

(2) A covered platform shall provide a user or visitor 57740
that the covered platform knows is a child or teen with a 57741
readily-accessible and easy-to-use option to limit the amount of 57742
time spent by the child or teen on the covered platform. 57743

(3) A covered platform shall provide that, in the case of 57744

a user or visitor that the platform knows is a child or teen, 57745
the default setting for any safeguard described under division 57746
(A) (1) of this section shall be the option available on the 57747
platform that provides the most protective level of control that 57748
is offered by the platform over privacy and safety for that user 57749
or visitor, unless otherwise enabled by the parent of the child 57750
or teen. 57751

(B) (1) A covered platform shall provide readily-accessible 57752
and easy-to-use parental tools for parents to support a user 57753
that the platform knows is a child or teen with respect to the 57754
use of the platform by that user. 57755

(2) The parental tools provided by a covered platform 57756
under division (B) (1) of this section shall include the ability 57757
to do all of the following: 57758

(a) Manage a child's or teen's privacy and account 57759
settings, including the safeguards and options established under 57760
division (A) of this section, in a manner that allows parents to 57761
view the privacy and account settings and, in the case of a user 57762
that the platform knows is a child, change and control the 57763
privacy and account settings; 57764

(b) Restrict purchases and financial transactions by the 57765
child or teen, where applicable; 57766

(c) View metrics of total time spent on the covered 57767
platform and restrict time spent on the covered platform by the 57768
child or teen. 57769

(3) A covered platform shall provide clear and conspicuous 57770
notice to a user when the tools described in division (D) of 57771
this section are in effect and what settings or controls have 57772
been applied. 57773

(4) A covered platform shall provide that, in the case of 57774
a user that the platform knows is a child, the tools required 57775
under division (B) of this section shall be enabled by default. 57776

(5) If, prior to the effective date of this section, a 57777
covered platform provided a parent of a user that the platform 57778
knows is a child with notice and the ability to enable the 57779
parental tools described under divisions (D) (1) and (2) of this 57780
section in a manner that would otherwise comply with division 57781
(D) (4) of this section, and the parent opted out of enabling 57782
such tools, the covered platform is not required to enable such 57783
tools with respect to such user by default when this section 57784
takes effect. 57785

(C) (1) A covered platform shall provide all of the 57786
following: 57787

(a) A readily-accessible and easy-to-use means for users 57788
and visitors to submit reports to the covered platform of harms 57789
to a child or teen on the covered platform; 57790

(b) An electronic point of contact specific to matters 57791
involving harms to a child or teen; 57792

(c) Confirmation of the receipt of such a report and, 57793
within the applicable time period described in division (C) (2) 57794
of this section, a substantive response to the individual that 57795
submitted the report. 57796

(2) A covered platform shall establish an internal process 57797
to receive and substantively respond to reports submitted under 57798
division (E) of this section in a reasonable and timely manner, 57799
but in no case later than the following: 57800

(a) Ten days after the receipt of a report, if, for the 57801
most recent calendar year, the covered platform averaged more 57802

than three hundred fifty thousand active users on a monthly 57803
basis in this state; 57804

(b) Twenty-one days after the receipt of a report, if, for 57805
the most recent calendar year, the covered platform averaged 57806
less than three hundred fifty thousand active users on a monthly 57807
basis in this state. 57808

(3) Notwithstanding divisions (C) (2) (a) and (b) of this 57809
section, if a report submitted under division (C) (1) of this 57810
section involves an imminent threat to the safety of a child or 57811
teen, shall substantively respond to the report as promptly as 57812
needed to address the reported threat to safety. 57813

(D) No covered platform shall facilitate the advertising 57814
of narcotic drugs, cannabis products, tobacco products, 57815
gambling, or alcohol to an individual that the covered platform 57816
knows is a child or teen. 57817

(E) (1) With respect to the safeguards and parental tools 57818
described under this section, a covered platform shall provide 57819
all of the following: 57820

(a) Information and control options in a clear and 57821
conspicuous manner that takes into consideration the differing 57822
ages, capacities, and developmental needs of the children and 57823
teens most likely to access the covered platform and does not 57824
encourage children, teens, or parents to weaken or disable 57825
safeguards or parental tools; 57826

(b) Readily-accessible and easy-to-use controls to enable 57827
or disable safeguards or parental tools, as appropriate; 57828

(c) Information and control options in the same language, 57829
form, and manner as the covered platform provides the product or 57830
service used by children and teens and their parents. 57831

(2) No covered platform shall design, embed, modify, or 57832
manipulate a user interface of a covered platform with the 57833
purpose or substantial effect of obscuring, subverting, or 57834
impairing user autonomy, decision-making, or choice with respect 57835
to safeguards or parental tools required by this section. 57836

(3) (a) Divisions (A) (1) (c) and (B) (3) of this section do 57837
not require an online video game to interrupt the natural 57838
sequence of game play, such as progressing through game levels 57839
or finishing a competition. 57840

(b) If a user's device or user account does not have 57841
access to the internet at the time of a change to parental tools 57842
required by this section, a covered platform shall apply changes 57843
the next time the device or user is connected to the internet. 57844

(F) (1) Nothing in this section shall be construed to 57845
prohibit a covered platform from integrating the covered 57846
platform's products or service with, or duplicate controls or 57847
tools provided by, third-party systems, including operating 57848
systems or gaming consoles, to meet the requirements imposed 57849
under divisions (A) and (B) of this section relating to 57850
safeguards for children and teens and parental tools, provided 57851
that both of the following apply: 57852

(a) The controls or tools meet such requirements; 57853

(b) The child or teen, or the child's or teen's parent is 57854
provided sufficient notice of the integration and use of the 57855
parental tools. 57856

(2) In the event of a conflict between the controls or 57857
tools of a third-party system, including operating systems or 57858
gaming consoles, and a covered platform, the covered platform is 57859
not required to override the controls or tools of a third-party 57860

system if it would undermine the protections for children or 57861
teens from the safeguards or parental tools imposed under 57862
divisions (A) and (B) of this section. 57863

(G) A covered platform shall provide the safeguards and 57864
parental tools described in divisions (A) and (B) of this 57865
section to an educational agency or institution, rather than to 57866
the user or visitor, when the covered platform is acting on 57867
behalf of the educational agency or institution subject to a 57868
written contract that meets the requirements of section 3793.43 57869
of the Revised Code. 57870

(H) Nothing in this section shall be construed to do any 57871
of the following: 57872

(1) Prevent a covered platform from taking reasonable 57873
measures to do any of the following: 57874

(a) Block, detect, or prevent the distribution of 57875
unlawful, obscene, or other material harmful to juveniles, as 57876
defined in section 2907.01 of the Revised Code; 57877

(b) Block or filter spam, prevent criminal activity, or 57878
protect the security of a platform service. 57879

(2) Require the disclosure of the browsing behavior, 57880
search history, messages, contact list, or other content or 57881
metadata of the communications of a child or teen; 57882

(3) Prevent a covered platform from using a personalized 57883
recommendation system to display content to a child or teen if 57884
the system only uses information on the following: 57885

(a) The language spoken by the child or teen; 57886

(b) The municipality or township in which the child or 57887
teen is located; 57888

<u>(c) The age of the child or teen.</u>	57889
<u>(4) Prevent an online video game from disclosing a</u>	57890
<u>username or other user identification for the purpose of</u>	57891
<u>competitive game play or to allow for the reporting of users;</u>	57892
<u>(5) Prevent a covered platform from contracting or</u>	57893
<u>entering into an agreement with a third-party entity, whose</u>	57894
<u>primary or exclusive function is to provide the safeguards or</u>	57895
<u>parental tools required under divisions (A) and (B) of this</u>	57896
<u>section or to offer similar or stronger protective capabilities</u>	57897
<u>for children and teens, to assist with meeting the requirements</u>	57898
<u>imposed under divisions (A) and (B) of this section;</u>	57899
<u>(6) Prevent a parent or user from authorizing a third-</u>	57900
<u>party entity described in division (H) (5) of this section to</u>	57901
<u>implement such safeguards or parental tools or provide similar</u>	57902
<u>or stronger protective capabilities for children and teens, at</u>	57903
<u>the choice of the parent or user.</u>	57904
<u>Sec. 3793.22.</u> (A) (1) A covered platform shall provide in a	57905
<u>clear, conspicuous, and easy-to-understand format, prior to</u>	57906
<u>allowing registration of or any purchase by an individual the</u>	57907
<u>platform knows is a child or teen, all of the following:</u>	57908
<u>(a) Notice of the policies and practices of the covered</u>	57909
<u>platform with respect to safeguards for children and teens;</u>	57910
<u>(b) Information about how to access the safeguards and</u>	57911
<u>parental tools required under section 3793.21 of the Revised</u>	57912
<u>Code;</u>	57913
<u>(c) Notice about how to access the information on</u>	57914
<u>personalized recommendation systems required under division (B)</u>	57915
<u>of this section.</u>	57916

(2) In the case of an individual that a covered platform knows is a child, the platform shall provide information about the parental tools and safeguards required under section 3793.21 of the Revised Code to a parent of the child and obtain verifiable consent from that parent. 57917
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(3) For purposes of this section, a covered platform may consolidate the process for providing information under this section and obtaining verifiable consent from the parent of the child or teen involved, as required under this section, with the obligations of the covered platform to provide relevant notice and obtain verifiable consent under section 3793.41 of the Revised Code. 57922
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(4) The kids internet and data safety commission may issue guidance to assist covered platforms in complying with the specific notice requirements of division (A) of this section. 57929
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(B) A covered platform that operates a personalized recommendation system shall set out in the covered platform's terms and conditions, in a clear, conspicuous, and easy-to-understand manner, both of the following: 57932
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(1) An overview of how each personalized recommendation system is used by the covered platform to provide information to children and teens, including how such systems use the personal information of children and teens; 57936
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(2) Information about options for children and teens, or their parents, to opt out of or control the personalized recommendation system. 57940
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(C) (1) A covered platform shall provide clear, conspicuous, and easy-to-understand labels and information, which can be provided through a link to another web page or 57943
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disclosure, to children and teens on advertisements, regarding 57946
both of the following: 57947

(a) The name of the product, service, or brand and the 57948
subject matter of an advertisement; 57949

(b) Whether particular media displayed to the child or 57950
teen is an advertisement or marketing material, including 57951
disclosure of endorsements of products, services, or brands made 57952
for commercial consideration by other users of the platform. 57953

(2) The kids internet and data safety commission may issue 57954
guidance to assist covered platforms in complying with the 57955
requirements of division (C) of this section, including guidance 57956
about the minimum level of information and labels for the 57957
disclosures. 57958

(D) A covered platform shall provide to children and teens 57959
and their parents clear, conspicuous, easy-to-understand, and 57960
comprehensive information in a prominent location, which may 57961
include a link to a web page, regarding both of the following: 57962

(1) The policies and practices of the covered platform 57963
with respect to safeguards for children and teens; 57964

(2) How to access the safeguards and parental tools 57965
required under section 3793.21 of the Revised Code. 57966

(E) A covered platform shall ensure, to the extent 57967
practicable, that the disclosures required by this section are 57968
made available in the same language, form, and manner as the 57969
covered platform provides any product or service used by 57970
children and teens, and their parents. 57971

Sec. 3793.23. (A) Subject to division (B) of this section, 57972
at least once per year, a covered platform shall issue a public 57973

report that addresses the matters described in division (C) of 57974
this section and that is based on an independent, third-party 57975
audit of the covered platform with a reasonable level of 57976
assurance. 57977

(B) The requirements of this section apply to a covered 57978
platform only if both of the following apply: 57979

(1) For the most recent calendar year, the covered 57980
platform averaged more than three hundred fifty thousand active 57981
users on a monthly basis in this state. 57982

(2) The covered platform predominantly provides a 57983
community forum for user-generated content and discussion, 57984
including sharing videos, images, games, audio files, discussion 57985
in a virtual setting, or other content, such as acting as a 57986
social media platform, virtual reality environment, or a social 57987
network service. 57988

(C) (1) The public reports required of a covered platform 57989
under this section shall include all of the following: 57990

(a) An assessment of the extent to which the platform is 57991
likely to be accessed by children and teens; 57992

(b) A description of the commercial interests of the 57993
covered platform being used by children and teens; 57994

(c) An accounting, based on the data held by the covered 57995
platform, of all of the following: 57996

(i) The number of users using the covered platform that 57997
the platform knows to be children or teens in this state; 57998

(ii) The median and mean amounts of time spent on the 57999
platform by users known to be children or teens in this state 58000
who have accessed the covered platform during the reporting year 58001

on a daily, weekly, and monthly basis; 58002

(iii) The amount of content being accessed by users that 58003
the platform knows to be children or teens in this state that is 58004
in English, and the top five non-English languages used by users 58005
accessing the platform in this state; 58006

(iv) An accounting of total reports received through the 58007
reporting mechanism described in section 3793.21 of the Revised 58008
Code, disaggregated by language, including English and the top 58009
five non-English languages used by users accessing the platform 58010
from this state; 58011

(v) An assessment of the safeguards and parental tools 58012
under section 3793.21 of the Revised Code, representations 58013
regarding the use of the personal information of children and 58014
teens, and other matters regarding compliance with this chapter. 58015

(2) The public reports required under this section shall 58016
include all of the following: 58017

(a) An assessment based on aggregate data on the exercise 58018
of safeguards and parental tools described in section 3793.21 of 58019
the Revised Code, and other competent and reliable empirical 58020
evidence; 58021

(b) A description of whether and how the covered platform 58022
uses design features that increase, sustain, or extend the use 58023
of a product or service by a child or teen; 58024

(c) A description of whether, how, and for what purpose 58025
the covered platform collects or processes categories of 58026
personal information, including how personal information is used 58027
to operate personalized recommendation systems related to 58028
children and teens; 58029

(d) An evaluation of the efficacy of safeguards for 58030
children and teens and parental tools under section 3793.21 of 58031
the Revised Code, and any issues in delivering such safeguards 58032
and parental tools; 58033

(e) An assessment of differences, with respect to the 58034
matters described in divisions (C) (2) (a) to (d) of this section, 58035
across different English and non-English languages and efficacy 58036
of safeguards in those languages. 58037

(3) The public reports required of a covered platform 58038
under this section include, for English and the top five non- 58039
English languages used by users accessing the covered platform 58040
from this state, all of the following: 58041

(a) A description of the safeguards and parental tools 58042
available to children, teens, and parents on the covered 58043
platform; 58044

(b) A description of the prevention and mitigation 58045
measures a covered platform may take, if any, in response to the 58046
assessments conducted under division (C) (2) of this section, 58047
including steps taken to provide the most protective level of 58048
control over safety by default; 58049

(c) A description of the processes used for the creation 58050
and implementation of any design feature that will be used by 58051
children or teens; 58052

(d) A description and assessment of handling reports under 58053
division (C) of section 3793.21 of the Revised Code, including 58054
the rate of response, timeliness, and substantiveness of 58055
responses; 58056

(e) the status of implementing prevention and mitigation 58057
measures identified in prior assessments. 58058

(D) In conducting an inspection of the reasonably 58059
foreseeable risk of harm to children or teens under this 58060
section, an independent, third-party auditor shall do all of the 58061
following: 58062

(1) Take into consideration the function of personalized 58063
recommendation systems; 58064

(2) Consult parents and youth experts, including youth and 58065
families with relevant past or current experience, public health 58066
and mental health nonprofit organizations, health and 58067
development organizations, and civil society with respect to the 58068
prevention of harms to children or teens; 58069

(3) Conduct research based on experiences of children and 58070
teens that use the covered platform, including reports under 58071
division (C) of section 3793.21 of the Revised Code and 58072
information provided by law enforcement; 58073

(4) Take account of research, including research regarding 58074
design features, marketing, or product integrity, industry best 58075
practices, or outside research; 58076

(5) Take into consideration indicia or inferences of age 58077
of users, in addition to any self-declared information about the 58078
age of users; 58079

(6) Take into consideration differences in risk of 58080
reasonably foreseeable harms and effectiveness of safeguards 58081
across English and non-English languages. 58082

(E) To facilitate the report required by division (C) of 58083
this section, a covered platform shall do all of the following: 58084

(1) Provide or otherwise make available to the independent 58085
third party conducting the audit all information and material in 58086

the covered platform's possession, custody, or control that is 58087
relevant to the audit; 58088

(2) Provide or otherwise make available to the independent 58089
third party conducting the audit access to all network, systems, 58090
and assets relevant to the audit; 58091

(3) Disclose all relevant facts to the independent third 58092
party conducting the audit, and not misrepresent in any manner, 58093
expressly or by implication, any relevant fact. 58094

(F) (1) In issuing the public reports required under this 58095
section, a covered platform shall take steps to safeguard the 58096
privacy of the covered platform's users, including ensuring that 58097
data is presented in a de-identified, aggregated format such 58098
that the data is not reasonably linkable to any user. 58099

(2) This section shall not be construed to require the 58100
disclosure of information that will lead to material 58101
vulnerabilities for the privacy of users or the security of a 58102
covered platform's service or create a significant risk of the 58103
violation of federal or state law. 58104

(G) A covered platform shall publish the public reports 58105
required by this section in an easy-to-find location on a 58106
publicly available web site. 58107

Sec. 3793.24. (A) A covered platform shall not, in the 58108
case of a user or visitor that the covered platform knows is a 58109
child, conduct market or product-focused research on such child. 58110

(B) A covered platform shall not, in the case of a user or 58111
visitor that the online platform knows is a teen, conduct market 58112
or product-focused research on such teen, unless the covered 58113
platform obtains verifiable consent from the parent of the teen 58114
prior to conducting such research on such teen. 58115

Sec. 3793.25. (A) Nothing in sections 3793.20 to 3793.25 58116
of the Revised Code shall be construed to restrict a covered 58117
platform's ability to do the following: 58118

(1) Cooperate with law enforcement agencies regarding 58119
activity that the covered platform reasonably and in good faith 58120
believes may violate federal, state, or local laws, rules, or 58121
regulations; 58122

(2) Comply with a lawful civil, criminal, or regulatory 58123
inquiry, subpoena, or summons by federal, state, local, or other 58124
government authorities; 58125

(3) Investigate, establish, exercise, respond to, or 58126
defend against legal claims; 58127

(4) Prevent, detect, protect against, or respond to any 58128
security incident, identity theft, fraud, harassment, malicious 58129
or deceptive activity, or any illegal activities; 58130

(5) Investigate or report those responsible for any action 58131
described in division (A) of this section. 58132

(B) A video streaming service shall be deemed to be in 58133
compliance with sections 3793.20 to 3793.25 of the Revised Code 58134
if the service predominantly consists of news, sports, 58135
entertainment, or other video programming content that is 58136
preselected by the provider and not user-generated, and all of 58137
the following apply: 58138

(1) Any chat, comment, or interactive functionality is 58139
provided incidental to, directly related to, or dependent on 58140
provision of such content; 58141

(2) If such video streaming service requires account owner 58142
registration and is not predominantly news or sports, the 58143

service includes the capability to do all of the following: 58144

(a) Limit a child's or teen's access to the service, which 58145
may utilize a system of age-rating; 58146

(b) Limit the automatic playing of on-demand content 58147
selected by a personalized recommendation system for an 58148
individual that the service knows is a child or teen; 58149

(c) For a parent to manage a child's or teen's privacy and 58150
account settings, and restrict purchases and financial 58151
transactions by the child or teen, where applicable; 58152

(d) Provide an electronic point of contact specific to 58153
matters described in division (B) (2) of this section; 58154

(e) Offer a clear, conspicuous, and easy to-understand 58155
notice of its policies and practices with respect to the 58156
capabilities described in division (B) (2) of this section; 58157

(f) When providing on-demand content, to employ measures 58158
that safeguard against serving advertising for narcotic drugs, 58159
cannabis products, tobacco products, gambling, or alcohol 58160
directly to the account or profile of an individual that the 58161
service knows is a child or teen. 58162

Sec. 3793.30. (A) No person shall operate an online 58163
platform with users in this state that uses an opaque algorithm 58164
unless the person does all of the following: 58165

(1) Provides users of the online platform with the 58166
following notices: 58167

(a) Notice that the online platform uses an opaque 58168
algorithm that uses user-specific data to select the content the 58169
user sees. Such notice shall be presented in a clear and 58170
conspicuous manner on the online platform whenever the user 58171

interacts with an opaque algorithm for the first time and may be 58172
a one-time notice that may be dismissed by the user. 58173

(b) Notice, to be included in the terms and conditions of 58174
the online platform, in a clear, accessible, and easily 58175
comprehensible manner that is to be updated whenever the online 58176
platform makes a material change, of all of the following: 58177

(i) The most salient features, inputs, and parameters used 58178
by the algorithm; 58179

(ii) How any user-specific data used by the algorithm is 58180
collected or inferred about a user of the online platform, and 58181
the categories of such data; 58182

(iii) Any options that the online platform makes available 58183
for a user of the platform to opt out or exercise options under 58184
this section, modify the profile of the user, or to influence 58185
the features, inputs, or parameters used by the algorithm; 58186

(iv) Any quantities, such as time spent using a product or 58187
specific measures of engagement or social interaction, that the 58188
algorithm is designed to optimize, as well as a general 58189
description of the relative importance of each quantity for such 58190
ranking. 58191

(2) Enable users of the online platform to easily switch 58192
between the opaque algorithm and an input-transparent algorithm 58193
in the user's use of the platform. 58194

(B) Nothing in this section shall be construed to require 58195
an online platform to disclose any information, including data 58196
or algorithms, that is any of the following: 58197

(1) Related to a trade secret or other protected 58198
intellectual property; 58199

<u>(2) Confidential business information;</u>	58200
<u>(3) Privileged.</u>	58201
<u>(C) An online platform shall not deny, charge different</u>	58202
<u>prices or rates for, or condition the provision of a service or</u>	58203
<u>product to a user based on the user's election to use an input-</u>	58204
<u>transparent algorithm in the use of the platform, as provided</u>	58205
<u>under this section.</u>	58206
<u>(D) Notwithstanding division (A) of this section, an</u>	58207
<u>online platform shall provide the notice and opt-out described</u>	58208
<u>in that division to the educational agency or institution rather</u>	58209
<u>than to the user, when the online platform is acting on behalf</u>	58210
<u>of an educational agency or institution, subject to a written</u>	58211
<u>contract that complies with the requirements of section 3793.43</u>	58212
<u>of the Revised Code.</u>	58213
<u>(E) Nothing in this section shall be construed to limit or</u>	58214
<u>prohibit an online platform's ability to, at the direction of an</u>	58215
<u>individual user or group of users, restrict another user from</u>	58216
<u>searching for, finding, accessing, or interacting with such</u>	58217
<u>user's or group's account, content, data, or online community.</u>	58218
<u>Sec. 3793.40.</u> <u>(A) No operator of a web site, online</u>	58219
<u>service, online application, or mobile application directed to</u>	58220
<u>children, and no operator that knows that a user of the</u>	58221
<u>operator's web site, online service, online application, or</u>	58222
<u>mobile application is a child or teen, shall do any of the</u>	58223
<u>following:</u>	58224
<u>(1) Collect personal information from a child or teen in a</u>	58225
<u>manner that violates this chapter;</u>	58226
<u>(2) Except as expressly permitted by this chapter, either</u>	58227
<u>of the following:</u>	58228

(a) Collect, use, disclose to third parties, or maintain 58229
the personal information of a child or teen for the purposes of 58230
delivering individual-specific advertising to children or teens; 58231

(b) Allow another person to collect, use, disclose, or 58232
maintain the personal information of a child or teen for the 58233
purposes of delivering individual-specific advertising to 58234
children or teens. 58235

(3) Collect the personal information of a child or teen, 58236
except when the collection of the personal information is 58237
either: 58238

(a) Consistent with the context of a particular 58239
transaction or service or the relationship of the child or teen 58240
with the operator, including collection necessary to fulfill a 58241
transaction or provide a product or service requested by the 58242
child or teen; 58243

(b) Required or specifically authorized by federal or 58244
state law. 58245

(4) Store or transfer the personal information of a child 58246
or teen outside of this state unless the operator provides 58247
direct notice to a parent of the child, in the case of a child, 58248
or the teen, in the case of a teen, that the child's or teen's 58249
personal information is being stored or transferred outside of 58250
this state; 58251

(5) Retain the personal information of a child or teen for 58252
longer than is reasonably necessary to fulfill a transaction or 58253
provide a service requested by the child or teen, except as 58254
required or specifically authorized by federal or state law; 58255

(6) Use or disclose information collected for the support 58256
of the internal operations of a web site, online service, online 58257

application, or mobile application for any other purpose, 58258
including: 58259

(a) To contact a specific individual, including through 58260
individual-specific advertising to children or teens; 58261

(b) To amass a profile on a specific individual; 58262

(c) In connection with a process that encourages or 58263
prompts use of a web site or online service. 58264

(B) Notwithstanding any contrary provision of this 58265
section, neither an operator nor the operator's agent shall be 58266
held to have violated this chapter for any disclosure in good 58267
faith and following reasonable procedures in responding to a 58268
request for disclosure of personal information made by the 58269
parent of a child or by a teen under section 3793.41 of the 58270
Revised Code. 58271

(C) Nothing in this chapter shall be construed to prohibit 58272
an operator that knows that a user is a child or teen from 58273
delivering advertising or marketing that is age-appropriate and 58274
intended for a child or teen audience, so long as the operator 58275
does not use any personal information other than whether the 58276
user is a child or teen. 58277

Sec. 3793.41. The operator of a web site, online service, 58278
online application, or mobile application directed to children 58279
or an operator that knows that a user of the operator's web 58280
site, online service, online application, or mobile application 58281
is a child or teen shall do all of the following: 58282

(A) Provide clear and conspicuous notice on the web site, 58283
online service, online application, or mobile application of all 58284
of the following: 58285

<u>(1) What personal information the operator collects from</u>	58286
<u>children and teens;</u>	58287
<u>(2) How the operator uses such personal information;</u>	58288
<u>(3) The operator's disclosure practices for such personal</u>	58289
<u>information;</u>	58290
<u>(4) The purposes for which the operator collects, uses,</u>	58291
<u>discloses, and retains such personal information;</u>	58292
<u>(5) The rights and opportunities available to parents,</u>	58293
<u>under division (D) of this section, and teens, under division</u>	58294
<u>(E) of this section;</u>	58295
<u>(6) The procedures or mechanisms the operator uses to</u>	58296
<u>ensure that the operator does not collect personal information</u>	58297
<u>from children or teens in any manner that violates this chapter</u>	58298
<u>or rules adopted thereunder by the kids internet and data safety</u>	58299
<u>commission.</u>	58300
<u>(B) Subject to sections 3793.42 and 3793.43 of the Revised</u>	58301
<u>Code, obtain verifiable consent from the following:</u>	58302
<u>(1) For the collection, use, or disclosure of personal</u>	58303
<u>information of a child, a parent of the child;</u>	58304
<u>(2) For the collection, use, or disclosure of personal</u>	58305
<u>information of a teen, the teen.</u>	58306
<u>(C) Obtain verifiable consent from a child's parent or</u>	58307
<u>teen before using or disclosing personal information of the</u>	58308
<u>child or teen for any purpose that is materially different from</u>	58309
<u>those specified in the most recent notice sent by the operator</u>	58310
<u>to the parent or teen in order to obtain verifiable consent</u>	58311
<u>under this section;</u>	58312

(D) Provide to a parent whose child has provided personal 58313
information to the operator, upon request by and proper 58314
identification of that parent, all of the following: 58315

(1) A description of the specific types of personal 58316
information the operator collects from the child; 58317

(2) The opportunity, at any time, to do the following: 58318

(a) Delete personal information collected from the child; 58319

(b) Delete content or information submitted by the child 58320
to the operator's web site, online service, online application, 58321
or mobile application; 58322

(c) Refuse to permit the operator's future collection of 58323
personal information from the child; 58324

(d) Refuse to permit the operator's further use and 58325
maintenance, in any retrievable form, of personal information 58326
previously collected from the child. 58327

(3) The opportunity to challenge the accuracy of the 58328
child's personal information and, if the parent establishes the 58329
inaccuracy of such personal information, to correct the 58330
inaccuracy; 58331

(4) A means that is reasonable under the circumstances for 58332
the parent to obtain any personal information collected from the 58333
child if such personal information is available to the operator 58334
at the time the parent makes the request. 58335

(E) Provide to a teen who has provided personal 58336
information to the operator, upon the request by and proper 58337
identification of that teen, all of the following: 58338

(1) A description of the specific types of personal 58339

information the operator collects from the teen, the method by 58340
which the operator obtains the personal information, and the 58341
purposes for which the operator collects, uses, discloses, and 58342
retains the personal information; 58343

(2) The opportunity at any time to do the following: 58344

(a) Delete personal information collected from the teen; 58345

(b) Delete content or information submitted by the teen to 58346
the operator's web site, online service, online application, or 58347
mobile application; 58348

(c) Refuse to permit the operator's further collection of 58349
personal information from the teen; 58350

(d) Refuse to permit the operator's further use and 58351
maintenance, in any retrievable form, of personal information 58352
previously collected from the teen. 58353

(3) The opportunity to challenge the accuracy of the 58354
teen's personal information and, if the teen establishes the 58355
inaccuracy of such personal information, to correct the 58356
inaccuracy; 58357

(4) A means that is reasonable under the circumstances for 58358
the teen to obtain any personal information collected from the 58359
teen, if such information is available to the operator at the 58360
time the teen makes the request. 58361

(F) Refrain from conditioning a child's or teen's 58362
participation in a game, the offering of a prize, or any other 58363
activity on the child or teen disclosing more personal 58364
information than is reasonably necessary to participate in the 58365
game, prize, or activity; 58366

(G) Establish, implement, and maintain reasonable security 58367

practices to protect the confidentiality, integrity, and 58368
accessibility of personal information of children or teens 58369
collected by the operator, and to protect such personal 58370
information against unauthorized access. 58371

Sec. 3793.42. An operator is not required to obtain 58372
verifiable consent from a teen or the parent of a child, under 58373
section 3793.41 of the Revised Code, respecting any of the 58374
following: 58375

(A) Online contact information collected from a child or 58376
teen that is used only to respond directly on a one-time basis 58377
to a specific request from the child or teen; is not used to 58378
recontact the child or teen or to contact another child or teen; 58379
and is not maintained in retrievable form by the operator; 58380

(B) A request for the name or online contact information 58381
of a parent or teen that is used for the sole purpose of 58382
obtaining verifiable consent and where, if verifiable consent is 58383
not obtained after a reasonable period of time, such information 58384
is not maintained in retrievable form by the operator; 58385

(C) Online contact information collected from a child or 58386
teen that is used only to respond more than once directly to a 58387
specific request from the child or teen, is not used to 58388
recontact the child or teen beyond the scope of that request, 58389
and to which either of the following apply: 58390

(1) Before any additional response to the child or teen 58391
after the operator's initial response, the operator uses 58392
reasonable efforts to provide a parent or teen, as applicable, 58393
notice of the online contact information collected from the 58394
child or teen, the purpose for which it is to be used, and an 58395
opportunity for the parent or teen, as applicable, to request 58396

that the operator make no further use of the information. If the 58397
parent or teen, as applicable, does not respond to the notice or 58398
requests that the operator make no further use of the 58399
information, the operator does not maintain the information in 58400
any retrievable form. 58401

(2) Without notice to the parent or teen, as applicable, 58402
in such circumstances as the kids internet and data safety 58403
commission may determine are appropriate, in rules promulgated 58404
under section 3793.03 of the Revised Code, taking into 58405
consideration the benefits to the child or teen of access to the 58406
information or services and the risks to the security and 58407
privacy of the child or teen. 58408

(D) The name of the child or teen and online contact 58409
information to the extent reasonably necessary to protect the 58410
safety of a child or teen participant on the web site, online 58411
service, online application, or mobile application if all of the 58412
following apply: 58413

(1) The personal information is used only for the purpose 58414
of protecting the safety of the child or teen participant. 58415

(2) The personal information is not used to recontact the 58416
child or teen for any other purpose. 58417

(3) The personal information is not disclosed on the web 58418
site, online service, online application, or mobile application. 58419

(4) The operator makes a reasonable effort to provide a 58420
parent or teen, as applicable, notice of the online contact 58421
information collected from the child or teen, the purpose for 58422
which it is to be used, and an opportunity for the parent or 58423
teen, as applicable, to request that the operator make no 58424
further use of the information. If the parent or teen, as 58425

applicable, does not respond to the notice or requests that the 58426
operator make no further use of the information, the operator 58427
does not maintain the information in any retrievable form. 58428

(E) The collection, use, or dissemination of personal 58429
information by the operator necessary for any of the following: 58430

(1) To protect the security or integrity of the operator's 58431
web site, online service, online application, or mobile 58432
application; 58433

(2) To take precautions against liability; 58434

(3) To respond to judicial process; 58435

(4) To the extent permitted under other provisions of law, 58436
to provide information to law enforcement agencies, or for an 58437
investigation on a matter related to public safety. 58438

Sec. 3793.43. The rules promulgated by the kids internet 58439
and data safety commission under section 3793.03 of the Revised 58440
Code may provide that verifiable consent is not required for an 58441
operator that is acting under a written agreement with an 58442
educational agency or institution that, at a minimum, requires 58443
all of the following: 58444

(A) The operator to do all of the following: 58445

(1) Limit the operator's collection, use, and disclosure 58446
of the personal information from a child or teen to solely 58447
educational purposes; 58448

(2) Provide the educational agency or institution with a 58449
notice of the specific types of personal information that the 58450
operator will collect from the child or teen, the method by 58451
which the operator will obtain the personal information, and the 58452
purposes for which the operator will collect, use, disclose, and 58453

retain the personal information; 58454

(3) Provide the educational agency or institution with a 58455
link to the operator's online notice of information practices; 58456

(4) Provide the educational agency or institution, upon 58457
request, with a means to review the personal information 58458
collected from a child or teen, to prevent further use or 58459
maintenance or future collection of personal information from a 58460
child or teen, or content or information submitted by a child or 58461
teen, to the operator's web site, online service, online 58462
application, or mobile application. 58463

(B) The representative of the educational agency or 58464
institution to acknowledge and agree that the representative has 58465
the authority to authorize the collection, use, and disclosure 58466
of personal information from children or teens on behalf of the 58467
educational agency or institution, and, along with such 58468
authorization, provide the representative's name and title at 58469
the educational agency or institution; 58470

(C) The educational agency or institution to do the 58471
following: 58472

(1) Provide on the agency's or institution's web site a 58473
notice that identifies the operator with which the educational 58474
agency or institution has entered into a written agreement under 58475
this section and provide a link to the operator's notice of 58476
information practices; 58477

(2) Provide the operator's notice regarding information 58478
practices, upon request, to a parent, in the case of a child, or 58479
a parent or teen, in the case of a teen; 58480

(3) Upon the request of a parent, in the case of a child, 58481
or a parent or teen, in the case of a teen, provide a means to 58482

review the personal information collected from the child or teen 58483
and provide a parent, in the case of a child, or a parent or 58484
teen, in the case of a teen, a means to review the personal 58485
information. 58486

Sec. 3793.44. (A) An operator may terminate service 58487
provided to a child whose parent has refused under division (D) 58488
(2) of section 3793.41 of the Revised Code, or a teen who has 58489
refused under division (E) (2) of that section, to permit the 58490
operator's further collection, use, or maintenance of personal 58491
information from that child or teen in retrievable form. 58492

(B) No operator shall discontinue service provided to a 58493
child or teen on the basis of a request by the parent of the 58494
child under division (D) (2) of section 3793.41 of the Revised 58495
Code, or by the teen under division (E) (2) of that section, to 58496
delete personal information collected from the child or teen, to 58497
the extent that the operator is capable of providing the service 58498
without such information. 58499

Sec. 3793.45. A request made pursuant to division (D) or 58500
(E) of section 3793.41 of the Revised Code to delete or correct 58501
personal information of a child or teen shall not be construed 58502
to do any of the following: 58503

(A) Limit the authority of a law enforcement agency to 58504
obtain any content or information from an operator pursuant to a 58505
lawfully executed warrant or an order of a court of competent 58506
jurisdiction; 58507

(B) Require an operator or third party to delete or 58508
correct information to which either of the following apply: 58509

(1) Any other provision of federal or state law requires 58510
the operator or third party to collect or maintain; 58511

(2) Was submitted to the web site, online service, online application, or mobile application of the operator by any person other than the user who is attempting to erase or otherwise eliminate the content or information, including content or information submitted by the user that was republished or resubmitted by another person. 58512 58513 58514 58515 58516 58517

(C) Prohibit the operator from doing any of the following: 58518

(1) Retaining a record of the deletion request and the minimum necessary information for the purposes of ensuring compliance with the request; 58519 58520 58521

(2) Preventing, detecting, protecting against, or responding to security incidents, identity theft, or fraud, or reporting those responsible for such actions; 58522 58523 58524

(3) Protecting the integrity of the operator's web site, online service, online application, or mobile application; 58525 58526

(4) Ensuring that the child's or teen's personal information remains deleted. 58527 58528

Sec. 3793.46. (A) The kids internet and data safety commission may allow operators to use a common verifiable consent mechanism that fully meets the requirements of sections 3793.40 to 3793.47 of the Revised Code. 58529 58530 58531 58532

(B) The assessment of a common verifiable consent mechanism described in division (A) of this section shall consider whether a single operator could use a common verifiable consent mechanism to obtain verifiable consent, as required by section 3793.41 of the Revised Code, from a parent of a child or from a teen on behalf of multiple, listed operators that provide a joint or related service. 58533 58534 58535 58536 58537 58538 58539

(C) If the commission allows the use of a common 58540
verifiable consent mechanism, the commission shall promulgate 58541
rules to permit the use of said mechanism. 58542

Sec. 3793.47. (A) An operator may satisfy the requirements 58543
of sections 3793.40 to 3793.47 of the Revised Code, and any 58544
related rules promulgated by the kids internet and data safety 58545
commission under section 3793.03 of the Revised Code, by 58546
following self-regulatory guidelines issued by representatives 58547
of the marketing or online industries and approved by the 58548
commission. 58549

(B) The commission shall act upon an approval request for 58550
self-regulatory guidelines within one hundred eighty days after 58551
the filing of the request, and shall set forth in writing the 58552
commission's conclusions with regard to such requests. 58553

Sec. 3793.90. (A) If the kids internet and data safety 58554
commission determines that an operator, covered platform, online 58555
platform, or other person has failed to comply with this 58556
chapter, or any rule adopted by the commission under this 58557
chapter, the commission may impose an administrative penalty on 58558
the operator, platform, or person. 58559

(B) The amount of the administrative penalty shall be 58560
determined as follows: 58561

(1) Up to one thousand dollars for each of the first sixty 58562
days the operator, platform, or person fails to comply; 58563

(2) In addition to the administrative penalty allowed by 58564
division (B)(1) of this section, up to five thousand dollars for 58565
each subsequent day the operator, platform, or person fails to 58566
comply, commencing with the sixty-first day and ending with the 58567
ninetieth day; 58568

(3) In addition to the administrative penalties allowed by 58569
divisions (B) (1) and (2) of this section, up to ten thousand 58570
dollars for each subsequent day the operator, platform, or 58571
person fails to comply, commencing with the ninety-first day. 58572

(C) The commission shall afford the operator, platform, or 58573
person an opportunity for an adjudication hearing under Chapter 58574
119. of the Revised Code to challenge the commission's 58575
determination that the operator, platform, or person is not in 58576
compliance with this chapter or a rule adopted thereunder, the 58577
commission's imposition of an administrative penalty under this 58578
section, or both. The commission's determination and the 58579
imposition of the administrative penalty may be appealed in 58580
accordance with section 119.12 of the Revised Code. 58581

(D) If an administrative penalty under this section is not 58582
paid within ninety days after the date it is imposed by the 58583
commission, the commission may file a civil action in the court 58584
of common pleas of Franklin county to enforce the penalty. 58585

(E) Any operator, platform, or person that fails to comply 58586
with this chapter is liable for any costs incurred by the 58587
commission in conducting an investigation and bringing an action 58588
under this section. 58589

(F) The rights and remedies that are provided under this 58590
section are in addition to any other rights or remedies that are 58591
provided by federal or state law. 58592

(G) (1) If an operator, covered platform, online platform, 58593
or other person is in substantial compliance with this chapter, 58594
or rules adopted by the commission under this chapter, the 58595
commission shall provide written notice to the operator, 58596
platform, or person before imposing an administrative penalty 58597

under this section. The notice must identify the specific 58598
provisions of this chapter that the commission alleges have been 58599
violated. 58600

(2) The commission shall not impose an administrative 58601
penalty if the operator, platform, or person does both of the 58602
following within ninety days after the date such notice is sent: 58603

(a) Cures the violation; 58604

(b) Provides the commission with written documentation 58605
that the violation has been cured and that the operator, 58606
platform, or person has taken measures sufficient to prevent 58607
future violations. 58608

Sec. 3901.07. (A) As used in this section, "insurer" means 58609
any person doing or authorized to do any insurance business in 58610
this state. 58611

(B) (1) Before issuing any license to do the business of 58612
insurance in this state, the superintendent of insurance, or a 58613
person appointed by the superintendent, may examine the 58614
financial affairs of any insurer. 58615

(2) The superintendent, or any person appointed by the 58616
superintendent, may examine, as often as the superintendent or 58617
appointee considers it desirable, the affairs of any insurer and 58618
of any person as to any matter relevant to the financial affairs 58619
of the insurer or to the examination. 58620

(3) The superintendent, or any person appointed by the 58621
superintendent, shall examine each domestic insurer at least 58622
once every three years as to its condition, fulfillment of its 58623
contractual obligations, and compliance with applicable laws, 58624
provided that the superintendent or appointee may defer making 58625
the examination for a longer period not to exceed five years. 58626

(C) In scheduling and determining the nature, scope, and frequency of any examination authorized or required by division (B) of this section, the superintendent shall consider such matters as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants, and any other criteria the superintendent considers appropriate.

(D) The superintendent, in lieu of making any examination authorized or required by division (B) of this section, may accept the report of an examination of a foreign or alien insurer made and certified by the superintendent of insurance or other insurance supervisory official of the state or government of domicile or state of entry. The examination of an alien insurer shall be limited to its United States business except as otherwise required by the superintendent.

(E) Whenever the superintendent determines to examine the affairs of any insurer pursuant to any examination authorized or required by division (B) of this section, the superintendent shall appoint as examiners one or more competent persons not employed by or interested in any insurer except as a policyholder. The superintendent shall instruct the examiners as to the scope of the examination.

Each examiner appointed under this division shall have convenient access at all reasonable hours to the books, records, files, securities, and other documents of the insurer, its managers, agents, or other persons that are relevant to the examination. The examiner may administer oaths and examine any person under oath as to any matter relevant to the affairs of the insurer or the examination.

(F) If the superintendent finds the accounts of an insurer

being examined pursuant to any examination authorized or 58657
required by division (B) of this section to be inadequate or 58658
improperly kept or posted and if the insurer has been afforded a 58659
reasonable opportunity to correct the accounts, the 58660
superintendent may employ or require the insurer to employ 58661
experts to rewrite, post, or balance the accounts. The 58662
employment of experts under this division shall be at the 58663
expense of the insurer. 58664

(G) In connection with any examination authorized or 58665
required by division (B) of this section, the superintendent may 58666
appoint one or more competent persons to appraise the real 58667
property of the insurer or any real property on which the 58668
insurer holds security. 58669

(H) The examiner in charge of any examination authorized 58670
or required by division (B) of this section shall make a true 58671
report of the examination, verified under oath, that shall 58672
comprise only facts appearing upon the books, records, or other 58673
documents of the insurer or its agents or other persons 58674
examined, or as ascertained from the sworn testimony of its 58675
officers or agents or other persons examined concerning its 58676
affairs, and such conclusions and recommendations as may be 58677
reasonably warranted from those facts. The reports so verified 58678
shall be prima-facie evidence in any action or proceeding for 58679
the rehabilitation or liquidation of the insurer brought in the 58680
name of the state against the insurer or its officers or agents. 58681

(I) The examined insurer, within thirty days after the 58682
postmark on the envelope in which the report was mailed, may 58683
file with the superintendent written objections to the report. 58684
The objections shall be attached to and made a part of the 58685
report, which then shall be placed in the files of the 58686

department of insurance as a public record. 58687

(J) (1) The officers, directors, managers, employees, and 58688
agents of an insurer shall facilitate in every way any 58689
examination authorized or required by division (B) of this 58690
section and, to the extent of their authority, aid the examiners 58691
and persons appointed or employed pursuant to divisions (E), 58692
(F), and (G) of this section in conducting the examination. 58693

(2) No officer, director, manager, employee, or agent of 58694
an insurer shall do any of the following: 58695

(a) Fail to comply with division (J) (1) of this section; 58696

(b) Refuse, without just cause, to be examined under oath; 58697

(c) Knowingly obstruct or interfere with an examiner or 58698
any person appointed or employed pursuant to division (E), (F), 58699
or (G) of this section in the exercise of the examiner's, 58700
appointee's, or employee's authority under this section. 58701

(3) No insurer shall refuse to submit to an examination 58702
authorized or required by division (B) of this section. The 58703
superintendent, in accordance with Chapter 119. of the Revised 58704
Code, may suspend or revoke or refuse to issue or renew the 58705
license of any insurer that violates division (J) (3) of this 58706
section. 58707

(K) Personnel conducting an examination shall be 58708
compensated for each day or portion thereof worked at the rates 58709
provided in the examiners' handbook published by the national 58710
association of insurance commissioners or the rates applicable 58711
to such personnel under section 124.15 of the Revised Code or 58712
the schedules created under section 124.152 of the Revised Code, 58713
whichever are higher. Such personnel shall also be reimbursed 58714
for their travel and living expenses at rates not to exceed the 58715

rates provided in the examiners' handbook published by the 58716
association. Personnel who are appointed by the superintendent, 58717
but are not employees of the department of insurance, shall be 58718
compensated for their work and travel and living expenses at 58719
reasonable and customary rates. 58720

(L) If an examination is made of any insurer, the expenses 58721
thereof shall be paid by the insurer. 58722

The superintendent shall provide each insurer with an 58723
itemized statement of the expenses incurred in the performance 58724
of the examination functions authorized or required by this 58725
section. Upon receipt of the superintendent's statement, the 58726
insurer shall remit the amount thereof to the superintendent who 58727
shall remit to the treasurer of state pursuant to section 58728
3901.021 of the Revised Code for deposit in the department of 58729
insurance operating fund. 58730

(M) As used in this section, "expenses" means: 58731

(1) The entire compensation for each day or portion 58732
thereof worked by all personnel, including those who are not 58733
employees of the department of insurance, in: 58734

(a) The conduct of such examination calculated at the 58735
rates provided in the examiners' handbook published by the 58736
national association of insurance commissioners; 58737

(b) The review and analysis of the annual and any interim 58738
financial statements of insurers licensed in this state; 58739

(c) The ongoing evaluation and monitoring of the financial 58740
affairs of licensed insurers; 58741

(d) The preparation of the premium or franchise tax 58742
liability of licensed insurers; 58743

(e) The review and evaluation of foreign and alien 58744
insurers seeking a license in this state; 58745

(f) A portion of the training and continuing education 58746
costs of examiners. 58747

(2) Travel and living expenses of all personnel, including 58748
those who are not employees of the department, directly engaged 58749
in the conduct of such examination calculated at rates not to 58750
exceed the rates provided in the examiners' handbook published 58751
by the association; 58752

(3) All other incidental expenses incurred by or on behalf 58753
of such personnel in the conduct of such examination; 58754

(4) An allocated share of all expenses not paid as 58755
described in division (M) (1), (2), or (3) of this section that 58756
are necessarily incurred in carrying out the duties of the 58757
superintendent under this section, including the expenses of 58758
direct overhead and support staff for the examiners and persons 58759
appointed or employed pursuant to divisions (E), (F), and (G) of 58760
this section. 58761

Sec. 3901.3815. (A) As used in this section: 58762

(1) "Health plan issuer" has the same meaning as in 58763
section 3922.01 of the Revised Code, except that the term also 58764
includes any vendor contracted by a health plan issuer, as 58765
defined in that section. 58766

(2) "Health care provider" has the same meaning as in 58767
section 3701.74 of the Revised Code. 58768

(3) "Credit card" means a single-use or virtual payment 58769
card provided in an electronic, digital, facsimile, physical, or 58770
paper format. 58771

(4) "Business day" has the same meaning as in section 58772
3901.81 of the Revised Code. 58773

(B) A health plan issuer shall offer all reasonably 58774
available methods of payment to a health care provider, which 58775
shall include payment by check and electronic funds transfer. 58776

(C) A health plan issuer shall not mandate payment by 58777
credit card. 58778

(D) If one of the available payment methods has an 58779
associated fee, the health plan issuer shall, prior to 58780
initiating the first payment to a health care provider or upon 58781
changing the payment methods available to a health care 58782
provider, do both of the following: 58783

(1) Notify the provider that there may be fees associated 58784
with a particular payment method and disclose the amount of such 58785
fees; 58786

(2) Provide the health care provider with clear 58787
instructions as to how to select each payment method either on 58788
the health plan issuer's web site or through a means other than 58789
the contract offered to the health care provider. 58790

(E) (1) If a health care provider requests a change in the 58791
available payment method, the health plan issuer shall implement 58792
the change to the payment method selected by the health care 58793
provider within thirty business days. 58794

(2) The payment method selected by the health care 58795
provider shall remain in effect until the healthcare provider 58796
requests a different payment method. 58797

(3) The health plan issuer shall not charge a fee for a 58798
change in payment method. 58799

Sec. 3902.70. As used in this section and section 3902.71 58800
of the Revised Code: 58801

(A) "340B covered entity" and ~~"third-party administrator"~~ 58802
~~have the same meanings as in section 5167.01 of the Revised~~ 58803
~~Code~~ means an entity described in section 340B(a)(4) of the 58804
"Public Health Service Act," 42 U.S.C. 256b(a)(4) and includes 58805
any pharmacy under contract with the entity to dispense drugs on 58806
behalf of the entity. 58807

(B) "Terminal distributor of dangerous drugs" has the same 58808
meaning as in section 4729.01 of the Revised Code. 58809

(C) "Third-party administrator" has the same meaning as in 58810
section 5167.01 of the Revised Code. 58811

Sec. 3905.72. (A) (1) No person shall act as a managing 58812
general agent representing an insurer licensed in this state 58813
with respect to risks located in this state unless the person is 58814
licensed as a managing general agent pursuant to division (C) or 58815
(D) of this section. 58816

(2) No person shall act as a managing general agent 58817
representing an insurer organized under the laws of this state 58818
with respect to risks located outside this state unless the 58819
person is licensed as a managing general agent pursuant to 58820
division (C) of this section. 58821

(B) Every person that seeks to act as a managing general 58822
agent as described in division (A) of this section shall apply 58823
to the superintendent of insurance for a license. Except as 58824
otherwise provided in division (D) of this section, the 58825
application shall be in writing on a form provided by the 58826
superintendent ~~and shall be sworn or affirmed before a notary~~ 58827
~~public or other person empowered to administer oaths.~~ The 58828

application shall be kept on file by the superintendent and 58829
shall include all of the following: 58830

(1) The name and principal business address of the 58831
applicant; 58832

(2) If the applicant is an individual, the applicant's 58833
current occupation; 58834

(3) If the applicant is an individual, the applicant's 58835
occupation or occupations during the five-year period prior to 58836
applying for the license to act as a managing general agent; 58837

(4) A copy of the contract between the applicant and the 58838
insurer as required by, and in compliance with, section 3905.73 58839
of the Revised Code; 58840

(5) A copy of a certified resolution of the board of 58841
directors of the insurer on whose behalf the applicant will act, 58842
appointing the applicant as a managing general agent and agent 58843
of the insurer, specifying the duties the applicant is expected 58844
to perform on behalf of the insurer and the lines of insurance 58845
the applicant will manage, and authorizing the insurer to enter 58846
into a contract with the applicant as required by section 58847
3905.73 of the Revised Code; 58848

(6) A statement that the applicant submits to the 58849
jurisdiction of the superintendent and the courts of this state; 58850

(7) Any other information required by the superintendent. 58851

(C) The superintendent shall issue to a resident of this 58852
state or a business entity organized under the laws of this 58853
state a license to act as a managing general agent representing 58854
an insurer licensed to do business in this state with respect to 58855
risks located in this state or a license to act as a managing 58856

general agent representing an insurer organized under the laws 58857
of this state with respect to risks located outside this state, 58858
and shall renew such a license, if the superintendent is 58859
satisfied that all of the following conditions are met: 58860

(1) The applicant is a suitable person and intends to hold 58861
self out in good faith as a managing general agent. 58862

(2) The applicant understands the duties and obligations 58863
of a managing general agent. 58864

(3) The applicant has filed a completed application that 58865
complies with division (B) of this section. 58866

(4) The applicant has paid a fee in the amount of twenty 58867
dollars. 58868

(5) The applicant maintains a bond in the amount of not 58869
less than fifty thousand dollars for the protection of the 58870
insurer. 58871

(6) The applicant maintains an errors and omissions policy 58872
of insurance. 58873

(7) The applicant is not, and has never been, under an 58874
order of suspension or revocation under section 3905.77 of the 58875
Revised Code or under any other law of this state, or any other 58876
state, relating to insurance, and is otherwise in compliance 58877
with sections 3905.71 to 3905.79 of the Revised Code and all 58878
other laws of this state relating to insurance. 58879

(D) If the applicant is a resident of another state or a 58880
business entity organized under the laws of another state, the 58881
applicant shall submit a request for licensure, along with a fee 58882
of twenty dollars, to the superintendent. The superintendent 58883
shall issue a license to act as a managing general agent if the 58884

request for licensure includes proof that the applicant is 58885
licensed and in good standing as a managing general agent in the 58886
applicant's home state and either a copy of the application for 58887
licensure the applicant submitted to the applicant's home state 58888
or the application described in division (B) of this section. 58889

If the applicant's home state does not license managing 58890
general agents under provisions similar to those in sections 58891
3905.71 to 3905.79 of the Revised Code, or if the applicant's 58892
home state does not grant licenses to residents of this state on 58893
the same reciprocal basis, the applicant shall comply with 58894
divisions (B) and (C) of this section. 58895

(E) Unless suspended or revoked by an order of the 58896
superintendent pursuant to section 3905.77 of the Revised Code 58897
and except as provided in division (F) of this section, any 58898
license issued or renewed pursuant to division (C) or (D) of 58899
this section shall expire on the last day of February next after 58900
its issuance or renewal. 58901

(F) If the appointment of a managing general agent is 58902
terminated by the insurer, the license of the managing general 58903
agent shall expire on the date of the termination. 58904

(G) A license shall be renewed in accordance with the 58905
standard renewal procedure specified in Chapter 4745. of the 58906
Revised Code. 58907

(H) All license fees collected pursuant to this section 58908
shall be paid into the state treasury to the credit of the 58909
department of insurance operating fund. 58910

Sec. 3951.03. (A) Before any certificate of authority 58911
shall be issued by the superintendent of insurance there shall 58912
be filed in the superintendent's office a written application 58913

therefor. Such application shall be in the form or forms and 58914
supplements thereto prescribed by the superintendent and shall 58915
set forth: 58916

(1) The name and address of the applicant, and if the 58917
applicant be a firm, association, or partnership, the name and 58918
address of each member thereof, and if the applicant be a 58919
corporation, the name and address of each of its officers and 58920
directors; 58921

(2) Whether any license or certificate of authority as 58922
agent, broker, or public insurance adjuster has been issued 58923
previously by the superintendent of this state or by the 58924
insurance department of any state to the individual applicant, 58925
and, if the applicant be an individual, whether any such 58926
certificate has been issued previously to any firm, association, 58927
or partnership of which the individual was or is an officer or 58928
director, and, if the applicant be a firm, association, or 58929
partnership, whether any such certificate has been issued 58930
previously to any member thereof, and, if the applicant be a 58931
corporation, whether any such certificate has been issued 58932
previously to any officer or director of such corporation; 58933

(3) The business or employment in which the applicant has 58934
been engaged for the five years next preceding the date of the 58935
application, and the name and address of such business and the 58936
name or names and addresses of his employer or employers; 58937

(4) Such information as the superintendent may require of 58938
applicants in order to determine their trustworthiness and 58939
competency to transact the business of public insurance 58940
adjusters, in such manner as to safeguard the interest of the 58941
public; 58942

(B) Except as provided in division (C) of this section, 58943
the superintendent shall issue a public insurance adjuster agent 58944
certificate to a person, who is a bona fide employee of a public 58945
insurance adjuster without examination, provided said 58946
application is made by a person, partnership, association, or 58947
corporation engaged in the public insurance adjusting business. 58948
The fee to be paid by the applicant for such a license at the 58949
time the application is made, and annually thereafter for the 58950
renewal thereof according to the standard renewal procedure of 58951
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 58952
shall be fifty dollars, and such applicant shall be bonded in 58953
the amount of one thousand dollars as provided for in division 58954
(D) of section 3951.06 of the Revised Code. 58955

(C) The superintendent shall issue a public insurance 58956
adjuster agent certificate in accordance with Chapter 4796. of 58957
the Revised Code to an applicant if either of the following 58958
applies: 58959

(1) The applicant holds a license or certificate in 58960
another state. 58961

(2) The applicant has satisfactory work experience, a 58962
government certification, or a private certification as 58963
described in that chapter as a public insurance adjuster agent 58964
in a state that does not issue that license or certificate. 58965

(D) An application for any certificate of authority shall 58966
be signed ~~and verified under oath~~ by the applicant and, if made 58967
by a firm, association, partnership, or corporation, by each 58968
member or officer and director thereof to be authorized thereby 58969
to act as a public insurance adjuster. 58970

Sec. 4111.99. (A) Whoever violates division (A) or (D) of 58971

section 4111.13 of the Revised Code is guilty of a misdemeanor 58972
of the fourth degree. 58973

(B) Whoever violates division (B) or (C) of section 58974
4111.13 of the Revised Code is guilty of a misdemeanor of the 58975
third degree. 58976

(C) Whoever violates section 4111.17 of the Revised Code 58977
is guilty of a minor misdemeanor. 58978

(D) Whoever violates section 4111.08 of the Revised Code 58979
or division (F) of section 4111.14 of the Revised Code shall be 58980
fined not more than one hundred dollars per day for the duration 58981
of the violation. A fine under this division shall not exceed a 58982
total amount of five thousand dollars. 58983

Sec. 4113.31. (A) As used in this section: 58984

(1) "Employer," "mass layoff," and "plant closing" have 58985
the same meanings as in the WARN Act and 20 C.F.R. 639.3. 58986

(2) "WARN Act" means the "Worker Adjustment and Retraining 58987
Notification (WARN) Act," 29 U.S.C. 2101, et seq. 58988

(B) An employer in this state shall comply with all 58989
requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The 58990
requirements specified in this section do not establish a 58991
different standard than that established by federal statutes and 58992
regulations. 58993

(C) In accordance with 29 U.S.C 2101(a) (1) (B), an employer 58994
must provide the notice required by 29 U.S.C. 2102(a) if both of 58995
the following apply: 58996

(1) The employer employs one hundred or more employees who 58997
in the aggregate work at least four thousand hours a week. 58998

<u>(2) The employer lays off fifty or more employees at a</u>	58999
<u>single site of employment during any thirty-day period.</u>	59000
<u>(D) An employer is not required to provide the notice</u>	59001
<u>described in 29 U.S.C. 2102(a) when a plant closing or mass</u>	59002
<u>layoff constitutes a strike or constitutes a lockout as</u>	59003
<u>described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d).</u>	59004
<u>(E) In accordance with 29 U.S.C 2102(a)(1), not less than</u>	59005
<u>sixty days before the date a plant closing or mass layoff</u>	59006
<u>begins, an employer shall provide written notice of the closing</u>	59007
<u>or layoff to affected employees' authorized representatives or,</u>	59008
<u>if there are no such representatives at the time, to each</u>	59009
<u>affected employee.</u>	59010
<u>(1) The employer shall include all of the following in a</u>	59011
<u>notice provided to affected employees' authorized</u>	59012
<u>representatives:</u>	59013
<u>(a) The location of the facility affected by the plant</u>	59014
<u>closing or mass layoff;</u>	59015
<u>(b) A detailed statement explaining the reason for the</u>	59016
<u>plant closing or mass layoff and whether it will be permanent or</u>	59017
<u>temporary;</u>	59018
<u>(c) The expected date when the plant closing or mass</u>	59019
<u>layoff will commence and the anticipated date on which the</u>	59020
<u>employees' employment will cease;</u>	59021
<u>(d) The total number of employees affected by the plant</u>	59022
<u>closing or mass layoff, including the employees' job titles or</u>	59023
<u>positions and any department or division impacted.</u>	59024
<u>(2) The employer shall include all of the following in a</u>	59025
<u>notice provided to affected employees' who do not have an</u>	59026

authorized representative at the time the notice is sent: 59027

(a) A detailed statement explaining the reason for the 59028
plant closing or mass layoff and whether it will be permanent or 59029
temporary; 59030

(b) The expected date when the plant closing or mass 59031
layoff will commence and the anticipated date on which the 59032
employees' employment will cease; 59033

(c) An indication as to whether an affected employee has 59034
bumping rights or other reemployment rights under a collective 59035
bargaining agreement or a company policy, including any 59036
procedures for exercising those rights; 59037

(d) Information on how affected employees can access 59038
unemployment insurance benefits and other assistance programs; 59039

(e) The name, title, and contact information of an 59040
employer representative who can answer questions about the plant 59041
closing or mass layoff; 59042

(f) Information about any available services for an 59043
affected employee, including job placement assistance, 59044
retraining programs, or counseling services. 59045

(F) In accordance with 29 U.S.C 2102(a) (2), an employer 59046
shall provide written notice of a plant closing or mass layoff 59047
to the director of job and family services and to the chief 59048
elected official of the municipal corporation and the county 59049
where the plant closing or mass layoff is to occur. The written 59050
notice shall include the same information required under 59051
division (E) of this section and all of the following: 59052

(1) A description of any action taken or planned to 59053
mitigate the impact of the plant closing or mass layoff, 59054

including any efforts to secure alternative employment or 59055
training for affected employees; 59056

(2) The name of each employee organization representing 59057
affected employees, and the name and address of the chief 59058
elected officer of each organization; 59059

(3) A copy of the notice provided to affected employees or 59060
their representatives, as applicable. 59061

(G) The period within which an employer shall provide 59062
notice may be reduced or waived under the circumstances 59063
described in 29 U.S.C. 2102(b). 59064

(H) The director of job and family services may issue 59065
guidance and procedures for the submission and review of notices 59066
by employers. 59067

(I) When an employer fails to comply with the WARN Act, an 59068
affected employee may seek the remedies specified in 29 U.S.C. 59069
2104. 59070

Sec. 4115.36. Sections 4115.31 to 4115.35 of the Revised 59071
Code have no effect after the director of administrative 59072
services abolishes the state committee for the purchase of 59073
products and services provided by persons with severe 59074
disabilities. Upon abolishment of the committee, ~~sections 125.60~~ 59075
~~to 125.6012~~ section 125.601 of the Revised Code shall govern the 59076
procurement of products and services provided by persons with 59077
work-limiting disabilities from qualified nonprofit agencies. 59078

Sec. 4141.01. As used in this chapter, unless the context 59079
otherwise requires: 59080

(A) (1) "Employer" means ~~the~~ any of the following, provided 59081
the individual or entity is subject to this chapter under 59082

section 4141.011 of the Revised Code: any state, its 59083
instrumentalities, its political subdivisions and their 59084
instrumentalities, Indian tribes, and any individual or type of 59085
organization including any partnership, limited liability 59086
company, association, trust, estate, joint-stock company, 59087
insurance company, or corporation, whether domestic or foreign, 59088
or the receiver, trustee in bankruptcy, trustee, or the 59089
successor thereof, or the legal representative of a deceased 59090
person ~~who subsequent to December 31, 1971, or in the case of~~ 59091
~~political subdivisions or their instrumentalities, subsequent to~~ 59092
~~December 31, 1973:~~ 59093

~~(a) Had in employment at least one individual, or in the 59094
case of a nonprofit organization, subsequent to December 31, 59095
1973, had not less than four individuals in employment for some 59096
portion of a day in each of twenty different calendar weeks, in 59097
either the current or the preceding calendar year whether or not 59098
the same individual was in employment in each such day; or 59099~~

~~(b) Except for a nonprofit organization, had paid for 59100
service in employment wages of fifteen hundred dollars or more 59101
in any calendar quarter in either the current or preceding 59102
calendar year; or 59103~~

~~(c) Had paid, subsequent to December 31, 1977, for 59104
employment in domestic service in a local college club, or local 59105
chapter of a college fraternity or sorority, cash remuneration 59106
of one thousand dollars or more in any calendar quarter in the 59107
current calendar year or the preceding calendar year, or had 59108
paid subsequent to December 31, 1977, for employment in domestic 59109
service in a private home cash remuneration of one thousand 59110
dollars in any calendar quarter in the current calendar year or 59111
the preceding calendar year:— 59112~~

~~(i) For the purposes of divisions (A) (1) (a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.~~ 59113
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59115
59116

~~(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A) (1) (a), (b), or (d) of this section.~~ 59117
59118
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59120

~~(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and~~ 59121
59122
59123

~~(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or~~ 59124
59125
59126

~~(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or~~ 59127
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~~(e) Is not otherwise an employer as defined under division (A) (1) (a) or (b) of this section; and~~ 59136
59137

~~(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, is or was performed with respect to which such employer is liable for~~ 59138
59139
59140
59141

~~any federal tax against which credit may be taken for~~ 59142
~~contributions required to be paid into a state unemployment~~ 59143
~~fund;—~~ 59144

~~(ii) Which, as a condition for approval of this chapter~~ 59145
~~for full tax credit against the tax imposed by the "Federal~~ 59146
~~Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311,~~ 59147
~~is required, pursuant to such act to be an employer under this~~ 59148
~~chapter; or—~~ 59149

~~(iii) Who became an employer by election under division~~ 59150
~~(A) (4) or (5) of this section and for the duration of such~~ 59151
~~election; or—~~ 59152

~~(f) In the case of the state, its instrumentalities, its~~ 59153
~~political subdivisions, and their instrumentalities, and Indian~~ 59154
~~tribes, had in employment, as defined in divisions (B) (2) (a) and~~ 59155
~~(B) (2) (1) of this section, at least one individual;—~~ 59156

~~(g) For the purposes of division (A) (1) (a) of this~~ 59157
~~section, if any week includes both the thirty-first day of~~ 59158
~~December and the first day of January, the days of that week~~ 59159
~~before the first day of January shall be considered one calendar~~ 59160
~~week and the days beginning the first day of January another~~ 59161
~~week.~~ 59162

(2) Each individual employed to perform or to assist in 59163
performing the work of any agent or employee of an employer is 59164
employed by such employer for all the purposes of this chapter, 59165
whether such individual was hired or paid directly by such 59166
employer or by such agent or employee, provided the employer had 59167
actual or constructive knowledge of the work. All individuals 59168
performing services for an employer of any person in this state 59169
who maintains two or more establishments within this state are 59170

employed by a single employer for the purposes of this chapter. 59171

~~(3) An employer subject to this chapter within any 59172
calendar year is subject to this chapter during the whole of 59173
such year and during the next succeeding calendar year. 59174~~

~~(4) An employer not otherwise subject to this chapter who 59175
files with the director of job and family services a written 59176
election to become an employer subject to this chapter for not 59177
less than two calendar years shall, with the written approval of 59178
such election by the director, become an employer subject to 59179
this chapter to the same extent as all other employers as of the 59180
date stated in such approval, and shall cease to be subject to 59181
this chapter as of the first day of January of any calendar year 59182
subsequent to such two calendar years only if at least thirty 59183
days prior to such first day of January the employer has filed 59184
with the director a written notice to that effect. 59185~~

~~(5) Any employer for whom services that do not constitute 59186
employment are performed may file with the director a written 59187
election that all such services performed by individuals in the 59188
employer's employ in one or more distinct establishments or 59189
places of business shall be deemed to constitute employment for 59190
all the purposes of this chapter, for not less than two calendar 59191
years. Upon written approval of the election by the director, 59192
such services shall be deemed to constitute employment subject 59193
to this chapter from and after the date stated in such approval. 59194
Such services shall cease to be employment subject to this 59195
chapter as of the first day of January of any calendar year 59196
subsequent to such two calendar years only if at least thirty 59197
days prior to such first day of January such employer has filed 59198
with the director a written notice to that effect. 59199~~

~~(6) "Employer" does not include a franchisor with respect 59200~~

~~to the franchisor's relationship with a franchisee or an~~ 59201
~~employee of a franchisee, unless the franchisor agrees to assume~~ 59202
~~that role in writing or a court of competent jurisdiction~~ 59203
~~determines that the franchisor exercises a type or degree of~~ 59204
~~control over the franchisee or the franchisee's employees that~~ 59205
~~is not customarily exercised by a franchisor for the purpose of~~ 59206
~~protecting the franchisor's trademark, brand, or both. For~~ 59207
~~purposes of this division, "franchisor" and "franchisee" have~~ 59208
~~the same meanings as in 16 C.F.R. 436.1.~~ 59209

(B) (1) "Employment" means service performed by an 59210
individual for remuneration under any contract of hire, written 59211
or oral, express or implied, including service performed in 59212
interstate commerce and service performed by an officer of a 59213
corporation, without regard to whether such service is 59214
executive, managerial, or manual in nature, and without regard 59215
to whether such officer is a stockholder or a member of the 59216
board of directors of the corporation, unless it is shown to the 59217
satisfaction of the director that such individual has been and 59218
will continue to be free from direction or control over the 59219
performance of such service, both under a contract of service 59220
and in fact. The director of job and family services shall adopt 59221
rules to define "direction or control." 59222

(2) "Employment" includes: 59223

(a) Service performed after December 31, 1977, by an 59224
individual in the employ of the state or any of its 59225
instrumentalities, or any political subdivision thereof or any 59226
of its instrumentalities or any instrumentality of more than one 59227
of the foregoing or any instrumentality of any of the foregoing 59228
and one or more other states or political subdivisions and 59229
without regard to ~~divisions~~ division (A) ~~(1) (a) and (b)~~ of this 59230

section 4141.011 of the Revised Code, provided that such service 59231
is excluded from employment as defined in the "Federal 59232
Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) 59233
(7) and is not excluded under division (B)(3) of this section; 59234
or the services of employees covered by voluntary election, as 59235
provided under divisions ~~(A)(4)~~ (H) and ~~(5)(I)~~ (I) of ~~this section~~ 59236
4141.011 of the Revised Code; 59237

(b) Service performed after December 31, 1971, by an 59238
individual in the employ of a religious, charitable, 59239
educational, or other organization which is excluded from the 59240
term "employment" as defined in the "Federal Unemployment Tax 59241
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 59242
of section 26 U.S.C.A. 3306(c)(8) of that act and is not 59243
excluded under division (B)(3) of this section; 59244

(c) Domestic service performed after December 31, 1977, 59245
for an employer, as provided in division ~~(A)(1)(e)~~ (C) of ~~this~~ 59246
section 4141.011 of the Revised Code; 59247

(d) Agricultural labor performed after December 31, 1977, 59248
for a farm operator or a crew leader, as provided in division 59249
~~(A)(1)(d)~~ (D) of ~~this section~~ 4141.011 of the Revised Code; 59250

(e) Subject to division (B)(2)(m) of this section, service 59251
not covered under division (B)(1) of this section which is 59252
performed after December 31, 1971: 59253

(i) As an agent-driver or commission-driver engaged in 59254
distributing meat products, vegetable products, fruit products, 59255
bakery products, beverages other than milk, laundry, or dry- 59256
cleaning services, for the individual's employer or principal; 59257

(ii) As a traveling or city salesperson, other than as an 59258
agent-driver or commission-driver, engaged on a full-time basis 59259

in the solicitation on behalf of and in the transmission to the 59260
salesperson's employer or principal except for sideline sales 59261
activities on behalf of some other person of orders from 59262
wholesalers, retailers, contractors, or operators of hotels, 59263
restaurants, or other similar establishments for merchandise for 59264
resale, or supplies for use in their business operations, 59265
provided that for the purposes of division (B) (2) (e) (ii) of this 59266
section, the services shall be deemed employment if the contract 59267
of service contemplates that substantially all of the services 59268
are to be performed personally by the individual and that the 59269
individual does not have a substantial investment in facilities 59270
used in connection with the performance of the services other 59271
than in facilities for transportation, and the services are not 59272
in the nature of a single transaction that is not a part of a 59273
continuing relationship with the person for whom the services 59274
are performed. 59275

(f) An individual's entire service performed within or 59276
both within and without the state if: 59277

(i) The service is localized in this state. 59278

(ii) The service is not localized in any state, but some 59279
of the service is performed in this state and either the base of 59280
operations, or if there is no base of operations then the place 59281
from which such service is directed or controlled, is in this 59282
state or the base of operations or place from which such service 59283
is directed or controlled is not in any state in which some part 59284
of the service is performed but the individual's residence is in 59285
this state. 59286

(g) Service not covered under division (B) (2) (f) (ii) of 59287
this section and performed entirely without this state, with 59288
respect to no part of which contributions are required and paid 59289

under an unemployment compensation law of any other state, the 59290
Virgin Islands, Canada, or of the United States, if the 59291
individual performing such service is a resident of this state 59292
and the director approves the election of the employer for whom 59293
such services are performed; or, if the individual is not a 59294
resident of this state but the place from which the service is 59295
directed or controlled is in this state, the entire services of 59296
such individual shall be deemed to be employment subject to this 59297
chapter, provided service is deemed to be localized within this 59298
state if the service is performed entirely within this state or 59299
if the service is performed both within and without this state 59300
but the service performed without this state is incidental to 59301
the individual's service within the state, for example, is 59302
temporary or transitory in nature or consists of isolated 59303
transactions; 59304

(h) Service of an individual who is a citizen of the 59305
United States, performed outside the United States except in 59306
Canada after December 31, 1971, or the Virgin Islands, after 59307
December 31, 1971, and before the first day of January of the 59308
year following that in which the United States secretary of 59309
labor approves the Virgin Islands law for the first time, in the 59310
employ of an American employer, other than service which is 59311
"employment" under divisions (B) (2) (f) and (g) of this section 59312
or similar provisions of another state's law, if: 59313

(i) The employer's principal place of business in the 59314
United States is located in this state; 59315

(ii) The employer has no place of business in the United 59316
States, but the employer is an individual who is a resident of 59317
this state; or the employer is a corporation which is organized 59318
under the laws of this state, or the employer is a partnership 59319

or a trust and the number of partners or trustees who are 59320
residents of this state is greater than the number who are 59321
residents of any other state; or 59322

(iii) None of the criteria of divisions (B) (2) (f) (i) and 59323
(ii) of this section is met but the employer has elected 59324
coverage in this state or the employer having failed to elect 59325
coverage in any state, the individual has filed a claim for 59326
benefits, based on such service, under this chapter. 59327

(i) For the purposes of division (B) (2) (h) of this 59328
section, the term "American employer" means an employer who is 59329
an individual who is a resident of the United States; or a 59330
partnership, if two-thirds or more of the partners are residents 59331
of the United States; or a trust, if all of the trustees are 59332
residents of the United States; or a corporation organized under 59333
the laws of the United States or of any state, provided the term 59334
"United States" includes the states, the District of Columbia, 59335
the Commonwealth of Puerto Rico, and the Virgin Islands. 59336

(j) Notwithstanding any other provisions of divisions (B) 59337
(1) and (2) of this section, service, except for domestic 59338
service in a private home not covered under division ~~(A) (1) (e)~~ 59339
(C) of this section 4141.011 of the Revised Code, with respect 59340
to which a tax is required to be paid under any federal law 59341
imposing a tax against which credit may be taken for 59342
contributions required to be paid into a state unemployment 59343
fund, or service, except for domestic service in a private home 59344
not covered under division ~~(A) (1) (e)~~ (C) of this section 4141.011 59345
of the Revised Code, which, as a condition for full tax credit 59346
against the tax imposed by the "Federal Unemployment Tax Act," 59347
84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be 59348
covered under this chapter. 59349

(k) Construction services performed by any individual 59350
under a construction contract, as defined in section 4141.39 of 59351
the Revised Code, if the director determines that the employer 59352
for whom services are performed has the right to direct or 59353
control the performance of the services and that the individuals 59354
who perform the services receive remuneration for the services 59355
performed. The director shall presume that the employer for whom 59356
services are performed has the right to direct or control the 59357
performance of the services if ten or more of the following 59358
criteria apply: 59359

(i) The employer directs or controls the manner or method 59360
by which instructions are given to the individual performing 59361
services; 59362

(ii) The employer requires particular training for the 59363
individual performing services; 59364

(iii) Services performed by the individual are integrated 59365
into the regular functioning of the employer; 59366

(iv) The employer requires that services be provided by a 59367
particular individual; 59368

(v) The employer hires, supervises, or pays the wages of 59369
the individual performing services; 59370

(vi) A continuing relationship between the employer and 59371
the individual performing services exists which contemplates 59372
continuing or recurring work, even if not full-time work; 59373

(vii) The employer requires the individual to perform 59374
services during established hours; 59375

(viii) The employer requires that the individual 59376
performing services be devoted on a full-time basis to the 59377

business of the employer;	59378
(ix) The employer requires the individual to perform	59379
services on the employer's premises;	59380
(x) The employer requires the individual performing	59381
services to follow the order of work established by the	59382
employer;	59383
(xi) The employer requires the individual performing	59384
services to make oral or written reports of progress;	59385
(xii) The employer makes payment to the individual for	59386
services on a regular basis, such as hourly, weekly, or monthly;	59387
(xiii) The employer pays expenses for the individual	59388
performing services;	59389
(xiv) The employer furnishes the tools and materials for	59390
use by the individual to perform services;	59391
(xv) The individual performing services has not invested	59392
in the facilities used to perform services;	59393
(xvi) The individual performing services does not realize	59394
a profit or suffer a loss as a result of the performance of the	59395
services;	59396
(xvii) The individual performing services is not	59397
performing services for more than two employers simultaneously;	59398
(xviii) The individual performing services does not make	59399
the services available to the general public;	59400
(xix) The employer has a right to discharge the individual	59401
performing services;	59402
(xx) The individual performing services has the right to	59403
end the individual's relationship with the employer without	59404

incurring liability pursuant to an employment contract or 59405
agreement. 59406

(l) Service performed by an individual in the employ of an 59407
Indian tribe as defined by section 4(e) of the "Indian Self- 59408
Determination and Education Assistance Act," 88 Stat. 2204 59409
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 59410
subsidiary, or business enterprise wholly owned by an Indian 59411
tribe provided that the service is excluded from employment as 59412
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 59413
(1939), 26 U.S.C.A. 3301 and 3306(c) (7) and is not excluded 59414
under division (B) (3) of this section. 59415

(m) Service performed by an individual for or on behalf of 59416
a motor carrier transporting property as an operator of a 59417
vehicle or vessel, unless all of the following factors apply to 59418
the individual and the motor carrier has not elected to consider 59419
the individual's service as employment: 59420

(i) The individual owns the vehicle or vessel that is used 59421
in performing the services for or on behalf of the carrier, or 59422
the individual leases the vehicle or vessel under a bona fide 59423
lease agreement that is not a temporary replacement lease 59424
agreement. For purposes of this division, a bona fide lease 59425
agreement does not include an agreement between the individual 59426
and the motor carrier transporting property for which, or on 59427
whose behalf, the individual provides services. 59428

(ii) The individual is responsible for supplying the 59429
necessary personal services to operate the vehicle or vessel 59430
used to provide the service. 59431

(iii) The compensation paid to the individual is based on 59432
factors related to work performed, including on a mileage-based 59433

rate or a percentage of any schedule of rates, and not solely on 59434
the basis of the hours or time expended. 59435

(iv) The individual substantially controls the means and 59436
manner of performing the services, in conformance with 59437
regulatory requirements and specifications of the shipper. 59438

(v) The individual enters into a written contract with the 59439
carrier for whom the individual is performing the services that 59440
describes the relationship between the individual and the 59441
carrier to be that of an independent contractor and not that of 59442
an employee. 59443

(vi) The individual is responsible for substantially all 59444
of the principal operating costs of the vehicle or vessel and 59445
equipment used to provide the services, including maintenance, 59446
fuel, repairs, supplies, vehicle or vessel insurance, and 59447
personal expenses, except that the individual may be paid by the 59448
carrier the carrier's fuel surcharge and incidental costs, 59449
including tolls, permits, and lump sum fees. 59450

(vii) The individual is responsible for any economic loss 59451
or economic gain from the arrangement with the carrier. 59452

(viii) The individual is not performing services described 59453
in 26 U.S.C. 3306(c) (7) or (8). 59454

(3) "Employment" does not include the following services 59455
if they are found not subject to the "Federal Unemployment Tax 59456
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 59457
services are not required to be included under division (B) (2) 59458
(j) of this section: 59459

(a) Service performed after December 31, 1977, in 59460
agricultural labor, except as provided in division ~~(A) (1) (d)~~ (D) 59461
of ~~this~~ section 4141.011 of the Revised Code; 59462

(b) Domestic service performed after December 31, 1977, in 59463
a private home, local college club, or local chapter of a 59464
college fraternity or sorority except as provided in division 59465
~~(A) (1) (e)~~ (C) of ~~this~~ section 4141.011 of the Revised Code; 59466

(c) Service performed after December 31, 1977, for this 59467
state or a political subdivision as described in division (B) (2) 59468
(a) of this section when performed: 59469

(i) As a publicly elected official; 59470

(ii) As a member of a legislative body, or a member of the 59471
judiciary; 59472

(iii) As a military member of the Ohio national guard; 59473

(iv) As an employee, not in the classified service as 59474
defined in section 124.11 of the Revised Code, serving on a 59475
temporary basis in case of fire, storm, snow, earthquake, flood, 59476
or similar emergency; 59477

(v) In a position which, under or pursuant to law, is 59478
designated as a major nontenured policymaking or advisory 59479
position, not in the classified service of the state, or a 59480
policymaking or advisory position the performance of the duties 59481
of which ordinarily does not require more than eight hours per 59482
week. 59483

(d) In the employ of any governmental unit or 59484
instrumentality of the United States; 59485

(e) Service performed after December 31, 1971: 59486

(i) Service in the employ of an educational institution or 59487
institution of higher education, including those operated by the 59488
state or a political subdivision, if such service is performed 59489
by a student who is enrolled and is regularly attending classes 59490

at the educational institution or institution of higher 59491
education; or 59492

(ii) By an individual who is enrolled at a nonprofit or 59493
public educational institution which normally maintains a 59494
regular faculty and curriculum and normally has a regularly 59495
organized body of students in attendance at the place where its 59496
educational activities are carried on as a student in a full- 59497
time program, taken for credit at the institution, which 59498
combines academic instruction with work experience, if the 59499
service is an integral part of the program, and the institution 59500
has so certified to the employer, provided that this subdivision 59501
shall not apply to service performed in a program established 59502
for or on behalf of an employer or group of employers. 59503

(f) Service performed by an individual in the employ of 59504
the individual's son, daughter, or spouse and service performed 59505
by a child under the age of eighteen in the employ of the 59506
child's father or mother; 59507

(g) Service performed for one or more principals by an 59508
individual who is compensated on a commission basis, who in the 59509
performance of the work is master of the individual's own time 59510
and efforts, and whose remuneration is wholly dependent on the 59511
amount of effort the individual chooses to expend, and which 59512
service is not subject to the "Federal Unemployment Tax Act," 53 59513
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 59514
after December 31, 1971: 59515

(i) By an individual for an employer as an insurance agent 59516
or as an insurance solicitor, if all this service is performed 59517
for remuneration solely by way of commission; 59518

(ii) As a home worker performing work, according to 59519

specifications furnished by the employer for whom the services 59520
are performed, on materials or goods furnished by such employer 59521
which are required to be returned to the employer or to a person 59522
designated for that purpose. 59523

(h) Service performed after December 31, 1971: 59524

(i) In the employ of a church or convention or association 59525
of churches, or in an organization which is operated primarily 59526
for religious purposes and which is operated, supervised, 59527
controlled, or principally supported by a church or convention 59528
or association of churches; 59529

(ii) By a duly ordained, commissioned, or licensed 59530
minister of a church in the exercise of the individual's 59531
ministry or by a member of a religious order in the exercise of 59532
duties required by such order; or 59533

(iii) In a facility conducted for the purpose of carrying 59534
out a program of rehabilitation for individuals whose earning 59535
capacity is impaired by age or physical or mental disability or 59536
injury, or providing remunerative work for individuals who 59537
because of their impaired physical or mental capacity cannot be 59538
readily absorbed in the competitive labor market, by an 59539
individual receiving such rehabilitation or remunerative work. 59540

(i) Service performed after June 30, 1939, with respect to 59541
which unemployment compensation is payable under the "Railroad 59542
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 59543
351; 59544

(j) Service performed by an individual in the employ of 59545
any organization exempt from income tax under section 501 of the 59546
"Internal Revenue Code of 1954," if the remuneration for such 59547
service does not exceed fifty dollars in any calendar quarter, 59548

or if such service is in connection with the collection of dues 59549
or premiums for a fraternal beneficial society, order, or 59550
association and is performed away from the home office or is 59551
ritualistic service in connection with any such society, order, 59552
or association; 59553

(k) Casual labor not in the course of an employer's trade 59554
or business; incidental service performed by an officer, 59555
appraiser, or member of a finance committee of a bank, building 59556
and loan association, savings and loan association, or savings 59557
association when the remuneration for such incidental service 59558
exclusive of the amount paid or allotted for directors' fees 59559
does not exceed sixty dollars per calendar quarter is casual 59560
labor; 59561

(l) Service performed in the employ of a voluntary 59562
employees' beneficial association providing for the payment of 59563
life, sickness, accident, or other benefits to the members of 59564
such association or their dependents or their designated 59565
beneficiaries, if admission to a membership in such association 59566
is limited to individuals who are officers or employees of a 59567
municipal or public corporation, of a political subdivision of 59568
the state, or of the United States and no part of the net 59569
earnings of such association inures, other than through such 59570
payments, to the benefit of any private shareholder or 59571
individual; 59572

(m) Service performed by an individual in the employ of a 59573
foreign government, including service as a consular or other 59574
officer or employee or of a nondiplomatic representative; 59575

(n) Service performed in the employ of an instrumentality 59576
wholly owned by a foreign government if the service is of a 59577
character similar to that performed in foreign countries by 59578

employees of the United States or of an instrumentality thereof 59579
and if the director finds that the secretary of state of the 59580
United States has certified to the secretary of the treasury of 59581
the United States that the foreign government, with respect to 59582
whose instrumentality exemption is claimed, grants an equivalent 59583
exemption with respect to similar service performed in the 59584
foreign country by employees of the United States and of 59585
instrumentalities thereof; 59586

(o) Service with respect to which unemployment 59587
compensation is payable under an unemployment compensation 59588
system established by an act of congress; 59589

(p) Service performed as a student nurse in the employ of 59590
a hospital or a nurses' training school by an individual who is 59591
enrolled and is regularly attending classes in a nurses' 59592
training school chartered or approved pursuant to state law, and 59593
service performed as an intern in the employ of a hospital by an 59594
individual who has completed a four years' course in a medical 59595
school chartered or approved pursuant to state law; 59596

(q) Service performed by an individual under the age of 59597
eighteen in the delivery or distribution of newspapers or 59598
shopping news, not including delivery or distribution to any 59599
point for subsequent delivery or distribution; 59600

(r) Service performed in the employ of the United States 59601
or an instrumentality of the United States immune under the 59602
Constitution of the United States from the contributions imposed 59603
by this chapter, except that to the extent that congress permits 59604
states to require any instrumentalities of the United States to 59605
make payments into an unemployment fund under a state 59606
unemployment compensation act, this chapter shall be applicable 59607
to such instrumentalities and to services performed for such 59608

instrumentalities in the same manner, to the same extent, and on 59609
the same terms as to all other employers, individuals, and 59610
services, provided that if this state is not certified for any 59611
year by the proper agency of the United States under section 59612
3304 of the "Internal Revenue Code of 1954," the payments 59613
required of such instrumentalities with respect to such year 59614
shall be refunded by the director from the fund in the same 59615
manner and within the same period as is provided in division (E) 59616
of section 4141.09 of the Revised Code with respect to 59617
contributions erroneously collected; 59618

(s) Service performed by an individual as a member of a 59619
band or orchestra, provided such service does not represent the 59620
principal occupation of such individual, and which service is 59621
not subject to or required to be covered for full tax credit 59622
against the tax imposed by the "Federal Unemployment Tax Act," 59623
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 59624

(t) Service performed in the employ of a day camp whose 59625
camping season does not exceed twelve weeks in any calendar 59626
year, and which service is not subject to the "Federal 59627
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 59628
3311. Service performed after December 31, 1971: 59629

(i) In the employ of a hospital, if the service is 59630
performed by a patient of the hospital, as defined in division 59631
(W) of this section; 59632

(ii) For a prison or other correctional institution by an 59633
inmate of the prison or correctional institution; 59634

(iii) Service performed after December 31, 1977, by an 59635
inmate of a custodial institution operated by the state, a 59636
political subdivision, or a nonprofit organization. 59637

(u) Service that is performed by a nonresident alien 59638
individual for the period the individual temporarily is present 59639
in the United States as a nonimmigrant under division (F), (J), 59640
(M), or (Q) of section 101(a)(15) of the "Immigration and 59641
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 59642
that is excluded under section 3306(c)(19) of the "Federal 59643
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 59644
3311. 59645

(v) Notwithstanding any other provisions of division (B) 59646
(3) of this section, services that are excluded under divisions 59647
(B)(3)(g), (j), (k), and (l) of this section shall not be 59648
excluded from employment when performed for a nonprofit 59649
organization, as defined in division (X) of this section, or for 59650
this state or its instrumentalities, or for a political 59651
subdivision or its instrumentalities or for Indian tribes; 59652

(w) Service that is performed by an individual working as 59653
an election official or election worker if the amount of 59654
remuneration received by the individual during the calendar year 59655
for services as an election official or election worker is less 59656
than one thousand dollars; 59657

(x) Service performed for an elementary or secondary 59658
school that is operated primarily for religious purposes, that 59659
is described in subsection 501(c)(3) and exempt from federal 59660
income taxation under subsection 501(a) of the Internal Revenue 59661
Code, 26 U.S.C.A. 501; 59662

(y) Service performed by a person committed to a penal 59663
institution. 59664

(z) Service performed for an Indian tribe as described in 59665
division (B)(2)(1) of this section when performed in any of the 59666

following manners: 59667

(i) As a publicly elected official; 59668

(ii) As a member of an Indian tribal council; 59669

(iii) As a member of a legislative or judiciary body; 59670

(iv) In a position which, pursuant to Indian tribal law, 59671
is designated as a major nontenured policymaking or advisory 59672
position, or a policymaking or advisory position where the 59673
performance of the duties ordinarily does not require more than 59674
eight hours of time per week; 59675

(v) As an employee serving on a temporary basis in the 59676
case of a fire, storm, snow, earthquake, flood, or similar 59677
emergency. 59678

(aa) Service performed after December 31, 1971, for a 59679
nonprofit organization, this state or its instrumentalities, a 59680
political subdivision or its instrumentalities, or an Indian 59681
tribe as part of an unemployment work-relief or work-training 59682
program assisted or financed in whole or in part by any federal 59683
agency or an agency of a state or political subdivision, 59684
thereof, by an individual receiving the work-relief or work- 59685
training. 59686

(bb) Participation in a learn to earn program as defined 59687
in section 4141.293 of the Revised Code. 59688

(4) If the services performed during one half or more of 59689
any pay period by an employee for the person employing that 59690
employee constitute employment, all the services of such 59691
employee for such period shall be deemed to be employment; but 59692
if the services performed during more than one half of any such 59693
pay period by an employee for the person employing that employee 59694

do not constitute employment, then none of the services of such 59695
employee for such period shall be deemed to be employment. As 59696
used in division (B) (4) of this section, "pay period" means a 59697
period, of not more than thirty-one consecutive days, for which 59698
payment of remuneration is ordinarily made to the employee by 59699
the person employing that employee. Division (B) (4) of this 59700
section does not apply to services performed in a pay period by 59701
an employee for the person employing that employee, if any of 59702
such service is excepted by division (B) (3) (o) of this section. 59703

(C) "Benefits" means money payments payable to an 59704
individual who has established benefit rights, as provided in 59705
this chapter, for loss of remuneration due to the individual's 59706
unemployment. 59707

(D) "Benefit rights" means the weekly benefit amount and 59708
the maximum benefit amount that may become payable to an 59709
individual within the individual's benefit year as determined by 59710
the director. 59711

(E) "Claim for benefits" means a claim for waiting period 59712
or benefits for a designated week. 59713

(F) "Additional claim" means the first claim for benefits 59714
filed following any separation from employment during a benefit 59715
year; "continued claim" means any claim other than the first 59716
claim for benefits and other than an additional claim. 59717

(G) "Wages" means remuneration paid to an employee by each 59718
of the employee's employers with respect to employment; except 59719
that wages shall not include that part of remuneration paid 59720
during any calendar year to an individual by an employer or such 59721
employer's predecessor in interest in the same business or 59722
enterprise, which in any calendar year is in excess of nine 59723

thousand dollars on and after January 1, 1995; nine thousand 59724
five hundred dollars on and after January 1, 2018; and nine 59725
thousand dollars on and after January 1, 2020. Remuneration in 59726
excess of such amounts shall be deemed wages subject to 59727
contribution to the same extent that such remuneration is 59728
defined as wages under the "Federal Unemployment Tax Act," 84 59729
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 59730
remuneration paid an employee by an employer with respect to 59731
employment in another state, upon which contributions were 59732
required and paid by such employer under the unemployment 59733
compensation act of such other state, shall be included as a 59734
part of remuneration in computing the amount specified in this 59735
division. 59736

(H) (1) "Remuneration" means all compensation for personal 59737
services, including commissions and bonuses and the cash value 59738
of all compensation in any medium other than cash, except that 59739
in the case of agricultural or domestic service, "remuneration" 59740
includes only cash remuneration. Gratuities customarily received 59741
by an individual in the course of the individual's employment 59742
from persons other than the individual's employer and which are 59743
accounted for by such individual to the individual's employer 59744
are taxable wages. 59745

The reasonable cash value of compensation paid in any 59746
medium other than cash shall be estimated and determined in 59747
accordance with rules prescribed by the director, provided that 59748
"remuneration" does not include: 59749

(a) Payments as provided in divisions (b) (2) to (b) (20) of 59750
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 59751
713, 26 U.S.C.A. 3301 to 3311, as amended; 59752

(b) The payment by an employer, without deduction from the 59753

remuneration of the individual in the employer's employ, of the 59754
tax imposed upon an individual in the employer's employ under 59755
section 3101 of the "Internal Revenue Code of 1954," with 59756
respect to services performed after October 1, 1941. 59757

(2) "Cash remuneration" means all remuneration paid in 59758
cash, including commissions and bonuses, but not including the 59759
cash value of all compensation in any medium other than cash. 59760

(I) "Interested party" means the director and any party to 59761
whom notice of a determination of an application for benefit 59762
rights or a claim for benefits is required to be given under 59763
section 4141.28 of the Revised Code. 59764

(J) "Annual payroll" means the total amount of wages 59765
subject to contributions during a twelve-month period ending 59766
with the last day of the second calendar quarter of any calendar 59767
year. 59768

(K) "Average annual payroll" means the average of the last 59769
three annual payrolls of an employer, provided that if, as of 59770
any computation date, the employer has had less than three 59771
annual payrolls in such three-year period, such average shall be 59772
based on the annual payrolls which the employer has had as of 59773
such date. 59774

(L) (1) "Contributions" means the money payments to the 59775
state unemployment compensation fund required of employers by 59776
section 4141.25 of the Revised Code and of the state and any of 59777
its political subdivisions electing to pay contributions under 59778
section 4141.242 of the Revised Code. Employers paying 59779
contributions shall be described as "contributory employers." 59780

(2) "Payments in lieu of contributions" means the money 59781
payments to the state unemployment compensation fund required of 59782

reimbursing employers under sections 4141.241 and 4141.242 of 59783
the Revised Code. 59784

(M) An individual is "totally unemployed" in any week 59785
during which the individual performs no services and with 59786
respect to such week no remuneration is payable to the 59787
individual. 59788

(N) An individual is "partially unemployed" in any week 59789
if, due to involuntary loss of work, the total remuneration 59790
payable to the individual for such week is less than the 59791
individual's weekly benefit amount. 59792

(O) "Week" means the calendar week ending at midnight 59793
Saturday unless an equivalent week of seven consecutive calendar 59794
days is prescribed by the director. 59795

(1) "Qualifying week" means any calendar week in an 59796
individual's base period with respect to which the individual 59797
earns or is paid remuneration in employment subject to this 59798
chapter. A calendar week with respect to which an individual 59799
earns remuneration but for which payment was not made within the 59800
base period, when necessary to qualify for benefit rights, may 59801
be considered to be a qualifying week. The number of qualifying 59802
weeks which may be established in a calendar quarter shall not 59803
exceed the number of calendar weeks in the quarter. 59804

(2) "Average weekly wage" means the amount obtained by 59805
dividing an individual's total remuneration for all qualifying 59806
weeks during the base period by the number of such qualifying 59807
weeks, provided that if the computation results in an amount 59808
that is not a multiple of one dollar, such amount shall be 59809
rounded to the next lower multiple of one dollar. 59810

(P) "Weekly benefit amount" means the amount of benefits 59811

an individual would be entitled to receive for one week of total 59812
unemployment. 59813

(Q) (1) "Base period" means the first four of the last five 59814
completed calendar quarters immediately preceding the first day 59815
of an individual's benefit year, except as provided in division 59816
(Q) (2) of this section. 59817

(2) If an individual does not have sufficient qualifying 59818
weeks and wages in the base period to qualify for benefit 59819
rights, the individual's base period shall be the four most 59820
recently completed calendar quarters preceding the first day of 59821
the individual's benefit year. Such base period shall be known 59822
as the "alternate base period." If information as to weeks and 59823
wages for the most recent quarter of the alternate base period 59824
is not available to the director from the regular quarterly 59825
reports of wage information, which are systematically 59826
accessible, the director may, consistent with the provisions of 59827
section 4141.28 of the Revised Code, base the determination of 59828
eligibility for benefits on the affidavit of the claimant with 59829
respect to weeks and wages for that calendar quarter. The 59830
claimant shall furnish payroll documentation, where available, 59831
in support of the affidavit. The determination based upon the 59832
alternate base period as it relates to the claimant's benefit 59833
rights, shall be amended when the quarterly report of wage 59834
information from the employer is timely received and that 59835
information causes a change in the determination. As provided in 59836
division (B) of section 4141.28 of the Revised Code, any 59837
benefits paid and charged to an employer's account, based upon a 59838
claimant's affidavit, shall be adjusted effective as of the 59839
beginning of the claimant's benefit year. No calendar quarter in 59840
a base period or alternate base period shall be used to 59841
establish a subsequent benefit year. 59842

(3) The "base period" of a combined wage claim, as 59843
described in division (H) of section 4141.43 of the Revised 59844
Code, shall be the base period prescribed by the law of the 59845
state in which the claim is allowed. 59846

(4) For purposes of determining the weeks that comprise a 59847
completed calendar quarter under this division, only those weeks 59848
ending at midnight Saturday within the calendar quarter shall be 59849
utilized. 59850

(R) (1) "Benefit year" with respect to an individual means 59851
the fifty-two week period beginning with the first day of that 59852
week with respect to which the individual first files a valid 59853
application for determination of benefit rights, and thereafter 59854
the fifty-two week period beginning with the first day of that 59855
week with respect to which the individual next files a valid 59856
application for determination of benefit rights after the 59857
termination of the individual's last preceding benefit year, 59858
except that the application shall not be considered valid unless 59859
the individual has had employment in six weeks that is subject 59860
to this chapter or the unemployment compensation act of another 59861
state, or the United States, and has, since the beginning of the 59862
individual's previous benefit year, in the employment earned 59863
three times the average weekly wage determined for the previous 59864
benefit year. The "benefit year" of a combined wage claim, as 59865
described in division (H) of section 4141.43 of the Revised 59866
Code, shall be the benefit year prescribed by the law of the 59867
state in which the claim is allowed. Any application for 59868
determination of benefit rights made in accordance with section 59869
4141.28 of the Revised Code is valid if the individual filing 59870
such application is unemployed, has been employed by an employer 59871
or employers subject to this chapter in at least twenty 59872
qualifying weeks within the individual's base period, and has 59873

earned or been paid remuneration at an average weekly wage of 59874
not less than twenty-seven and one-half per cent of the 59875
statewide average weekly wage for such weeks. For purposes of 59876
determining whether an individual has had sufficient employment 59877
since the beginning of the individual's previous benefit year to 59878
file a valid application, "employment" means the performance of 59879
services for which remuneration is payable. 59880

(2) Effective for benefit years beginning on and after 59881
December 26, 2004, but before July 1, 2022, any application for 59882
determination of benefit rights made in accordance with section 59883
4141.28 of the Revised Code is valid if the individual satisfies 59884
the criteria described in division (R)(1) of this section, and 59885
if the reason for the individual's separation from employment is 59886
not disqualifying pursuant to division (D)(2) of section 4141.29 59887
or section 4141.291 of the Revised Code. A disqualification 59888
imposed pursuant to division (D)(2) of section 4141.29 or 59889
section 4141.291 of the Revised Code must be removed as provided 59890
in those sections as a requirement of establishing a valid 59891
application for benefit years beginning on and after December 59892
26, 2004, but before July 1, 2022. Effective for benefit years 59893
beginning on and after July 1, 2022, any application for 59894
determination of benefit rights made in accordance with section 59895
4141.28 of the Revised Code is valid if the individual satisfies 59896
the criteria described in division (R)(1) of this section. A 59897
disqualification imposed pursuant to division (D)(2) of section 59898
4141.29 or section 4141.291 of the Revised Code does not affect 59899
the validity of an application. 59900

(3) The statewide average weekly wage shall be calculated 59901
by the director once a year based on the twelve-month period 59902
ending the thirtieth day of June, as set forth in division (B) 59903
(3) of section 4141.30 of the Revised Code, rounded down to the 59904

nearest dollar. Increases or decreases in the amount of 59905
remuneration required to have been earned or paid in order for 59906
individuals to have filed valid applications shall become 59907
effective on Sunday of the calendar week in which the first day 59908
of January occurs that follows the twelve-month period ending 59909
the thirtieth day of June upon which the calculation of the 59910
statewide average weekly wage was based. 59911

(4) As used in this division, an individual is 59912
"unemployed" if, with respect to the calendar week in which such 59913
application is filed, the individual is "partially unemployed" 59914
or "totally unemployed" as defined in this section or if, prior 59915
to filing the application, the individual was separated from the 59916
individual's most recent work for any reason which terminated 59917
the individual's employee-employer relationship, or was laid off 59918
indefinitely or for a definite period of seven or more days. 59919

(S) "Calendar quarter" means the period of three 59920
consecutive calendar months ending on the thirty-first day of 59921
March, the thirtieth day of June, the thirtieth day of 59922
September, and the thirty-first day of December, or the 59923
equivalent thereof as the director prescribes by rule. 59924

(T) "Computation date" means the first day of the third 59925
calendar quarter of any calendar year. 59926

(U) "Contribution period" means the calendar year 59927
beginning on the first day of January of any year. 59928

(V) "Agricultural labor," for the purpose of this 59929
division, means any service performed prior to January 1, 1972, 59930
which was agricultural labor as defined in this division prior 59931
to that date, and service performed after December 31, 1971: 59932

(1) On a farm, in the employ of any person, in connection 59933

with cultivating the soil, or in connection with raising or 59934
harvesting any agricultural or horticultural commodity, 59935
including the raising, shearing, feeding, caring for, training, 59936
and management of livestock, bees, poultry, and fur-bearing 59937
animals and wildlife; 59938

(2) In the employ of the owner or tenant or other operator 59939
of a farm in connection with the operation, management, 59940
conservation, improvement, or maintenance of such farm and its 59941
tools and equipment, or in salvaging timber or clearing land of 59942
brush and other debris left by hurricane, if the major part of 59943
such service is performed on a farm; 59944

(3) In connection with the production or harvesting of any 59945
commodity defined as an agricultural commodity in section 15 (g) 59946
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 59947
U.S.C. 1141j, as amended, or in connection with the ginning of 59948
cotton, or in connection with the operation or maintenance of 59949
ditches, canals, reservoirs, or waterways, not owned or operated 59950
for profit, used exclusively for supplying and storing water for 59951
farming purposes; 59952

(4) In the employ of the operator of a farm in handling, 59953
planting, drying, packing, packaging, processing, freezing, 59954
grading, storing, or delivering to storage or to market or to a 59955
carrier for transportation to market, in its unmanufactured 59956
state, any agricultural or horticultural commodity, but only if 59957
the operator produced more than one half of the commodity with 59958
respect to which such service is performed; 59959

(5) In the employ of a group of operators of farms, or a 59960
cooperative organization of which the operators are members, in 59961
the performance of service described in division (V) (4) of this 59962
section, but only if the operators produced more than one-half 59963

of the commodity with respect to which the service is performed; 59964

(6) Divisions (V) (4) and (5) of this section shall not be 59965
deemed to be applicable with respect to service performed: 59966

(a) In connection with commercial canning or commercial 59967
freezing or in connection with any agricultural or horticultural 59968
commodity after its delivery to a terminal market for 59969
distribution for consumption; or 59970

(b) On a farm operated for profit if the service is not in 59971
the course of the employer's trade or business. 59972

As used in division (V) of this section, "farm" includes 59973
stock, dairy, poultry, fruit, fur-bearing animal, and truck 59974
farms, plantations, ranches, nurseries, ranges, greenhouses, or 59975
other similar structures used primarily for the raising of 59976
agricultural or horticultural commodities and orchards. 59977

(W) "Hospital" means an institution which has been 59978
registered or licensed by the Ohio department of health as a 59979
hospital. 59980

(X) "Nonprofit organization" means an organization, or 59981
group of organizations, described in section 501(c) (3) of the 59982
"Internal Revenue Code of 1954," and exempt from income tax 59983
under section 501(a) of that code. 59984

(Y) "Institution of higher education" means a public or 59985
nonprofit educational institution, including an educational 59986
institution operated by an Indian tribe, which: 59987

(1) Admits as regular students only individuals having a 59988
certificate of graduation from a high school, or the recognized 59989
equivalent; 59990

(2) Is legally authorized in this state or by the Indian 59991

tribe to provide a program of education beyond high school; and 59992

(3) Provides an educational program for which it awards a 59993
bachelor's or higher degree, or provides a program which is 59994
acceptable for full credit toward such a degree, a program of 59995
post-graduate or post-doctoral studies, or a program of training 59996
to prepare students for gainful employment in a recognized 59997
occupation. 59998

For the purposes of this division, all colleges and 59999
universities in this state are institutions of higher education. 60000

(Z) For the purposes of this chapter, "states" includes 60001
the District of Columbia, the Commonwealth of Puerto Rico, and 60002
the Virgin Islands. 60003

(AA) "Alien" means, for the purposes of division ~~(A) (1) (d)~~ 60004
(D) of this section 4141.011 of the Revised Code, an individual 60005
who is an alien admitted to the United States to perform service 60006
in agricultural labor pursuant to sections 214 (c) and 101 (a) 60007
(15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 60008
8 U.S.C.A. 1101. 60009

(BB) (1) "Crew leader" means an individual who furnishes 60010
individuals to perform agricultural labor for any other employer 60011
or farm operator, and: 60012

(a) Pays, either on the individual's own behalf or on 60013
behalf of the other employer or farm operator, the individuals 60014
so furnished by the individual for the service in agricultural 60015
labor performed by them; 60016

(b) Has not entered into a written agreement with the 60017
other employer or farm operator under which the agricultural 60018
worker is designated as in the employ of the other employer or 60019
farm operator. 60020

(2) For the purposes of this chapter, any individual who 60021
is a member of a crew furnished by a crew leader to perform 60022
service in agricultural labor for any other employer or farm 60023
operator shall be treated as an employee of the crew leader if: 60024

(a) The crew leader holds a valid certificate of 60025
registration under the "Farm Labor Contractor Registration Act 60026
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 60027

(b) Substantially all the members of the crew operate or 60028
maintain tractors, mechanized harvesting or crop-dusting 60029
equipment, or any other mechanized equipment, which is provided 60030
by the crew leader; and 60031

(c) If the individual is not in the employment of the 60032
other employer or farm operator within the meaning of division 60033
(B)(1) of this section. 60034

(3) For the purposes of this division, any individual who 60035
is furnished by a crew leader to perform service in agricultural 60036
labor for any other employer or farm operator and who is not 60037
treated as in the employment of the crew leader under division 60038
(BB)(2) of this section shall be treated as the employee of the 60039
other employer or farm operator and not of the crew leader. The 60040
other employer or farm operator shall be treated as having paid 60041
cash remuneration to the individual in an amount equal to the 60042
amount of cash remuneration paid to the individual by the crew 60043
leader, either on the crew leader's own behalf or on behalf of 60044
the other employer or farm operator, for the service in 60045
agricultural labor performed for the other employer or farm 60046
operator. 60047

(CC) "Educational institution" means an institution other 60048
than an institution of higher education as defined in division 60049

(Y) of this section, including an educational institution 60050
operated by an Indian tribe, which: 60051

(1) Offers participants, trainees, or students an 60052
organized course of study or training designed to transfer to 60053
them knowledge, skills, information, doctrines, attitudes, or 60054
abilities from, by, or under the guidance of an instructor or 60055
teacher; and 60056

(2) Is approved, chartered, or issued a permit to operate 60057
as a school by the director of education and workforce, other 60058
government agency, or Indian tribe that is authorized within the 60059
state to approve, charter, or issue a permit for the operation 60060
of a school. 60061

For the purposes of this division, the courses of study or 60062
training which the institution offers may be academic, 60063
technical, trade, or preparation for gainful employment in a 60064
recognized occupation. 60065

(DD) "Cost savings day" means any unpaid day off from work 60066
in which employees continue to accrue employee benefits which 60067
have a determinable value including, but not limited to, 60068
vacation, pension contribution, sick time, and life and health 60069
insurance. 60070

(EE) "Motor carrier" has the same meaning as in section 60071
4923.01 of the Revised Code. 60072

Sec. 4141.011. (A) (1) Except as provided in this section, 60073
an employer is subject to this chapter if either of the 60074
following apply: 60075

(a) The employer had at least one individual in employment 60076
for some portion of a day in each of twenty different calendar 60077
weeks, in either the current or the preceding calendar year, 60078

whether or not the same individual was in employment in each 60079
such day; 60080

(b) The employer paid for service in employment wages of 60081
fifteen hundred dollars or more in any calendar quarter in 60082
either the current or preceding calendar year. 60083

(2) For purposes of division (A)(1)(a) of this section, if 60084
any week includes both the thirty-first day of December and the 60085
first day of January, the days of that week before the first day 60086
of January shall be considered one calendar week and the days to 60087
beginning the first day of January another week. 60088

(B) If an employer is a nonprofit organization, the 60089
employer is subject to this chapter if the employer had at least 60090
four individuals in employment for some portion of a day in each 60091
of twenty different calendar weeks, in either the current or the 60092
preceding calendar year, whether or not the same individual was 60093
in employment in each such day. 60094

(C)(1) An employer is subject to this chapter with respect 60095
to employment in domestic service in a local college club, local 60096
chapter of a college fraternity or sorority, or a private home 60097
if the employer paid cash remuneration for such employment of at 60098
least one thousand dollars in any calendar quarter in the 60099
current calendar year or the preceding calendar year. 60100

(2) Wages paid to, or employment of, an individual 60101
performing domestic service as described in division (C)(1) of 60102
this section do not apply to employment or wages for purposes of 60103
divisions (A) and (B) of this section. 60104

(3) An employer subject to this chapter under division (C) 60105
(1) of this section is not subject to this chapter with respect 60106
to wages paid for any services other than domestic service 60107

unless the employer is also found to be subject to this chapter 60108
under division (A), (B), or (D) of this section. 60109

(D) If an employer is a farm operator or a crew leader, 60110
the employer is subject to this chapter if the employer had 60111
individuals in employment in agricultural labor and either of 60112
the following apply: 60113

(1) The employer paid cash remuneration of twenty thousand 60114
dollars or more for the agricultural labor during any calendar 60115
quarter in the current calendar year or the preceding calendar 60116
year; 60117

(2) The employer had at least ten individuals in 60118
employment in agricultural labor, not including agricultural 60119
workers who are aliens admitted to the United States to perform 60120
agricultural labor pursuant to sections 1184(c) and 1101(a) (15) 60121
(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a) 60122
(15) (H) (ii) (a), 1184(c), for some portion of a day in each of 60123
the twenty different calendar weeks, in either the current or 60124
preceding calendar year whether or not the same individual was 60125
in employment in each day. 60126

(E) An employer who is not subject to this chapter under 60127
division (A) of this section is subject to this chapter if any 60128
of the following apply: 60129

(1) Service, except for domestic service in a private home 60130
not covered under division (C) of this section, is or was 60131
performed within either the current or preceding calendar year, 60132
and with respect to which such employer is liable for any 60133
federal tax against which credit may be taken for contributions 60134
required to be paid into a state unemployment fund; 60135

(2) As a condition for approval of this chapter for full 60136

tax credit against the tax imposed by the "Federal Unemployment 60137
Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such 60138
act to be an employer subject to this chapter; 60139

(3) The employer became subject to this chapter by 60140
election under division (H) or (I) of this section and for the 60141
duration of such election. 60142

(F) If an employer is any state, its instrumentalities, 60143
its political subdivisions, their instrumentalities, or an 60144
Indian tribe, the employer is subject to this chapter if the 60145
employer had at least one individual in employment, as defined 60146
in divisions (B) (2) (a) and (B) (2) (1) of section 4141.01 of the 60147
Revised Code. 60148

(G) An employer subject to this chapter within any 60149
calendar year is subject to this chapter during the whole of 60150
such year and during the next succeeding calendar year. 60151

(H) An employer not otherwise subject to this chapter who 60152
files with the director of job and family services a written 60153
election to become an employer subject to this chapter for not 60154
less than two calendar years shall, with the written approval of 60155
such election by the director, become an employer subject to 60156
this chapter to the same extent as all other employers as of the 60157
date stated in such approval, and shall cease to be subject to 60158
this chapter as of the first day of January of any calendar year 60159
subsequent to such two calendar years only if at least thirty 60160
days prior to such first day of January the employer has filed 60161
with the director a written notice to that effect. 60162

(I) Any employer for whom services that do not constitute 60163
employment are performed may file with the director a written 60164
election that all such services performed by individuals in the 60165

employer's employ in one or more distinct establishments or 60166
places of business shall be deemed to constitute employment for 60167
all the purposes of this chapter, for not less than two calendar 60168
years. Upon written approval of the election by the director, 60169
such services shall be deemed to constitute employment subject 60170
to this chapter from and after the date stated in such approval. 60171
Such services shall cease to be employment subject to this 60172
chapter as of the first day of January of any calendar year 60173
subsequent to such two calendar years only if at least thirty 60174
days prior to such first day of January such employer has filed 60175
with the director a written notice to that effect. 60176

(J) An employer who is a franchisor is not subject to this 60177
chapter with respect to the franchisor's relationship with a 60178
franchisee or an employee of a franchisee, unless the franchisor 60179
agrees to assume that role in writing or a court of competent 60180
jurisdiction determines that the franchisor exercises a type or 60181
degree of control over the franchisee or the franchisee's 60182
employees that is not customarily exercised by a franchisor for 60183
the purpose of protecting the franchisor's trademark, brand, or 60184
both. For purposes of this division, "franchisor" and 60185
"franchisee" have the same meanings as in 16 C.F.R. 436.1. 60186

Sec. 4141.02. ~~A nonprofit organization that does not meet~~ 60187
~~the definition of employer for purposes of~~ 60188
that is not subject
to this chapter pursuant to division (A)(1)(a)(B) of section 60189
~~4141.01-4141.011~~ of the Revised Code, and that does not elect to 60190
become an employer subject to this chapter pursuant to division 60191
~~(A)(4)(H) of section 4141.01-4141.011~~ of the Revised Code, shall 60192
notify the organization's employees upon hiring that the 60193
organization, and the employee's employment with the 60194
organization, are exempt from this chapter. 60195

Sec. 4141.11. There is hereby created in the state 60196
treasury the unemployment compensation special administrative 60197
fund. The fund shall consist of all interest collected on 60198
delinquent contributions pursuant to this chapter, all fines and 60199
forfeitures collected under this chapter, all money received 60200
from the sale of real property under section 4141.131 of the 60201
Revised Code, the amount required under division (A) (4) of 60202
section 4141.35 of the Revised Code, ~~and~~ all court costs and 60203
interest paid or collected in connection with the repayment of 60204
fraudulently obtained benefits pursuant to section 4141.35 of 60205
the Revised Code, and all fees collected pursuant to section 60206
4141.44 of the Revised Code. All interest earned on the money in 60207
the fund shall be retained in the fund and shall not be credited 60208
or transferred to any other fund or account, except as provided 60209
in division (B) of this section. All moneys which are deposited 60210
or paid into this fund may be used by: 60211

(A) The director of job and family services whenever it 60212
appears that such use is necessary for: 60213

(1) The proper administration of this chapter and no 60214
federal funds are available for the specific purpose for which 60215
the expenditure is to be made, provided the moneys are not 60216
substituted for appropriations from federal funds, which in the 60217
absence of such moneys would be available; 60218

(2) The proper administration of this chapter for which 60219
purpose appropriations from federal funds have been requested 60220
and approved but not received, provided the fund would be 60221
reimbursed upon receipt of the federal appropriation; 60222

(3) To the extent possible, the repayment to the 60223
unemployment compensation administration fund of moneys found by 60224
the proper agency of the United States to have been lost or 60225

expended for purposes other than, or an amount in excess of, 60226
those found necessary by the proper agency of the United States 60227
for the administration of this chapter. 60228

(B) The director or the director's deputy whenever it 60229
appears that such use is necessary for the payment of refunds or 60230
adjustments of interest, fines, forfeitures, or court costs 60231
erroneously collected and paid into this fund pursuant to this 60232
chapter. 60233

(C) The director, to pay state disaster unemployment 60234
benefits pursuant to section 4141.292 of the Revised Code. 60235

(D) The director, to pay any costs attributable to the 60236
director that are associated with the sale of real property 60237
under section 4141.131 of the Revised Code. 60238

Whenever the balance in the unemployment compensation 60239
special administrative fund is considered to be excessive by the 60240
director, the director shall request the director of budget and 60241
management to transfer to the unemployment compensation fund the 60242
amount considered to be excessive. Any balance in the 60243
unemployment compensation special administrative fund shall not 60244
lapse at any time, but shall be continuously available to the 60245
director of job and family services for expenditures consistent 60246
with this chapter. 60247

Sec. 4141.162. (A) The director of job and family services 60248
shall establish an income and eligibility verification system 60249
that complies with section 1137 of the "Social Security Act." 60250
The programs included in the system are all of the following: 60251

(1) Unemployment compensation pursuant to section 3304 of 60252
the "Internal Revenue Code of 1954"; 60253

(2) The state programs funded in part under part A of 60254

Title IV of the "Social Security Act" and administered under 60255
Chapters 5107. and 5108. of the Revised Code; 60256

(3) The medicaid program; 60257

(4) The supplemental nutrition assistance program pursuant 60258
to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); 60259

(5) Any Ohio program under a plan approved under Title I, 60260
X, XIV, or XVI of the "Social Security Act." 60261

(B) Wage information provided by employers to the director 60262
shall be furnished to the income and eligibility verification 60263
system. Such information shall be used by the director to 60264
determine eligibility of individuals for unemployment 60265
compensation benefits and the amount of those benefits and used 60266
by the agencies that administer the programs identified in 60267
divisions (A) (2) to (5) of this section to determine or verify 60268
eligibility for or the amount of benefits under those programs. 60269

(C) The director shall, on request, disclose wage and 60270
claim information to any state or local agency administering a 60271
program identified in division (A) of this section that has 60272
entered into a written data sharing agreement with the director 60273
that meets the standards specified in federal law, including the 60274
requirements in 20 C.F.R. 603.10. 60275

~~The director shall fully implement the use of wage~~ 60276
~~information to determine eligibility for and the amount of~~ 60277
~~unemployment compensation benefits by September 30, 1988.~~ 60278

(D) Information furnished under the system shall also be 60279
made available to the appropriate state or local child support 60280
enforcement agency for the purposes of an approved plan under 60281
Title IV-D of the "Social Security Act" and to the appropriate 60282
federal agency for the purposes of Titles II and XVI of the 60283

"Social Security Act." 60284

~~(B) The director shall adopt rules as necessary under~~ 60285
~~which the department of job and family services and other state~~ 60286
~~agencies that the director determines must participate in order~~ 60287
~~to ensure compliance with section 1137 of the "Social Security~~ 60288
~~Act" exchange information with each other or authorized federal~~ 60289
~~agencies about individuals who are applicants for or recipients~~ 60290
~~of benefits under any of the programs enumerated in division (A)~~ 60291
~~of this section. The rules shall extend to all of the following:~~ 60292

~~(1) A requirement for standardized formats and procedures~~ 60293
~~for a participating agency to request and receive information~~ 60294
~~about an individual, which information shall include the~~ 60295
~~individual's social security number;~~ 60296

~~(2) A requirement that all applicants for and recipients~~ 60297
~~of benefits under any program enumerated in division (A) of this~~ 60298
~~section be notified at the time of application, and periodically~~ 60299
~~thereafter, that information available through the system may be~~ 60300
~~shared with agencies that administer other benefit programs and~~ 60301
~~utilized in establishing or verifying eligibility or benefit~~ 60302
~~amounts under the other programs enumerated in division (A) of~~ 60303
~~this section;~~ 60304

~~(3) A requirement that information is made available only~~ 60305
~~to the extent necessary to assist in the valid administrative~~ 60306
~~needs of the program receiving the information and is targeted~~ 60307
~~for use in ways which are most likely to be productive in~~ 60308
~~identifying and preventing ineligibility and incorrect payments;~~ 60309

~~(4) A requirement that information is adequately protected~~ 60310
~~against unauthorized disclosures for purposes other than to~~ 60311
~~establish or verify eligibility or benefit amounts under the~~ 60312

~~programs enumerated in division (A) of this section;~~ 60313

~~(5) A requirement that a program providing information is
reimbursed by the program using the information for the actual
costs of furnishing the information and that the director be
reimbursed by the participating programs for any actual costs
incurred in operating the system;~~ 60314
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~~(6) Requirements for any other matters necessary to ensure
the effective, efficient, and timely exchange of necessary
information or that the director determines must be addressed in
order to ensure compliance with the requirements of section 1137
of the "Social Security Act."~~ 60319
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~~(C) Each participating agency shall furnish to the income-
and eligibility verification system established in division (A)
of this section that information, which the director, by rule,
determines is necessary in order to comply with section 1137 of
the "Social Security Act."~~ 60324
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~~(D) Notwithstanding the information disclosure
requirements of this section and section 4141.21 and division
(A) of section 4141.284 of the Revised Code, the director shall
administer those provisions of law so as to comply with section
1137 of the "Social Security Act."~~ 60329
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~~(E) Requirements in section 4141.21 of the Revised Code
with respect to confidentiality of information obtained in the
administration of Chapter 4141. of the Revised Code and any
sanctions imposed for improper disclosure of such information
shall apply to the redisclosure of information disclosed under
this section.~~ 60334
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~~(F) The director of job and family services shall consult
with the medicaid director and the director of administrative~~ 60340
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~~services regarding the implementation of this section.~~

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Sec. 4141.23. (A) Contributions shall accrue and become payable by each employer for each calendar year or other period as prescribed by this chapter. Such contributions become due and shall be paid by each employer to the director of job and family services for the unemployment compensation fund in accordance with such regulations as the director prescribes, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employer's employ.

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In the payment of any contributions, a fractional part of a dollar may be disregarded unless it amounts to fifty cents or more, in which case it may be increased to the next higher dollar.

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~~(B) (1) Any contribution or payment in lieu of contribution, due from an employer on or before December 31, 1992, shall, if not paid when due, bear interest at the rate of ten per cent per annum. In such computation any fraction of a month shall be considered as a full month.~~

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~~(2) Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or after January 1, 1993~~before December 31, 2025, shall, if not paid when due, bear interest at the annual rate of fourteen per cent compounded monthly on the aggregate receivable balance due. In such computation any fraction of a month shall be considered as a full month.

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(2) Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or after January 1, 2026, shall, if not paid when due, bear interest at the interest rate established by the state tax commissioner

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pursuant to section 5703.47 of the Revised Code, not exceeding 60371
fifteen per cent. In such computation any fraction of a month 60372
shall be considered as a full month. 60373

(C) The director may waive the interest assessed under 60374
division ~~(B) (2)~~ (B) of this section if the employer meets all of 60375
the following conditions within thirty days after the date the 60376
director mails or delivers the notice of assessment of interest: 60377

(1) Provides to the director a written request for a 60378
waiver of interest clearly demonstrating that the employer's 60379
failure to timely pay contributions, payments in lieu of 60380
contributions, interest, forfeiture, and fines was a result of 60381
circumstances beyond the control of the employer or the 60382
employer's agent, except that negligence on the part of the 60383
employer or the employer's agent shall not be considered beyond 60384
the control of the employer or the employer's agent; 60385

(2) Furnishes to the director all quarterly reports 60386
required under section 4141.20 of the Revised Code; 60387

(3) Pays in full all contributions, payments in lieu of 60388
contributions, interest, forfeiture, and fines for each quarter 60389
for which such payments are due. 60390

The director shall deny an employer's request for a waiver 60391
of interest after finding that the employer's failure to timely 60392
furnish reports or make payments as required under this chapter 60393
was due to an attempt to evade payment. 60394

(D) Any contribution, interest, forfeiture, or fine 60395
required to be paid under this chapter by any employer shall, if 60396
not paid when due, become a lien upon the real and personal 60397
property of such employer. Upon failure of such employer to pay 60398
the contributions, interest, forfeiture, or fine required to be 60399

paid under this chapter, the director shall file notice of such 60400
lien, for which there shall be no charge, in the office of the 60401
county recorder of the county in which it is ascertained that 60402
such employer owns real estate or personal property. The 60403
director shall notify the employer by mail of the lien. The 60404
absence of proof that the notice was sent does not affect the 60405
validity of the lien. Such lien shall not be valid as against 60406
the claim of any mortgagee, pledgee, purchaser, judgment 60407
creditor, or other lienholder of record at the time such notice 60408
is filed. 60409

If the employer acquires real or personal property after 60410
notice of lien is filed, such lien shall not be valid as against 60411
the claim of any mortgagee, pledgee, subsequent bona fide 60412
purchaser for value, judgment creditor, or other lienholder of 60413
record to such after-acquired property, unless the notice of 60414
lien is refiled after such property was acquired by the employer 60415
and before the competing lien attached to such after-acquired 60416
property or before the conveyance to such subsequent bona fide 60417
purchaser for value. 60418

Such a notice shall be recorded in the county recorder's 60419
official records and indexed in the direct and reverse indexes 60420
under the name of the employer. When such unpaid contributions, 60421
interest, forfeiture, or fines have been paid, the employer may 60422
record with the county recorder of the county in which such 60423
notice of lien has been filed and recorded, notice of such 60424
payment, and the notice of payment shall be recorded in the 60425
county recorder's official records and indexed in the direct and 60426
reverse indexes. For recording the notice of payment, the county 60427
recorder shall charge and receive from the employer a base fee 60428
of two dollars for services and a housing trust fund fee of two 60429
dollars pursuant to section 317.36 of the Revised Code. 60430

(E) Notwithstanding other provisions in this section, the
director may reduce, in whole or in part, the amount of
interest, forfeiture, or fines required to be paid under this
chapter if the director determines that the reduction is in the
best interest of the unemployment compensation fund.

(F) Assessment of contributions shall not be made after
four years from the date on which such contributions became
payable, and no action in court for the collection of
contributions without assessment of such contributions shall be
begun after the expiration of five years from the date such
contributions became payable. In case of a false or fraudulent
report or of a willful attempt in any manner to evade
contributions, such contributions may be assessed or a
proceeding in court for the collection of such contributions may
be begun without assessment at any time. When the assessment of
contributions has been made within such four-year period
provided, action in court to collect such contributions may be
begun within, but not later than, six years after such
assessment.

(G) In the event of a distribution of an employer's
assets, pursuant to an order of any court under the law of this
state, including any receivership, assignment for benefit of
creditors, adjudicated insolvency, or similar proceedings,
contributions, interest, forfeiture, or fine then or thereafter
due have the same priority as provided by law for the payment of
taxes due the state and shall be paid out of the trust fund in
the same manner as provided for other claims for unpaid taxes
due the state.

(H) If the attorney general finds after investigation that
any claim for delinquent contributions, interest, forfeitures,

or fines owing to the director is uncollectible, in whole or in 60461
part, the attorney general shall recommend to the director the 60462
cancellation of such claim or any part thereof. The director may 60463
thereupon effect such cancellation. 60464

Sec. 4141.28. BENEFITS 60465

(A) FILINGS 60466

Applications for determination of benefit rights and 60467
claims for benefits shall be filed with the director of job and 60468
family services. Such applications and claims also may be filed 60469
with an employee of another state or federal agency charged with 60470
the duty of accepting applications and claims for unemployment 60471
benefits or with an employee of the unemployment insurance 60472
commission of Canada. 60473

When an unemployed individual files an application for 60474
determination of benefit rights, the director shall furnish the 60475
individual with an explanation of the individual's appeal 60476
rights. The explanation shall describe clearly the different 60477
levels of appeal and explain where and when each appeal must be 60478
filed. 60479

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 60480

In filing an application, an individual shall furnish the 60481
director with the name and address of the individual's most 60482
recent separating employer and the individual's statement of the 60483
reason for separation from the employer. The director shall 60484
promptly notify the individual's most recent separating employer 60485
of the filing and request the reason for the individual's 60486
unemployment, unless that notice is not necessary under 60487
conditions the director establishes by rule. The director may 60488
request from the individual or any employer information 60489

necessary for the determination of the individual's right to 60490
benefits. The employer shall provide the information requested 60491
within ten ~~working~~-calendar days after the request is sent. If 60492
an employer fails to provide requested information within ten 60493
~~working~~-calendar days, the director shall provide to the tax 60494
commissioner the individual's and employer's names, addresses, 60495
taxpayer identification numbers if available, and any additional 60496
information required by the tax commissioner. The tax 60497
commissioner shall confirm to the director whether the 60498
individual was included on the most recent annual return filed 60499
by the employer pursuant to division (F) of section 5747.07 of 60500
the Revised Code. The tax commissioner shall inform the director 60501
if the tax commissioner is unable to provide the requested 60502
confirmation. If necessary to ensure prompt determination and 60503
payment of benefits, the director shall base the determination 60504
on the information that is available. 60505

An individual filing an application for determination of 60506
benefit rights shall disclose, at the time of filing, whether or 60507
not the individual owes child support obligations. 60508

An individual filing an application for determination of 60509
benefit rights shall furnish proof of identity at the time of 60510
filing in the manner prescribed by the director. 60511

(C) MASS LAYOFFS 60512

An employer who lays off or separates within any seven-day 60513
period fifty or more individuals because of lack of work shall 60514
furnish notice to the director of the dates of layoff or 60515
separation and the approximate number of individuals being laid 60516
off or separated. The notice shall be furnished at least three 60517
working days prior to the date of the first day of such layoff 60518
or separation. In addition, at the time of the layoff or 60519

separation the employer shall furnish to the individual and to 60520
the director information necessary to determine the individual's 60521
eligibility for unemployment compensation. 60522

(D) DETERMINATION OF BENEFIT RIGHTS 60523

The director shall promptly examine any application for 60524
determination of benefit rights. On the basis of the information 60525
available to the director under this chapter, the director shall 60526
determine whether or not the application is valid, and if valid, 60527
the date on which the benefit year shall commence and the weekly 60528
benefit amount. The director shall promptly notify the 60529
applicant, employers in the applicant's base period, and any 60530
other interested parties of the determination and the reasons 60531
for it. In addition, the determination issued to the claimant 60532
shall include the total amount of benefits payable. The 60533
determination issued to each chargeable base period employer 60534
shall include the total amount of benefits that may be charged 60535
to the employer's account. 60536

(E) CLAIM FOR BENEFITS 60537

The director shall examine the first claim and any 60538
additional claim for benefits. On the basis of the information 60539
available, the director shall determine whether the claimant's 60540
most recent separation and, to the extent necessary, prior 60541
separations from work, allow the claimant to qualify for 60542
benefits. Written notice of the determination granting or 60543
denying benefits shall be sent to the claimant, the most recent 60544
separating employer, and any other employer involved in the 60545
determination, except that written notice is not required to be 60546
sent to the claimant if the reason for separation is lack of 60547
work and the claim is allowed. 60548

If the director identifies an eligibility issue, the 60549
director shall immediately send notice to the claimant of the 60550
issue identified, specify the week or weeks involved, and 60551
identify what the claimant must do to address the issue or who 60552
the claimant may contact for more information. The claimant has 60553
a minimum of five business days after the notice is sent to 60554
respond to the information included in the notice, and after the 60555
time allowed as determined by the director, the director shall 60556
make a determination. The claimant's response may include a 60557
request for a fact-finding interview when the eligibility issue 60558
is raised by an informant or source other than the claimant, or 60559
when the eligibility issue, if determined adversely, 60560
disqualifies the claimant for the duration of the claimant's 60561
period of unemployment. 60562

When the determination of a continued claim for benefits 60563
results in a disallowed claim, the director shall notify the 60564
claimant of the disallowance and the reasons for it. 60565

(F) ELIGIBILITY NOTICE 60566

Any base period or subsequent employer of a claimant who 60567
has knowledge of specific facts affecting the claimant's right 60568
to receive benefits for any week may notify the director in 60569
writing of those facts. The director shall prescribe a form for 60570
such eligibility notice, but failure to use the form shall not 60571
preclude the director's examination of any notice. 60572

To be considered valid, an eligibility notice must: 60573
contain in writing, a statement that identifies either a source 60574
who has firsthand knowledge of the information or an informant 60575
who can identify the source; provide specific and detailed 60576
information that may potentially disqualify the claimant; 60577
provide the name and address of the source or the informant; and 60578

appear to the director to be reliable and credible. 60579

An eligibility notice is timely filed if received or 60580
postmarked prior to or within forty-five calendar days after the 60581
end of the week with respect to which a claim for benefits is 60582
filed by the claimant. An employer who timely files a valid 60583
eligibility notice shall be an interested party to the claim for 60584
benefits which is the subject of the notice. 60585

The director shall consider the information contained in 60586
the eligibility notice, together with other available 60587
information. After giving the claimant notice and an opportunity 60588
to respond, the director shall make a determination and inform 60589
the notifying employer, the claimant, and other interested 60590
parties of the determination. 60591

(G) CORRECTED DETERMINATION 60592

If the director finds within the two hundred eight 60593
calendar weeks beginning with the Sunday of the week during 60594
which an application for benefit rights was filed that a 60595
determination made by the director was erroneous due to an error 60596
in an employer's report or any typographical or clerical error 60597
in the director's determination, or as shown by correct 60598
remuneration information received by the director, the director 60599
shall issue a corrected determination to all interested parties. 60600
The corrected determination shall take precedence over and void 60601
the prior determination of the director. The director shall not 60602
issue a corrected determination when the commission or a court 60603
has jurisdiction with respect to that determination. 60604

(H) EFFECT OF COMMISSION DECISIONS 60605

In making determinations, the director shall follow 60606
decisions of the unemployment compensation review commission 60607

which have become final with respect to claimants similarly 60608
situated. 60609

(I) PROMPT PAYMENTS 60610

If benefits are allowed by the director, a hearing 60611
officer, the commission, or a court, the director shall pay 60612
benefits promptly, notwithstanding any further appeal, provided 60613
that if benefits are denied on appeal, of which the parties have 60614
notice and an opportunity to be heard, the director shall 60615
withhold payment of benefits pending a decision on any further 60616
appeal. 60617

Sec. 4141.281. APPEALS 60618

(A) APPEAL FILED 60619

Any party notified of a determination of benefit rights or 60620
a claim for benefits determination may appeal within twenty-one 60621
calendar days after the written determination was sent to the 60622
party or within an extended period as provided under division 60623
(D) (9) of this section. 60624

(B) REDETERMINATION 60625

Within twenty-one days after receipt of the appeal, the 60626
director of job and family services shall issue a 60627
redetermination or transfer the appeal to the unemployment 60628
compensation review commission. A redetermination under this 60629
section is appealable in the same manner as an initial 60630
determination by the director. 60631

(C) REVIEW COMMISSION 60632

(1) JURISDICTION 60633

The commission shall provide an opportunity for a fair 60634

hearing to the interested parties of appeals over which the 60635
commission has jurisdiction. The commission has jurisdiction 60636
over an appeal on transfer or on direct appeal to the 60637
commission. If the commission concludes that a pending appeal 60638
does not warrant a hearing, the commission may remand the appeal 60639
to the director for redetermination. The commission retains 60640
jurisdiction until the appeal is remanded to the director or a 60641
final decision is issued and appealed to court, or the time to 60642
request a review or to appeal a decision of a hearing officer or 60643
the commission is expired. 60644

(2) CONDUCT OF HEARINGS 60645

Hearings before the commission are held at the hearing 60646
officer level and the review level. Unless otherwise provided in 60647
this chapter, initial hearings involving claims for compensation 60648
and other unemployment compensation issues are conducted at the 60649
hearing officer level by hearing officers appointed by the 60650
commission. Hearings at the review level are conducted by 60651
hearing officers appointed by the commission, by members of the 60652
commission acting either individually or collectively, and by 60653
members of the commission and hearing officers acting jointly. 60654
In all hearings conducted at the review level, the commission 60655
shall designate the hearing officer or officers who are to 60656
conduct the hearing. When the term "hearing officer" is used in 60657
reference to hearings conducted at the review level, the term 60658
includes members of the commission. All decisions issued at the 60659
review level are issued by the commission. 60660

Provisions contained in the remainder of this paragraph 60661
apply to hearings at both the hearing officer level and the 60662
review level. The principles of due process in administrative 60663
hearings shall be applied to all hearings conducted under the 60664

authority of the commission. In conducting hearings, all hearing
officers shall control the conduct of the hearing, exclude
irrelevant or cumulative evidence, and give weight to the kind
of evidence on which reasonably prudent persons are accustomed
to rely in the conduct of serious affairs. Hearing officers have
an affirmative duty to question parties and witnesses in order
to ascertain the relevant facts and to fully and fairly develop
the record. Hearing officers are not bound by common law or
statutory rules of evidence or by technical or formal rules of
procedure. No person shall impose upon the claimant or the
employer any burden of proof as is required in a court of law.
The proceedings at hearings shall be recorded by mechanical
means or otherwise as may be prescribed by the commission. In
the absence of further proceedings, the record need not be
transcribed. After considering all of the evidence, a hearing
officer shall issue a written decision that sets forth the facts
as the hearing officer finds them to be, cites the applicable
law, and gives the reasoning for the decision.

(3) HEARING OFFICER LEVEL

When an appeal is transferred to the commission by the
director, the commission shall notify all interested parties of
the time and place of the hearing and assign the appeal for a
hearing by a hearing officer. The hearings shall be de novo,
except that the director's file pertaining to a case shall be
included in the record to be considered.

Following a hearing, the hearing officer shall affirm,
modify, or reverse the determination of the director in the
manner that appears just and proper. The hearing officer's
written decision shall be sent to all interested parties. The
decision shall state the right of an interested party to request

a review by the commission. 60695

A request for review shall be filed within twenty-one days 60696
after the decision was sent to the party, or within an extended 60697
period as provided under division (D)(9) of this section. The 60698
hearing officer's decision shall become final unless a request 60699
for review is filed and allowed or the commission removes the 60700
appeal to itself within twenty-one days after the hearing 60701
officer's decision is sent. 60702

(4) REVIEW LEVEL 60703

At the review level, the commission may affirm, modify, or 60704
reverse previous determinations by the director or at the 60705
hearing officer level. At the review level, the commission may 60706
affirm, modify, or reverse a hearing officer's decision or 60707
remand the decision to the hearing officer level for further 60708
hearing. The commission shall consider an appeal at the review 60709
level under the following circumstances: when an appeal is 60710
required to be heard initially at the review level under this 60711
chapter; when the commission on its own motion removes an appeal 60712
to itself within twenty-one days after the hearing officer's 60713
decision is sent; when the assigned hearing officer refers an 60714
appeal to the commission before the hearing officer's decision 60715
is sent; or when an interested party files a request for review 60716
with the commission within twenty-one days after the hearing 60717
officer's decision is sent. 60718

(5) COMMISSION EXAMINATION 60719

The commission shall consider a request for review by an 60720
interested party, including the reasons for the request. The 60721
commission may adopt rules prescribing the methods for 60722
requesting a review. The commission may allow or disallow the 60723

request for review. The disallowance of a request for review 60724
constitutes a final decision by the commission. 60725

(6) REVIEW PROCEDURE 60726

If the commission allows a request for review, the 60727
commission shall notify all interested parties of that fact and 60728
provide a reasonable period of time, as the commission defines 60729
by rule, in which interested parties may file a response. After 60730
that period of time, the commission, based on the record before 60731
it, may do one of the following: affirm the decision of the 60732
hearing officer; provide for the appeal to be heard or reheard 60733
at the hearing officer or review level; provide for the appeal 60734
to be heard at the review level as a potential precedential 60735
decision; or provide for the decision to be rewritten without 60736
further hearing at the review level. When a further hearing is 60737
provided or the decision is rewritten, the commission may 60738
affirm, modify, or reverse the previous decision. 60739

If a member of the commission is unable or unavailable to 60740
consider an appeal allowed by the commission, the other members 60741
of the commission may appoint a hearing officer as a temporary 60742
commissioner to fulfill the unable or unavailable commissioner's 60743
duties with respect to the appeal. The members of the commission 60744
may not appoint the hearing officer who decided the appeal at 60745
the hearing officer level. 60746

(7) NOTICES 60747

The commission shall send written notice to all interested 60748
parties when it orders an appeal to be heard or reheard. The 60749
notice shall include the reasons for the hearing or rehearing. 60750

(8) PRECEDENTIAL 60751

An appeal the commission identifies as potentially 60752

precedential shall be heard at the review level. In the notice 60753
for that type of hearing, the commission shall notify the 60754
director, all interested parties, and any other parties, as the 60755
commission determines appropriate, that the appeal is designated 60756
as potentially precedential. After the hearing, parties shall be 60757
given the opportunity to submit briefs on the issue or issues 60758
involved. The commission may designate a decision as 60759
precedential after issuing the decision or at any point in the 60760
appeal process, even if the commission does not initially 60761
identify the appeal as potentially precedential. 60762

(9) MASS APPEALS 60763

When the commission determines that it has five appeals 60764
pending that have common facts or common issues, the commission 60765
may transfer the appeals to the review level on its own motion 60766
to be heard as a mass appeal, including appeals from claimants 60767
separated due to a labor dispute, on the condition that there 60768
are fewer than twenty-five claimants involved. 60769

To facilitate a mass hearing, the commission may allow an 60770
authorized agent to accept notice of hearing on behalf of 60771
claimants. An authorized agent may waive this notice of hearing 60772
and also the sending of decisions to individual claimants 60773
represented by the agent. 60774

(D) SPECIAL PROVISIONS 60775

(1) TIMELINESS OF APPEALS 60776

The date of the mailing provided by the director or the 60777
commission is sufficient evidence upon which to conclude that a 60778
determination, redetermination, or decision was sent to the 60779
party on that date. Appeals may be filed with the director, 60780
commission, with an employee of another state or federal agency 60781

charged with the duty of accepting claims, or with the 60782
unemployment insurance commission of Canada. Any timely written 60783
notice by an interested party indicating a desire to appeal 60784
shall be accepted. 60785

The director, commission, or authorized agent must receive 60786
the appeal within the specified appeal period in order for the 60787
appeal to be deemed timely filed, except that: if the United 60788
States postal service is used as the means of delivery, the 60789
enclosing envelope must have a postmark date or postal meter 60790
postmark that is on or before the last day of the specified 60791
appeal period; and where the postmark is illegible or missing, 60792
the appeal is timely filed if received not later than the end of 60793
the fifth calendar day following the last day of the specified 60794
appeal period. 60795

The director and the commission may adopt rules pertaining 60796
to alternate methods of filing appeals under this section. 60797

(2) WAIVER 60798

Interested parties may waive, in writing, a hearing at 60799
either the hearing officer or review level. If the parties waive 60800
a hearing, the hearing officer shall issue a decision based on 60801
the evidence of record. 60802

(3) TELEPHONE HEARINGS 60803

Hearing officers may conduct hearings at either the 60804
hearing officer or review level in person or by telephone or 60805
interactive video conference. The commission shall adopt rules 60806
that designate the circumstances under which hearing officers 60807
may conduct a hearing by telephone or interactive video 60808
conference or grant a party to the hearing the opportunity to 60809
object to a hearing by telephone or interactive video 60810

conference. An interested party whose hearing would be by 60811
telephone or interactive video conference may elect to have an 60812
in-person hearing, provided that the party agrees to have the 60813
hearing at the time and place the commission determines pursuant 60814
to rule. 60815

(4) EVENING HEARINGS 60816

Unless the commission grants a request for an evening 60817
telephone or interactive video conference hearing, hearing 60818
officers shall conduct hearings at the hearing officer and 60819
review level during normal business hours. An interested party 60820
who is regularly employed throughout those hours may request to 60821
have a hearing by telephone or interactive video conference 60822
during the evening. The commission shall grant or deny a request 60823
for an evening telephone or interactive video conference 60824
hearing. If a conflict concerning a request for an evening 60825
hearing and an in-person hearing arises, the commission shall 60826
schedule the hearing by telephone or interactive video 60827
conference during evening hours. 60828

(5) NO APPEARANCE -- APPELLANT 60829

For hearings at either the hearing officer or review 60830
level, if the appealing party fails to appear at the hearing, 60831
the hearing officer shall dismiss the appeal. The commission 60832
shall vacate the dismissal upon a showing that written notice of 60833
the hearing was not sent to that party's last known address, or 60834
good cause for the appellant's failure to appear is shown to the 60835
commission within fourteen days after the hearing date. 60836

If the commission finds that the appealing party's reason 60837
for failing to appear does not constitute good cause for failing 60838
to appear, the commission shall send written notice of that 60839

finding, and the appealing party may request a hearing to 60840
present testimony on the issue of good cause for failing to 60841
appear. The appealing party shall file a request for a hearing 60842
on the issue of good cause for failing to appear within ten days 60843
after the commission sends written notice indicating a finding 60844
of no good cause for failing to appear. 60845

(6) NO APPEARANCE -- APPELLEE 60846

For hearings at either the hearing officer or review 60847
level, if the appellee fails to appear at the hearing, the 60848
hearing officer shall proceed with the hearing and shall issue a 60849
decision based on the evidence of record. The commission shall 60850
vacate the decision upon a showing that written notice of the 60851
hearing was not sent to the appellee's last known address, or 60852
good cause for the appellee's failure to appear is shown to the 60853
commission within fourteen days after the hearing date. 60854

(7) AGENT 60855

Any appeal or request for review may be executed on behalf 60856
of any party or any group of claimants by an agent. 60857

(8) COLLATERAL ESTOPPEL 60858

No finding of fact or law, decision, or order of the 60859
director, hearing officer, the commission, or a reviewing court 60860
under this section or section 4141.28 of the Revised Code shall 60861
be given collateral estoppel or res judicata effect in any 60862
separate or subsequent judicial, administrative, or arbitration 60863
proceeding, other than a proceeding arising under this chapter. 60864

(9) EXTENSION OF APPEAL PERIODS 60865

The time for filing an appeal or a request for review 60866
under this section or a court appeal under section 4141.282 of 60867

the Revised Code shall be extended in the manner described in 60868
the following four sentences. When the last day of an appeal 60869
period is a Saturday, Sunday, or legal holiday, the appeal 60870
period is extended to the next work day after the Saturday, 60871
Sunday, or legal holiday. When an interested party provides 60872
certified medical evidence stating that the interested party's 60873
physical condition or mental capacity prevented the interested 60874
party from filing an appeal or request for review under this 60875
section within the appropriate twenty-one-day period, the appeal 60876
period is extended to twenty-one days after the end of the 60877
physical or mental condition, and the appeal or request for 60878
review is considered timely filed if filed within that extended 60879
period. When an interested party provides evidence, which 60880
evidence may consist of testimony from the interested party, 60881
that is sufficient to establish that the party did not actually 60882
receive the determination or decision within the applicable 60883
appeal period under this section, and the director or the 60884
commission finds that the interested party did not actually 60885
receive the determination or decision within the applicable 60886
appeal period, then the appeal period is extended to twenty-one 60887
days after the interested party actually receives the 60888
determination or decision. When an interested party provides 60889
evidence, which evidence may consist of testimony from the 60890
interested party, that is sufficient to establish that the party 60891
did not actually receive a decision within the thirty-day appeal 60892
period provided in section 4141.282 of the Revised Code, and a 60893
court of common pleas finds that the interested party did not 60894
actually receive the decision within that thirty-day appeal 60895
period, then the appeal period is extended to thirty days after 60896
the interested party actually receives the decision. 60897

Sec. 4141.29. Each eligible individual shall receive 60898

benefits as compensation for loss of remuneration due to 60899
involuntary total or partial unemployment in the amounts and 60900
subject to the conditions stipulated in this chapter. 60901

(A) No individual is entitled to a waiting period or 60902
benefits for any week unless the individual: 60903

(1) Has filed a valid application for determination of 60904
benefit rights in accordance with section 4141.28 of the Revised 60905
Code; 60906

(2) Has made a claim for benefits in accordance with 60907
section 4141.28 of the Revised Code; 60908

(3) (a) Has registered for work and thereafter continues to 60909
report to an employment office or other registration place 60910
maintained or designated by the director of job and family 60911
services. Registration shall be made in accordance with the time 60912
limits, frequency, and manner prescribed by the director. 60913

(b) For purposes of division (A) (3) of this section, an 60914
individual has "registered" upon doing any of the following: 60915

(i) Filing an application for benefit rights; 60916

(ii) Making a weekly claim for benefits; 60917

(iii) Reopening an existing claim following a period of 60918
employment or nonreporting. 60919

(c) After an applicant is registered, that registration 60920
continues for a period of three calendar weeks, including the 60921
week during which the applicant registered. However, an 60922
individual is not registered for purposes of division (A) (3) of 60923
this section during any period in which the individual fails to 60924
report, as instructed by the director, or fails to reopen an 60925
existing claim following a period of employment. 60926

(d) The director may, for good cause, extend the period of registration. 60927
60928

(e) For purposes of this section, "report" means contact 60929
by phone, access electronically, or be present for an in-person 60930
appointment, as designated by the director. 60931

(4) (a) (i) Is able to work and available for suitable work 60932
and, except as provided in division (A) (4) (a) (ii) or (iii) of 60933
this section, is actively seeking suitable work either in a 60934
locality in which the individual has earned wages subject to 60935
this chapter during the individual's base period, or if the 60936
individual leaves that locality, then in a locality where 60937
suitable work normally is performed. 60938

(ii) The director may waive the requirement that a 60939
claimant be actively seeking work when the director finds that 60940
the individual has been laid off and the employer who laid the 60941
individual off has notified the director within ten days after 60942
the layoff, that work is expected to be available for the 60943
individual within a specified number of days not to exceed 60944
forty-five calendar days following the last day the individual 60945
worked. In the event the individual is not recalled within the 60946
specified period, this waiver shall cease to be operative with 60947
respect to that layoff. 60948

(iii) The director may waive the requirement that a 60949
claimant be actively seeking work if the director determines 60950
that the individual has been laid off and the employer who laid 60951
the individual off has notified the director in accordance with 60952
division (C) of section 4141.28 of the Revised Code that the 60953
employer has closed the employer's entire plant or part of the 60954
employer's plant for a purpose other than inventory or vacation 60955
that will cause unemployment for a definite period not exceeding 60956

twenty-six weeks beginning on the date the employer notifies the 60957
director, for the period of the specific shutdown, if all of the 60958
following apply: 60959

(I) The employer and the individuals affected by the 60960
layoff who are claiming benefits under this chapter jointly 60961
request the exemption. 60962

(II) The employer provides that the affected individuals 60963
shall return to work for the employer within twenty-six weeks 60964
after the date the employer notifies the director. 60965

(III) The director determines that the waiver of the 60966
active search for work requirement will promote productivity and 60967
economic stability within the state. 60968

(iv) Division (A) (4) (a) (iii) of this section does not 60969
exempt an individual from meeting the other requirements 60970
specified in division (A) (4) (a) (i) of this section to be able to 60971
work and otherwise fully be available for work. An exemption 60972
granted under division (A) (4) (a) (iii) of this section may be 60973
granted only with respect to a specific plant closing. 60974

(b) (i) The individual shall be instructed as to the 60975
efforts that the individual must make in the search for suitable 60976
work, including that, within six months after October 11, 2013, 60977
the individual shall register with the OhioMeansJobs web site, 60978
except in any of the following circumstances: 60979

(I) The individual is an individual described in division 60980
(A) (4) (b) (iii) of this section; 60981

(II) Where the active search for work requirement has been 60982
waived under division (A) (4) (a) of this section; 60983

(III) Where the active search for work requirement is 60984

considered to be met under division (A) (4) (c), (d), or (e) of
this section.

(ii) An individual who is registered with the
OhioMeansJobs web site shall receive a weekly listing of
available jobs based on information provided by the individual
at the time of registration. For each week that the individual
claims benefits, the individual shall keep a record of the
individual's work search efforts and shall produce that record
in the manner and means prescribed by the director.

(iii) No individual shall be required to register with the
OhioMeansJobs web site if the individual is legally prohibited
from using a computer, has a physical or visual impairment that
makes the individual unable to use a computer, or has a limited
ability to read, write, speak, or understand a language in which
the OhioMeansJobs web site is available.

(iv) As used in division (A) (4) (b) of this section:

(I) "OhioMeansJobs web site" has the same meaning as in
section 6301.01 of the Revised Code.

(II) "Registration" includes the creation, electronic
posting, and maintenance of an active, searchable resume.

(c) An individual who is attending a training course
approved by the director meets the requirement of this division,
if attendance was recommended by the director and the individual
is regularly attending the course and is making satisfactory
progress. An individual also meets the requirements of this
division if the individual is participating and advancing in a
training program, as defined in division (P) of section 5709.61
of the Revised Code, and if an enterprise, defined in division
(B) of section 5709.61 of the Revised Code, is paying all or

part of the cost of the individual's participation in the 61014
training program with the intention of hiring the individual for 61015
employment as a new employee, as defined in division (L) of 61016
section 5709.61 of the Revised Code, for at least ninety days 61017
after the individual's completion of the training program. 61018

(d) An individual who becomes unemployed while attending a 61019
regularly established school and whose base period qualifying 61020
weeks were earned in whole or in part while attending that 61021
school, meets the availability and active search for work 61022
requirements of division (A) (4) (a) of this section if the 61023
individual regularly attends the school during weeks with 61024
respect to which the individual claims unemployment benefits and 61025
makes self available on any shift of hours for suitable 61026
employment with the individual's most recent employer or any 61027
other employer in the individual's base period, or for any other 61028
suitable employment to which the individual is directed, under 61029
this chapter. 61030

(e) An individual who is a member in good standing with a 61031
labor organization that refers individuals to jobs meets the 61032
active search for work requirement specified in division (A) (4) 61033
(a) of this section if the individual provides documentation 61034
that the individual is eligible for a referral or placement upon 61035
request and in a manner prescribed by the director. 61036

(f) Notwithstanding any other provisions of this section, 61037
no otherwise eligible individual shall be denied benefits for 61038
any week because the individual is in training approved under 61039
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 61040
U.S.C.A. 2296, nor shall that individual be denied benefits by 61041
reason of leaving work to enter such training, provided the work 61042
left is not suitable employment, or because of the application 61043

to any week in training of provisions in this chapter, or any 61044
applicable federal unemployment compensation law, relating to 61045
availability for work, active search for work, or refusal to 61046
accept work. 61047

For the purposes of division (A)(4)(f) of this section, 61048
"suitable employment" means with respect to an individual, work 61049
of a substantially equal or higher skill level than the 61050
individual's past adversely affected employment, as defined for 61051
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 61052
U.S.C.A. 2101, and wages for such work at not less than eighty 61053
per cent of the individual's average weekly wage as determined 61054
for the purposes of that federal act. 61055

(5) Is unable to obtain suitable work. ~~An individual who~~ 61056
~~is provided temporary work assignments by the individual's~~ 61057
~~employer under agreed terms and conditions of employment, and~~ 61058
~~who is required pursuant to those terms and conditions to~~ 61059
~~inquire with the individual's employer for available work~~ 61060
~~assignments upon the conclusion of each work assignment, is not~~ 61061
~~considered unable to obtain suitable employment if suitable work~~ 61062
~~assignments are available with the employer but the individual~~ 61063
~~fails to contact the employer to inquire about work assignments.~~ 61064

(6) Participates in reemployment services, such as job 61065
search assistance services, if the individual has been 61066
determined to be likely to exhaust benefits under this chapter, 61067
including compensation payable pursuant to 5 U.S.C.A. Chapter 61068
85, other than extended compensation, and needs reemployment 61069
services pursuant to the profiling system established by the 61070
director under division (K) of this section, unless the director 61071
determines that: 61072

(a) The individual has completed such services; or 61073

(b) There is justifiable cause for the claimant's failure 61074
to participate in such services. 61075

Ineligibility for failure to participate in reemployment 61076
services as described in division (A) (6) of this section shall 61077
be for the week or weeks in which the claimant was scheduled and 61078
failed to participate without justifiable cause. 61079

(7) Participates in the reemployment and eligibility 61080
assessment program, or other reemployment services, as required 61081
by the director. As used in division (A) (7) of this section, 61082
"reemployment services" includes job search assistance 61083
activities, skills assessments, and the provision of labor 61084
market statistics or analysis. 61085

(a) For purposes of division (A) (7) of this section, 61086
participation is required unless the director determines that 61087
either of the following circumstances applies to the individual: 61088

(i) The individual has completed similar services. 61089

(ii) Justifiable cause exists for the failure of the 61090
individual to participate in those services. 61091

(b) Within six months after October 11, 2013, 61092
notwithstanding any earlier contact an individual may have had 61093
with a local OhioMeansJobs center, as defined in section 6301.01 61094
of the Revised Code, beginning with the eighth week after the 61095
week during which an individual first files a valid application 61096
for determination of benefit rights in the individual's benefit 61097
year, the individual shall report to a local OhioMeansJobs 61098
center for reemployment services in the manner prescribed by the 61099
director. 61100

(c) An individual whose active search for work requirement 61101
has been waived under division (A) (4) (a) of this section or is 61102

considered to be satisfied under division (A) (4) (c), (d), or (e) 61103
of this section is exempt from the requirements of division (A) 61104
(7) of this section. 61105

(B) An individual suffering total or partial unemployment 61106
is eligible for benefits for unemployment occurring subsequent 61107
to a waiting period of one week and no benefits shall be payable 61108
during this required waiting period. Not more than one week of 61109
waiting period shall be required of any individual in any 61110
benefit year in order to establish the individual's eligibility 61111
for total or partial unemployment benefits. 61112

(C) The waiting period for total or partial unemployment 61113
shall commence on the first day of the first week with respect 61114
to which the individual first files a claim for benefits at an 61115
employment office or other place of registration maintained or 61116
designated by the director or on the first day of the first week 61117
with respect to which the individual has otherwise filed a claim 61118
for benefits in accordance with the rules of the department of 61119
job and family services, provided such claim is allowed by the 61120
director. 61121

(D) Notwithstanding division (A) of this section, no 61122
individual may serve a waiting period or be paid benefits under 61123
the following conditions: 61124

(1) For any week with respect to which the director finds 61125
that: 61126

(a) The individual's unemployment was due to a labor 61127
dispute other than a lockout at any factory, establishment, or 61128
other premises located in this or any other state and owned or 61129
operated by the employer by which the individual is or was last 61130
employed; and for so long as the individual's unemployment is 61131

due to such labor dispute. No individual shall be disqualified 61132
under this provision if either of the following applies: 61133

(i) The individual's employment was with such employer at 61134
any factory, establishment, or premises located in this state, 61135
owned or operated by such employer, other than the factory, 61136
establishment, or premises at which the labor dispute exists, if 61137
it is shown that the individual is not financing, participating 61138
in, or directly interested in such labor dispute; 61139

(ii) The individual's employment was with an employer not 61140
involved in the labor dispute but whose place of business was 61141
located within the same premises as the employer engaged in the 61142
dispute, unless the individual's employer is a wholly owned 61143
subsidiary of the employer engaged in the dispute, or unless the 61144
individual actively participates in or voluntarily stops work 61145
because of such dispute. If it is established that the claimant 61146
was laid off for an indefinite period and not recalled to work 61147
prior to the dispute, or was separated by the employer prior to 61148
the dispute for reasons other than the labor dispute, or that 61149
the individual obtained a bona fide job with another employer 61150
while the dispute was still in progress, such labor dispute 61151
shall not render the employee ineligible for benefits. 61152

(b) The individual has been given a disciplinary layoff 61153
for misconduct in connection with the individual's work. 61154

(2) For the duration of the individual's unemployment if 61155
the director finds that: 61156

(a) The individual quit work without just cause or has 61157
been discharged for just cause in connection with the 61158
individual's work, provided division (D)(2) of this section does 61159
not apply to the separation of a person under any of the 61160

following circumstances: 61161

(i) Separation from employment for the purpose of entering 61162
the armed forces of the United States if the individual is 61163
inducted into the armed forces within one of the following 61164
periods: 61165

(I) Thirty days after separation; 61166

(II) One hundred eighty days after separation if the 61167
individual's date of induction is delayed solely at the 61168
discretion of the armed forces. 61169

(ii) Separation from employment pursuant to a labor- 61170
management contract or agreement, or pursuant to an established 61171
employer plan, program, or policy, which permits the employee, 61172
because of lack of work, to accept a separation from employment; 61173

(iii) The individual has left employment to accept a 61174
recall from a prior employer or, except as provided in division 61175
(D) (2) (a) (iv) of this section, to accept other employment as 61176
provided under section 4141.291 of the Revised Code, or left or 61177
was separated from employment that was concurrent employment at 61178
the time of the most recent separation or within six weeks prior 61179
to the most recent separation where the remuneration, hours, or 61180
other conditions of such concurrent employment were 61181
substantially less favorable than the individual's most recent 61182
employment and where such employment, if offered as new work, 61183
would be considered not suitable under the provisions of 61184
divisions (E) and (F) of this section. Any benefits that would 61185
otherwise be chargeable to the account of the employer from whom 61186
an individual has left employment or was separated from 61187
employment that was concurrent employment under conditions 61188
described in division (D) (2) (a) (iii) of this section, shall 61189

instead be charged to the mutualized account created by division 61190
(B) of section 4141.25 of the Revised Code, except that any 61191
benefits chargeable to the account of a reimbursing employer 61192
under division (D) (2) (a) (iii) of this section shall be charged 61193
to the account of the reimbursing employer and not to the 61194
mutualized account, except as provided in division (D) (2) of 61195
section 4141.24 of the Revised Code. 61196

(iv) When an individual has been issued a definite layoff 61197
date by the individual's employer and before the layoff date, 61198
the individual quits to accept other employment, the provisions 61199
of division (D) (2) (a) (iii) of this section apply and no 61200
disqualification shall be imposed under division (D) of this 61201
section. However, if the individual fails to meet the employment 61202
and earnings requirements of division (A) (2) of section 4141.291 61203
of the Revised Code, then the individual, pursuant to division 61204
(A) (5) of this section, shall be ineligible for benefits for any 61205
week of unemployment that occurs prior to the layoff date. 61206

(v) The individual's spouse is a member of the armed 61207
forces of the United States who is on active duty or a member of 61208
the commissioned corps of the national oceanic and atmospheric 61209
administration or public health service, the spouse is the 61210
subject of a transfer, the individual left employment to 61211
accompany the individual's spouse to a location from which it is 61212
impractical to commute to the individual's place of employment, 61213
and upon arrival at the new place of residence, the individual 61214
is in all respects able and available for suitable work. For- 61215
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 61216
"active duty" and "armed forces" have the same meanings as in 10 61217
U.S.C. 101. 61218

(b) The individual has refused without good cause to 61219

accept an offer of suitable work when made by an employer either 61220
in person or to the individual's last known address, or has 61221
refused or failed to investigate a referral to suitable work 61222
when directed to do so by a local employment office of this 61223
state or another state, provided that this division shall not 61224
cause a disqualification for a waiting week or benefits under 61225
the following circumstances: 61226

(i) When work is offered by the individual's employer and 61227
the individual is not required to accept the offer pursuant to 61228
the terms of the labor-management contract or agreement; or 61229

(ii) When the individual is attending a training course 61230
pursuant to division (A) (4) of this section except, in the event 61231
of a refusal to accept an offer of suitable work or a refusal or 61232
failure to investigate a referral, benefits thereafter paid to 61233
such individual shall not be charged to the account of any 61234
employer and, except as provided in division (B) (1) (b) of 61235
section 4141.241 of the Revised Code, shall be charged to the 61236
mutualized account as provided in division (B) of section 61237
4141.25 of the Revised Code. 61238

(c) Such individual quit work to marry or because of 61239
marital, parental, filial, or other domestic obligations. 61240

(d) The individual became unemployed by reason of 61241
commitment to any correctional institution. 61242

(e) The individual became unemployed because of dishonesty 61243
in connection with the individual's most recent or any base 61244
period work. Remuneration earned in such work shall be excluded 61245
from the individual's total base period remuneration and 61246
qualifying weeks that otherwise would be credited to the 61247
individual for such work in the individual's base period shall 61248

not be credited for the purpose of determining the total 61249
benefits to which the individual is eligible and the weekly 61250
benefit amount to be paid under section 4141.30 of the Revised 61251
Code. Such excluded remuneration and noncredited qualifying 61252
weeks shall be excluded from the calculation of the maximum 61253
amount to be charged, under division (D) of section 4141.24 and 61254
section 4141.33 of the Revised Code, against the accounts of the 61255
individual's base period employers. In addition, no benefits 61256
shall thereafter be paid to the individual based upon such 61257
excluded remuneration or noncredited qualifying weeks. 61258

For purposes of division (D) (2) (e) of this section, 61259
"dishonesty" means the commission of substantive theft, fraud, 61260
or deceitful acts. 61261

(3) For purposes of division (D) (2) (a) of this section, an 61262
individual shall be considered to have quit work without just 61263
cause if all of the following apply: 61264

(a) The individual is provided temporary work assignments 61265
by the individual's employer under agreed terms and conditions 61266
of employment. 61267

(b) The individual is required pursuant to those terms and 61268
conditions to inquire with the individual's employer for 61269
available work assignments upon the conclusion of each work 61270
assignment. 61271

(c) Suitable work assignments are available with the 61272
employer, but the individual fails to contact the employer to 61273
inquire about work assignments. 61274

(E) No individual otherwise qualified to receive benefits 61275
shall lose the right to benefits by reason of a refusal to 61276
accept new work if: 61277

(1) As a condition of being so employed the individual 61278
would be required to join a company union, or to resign from or 61279
refrain from joining any bona fide labor organization, or would 61280
be denied the right to retain membership in and observe the 61281
lawful rules of any such organization. 61282

(2) The position offered is vacant due directly to a 61283
strike, lockout, or other labor dispute. 61284

(3) The work is at an unreasonable distance from the 61285
individual's residence, having regard to the character of the 61286
work the individual has been accustomed to do, and travel to the 61287
place of work involves expenses substantially greater than that 61288
required for the individual's former work, unless the expense is 61289
provided for. 61290

(4) The remuneration, hours, or other conditions of the 61291
work offered are substantially less favorable to the individual 61292
than those prevailing for similar work in the locality. 61293

(F) Subject to the special exceptions contained in 61294
division (A) (4) (f) of this section and section 4141.301 of the 61295
Revised Code, in determining whether any work is suitable for a 61296
claimant in the administration of this chapter, the director, in 61297
addition to the determination required under division (E) of 61298
this section, shall consider the degree of risk to the 61299
claimant's health, safety, and morals, the individual's physical 61300
fitness for the work, the individual's prior training and 61301
experience, the length of the individual's unemployment, the 61302
distance of the available work from the individual's residence, 61303
and the individual's prospects for obtaining local work. 61304

(G) The "duration of unemployment" as used in this section 61305
means the full period of unemployment next ensuing after a 61306

separation from any base period or subsequent work and until an 61307
individual has become reemployed in employment subject to this 61308
chapter, or the unemployment compensation act of another state, 61309
or of the United States, and until such individual has worked 61310
six weeks and for those weeks has earned or been paid 61311
remuneration equal to six times an average weekly wage of not 61312
less than: eighty-five dollars and ten cents per week beginning 61313
on June 26, 1990; and beginning on and after January 1, 1992, 61314
twenty-seven and one-half per cent of the statewide average 61315
weekly wage as computed each first day of January under division 61316
(B) (3) of section 4141.30 of the Revised Code, rounded down to 61317
the nearest dollar, except for purposes of division (D) (2) (c) of 61318
this section, such term means the full period of unemployment 61319
next ensuing after a separation from such work and until such 61320
individual has become reemployed subject to the terms set forth 61321
above, and has earned wages equal to one-half of the 61322
individual's average weekly wage or sixty dollars, whichever is 61323
less. 61324

(H) If a claimant is disqualified under division (D) (2) 61325
(a), (c), or (d) of this section or found to be qualified under 61326
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 61327
or (v) of this section or division (A) (2) of section 4141.291 of 61328
the Revised Code, then benefits that may become payable to such 61329
claimant, which are chargeable to the account of the employer 61330
from whom the individual was separated under such conditions, 61331
shall be charged to the mutualized account provided in section 61332
4141.25 of the Revised Code, provided that no charge shall be 61333
made to the mutualized account for benefits chargeable to a 61334
reimbursing employer, except as provided in division (D) (2) of 61335
section 4141.24 of the Revised Code. In the case of a 61336
reimbursing employer, the director shall refund or credit to the 61337

account of the reimbursing employer any over-paid benefits that 61338
are recovered under division (B) of section 4141.35 of the 61339
Revised Code. Amounts chargeable to other states, the United 61340
States, or Canada that are subject to agreements and 61341
arrangements that are established pursuant to section 4141.43 of 61342
the Revised Code shall be credited or reimbursed according to 61343
the agreements and arrangements to which the chargeable amounts 61344
are subject. 61345

(I) (1) Benefits based on service in employment as provided 61346
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 61347
Code shall be payable in the same amount, on the same terms, and 61348
subject to the same conditions as benefits payable on the basis 61349
of other service subject to this chapter; except that after 61350
December 31, 1977: 61351

(a) Benefits based on service in an instructional, 61352
research, or principal administrative capacity in an institution 61353
of higher education, as defined in division (Y) of section 61354
4141.01 of the Revised Code; or for an educational institution 61355
as defined in division (CC) of section 4141.01 of the Revised 61356
Code, shall not be paid to any individual for any week of 61357
unemployment that begins during the period between two 61358
successive academic years or terms, or during a similar period 61359
between two regular but not successive terms or during a period 61360
of paid sabbatical leave provided for in the individual's 61361
contract, if the individual performs such services in the first 61362
of those academic years or terms and has a contract or a 61363
reasonable assurance that the individual will perform services 61364
in any such capacity for any such institution in the second of 61365
those academic years or terms. 61366

(b) Benefits based on service for an educational 61367

institution or an institution of higher education in other than 61368
an instructional, research, or principal administrative 61369
capacity, shall not be paid to any individual for any week of 61370
unemployment which begins during the period between two 61371
successive academic years or terms of the employing educational 61372
institution or institution of higher education, provided the 61373
individual performed those services for the educational 61374
institution or institution of higher education during the first 61375
such academic year or term and, there is a reasonable assurance 61376
that such individual will perform those services for any 61377
educational institution or institution of higher education in 61378
the second of such academic years or terms. 61379

If compensation is denied to any individual for any week 61380
under division (I)(1)(b) of this section and the individual was 61381
not offered an opportunity to perform those services for an 61382
institution of higher education or for an educational 61383
institution for the second of such academic years or terms, the 61384
individual is entitled to a retroactive payment of compensation 61385
for each week for which the individual timely filed a claim for 61386
compensation and for which compensation was denied solely by 61387
reason of division (I)(1)(b) of this section. An application for 61388
retroactive benefits shall be timely filed if received by the 61389
director or the director's deputy within or prior to the end of 61390
the fourth full calendar week after the end of the period for 61391
which benefits were denied because of reasonable assurance of 61392
employment. The provision for the payment of retroactive 61393
benefits under division (I)(1)(b) of this section is applicable 61394
to weeks of unemployment beginning on and after November 18, 61395
1983. The provisions under division (I)(1)(b) of this section 61396
shall be retroactive to September 5, 1982, only if, as a 61397
condition for full tax credit against the tax imposed by the 61398

"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 61399
3301 to 3311, the United States secretary of labor determines 61400
that retroactivity is required by federal law. 61401

(c) With respect to weeks of unemployment beginning after 61402
December 31, 1977, benefits shall be denied to any individual 61403
for any week which commences during an established and customary 61404
vacation period or holiday recess, if the individual performs 61405
any services described in divisions (I)(1)(a) and (b) of this 61406
section in the period immediately before the vacation period or 61407
holiday recess, and there is a reasonable assurance that the 61408
individual will perform any such services in the period 61409
immediately following the vacation period or holiday recess. 61410

(d) With respect to any services described in division (I) 61411
(1)(a), (b), or (c) of this section, benefits payable on the 61412
basis of services in any such capacity shall be denied as 61413
specified in division (I)(1)(a), (b), or (c) of this section to 61414
any individual who performs such services in an educational 61415
institution or institution of higher education while in the 61416
employ of an educational service agency. For this purpose, the 61417
term "educational service agency" means a governmental agency or 61418
governmental entity that is established and operated exclusively 61419
for the purpose of providing services to one or more educational 61420
institutions or one or more institutions of higher education. 61421

(e) Any individual employed by a county board of 61422
developmental disabilities shall be notified by the thirtieth 61423
day of April each year if the individual is not to be reemployed 61424
the following academic year. 61425

(f) Any individual employed by a school district, other 61426
than a municipal school district as defined in section 3311.71 61427
of the Revised Code, shall be notified by the first day of June 61428

each year if the individual is not to be reemployed the 61429
following academic year. 61430

(2) No disqualification will be imposed, between academic 61431
years or terms or during a vacation period or holiday recess 61432
under this division, unless the director or the director's 61433
deputy has received a statement in writing from the educational 61434
institution or institution of higher education that the claimant 61435
has a contract for, or a reasonable assurance of, reemployment 61436
for the ensuing academic year or term. 61437

(3) If an individual has employment with an educational 61438
institution or an institution of higher education and employment 61439
with a noneducational employer, during the base period of the 61440
individual's benefit year, then the individual may become 61441
eligible for benefits during the between-term, or vacation or 61442
holiday recess, disqualification period, based on employment 61443
performed for the noneducational employer, provided that the 61444
employment is sufficient to qualify the individual for benefit 61445
rights separately from the benefit rights based on school 61446
employment. The weekly benefit amount and maximum benefits 61447
payable during a disqualification period shall be computed based 61448
solely on the nonschool employment. 61449

(J) Benefits shall not be paid on the basis of employment 61450
performed by an alien, unless the alien had been lawfully 61451
admitted to the United States for permanent residence at the 61452
time the services were performed, was lawfully present for 61453
purposes of performing the services, or was otherwise 61454
permanently residing in the United States under color of law at 61455
the time the services were performed, under section 212(d)(5) of 61456
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 61457
1101: 61458

(1) Any data or information required of individuals 61459
applying for benefits to determine whether benefits are not 61460
payable to them because of their alien status shall be uniformly 61461
required from all applicants for benefits. 61462

(2) In the case of an individual whose application for 61463
benefits would otherwise be approved, no determination that 61464
benefits to the individual are not payable because of the 61465
individual's alien status shall be made except upon a 61466
preponderance of the evidence that the individual had not, in 61467
fact, been lawfully admitted to the United States. 61468

(K) The director shall establish and utilize a system of 61469
profiling all new claimants under this chapter that: 61470

(1) Identifies which claimants will be likely to exhaust 61471
regular compensation and will need job search assistance 61472
services to make a successful transition to new employment; 61473

(2) Refers claimants identified pursuant to division (K) 61474
(1) of this section to reemployment services, such as job search 61475
assistance services, available under any state or federal law; 61476

(3) Collects follow-up information relating to the 61477
services received by such claimants and the employment outcomes 61478
for such claimant's subsequent to receiving such services and 61479
utilizes such information in making identifications pursuant to 61480
division (K) (1) of this section; and 61481

(4) Meets such other requirements as the United States 61482
secretary of labor determines are appropriate. 61483

(L) Except as otherwise provided in division (A) (6) of 61484
this section, ineligibility pursuant to division (A) of this 61485
section shall begin on the first day of the week in which the 61486
claimant becomes ineligible for benefits and shall end on the 61487

last day of the week preceding the week in which the claimant 61488
satisfies the eligibility requirements. 61489

(M) The director may adopt rules that the director 61490
considers necessary for the administration of division (A) of 61491
this section. 61492

Sec. 4141.33. (A) As used in this section: 61493

(1) "Reasonable assurance" means a written, verbal, or 61494
implied agreement that the individual will perform services in 61495
the same or similar capacity during the ensuing sports season or 61496
seasonal period. 61497

(2) "Seasonal employment" means employment of individuals 61498
hired primarily to perform services in an industry which because 61499
of climatic conditions or because of the seasonal nature of such 61500
industry it is customary to operate only during regularly 61501
recurring periods of forty weeks or less in any consecutive 61502
fifty-two weeks. 61503

(3) "Seasonal employer" means an employer determined by 61504
the director of job and family services to be an employer whose 61505
operations and business, with the exception of certain 61506
administrative and maintenance operations, are substantially all 61507
in a seasonal industry. 61508

(4) "Significantly" means forty per cent or more of an 61509
individual's base period consists of services performed in 61510
seasonal employment. 61511

(B) Any employer who claims to have seasonal employment in 61512
a seasonal industry may file with the director a written 61513
application for classification of such employment as seasonal. 61514
Whenever in any industry it is customary to operate because of 61515
climatic conditions or because of the seasonal nature of such 61516

industry only during regularly recurring periods of forty weeks 61517
or less duration, benefits shall be payable only during the 61518
longest seasonal periods which the best practice of such 61519
industry will reasonably permit. The director shall determine, ~~after investigation, hearing, and due notice,~~ 61520
~~whether the~~ 61521
industry is seasonal and, if seasonal, establish seasonal 61522
periods for such seasonal employer. The director shall make the 61523
determination based on the application for classification filed 61524
under this section and any other relevant information available. 61525
Until such determination by the director, no industry or 61526
employment shall be deemed seasonal. 61527

(C) When the director has determined such seasonal 61528
periods, the director shall also establish the proportionate 61529
number of weeks of employment and earnings required to qualify 61530
for seasonal benefit rights in place of the weeks of employment 61531
and earnings requirement stipulated in division (R) of section 61532
4141.01 and section 4141.30 of the Revised Code, and the 61533
proportionate number of weeks for which seasonal benefits may be 61534
paid. An individual whose base period employment consists of 61535
only seasonal employment for a single seasonal employer and who 61536
meets the employment and earnings requirements determined by the 61537
director pursuant to this division will have benefit rights 61538
determined in accordance with this division, except benefits 61539
shall not be paid for any week between two successive seasonal 61540
periods. Benefit charges for such seasonal employment shall be 61541
computed and charged in accordance with division (D) of section 61542
4141.24 of the Revised Code. The director may adopt rules for 61543
implementation of this section. 61544

(D) An individual whose base period employment consists of 61545
either seasonal employment with two or more seasonal employers 61546
or both seasonal employment and nonseasonal employment with 61547

employers subject to this chapter, will have benefit rights 61548
determined in accordance with division (R) of section 4141.01 61549
and section 4141.30 of the Revised Code. Benefit charges for 61550
both seasonal and nonseasonal employment shall be computed and 61551
charged in accordance with division (D) of section 4141.24 of 61552
the Revised Code. The total seasonal and nonseasonal benefits 61553
during a benefit year cannot exceed twenty-six times the weekly 61554
benefit amount. Effective October 30, 2011, an individual who 61555
performs services that significantly consist of services 61556
performed in seasonal employment shall not be paid benefits for 61557
those services for any week in the period between two successive 61558
seasonal periods if the individual performed those services in 61559
the first of the seasonal periods and there is reasonable 61560
assurance that the individual will perform those services in the 61561
later of the seasonal periods. The director shall adopt rules 61562
for the implementation of this division. 61563

(E) Benefits shall not be paid to any individual on the 61564
basis of any services, substantially all of which consist of 61565
participating in sports or athletic events or training or 61566
preparing to so participate, for any week which commences during 61567
the period between two successive sport seasons, or similar 61568
periods, if the individual performed services in the first of 61569
the seasons, or similar periods, and there is a reasonable 61570
assurance that the individual will perform services in the later 61571
of the seasons, or similar periods. 61572

(F) The director shall adopt rules concerning the 61573
eligibility for benefits of individuals under divisions (D) and 61574
(E) of this section. 61575

Sec. 4141.44. (A) (1) The director of job and family 61576
services shall collect a technology and customer service fee of 61577

not more than fifteen-hundredths of one per cent of wages per 61578
employee subject to this chapter from each contributory 61579
employer. The director shall collect any fee due under this 61580
division at the same time and in the same manner as 61581
contributions due under section 4141.25 of the Revised Code. 61582

(2) At the time a nonprofit organization, or group of such 61583
organizations, that elects to become liable for payments in lieu 61584
of contributions files or renews a surety bond with the director 61585
in accordance with division (C) of section 4141.241 of the 61586
Revised Code, the director shall collect a technology and 61587
customer service fee of not more than thirteen dollars and fifty 61588
cents from the organization or group of organizations. 61589

(B) Technology and customer service fees collected under 61590
division (A) of this section shall be paid into the unemployment 61591
compensation special administrative fund established in section 61592
4141.11 of the Revised Code. 61593

Sec. 4141.56. ~~Beginning one year after the effective date~~ 61594
~~of this section, and every year thereafter, the~~ The director of 61595
job and family services annually shall prepare a report and 61596
~~submit a report~~ it by the first day of August to the governor, 61597
the president and minority leader of the senate, and the speaker 61598
and the minority leader of the house of representatives ~~that~~ 61599
~~discusses~~. The report shall discuss the utilization of the 61600
SharedWork Ohio program created under section 4141.50 of the 61601
Revised Code. The director shall include in that report the 61602
number of employers and employees participating in the program, 61603
the amount of shared work compensation paid under the program 61604
during the immediately preceding year, and any other information 61605
the director considers to be relevant. 61606

Sec. 4141.60. (A) ~~Beginning on the last day of February~~ 61607

~~that occurs after the effective date of this section, and~~ 61608
~~annually thereafter, the~~ The director of job and family services 61609
~~annually shall prepare a report and submit a report it by the~~ 61610
~~first day of August~~ to the persons listed in division (B) of 61611
this section. The director shall include all of the following 61612
information in the report with respect to the calendar year 61613
preceding the date the report is submitted: 61614

(1) The number of calls received from applicants for and 61615
recipients of benefits under this chapter at all call centers 61616
operated by the director; 61617

(2) The total number of claims for benefits filed under 61618
this chapter; 61619

(3) The number of claims for benefits marked as 61620
potentially fraudulent; 61621

(4) The number of complaints submitted by applicants for 61622
and recipients of benefits under this chapter through the 61623
uniform process created by the director under section 4141.13 of 61624
the Revised Code; 61625

(5) A summary of updates or changes to the technology the 61626
director uses to administer this chapter that have occurred 61627
during the calendar year covered by the report. 61628

(B) The director shall submit the report required under 61629
division (A) of this section to the speaker of the house of 61630
representatives, the president of the senate, and the governor, 61631
~~and the members of the unemployment compensation modernization-~~ 61632
~~and improvement council.~~ 61633

Sec. 4301.12. (A) The division of liquor control shall 61634
provide for the custody, safekeeping, and deposit of all moneys, 61635
checks, and drafts received by it or any of its employees or 61636

agents prior to paying them to the treasurer of state as 61637
provided by section 113.08 of the Revised Code. 61638

(B) A sum equal to three dollars and thirty-eight cents 61639
for each gallon of spirituous liquor sold by the division, 61640
JobsOhio, or a designee of JobsOhio during the period covered by 61641
the payment shall be paid into the state treasury to the credit 61642
of the general revenue fund. ~~All moneys~~ Except as provided in 61643
division (G) of section 4301.30 of the Revised Code, all money 61644
received from permit fees, ~~except B-2a, S-1, and S-2 permit fees~~ 61645
~~from B-2a, S-1, and S-2 permit holders who do not also hold A-2-~~ 61646
~~or A-2f permits,~~ shall be paid to the credit of the undivided 61647
liquor permit fund established by section 4301.30 of the Revised 61648
Code. 61649

(C) Except as otherwise provided by law, the division 61650
shall deposit all moneys collected under Chapters 4301. and 61651
4303. of the Revised Code into the state treasury to the credit 61652
of the state liquor regulatory fund created in section 4301.30 61653
of the Revised Code. In addition, revenue resulting from any 61654
contracts with the department of commerce pertaining to the 61655
responsibilities and operations described in this chapter may be 61656
credited to the fund. 61657

(D) Whenever, in the judgment of the director of budget 61658
and management, the amount in the liquor control fund is in 61659
excess of that needed to meet the maturing obligations of the 61660
division, as working capital for its further operations, to pay 61661
the operating expenses of the commission, and for the alcohol 61662
testing program under section 3701.143 of the Revised Code, the 61663
director shall transfer the excess to the credit of the general 61664
revenue fund. If the director determines that the amount in the 61665
liquor control fund is insufficient, the director may transfer 61666

money from the general revenue fund to the liquor control fund.

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Sec. 4301.19. The division of liquor control shall sell spirituous liquor only, whether from a warehouse ~~or from~~, a state liquor store ~~or~~, an agency store, or an A-3a permit premises. All sales shall be in sealed containers and for resale as authorized by this chapter and Chapter 4303. of the Revised Code or for consumption off the premises only. Except as otherwise provided in this section, sale of containers holding one-half pint or less of spirituous liquor by the division shall be made at retail only, and not for the purpose of resale by any purchaser, by special order placed with a state liquor store or agency store and subject to rules established by the superintendent of liquor control. The division may sell at wholesale spirituous liquor in fifty milliliter sealed containers to any holder of a permit issued under Chapter 4303. of the Revised Code that authorizes the sale of spirituous liquor for consumption on the premises where sold. A person appointed by the division to act as an agent for the sale of spirituous liquor pursuant to section 4301.17 of the Revised Code may provide and accept gift certificates and may accept credit cards and debit cards for the retail purchase of spirituous liquor. Deliveries shall be made in the manner the superintendent determines by rule.

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Subject to division (A) (3) of section 4301.10 and division (A) of section 4301.14 of the Revised Code, if any person desires to purchase any variety or brand of spirituous liquor which is not in stock at the state liquor store or agency store where the variety or brand is ordered, the division shall immediately procure the variety or brand. The purchaser shall be immediately notified upon the arrival of the spirituous liquor at the store at which it was ordered. Unless the purchaser pays

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for the variety or brand and accepts delivery within five days 61698
after the giving of the notice, the division may place the 61699
spirituous liquor in stock for general sale. 61700

Sec. 4301.30. (A) All—Except as provided in division (G) 61701
of this section, all fees collected by the division of liquor 61702
control shall be deposited in the state treasury to the credit 61703
of the undivided liquor permit fund, which is hereby created, at 61704
the time prescribed under section 4301.12 of the Revised Code. 61705
Each payment shall be accompanied by a statement showing 61706
separately the amount collected for each class of permits in 61707
each municipal corporation and in each township outside the 61708
limits of any municipal corporation in such township. 61709

(B) (1) An amount equal to forty-five per cent of the fund 61710
shall be paid from the fund into the state liquor regulatory 61711
fund, which is hereby created in the state treasury. The state 61712
liquor regulatory fund shall be used to pay the operating 61713
expenses of the division of liquor control in administering and 61714
enforcing Title XLIII of the Revised Code and the operating 61715
expenses of the liquor control commission. Investment earnings 61716
of the fund shall be credited to the fund. 61717

(2) Whenever, in the judgment of the director of budget 61718
and management, the amount of money that is in the state liquor 61719
regulatory fund is in excess of the amount that is needed to pay 61720
the operating expenses of the division in administering and 61721
enforcing Title XLIII of the Revised Code and the operating 61722
expenses of the commission, the director shall credit the excess 61723
amount to the general revenue fund. 61724

(C) Twenty per cent of the undivided liquor permit fund 61725
shall be paid into the statewide treatment and prevention fund, 61726
which is hereby created in the state treasury. This amount shall 61727

be appropriated by the general assembly, together with an amount 61728
equal to one and one-half per cent of the gross profit of the 61729
division of liquor control derived under division (B) (4) of 61730
section 4301.10 of the Revised Code, to the department of mental 61731
health and addiction services. In planning for the allocation of 61732
and in allocating these amounts for the purposes of Chapter 61733
5119. of the Revised Code, the department shall comply with the 61734
nondiscrimination provisions of Title VI of the Civil Rights Act 61735
of 1964, and any rules adopted under that act. 61736

(D) Thirty-five per cent of the undivided liquor permit 61737
fund shall be distributed by the superintendent of liquor 61738
control at quarterly calendar periods as follows: 61739

(1) To each municipal corporation, the aggregate amount 61740
shown by the statements to have been collected from permits in 61741
the municipal corporation, for the use of the general fund of 61742
the municipal corporation; 61743

(2) To each township, the aggregate amount shown by the 61744
statements to have been collected from permits in its territory, 61745
outside the limits of any municipal corporation located in the 61746
township, for the use of the general fund of the township, or 61747
for fire protection purposes, including buildings and equipment 61748
in the township or in an established fire district within the 61749
township, to the extent that the funds are derived from liquor 61750
permits within the territory comprising such fire district. 61751

(E) For the purpose of the distribution required by this 61752
section, E, H, and D permits covering boats or vessels are 61753
deemed to have been issued in the municipal corporation or 61754
township wherein the owner or operator of the vehicle, boat, 61755
vessel, or dining car equipment to which the permit relates has 61756
the owner's or operator's principal office or place of business 61757

within the state.

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(F) If the division determines that the police or other officers of any municipal corporation or township entitled to share in distributions under this section are refusing or culpably neglecting to enforce this chapter and Chapter 4303. of the Revised Code, or the penal laws of this state relating to the manufacture, importation, transportation, distribution, and sale of beer and intoxicating liquors, or if the prosecuting officer of a municipal corporation or a municipal court fails to comply with the request of the division authorized by division (A) (4) of section 4301.10 of the Revised Code, the division, by certified mail or by electronic means as determined by the superintendent to provide proper notice under the laws of this state, may notify the chief executive officer of the municipal corporation or the board of township trustees of the township of the failure and require the immediate cooperation of the responsible officers of the municipal corporation or township with the division in the enforcement of those chapters and penal laws. Within thirty days after the notice is served, the division shall determine whether the requirement has been complied with. If the division determines that the requirement has not been complied with, it may withhold the distributive share of the municipal corporation or township. This action of the division is reviewable within thirty days thereafter in the court of common pleas of Franklin county.

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(G) All fees collected by the division of liquor control from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and paid by B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c permits or A-2 or A-2f permits,~~ the following permits shall be deposited in the state treasury to the credit of the state liquor regulatory fund:

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(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 61789
permit holders who do not also hold A-1 or A-1c permits or A-2 61790
or A-2f permits; 61791

(2) H permits where the permit premises are located 61792
outside of this state. ~~Once~~ 61793

Once during each fiscal year, an amount equal to fifty per 61794
cent of the fees collected shall be paid from the state liquor 61795
regulatory fund into the general revenue fund. 61796

Sec. 4303.183. Permit D-7 may be issued to the holder of 61797
any D-2 permit issued by the division of liquor control, or if 61798
there is an insufficient number of D-2 permit holders to fill 61799
the resort quota, to the operator of a retail food establishment 61800
or a food service operation required to be licensed under 61801
Chapter 3717. of the Revised Code that operates as a restaurant 61802
for purposes of this chapter and which qualifies under the other 61803
requirements of this section, to sell beer and any intoxicating 61804
liquor at retail, only by the individual drink in glass and from 61805
the container, for consumption on the premises where sold. Not 61806
less than fifty per cent of the business on the permit premises 61807
shall be preparing and serving meals for a consideration in 61808
order to qualify for and continue to hold such D-7 permit. The 61809
permit premises shall be located in a resort area. 61810

"Resort area" means a municipal corporation, township, 61811
county, or any combination thereof, which provides 61812
entertainment, recreation, and transient housing facilities 61813
specifically intended to provide leisure time activities for 61814
persons other than those whose permanent residence is within the 61815
"resort area" and who increase the population of the "resort 61816
area" on a seasonal basis, and which experiences seasonal peaks 61817
of employment and governmental services as a direct result of 61818

population increase generated by the transient, recreating 61819
public. A resort season shall begin on the first day of May and 61820
end on the last day of October. Notwithstanding section 4303.27 61821
of the Revised Code, such permits may be issued for resort 61822
seasons without regard to the calendar year or permit year. 61823
Quota restrictions on the number of such permits shall take into 61824
consideration the transient population during the resort season, 61825
the custom and habits of visitors and tourists, and the 61826
promotion of the resort and tourist industry. The fee for this 61827
permit is ~~four hundred sixty-nine dollars per month~~ two thousand 61828
eight hundred fourteen dollars. 61829

Any suspension of a D-7 permit shall be satisfied during 61830
the resort season in which such suspension becomes final. If 61831
such suspension becomes final during the off-season, or if the 61832
period of the suspension extends beyond the last day of October, 61833
the suspension or remainder thereof shall be satisfied during 61834
the next resort season. 61835

The ownership of a D-7 permit may be transferred from one 61836
permit holder to another. The holder of a D-7 permit may file an 61837
application to transfer such permit to a new location within the 61838
same resort area, provided that such permit holder shall be the 61839
owner or operator of a retail food establishment or a food 61840
service operation, required to be licensed under Chapter 3717. 61841
of the Revised Code, that operates as a restaurant for purposes 61842
of this chapter, at such new location. 61843

Sec. 4303.204. (A) The division of liquor control may 61844
issue an F-4 permit to an organization or corporation organized 61845
not-for-profit in this state to conduct an event that includes 61846
the introduction, showcasing, or promotion of Ohio wines, if the 61847
event has all of the following characteristics: 61848

(1) It is coordinated by that organization or corporation, 61849
and the organization or corporation is responsible for the 61850
activities at it. 61851

(2) It has as one of its purposes the intent to introduce, 61852
showcase, or promote Ohio wines to persons who attend it. 61853

(3) It includes the sale of food for consumption on the 61854
premises where sold. 61855

(4) It features any combination of at least three A-2 or 61856
A-2f permit holders who sell Ohio wine at it. 61857

(B) The holder of an F-4 permit may furnish, with or 61858
without charge, wine that it has obtained from the A-2 or A-2f 61859
permit holders that are participating in the event for which the 61860
F-4 permit is issued, in two-ounce samples for consumption on 61861
the premises where furnished and may sell such wine by the glass 61862
for consumption on the premises where sold. The holder of an A-2 61863
or A-2f permit that is participating in the event for which the 61864
F-4 permit is issued may sell wine that it has manufactured, in 61865
sealed containers for consumption off the premises where sold. 61866
Wine may be furnished or sold on the premises of the event for 61867
which the F-4 permit is issued only where and when the sale of 61868
wine is otherwise permitted by law. 61869

(C) The premises of the event for which the F-4 permit is 61870
issued shall be clearly defined and sufficiently restricted to 61871
allow proper enforcement of the permit by state and local law 61872
enforcement officers. If an F-4 permit is issued for all or a 61873
portion of the same premises for which another class of permit 61874
is issued, that permit holder's privileges will be suspended in 61875
that portion of the premises in which the F-4 permit is in 61876
effect. 61877

(D) No F-4 permit shall be effective for more than 61878
seventy-two consecutive hours. No sales or furnishing of wine 61879
shall take place under an F-4 permit after one a.m. 61880

(E) The division shall not issue more than six F-4 permits 61881
to the same not-for-profit organization or corporation in any 61882
one calendar year. 61883

(F) An applicant for an F-4 permit shall apply for the 61884
permit not later than thirty days prior to the first day of the 61885
event for which the permit is sought. The application for the 61886
permit shall list all of the A-2 and A-2f permit holders that 61887
will participate in the event for which the F-4 permit is 61888
sought. The fee for the F-4 permit is ~~sixty dollars per day~~one 61889
hundred eighty dollars. 61890

The division shall prepare and make available an F-4 61891
permit application form and may require applicants for and 61892
holders of the F-4 permit to provide information that is in 61893
addition to that required by this section and that is necessary 61894
for the administration of this section. 61895

(G) (1) The holder of an F-4 permit is responsible for, and 61896
is subject to penalties for, any violations of this chapter or 61897
Chapter 4301. of the Revised Code or the rules adopted under 61898
this and that chapter. 61899

(2) An F-4 permit holder shall not allow an A-2 or A-2f 61900
permit holder to participate in the event for which the F-4 61901
permit is issued if the A-2 or A-2f or the A-1-A permit of that 61902
A-2 or A-2f permit holder is under suspension. 61903

(3) The division may refuse to issue an F-4 permit to an 61904
applicant who has violated any provision of this chapter or 61905
Chapter 4301. of the Revised Code during the applicant's 61906

previous operation under an F-4 permit, for a period of up to 61907
two years after the date of the violation. 61908

(H) (1) Notwithstanding division (D) of section 4301.22 of 61909
the Revised Code, an A-2 or A-2f permit holder that participates 61910
in an event for which an F-4 permit is issued may donate wine 61911
that it has manufactured to the holder of that F-4 permit. The 61912
holder of an F-4 permit may return unused and sealed containers 61913
of wine to the A-2 or A-2f permit holder that donated the wine 61914
at the conclusion of the event for which the F-4 permit was 61915
issued. 61916

(2) The participation by an A-2 or A-2f permit holder or 61917
its employees in an event for which an F-4 permit is issued does 61918
not violate section 4301.24 of the Revised Code. 61919

Sec. 4303.2011. (A) As used in this section, "nonprofit 61920
organization" means a corporation, association, group, 61921
institution, society, or other organization that: 61922

(1) Is exempt from federal income taxation; 61923

(2) Has a membership of two hundred fifty or more persons. 61924

(B) The division of liquor control may issue an F-11 61925
permit to a nonprofit organization to conduct an event if the 61926
event has all of the following characteristics: 61927

(1) The event is coordinated by the nonprofit organization 61928
and the nonprofit organization is responsible for the activities 61929
at the event. 61930

(2) One of the event's purposes is the introduction, 61931
showcasing, or promotion of craft beers manufactured in this 61932
state. 61933

(3) The event includes the sale of food for consumption on 61934

the premises where sold. 61935

(4) The event features at least twenty A-1c permit 61936
holders, who are members of the nonprofit organization that has 61937
organized the event, as participants. The nonprofit organization 61938
may allow any number of A-1 permit holders to participate in the 61939
event. 61940

(C) An F-11 permit holder may sell, at the event, beer 61941
that it has purchased from the A-1 or A-1c permit holders that 61942
are participating in the event or from the participating A-1 or 61943
A-1c permit holder's assigned B-1 permit holder. The F-11 permit 61944
holder may sell the beer in four-ounce samples or in containers 61945
not exceeding sixteen ounces for consumption on the premises 61946
where sold. 61947

The F-11 permit holder may sell beer on the F-11 permit 61948
premises only where and when the sale of beer is otherwise 61949
permitted by law. 61950

(D) The F-11 permit holder shall clearly define and 61951
sufficiently restrict the premises of the event to allow proper 61952
enforcement of the permit by state and local law enforcement 61953
officers. If an F-11 permit is issued for all or a portion of 61954
the same premises for which another class of permit is issued, 61955
that permit holder's privileges are suspended in that portion of 61956
the premises in which the F-11 permit is in effect. 61957

(E) (1) No F-11 permit is effective for more than seventy- 61958
two consecutive hours. However, for purposes of an exposition at 61959
the state fairgrounds, an F-11 permit is effective for the 61960
duration of the exposition. 61961

(2) No sales of beer shall take place under an F-11 permit 61962
after one a.m. 61963

(F) The division shall not issue more than six F-11 61964
permits to the same nonprofit organization in any one calendar 61965
year. 61966

(G) An applicant for an F-11 permit shall apply for the 61967
permit not later than thirty days prior to the first day of the 61968
event for which the permit is sought. In the application, the 61969
applicant shall list all of the A-1 and A-1c permit holders that 61970
will participate in the event. The fee for the F-11 permit is 61971
~~sixty dollars for each day of the event~~ one hundred eighty 61972
dollars. 61973

The division shall prepare and make available an F-11 61974
permit application form and may require applicants for and 61975
holders of the F-11 permit to provide information that is in 61976
addition to that required by this section and that is necessary 61977
for the administration of this section. 61978

(H) (1) An F-11 permit holder is responsible, and is 61979
subject to penalties, for any violations of this chapter or 61980
Chapter 4301. of the Revised Code that occur during the event. 61981

(2) An F-11 permit holder shall not allow an A-1 or A-1c 61982
permit holder to participate in the event if the A-1 or A-1c 61983
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 61984
permit holder is under suspension. 61985

(3) The division may refuse to issue an F-11 permit to an 61986
applicant if both of the following apply: 61987

(a) The applicant has pleaded guilty to or has been 61988
convicted of violating this chapter or Chapter 4301. of the 61989
Revised Code while operating under a previously issued F-11 61990
permit. 61991

(b) The violation occurred within the two years preceding 61992

the filing of the new F-11 permit application. 61993

(I) Notwithstanding any provision of section 4301.24 of 61994
the Revised Code or any rule adopted by the liquor control 61995
commission to the contrary, employees of an A-1 or A-1c permit 61996
holder or B-1 permit holder, or employees or agents of a B-1 61997
permit holder may assist an F-11 permit holder in serving beer 61998
at an event for which an F-11 permit is issued. 61999

Sec. 4303.233. (A) As used in this section, "personal 62000
consumer" means an individual who is at least twenty-one years 62001
of age, is a resident of this state, does not hold a permit 62002
issued under this chapter, and intends to use wine purchased in 62003
accordance with this section for personal consumption only and 62004
not for resale or other commercial purposes. 62005

(B) (1) The division of liquor control may issue an S-2 62006
permit to a person that manufactures two hundred fifty thousand 62007
gallons or more of wine per year. If the person resides outside 62008
this state, the person shall comply with the requirements 62009
governing the issuance of licenses or permits that authorize the 62010
sale of beer or intoxicating liquor by the appropriate authority 62011
of the state in which the person resides and by the alcohol and 62012
tobacco tax and trade bureau of the United States department of 62013
the treasury. 62014

(2) An S-2 permit holder may sell wine to a personal 62015
consumer by receiving and filling orders that the personal 62016
consumer submits to the permit holder. The permit holder shall 62017
sell only wine that the permit holder has manufactured to a 62018
personal consumer. An S-2 permit holder may use a fulfillment 62019
warehouse registered under section 4303.234 of the Revised Code 62020
to send a shipment of wine to a personal consumer. A fulfillment 62021
warehouse is an agent of an S-2 permit holder and an S-2 permit 62022

holder is liable for violations of this chapter and Chapter 62023
4301. of the Revised Code that are committed by the fulfillment 62024
warehouse regarding wine shipped on behalf of the S-2 permit 62025
holder. 62026

(C) An S-2 permit holder shall collect and pay the taxes 62027
relating to the delivery of wine to a personal consumer that are 62028
levied under sections 4301.421, 4301.43, and 4301.432 and 62029
Chapters 5739. and 5741. of the Revised Code. 62030

(D) (1) An S-2 permit holder shall send a shipment of wine 62031
that has been paid for by a personal consumer to that personal 62032
consumer via an H permit holder. Prior to sending a shipment of 62033
wine to a personal consumer, the S-2 permit holder, or an 62034
employee of the permit holder, shall make a bona fide effort to 62035
ensure that the personal consumer is at least twenty-one years 62036
of age. The shipment of wine shall be shipped in a package that 62037
clearly states that it contains alcohol. No person shall fail to 62038
comply with division (D) (1) of this section. 62039

(2) Upon delivering a shipment of wine to a personal 62040
consumer, an H permit holder, or an employee of the permit 62041
holder, shall verify that the personal consumer is at least 62042
twenty-one years of age by checking the personal consumer's 62043
driver's or commercial driver's license or identification card 62044
issued under sections 4507.50 to 4507.52 of the Revised Code. 62045

(3) An S-2 permit holder shall keep a record of each 62046
shipment of wine that the permit holder sends to a personal 62047
consumer. The records shall be used for all of the following: 62048

(a) To provide a copy of each wine shipment invoice to the 62049
tax commissioner in a manner prescribed by the commissioner. The 62050
invoice shall include the name of each personal consumer that 62051

purchased wine from the S-2 permit holder in accordance with 62052
this section and any other information required by the tax 62053
commissioner. 62054

(b) To provide annually in electronic format by electronic 62055
means a report to the division. The report shall include the 62056
name and address of each personal consumer that purchased wine 62057
from the S-2 permit holder in accordance with this section, the 62058
quantity of wine purchased by each personal consumer, and any 62059
other information requested by the division. If the S-2 permit 62060
holder uses a fulfillment warehouse registered under section 62061
4303.234 of the Revised Code to send a shipment of wine on 62062
behalf of the S-2 permit holder, the S-2 permit holder need not 62063
include the personal consumer information for that shipment in 62064
the report. The division shall prescribe and provide an 62065
electronic form for the report and shall determine the specific 62066
electronic means that the S-2 permit holder must use to submit 62067
the report. 62068

(c) To notify a personal consumer of any health or welfare 62069
recalls of the wine that has been purchased by the personal 62070
consumer. 62071

(E) An S-2 permit holder shall comply with this chapter, 62072
Chapter 4301. of the Revised Code, and any rules adopted by the 62073
liquor control commission under section 4301.03 of the Revised 62074
Code. 62075

(F) (1) An S-2 permit holder shall renew the permit in 62076
accordance with section 4303.271 of the Revised Code, except 62077
that the renewal shall not be subject to the notice and hearing 62078
requirements established in division (B) of that section. 62079

(2) The division may refuse to renew an S-2 permit for any 62080

of the reasons specified in section 4303.292 of the Revised Code 62081
or if the permit holder fails to do any of the following: 62082

(a) Collect and pay all applicable taxes specified in 62083
division (C) of this section; 62084

(b) Pay the permit fee; 62085

(c) Comply with this section or any rules adopted by the 62086
liquor control commission under section 4301.03 of the Revised 62087
Code. 62088

(G) The ~~initial~~ fee for the S-2 permit is two hundred 62089
fifty dollars. ~~The renewal fee for the S-2 permit is one hundred~~ 62090
~~dollars.~~ 62091

Sec. 4305.13. (A) If the tax commissioner finds that any 62092
permit holder, liable for tax under Chapter 4301., 4305., or 62093
4307. of the Revised Code, is about to depart from the state, 62094
remove the permit holder's property from the state, conceal the 62095
permit holder's self or property, or do any other act tending to 62096
prejudice, obstruct, or render wholly or partially ineffectual 62097
proceedings to collect the tax, unless the proceedings are 62098
commenced without delay, or if the commissioner believes that 62099
the collection of the amount due from any permit holder will be 62100
jeopardized by delay, the commissioner may issue a jeopardy 62101
assessment against the permit holder for the amount of the tax, 62102
plus a penalty of up to thirty per cent. Upon issuance of a 62103
jeopardy assessment under this division, the total amount 62104
assessed shall immediately be due and payable unless security is 62105
provided pursuant to division (C) of this section. Any 62106
assessment issued under this section shall bear interest as 62107
prescribed by section 4305.131 of the Revised Code. 62108

(B) The commissioner immediately shall file an entry with 62109

the clerk of the court of common pleas in the same manner and 62110
with the same effect as provided in section 4305.131 of the 62111
Revised Code. Notice of the jeopardy assessment shall be served 62112
on the permit holder assessed or the permit holder's legal 62113
representative, as provided in section 5703.37 of the Revised 62114
Code, within five days of the filing of the entry. The permit 62115
holder assessed may petition for reassessment within sixty days 62116
of receipt of the notice of jeopardy assessment in the same 62117
manner as provided in section 4305.131 of the Revised Code. Full 62118
or partial payment of the assessment shall not prejudice the 62119
commissioner's consideration of the merits of the assessment as 62120
contested by the petition for reassessment. Upon notification of 62121
the existence of the judgment filed pursuant to this division, 62122
any public official having control or custody of any funds or 62123
property of the person assessed immediately shall pay or deliver 62124
the funds or property to the commissioner as full or partial 62125
satisfaction of the jeopardy assessment. However, funds or 62126
property needed as evidence in criminal proceedings or that is 62127
expected to be forfeited pursuant to Chapter 2981. of the 62128
Revised Code need not be relinquished by the public official. 62129
Upon disposition of criminal and forfeiture proceedings, funds 62130
and property not needed as evidence and not forfeited shall be 62131
delivered to the commissioner. 62132

(C) If the permit holder subject to a jeopardy assessment 62133
files a petition for reassessment and posts security 62134
satisfactory to the commissioner in an amount sufficient to 62135
satisfy the unpaid balance of the assessment, execution on the 62136
judgment shall be stayed pending disposition of the petition for 62137
reassessment and all appeals resulting from the petition. If the 62138
security is sufficient to satisfy the full amount of the 62139
assessment, the commissioner shall return any funds or property 62140

of the permit holder previously seized. Upon satisfaction of the 62141
assessment the commissioner shall order the security released 62142
and the judgment vacated. 62143

~~(D) The commissioner may adopt rules providing for the 62144
imposition and remission of penalties added to assessments under 62145
this section. 62146~~

Sec. 4305.131. (A) If any permit holder fails to pay the 62147
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 62148
of the Revised Code in the manner prescribed by section 4303.33 62149
of the Revised Code, or by section 4301.421 or 4301.424 of the 62150
Revised Code in the manner prescribed in section 4301.422 of the 62151
Revised Code, and by the rules of the tax commissioner, the 62152
commissioner may make an assessment against the permit holder 62153
based upon any information in the commissioner's possession. 62154

No assessment shall be made against any permit holder for 62155
any taxes imposed by section 4301.42, 4301.421, 4301.424, 62156
4301.43, 4301.432, or 4305.01 of the Revised Code more than 62157
three years after the last day of the calendar month in which 62158
the sale was made or more than three years after the return for 62159
that period is filed, whichever is later. This section does not 62160
bar an assessment against any permit holder or registrant as 62161
provided in section 4303.331 of the Revised Code who fails to 62162
file a return as required by section 4301.422 or 4303.33 of the 62163
Revised Code, or who files a fraudulent return. 62164

A penalty of up to thirty per cent may be added to the 62165
amount of every assessment made under this section. ~~The 62166
commissioner may adopt rules providing for the imposition and 62167
remission of penalties added to assessments made under this 62168
section. 62169~~

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the permit holder's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the

amount shown on the entry. The judgment may be filed by the 62200
clerk in a loose-leaf book entitled "special judgments for state 62201
beer and liquor sales taxes," and shall have the same effect as 62202
other judgments. Execution shall issue upon the judgment upon 62203
the request of the commissioner, and all laws applicable to 62204
sales on execution shall apply to sales made under the judgment, 62205
except as otherwise provided in this chapter and Chapters 4301. 62206
and 4307. of the Revised Code. 62207

If the assessment is not paid in its entirety within sixty 62208
days after the day the assessment was issued, the portion of the 62209
assessment consisting of tax due shall bear interest at the rate 62210
per annum prescribed by section 5703.47 of the Revised Code from 62211
the day the commissioner issues the assessment until it is paid 62212
or until it is certified to the attorney general for collection 62213
under section 131.02 of the Revised Code, whichever comes first. 62214
If the unpaid portion of the assessment is certified to the 62215
attorney general for collection, the entire unpaid portion of 62216
the assessment shall bear interest at the rate per annum 62217
prescribed by section 5703.47 of the Revised Code from the date 62218
of certification until the date it is paid in its entirety. 62219
Interest shall be paid in the same manner as the tax and may be 62220
collected by the issuance of an assessment under this section. 62221

(D) All money collected under this section shall be 62222
considered as revenue arising from the taxes imposed by sections 62223
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of 62224
the Revised Code. 62225

Sec. 4501.027. (A) Notwithstanding any provision of law to 62226
the contrary, the registrar of motor vehicles may conduct, or 62227
authorize a deputy registrar to conduct, any service or 62228
transaction authorized or required by law in an electronic or 62229

online format rather than in person. The registrar or deputy 62230
registrar also may accept electronically any documents required 62231
to accompany such service or transaction or any documents 62232
approved by the registrar for electronic or online submission 62233
and acceptance. 62234

(B) The registrar or deputy registrar shall charge the 62235
same amount for the electronic or online service or transaction 62236
as the registrar or deputy registrar charges for the associated 62237
in-person transaction. The registrar or deputy registrar may 62238
accept payment for any such service or transaction by a 62239
financial transaction device. The registrar or deputy registrar 62240
may charge a person who tenders payment for an online service or 62241
transaction by means of a financial transaction device any costs 62242
the registrar or deputy registrar incurs from accepting payment 62243
by the financial transaction device. 62244

Sec. 4501.11. (A) There is hereby created in the state 62245
treasury the security, investigations, and policing fund. 62246
Notwithstanding section 5503.04 of the Revised Code, no fines 62247
collected from or money arising from bonds or bail forfeited by 62248
persons apprehended or arrested by state highway patrol troopers 62249
shall be credited to the general revenue fund until sufficient 62250
revenue to fund appropriations for the activities described 62251
under division (B) of this section are credited to the security, 62252
investigations, and policing fund. All investment earnings of 62253
the security, investigations, and policing fund shall be 62254
credited to that fund. 62255

This division does not apply to fines for violations of 62256
division (B) of section 4513.263 of the Revised Code, or to 62257
fines for violations of any municipal ordinance that is 62258
substantively comparable to that division, which fines shall be 62259

delivered to the treasurer of state as provided in ~~division (E)~~ 62260
~~of~~ section 4513.263 of the Revised Code. 62261

(B) The money credited to the security, investigations, 62262
and policing fund shall be used to pay the costs of: 62263

(1) Providing security for the governor, other officials 62264
and dignitaries, the capitol square, and other state property 62265
pursuant to division (E) of section 5503.02 of the Revised Code; 62266

(2) Undertaking major criminal investigations that involve 62267
state property interests; 62268

(3) Providing traffic control and security for the Ohio 62269
expositions commission on a full-time, year-round basis; 62270

(4) Performing nonhighway-related duties of the state 62271
highway patrol at the Ohio state fair. 62272

Sec. 4503.10. (A) The owner of every snowmobile, off- 62273
highway motorcycle, and all-purpose vehicle required to be 62274
registered under section 4519.02 of the Revised Code shall file 62275
an application for registration under section 4519.03 of the 62276
Revised Code. The owner of a motor vehicle, other than a 62277
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 62278
is not designed and constructed by the manufacturer for 62279
operation on a street or highway may not register it under this 62280
chapter except upon certification of inspection pursuant to 62281
section 4513.02 of the Revised Code by the sheriff, or the chief 62282
of police of the municipal corporation or township, with 62283
jurisdiction over the political subdivision in which the owner 62284
of the motor vehicle resides. Except as provided in sections 62285
4503.103 and 4503.107 of the Revised Code, every owner of every 62286
other motor vehicle not previously described in this section and 62287
every person mentioned as owner in the last certificate of title 62288

of a motor vehicle that is operated or driven upon the public 62289
roads or highways shall cause to be filed each year, by mail or 62290
otherwise, in the office of the registrar of motor vehicles or a 62291
deputy registrar, a written or electronic application or a 62292
preprinted registration renewal notice issued under section 62293
4503.102 of the Revised Code, the form of which shall be 62294
prescribed by the registrar, for registration for the following 62295
registration year, which shall begin on the first day of January 62296
of every calendar year and end on the thirty-first day of 62297
December in the same year. Applications for registration and 62298
registration renewal notices shall be filed at the times 62299
established by the registrar pursuant to section 4503.101 of the 62300
Revised Code. A motor vehicle owner also may elect to apply for 62301
or renew a motor vehicle registration by electronic means using 62302
electronic signature in accordance with rules adopted by the 62303
registrar. Except as provided in division (J) of this section, 62304
applications for registration shall be made on blanks furnished 62305
by the registrar for that purpose, containing the following 62306
information: 62307

(1) A brief description of the motor vehicle to be 62308
registered, including the year, make, model, and vehicle 62309
identification number, and, in the case of commercial cars, the 62310
gross weight of the vehicle fully equipped computed in the 62311
manner prescribed in section 4503.08 of the Revised Code; 62312

(2) The name and residence address of the owner, and the 62313
township and municipal corporation in which the owner resides; 62314

(3) The district of registration, which shall be 62315
determined as follows: 62316

(a) In case the motor vehicle to be registered is used for 62317
hire or principally in connection with any established business 62318

or branch business, conducted at a particular place, the 62319
district of registration is the municipal corporation in which 62320
that place is located or, if not located in any municipal 62321
corporation, the county and township in which that place is 62322
located. 62323

(b) In case the vehicle is not so used, the district of 62324
registration is the municipal corporation or county in which the 62325
owner resides at the time of making the application. 62326

(4) Whether the motor vehicle is a new or used motor 62327
vehicle; 62328

(5) The date of purchase of the motor vehicle; 62329

(6) Whether the fees required to be paid for the 62330
registration or transfer of the motor vehicle, during the 62331
preceding registration year and during the preceding period of 62332
the current registration year, have been paid. Each application 62333
for registration shall be signed by the owner, either manually 62334
or by electronic signature, or pursuant to obtaining a limited 62335
power of attorney authorized by the registrar for registration, 62336
or other document authorizing such signature. If the owner 62337
elects to apply for or renew the motor vehicle registration with 62338
the registrar by electronic means, the owner's manual signature 62339
is not required. 62340

(7) The owner's social security number, driver's license 62341
number, or state identification number, or, where a motor 62342
vehicle to be registered is used for hire or principally in 62343
connection with any established business, the owner's federal 62344
taxpayer identification number. The bureau of motor vehicles 62345
shall retain in its records all social security numbers provided 62346
under this section, but the bureau shall not place social 62347

security numbers on motor vehicle certificates of registration. 62348

(8) Whether the applicant wishes to certify willingness to 62349
make an anatomical gift if an applicant has not so certified 62350
under section 2108.05 of the Revised Code. The applicant's 62351
response shall not be considered in the decision of whether to 62352
approve the application for registration. 62353

(B) (1) When an applicant first registers a motor vehicle 62354
in the applicant's name, the applicant shall provide proof of 62355
ownership of that motor vehicle. Proof of ownership may include 62356
any of the following: 62357

(a) The applicant may present for inspection a physical 62358
certificate of title or memorandum certificate showing title to 62359
the motor vehicle to be registered in the name of the applicant. 62360

(b) The applicant may present for inspection an electronic 62361
certificate of title for the applicant's motor vehicle in a 62362
manner prescribed by rules adopted by the registrar. 62363

(c) The registrar or deputy registrar may electronically 62364
confirm the applicant's ownership of the motor vehicle. 62365

An applicant is not required to present a certificate of 62366
title to an electronic motor vehicle dealer acting as a limited 62367
authority deputy registrar in accordance with rules adopted by 62368
the registrar. 62369

(2) When a motor vehicle inspection and maintenance 62370
program is in effect under section 3704.14 of the Revised Code 62371
and rules adopted under it, each application for registration 62372
for a vehicle required to be inspected under that section and 62373
those rules shall be accompanied by an inspection certificate 62374
for the motor vehicle issued in accordance with that section. 62375

(3) An application for registration shall be refused if 62376
any of the following applies: 62377

(a) The application is not in proper form. 62378

(b) The application is prohibited from being accepted by 62379
division (D) of section 2935.27, division (A) of section 62380
4503.13, division (B) of section 4510.22, division (D) of 62381
section 4503.234, division (B) (1) of section 4521.10, or 62382
division (B) of section 5537.041 of the Revised Code. 62383

(c) Proof of ownership is required but is not presented or 62384
confirmed in accordance with division (B) (1) of this section. 62385

(d) All registration and transfer fees for the motor 62386
vehicle, for the preceding year or the preceding period of the 62387
current registration year, have not been paid. 62388

(e) The owner or lessee does not have an inspection 62389
certificate for the motor vehicle as provided in section 3704.14 62390
of the Revised Code, and rules adopted under it, if that section 62391
is applicable. 62392

(4) This section does not require the payment of license 62393
or registration taxes on a motor vehicle for any preceding year, 62394
or for any preceding period of a year, if the motor vehicle was 62395
not taxable for that preceding year or period under sections 62396
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 62397
of the Revised Code. 62398

(5) When a certificate of registration is issued upon the 62399
first registration of a motor vehicle by or on behalf of the 62400
owner, the official issuing the certificate shall indicate the 62401
issuance with a stamp on the certificate of title or memorandum 62402
certificate or, in the case of an electronic certificate of 62403
title or electronic verification of ownership, an electronic 62404

stamp or other notation as specified in rules adopted by the 62405
registrar, and with a stamp on the inspection certificate for 62406
the motor vehicle, if any. 62407

(6) The official also shall indicate, by a stamp or by 62408
other means the registrar prescribes, on the registration 62409
certificate issued upon the first registration of a motor 62410
vehicle by or on behalf of the owner the odometer reading of the 62411
motor vehicle as shown in the odometer statement included in or 62412
attached to the certificate of title. Upon each subsequent 62413
registration of the motor vehicle by or on behalf of the same 62414
owner, the official also shall so indicate the odometer reading 62415
of the motor vehicle as shown on the immediately preceding 62416
certificate of registration. 62417

(7) The registrar shall include in the permanent 62418
registration record of any vehicle required to be inspected 62419
under section 3704.14 of the Revised Code the inspection 62420
certificate number from the inspection certificate that is 62421
presented at the time of registration of the vehicle as required 62422
under this division. 62423

~~(C) (1) Except as otherwise provided in division (C) (1) of~~ 62424
~~this section, the~~ The registrar and each deputy registrar shall 62425
collect ~~an~~ the following additional fee of eleven dollars fees 62426
for each application for registration and registration renewal 62427
received. 62428

(a) Except as provided in division (C) (1) (b) of this 62429
section, a fee of eleven dollars on or before December 31, 2025, 62430
and a fee of twenty-one dollars on and after January 1, 2026; 62431

(b) For vehicles specified in divisions (A) (1) to (21) of 62432
section 4503.042 of the Revised Code, the registrar and deputy 62433

~~registrar shall collect an additional a fee of thirty dollars~~ 62434
~~for each application for registration and registration renewal~~ 62435
~~received~~ on or before December 31, 2025, and a fee of forty 62436
dollars on and after January 1, 2026. 62437

No additional fee shall be charged for vehicles registered 62438
under section 4503.65 of the Revised Code. ~~The Each~~ additional 62439
fee is for the purpose of defraying the department of public 62440
safety's costs associated with the administration and 62441
enforcement of the motor vehicle and traffic laws of Ohio. Each 62442
deputy registrar shall transmit the fees collected under 62443
divisions (C) (1) and (3) of this section in the time and manner 62444
provided in this section. The registrar shall deposit all moneys 62445
received under division (C) (1) of this section into the public 62446
safety - highway purposes fund established in section 4501.06 of 62447
the Revised Code. 62448

(2) In addition, a charge of twenty-five cents shall be 62449
made for each reflectorized safety license plate issued, and a 62450
single charge of twenty-five cents shall be made for each county 62451
identification sticker or each set of county identification 62452
stickers issued, as the case may be, to cover the cost of 62453
producing the license plates and stickers, including material, 62454
manufacturing, and administrative costs. Those fees shall be in 62455
addition to the license tax. If the total cost of producing the 62456
plates is less than twenty-five cents per plate, or if the total 62457
cost of producing the stickers is less than twenty-five cents 62458
per sticker or per set issued, any excess moneys accruing from 62459
the fees shall be distributed in the same manner as provided by 62460
section 4501.04 of the Revised Code for the distribution of 62461
license tax moneys. If the total cost of producing the plates 62462
exceeds twenty-five cents per plate, or if the total cost of 62463
producing the stickers exceeds twenty-five cents per sticker or 62464

per set issued, the difference shall be paid from the license 62465
tax moneys collected pursuant to section 4503.02 of the Revised 62466
Code. 62467

(3) The registrar and each deputy registrar shall collect 62468
the following additional fee, as applicable, for each 62469
application for registration or registration renewal received 62470
for any hybrid motor vehicle, plug-in hybrid electric motor 62471
vehicle, or battery electric motor vehicle: 62472

(a) One hundred dollars for a hybrid motor vehicle; 62473

(b) One hundred fifty dollars for a plug-in hybrid 62474
electric motor vehicle; 62475

(c) Two hundred dollars for a battery electric motor 62476
vehicle. 62477

Each fee imposed under this division shall be prorated 62478
based on the number of months for which the vehicle is 62479
registered. The registrar shall transmit all money arising from 62480
each fee to the treasurer of state for distribution in 62481
accordance with division (E) of section 5735.051 of the Revised 62482
Code, subject to division (D) of section 5735.05 of the Revised 62483
Code. 62484

(D) Each deputy registrar shall be allowed a fee equal to 62485
the amount established under section 4503.038 of the Revised 62486
Code for each application for registration and registration 62487
renewal notice the deputy registrar receives, which shall be for 62488
the purpose of compensating the deputy registrar for the deputy 62489
registrar's services, and such office and rental expenses, as 62490
may be necessary for the proper discharge of the deputy 62491
registrar's duties in the receiving of applications and renewal 62492
notices and the issuing of registrations. 62493

(E) Upon the certification of the registrar, the county 62494
sheriff or local police officials shall recover license plates 62495
erroneously or fraudulently issued. 62496

(F) Each deputy registrar, upon receipt of any application 62497
for registration or registration renewal notice, together with 62498
the license fee and any local motor vehicle license tax levied 62499
pursuant to Chapter 4504. of the Revised Code, shall transmit 62500
that fee and tax, if any, in the manner provided in this 62501
section, together with the original and duplicate copy of the 62502
application, to the registrar. The registrar, subject to the 62503
approval of the director of public safety, may deposit the funds 62504
collected by those deputies in a local bank or depository to the 62505
credit of the "state of Ohio, bureau of motor vehicles." Where a 62506
local bank or depository has been designated by the registrar, 62507
each deputy registrar shall deposit all moneys collected by the 62508
deputy registrar into that bank or depository not more than one 62509
business day after their collection and shall make reports to 62510
the registrar of the amounts so deposited, together with any 62511
other information, some of which may be prescribed by the 62512
treasurer of state, as the registrar may require and as 62513
prescribed by the registrar by rule. The registrar, within three 62514
days after receipt of notification of the deposit of funds by a 62515
deputy registrar in a local bank or depository, shall draw on 62516
that account in favor of the treasurer of state. The registrar, 62517
subject to the approval of the director and the treasurer of 62518
state, may make reasonable rules necessary for the prompt 62519
transmittal of fees and for safeguarding the interests of the 62520
state and of counties, townships, municipal corporations, and 62521
transportation improvement districts levying local motor vehicle 62522
license taxes. The registrar may pay service charges usually 62523
collected by banks and depositories for such service. If deputy 62524

registrars are located in communities where banking facilities 62525
are not available, they shall transmit the fees forthwith, by 62526
money order or otherwise, as the registrar, by rule approved by 62527
the director and the treasurer of state, may prescribe. The 62528
registrar may pay the usual and customary fees for such service. 62529

(G) This section does not prevent any person from making 62530
an application for a motor vehicle license directly to the 62531
registrar by mail, by electronic means, or in person at any of 62532
the registrar's offices, upon payment of a service fee equal to 62533
the amount established under section 4503.038 of the Revised 62534
Code for each application. 62535

(H) No person shall make a false statement as to the 62536
district of registration in an application required by division 62537
(A) of this section. Violation of this division is falsification 62538
under section 2921.13 of the Revised Code and punishable as 62539
specified in that section. 62540

(I) (1) Where applicable, the requirements of division (B) 62541
of this section relating to the presentation of an inspection 62542
certificate issued under section 3704.14 of the Revised Code and 62543
rules adopted under it for a motor vehicle, the refusal of a 62544
license for failure to present an inspection certificate, and 62545
the stamping of the inspection certificate by the official 62546
issuing the certificate of registration apply to the 62547
registration of and issuance of license plates for a motor 62548
vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 62549
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 62550
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 62551
Code. 62552

(2) (a) The registrar shall adopt rules ensuring that each 62553
owner registering a motor vehicle in a county where a motor 62554

vehicle inspection and maintenance program is in effect under 62555
section 3704.14 of the Revised Code and rules adopted under it 62556
receives information about the requirements established in that 62557
section and those rules and about the need in those counties to 62558
present an inspection certificate with an application for 62559
registration or preregistration. 62560

(b) Upon request, the registrar shall provide the director 62561
of environmental protection, or any person that has been awarded 62562
a contract under section 3704.14 of the Revised Code, an on-line 62563
computer data link to registration information for all passenger 62564
cars, noncommercial motor vehicles, and commercial cars that are 62565
subject to that section. The registrar also shall provide to the 62566
director of environmental protection a magnetic data tape 62567
containing registration information regarding passenger cars, 62568
noncommercial motor vehicles, and commercial cars for which a 62569
multi-year registration is in effect under section 4503.103 of 62570
the Revised Code or rules adopted under it, including, without 62571
limitation, the date of issuance of the multi-year registration, 62572
the registration deadline established under rules adopted under 62573
section 4503.101 of the Revised Code that was applicable in the 62574
year in which the multi-year registration was issued, and the 62575
registration deadline for renewal of the multi-year 62576
registration. 62577

(J) Subject to division (K) of this section, application 62578
for registration under the international registration plan, as 62579
set forth in sections 4503.60 to 4503.66 of the Revised Code, 62580
shall be made to the registrar on forms furnished by the 62581
registrar. In accordance with international registration plan 62582
guidelines and pursuant to rules adopted by the registrar, the 62583
forms shall include the following: 62584

(1) A uniform mileage schedule; 62585

(2) The gross vehicle weight of the vehicle or combined 62586
gross vehicle weight of the combination vehicle as declared by 62587
the registrant; 62588

(3) Any other information the registrar requires by rule. 62589

(K) The registrar shall determine the feasibility of 62590
implementing an electronic commercial fleet licensing and 62591
management program that will enable the owners of commercial 62592
tractors, commercial trailers, and commercial semitrailers to 62593
conduct electronic transactions by July 1, 2010, or sooner. If 62594
the registrar determines that implementing such a program is 62595
feasible, the registrar shall adopt new rules under this 62596
division or amend existing rules adopted under this division as 62597
necessary in order to respond to advances in technology. 62598

If international registration plan guidelines and 62599
provisions allow member jurisdictions to permit applications for 62600
registrations under the international registration plan to be 62601
made via the internet, the rules the registrar adopts under this 62602
division shall permit such action. 62603

Sec. 4503.102. ~~(A)~~ (A) (1) The registrar of motor vehicles 62604
~~shall may~~ adopt rules to establish a centralized system of motor 62605
vehicle registration for initial registration, registration 62606
renewal, and transfer of registration, by mail or by electronic 62607
means. ~~Any~~ 62608

(2) Any person applying electronically for initial 62609
registration or for transfer of registration may submit all 62610
associated documents electronically through the centralized 62611
system of motor vehicle registration established under this 62612
section. The registrar or a deputy registrar shall verify and 62613

authenticate such documents.

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(3) Any person owning a motor vehicle that was registered
in the person's name during the preceding registration year
shall renew the registration of the motor vehicle not more than
ninety days prior to the expiration date of the registration
~~either by~~ through one of the following:

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(a) By mail or by electronic means through the centralized
system of registration established under this section, ~~or in~~;

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(b) In person at any office of the registrar or at a
deputy registrar's office.

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(B) (1) Except as provided in division (B) (2) of this
section, no less than forty-five days prior to the expiration
date of any motor vehicle registration, the registrar shall mail
a renewal notice to the person in whose name the motor vehicle
is registered. The renewal notice shall clearly state that the
registration of the motor vehicle may be renewed by mail or
electronic means through the centralized system of registration
or in person at any office of the registrar or at a deputy
registrar's office and shall be preprinted with information
including, but not limited to, the owner's name and residence
address as shown in the records of the bureau of motor vehicles,
a brief description of the motor vehicle to be registered,
notice of the license taxes and fees due on the motor vehicle,
the toll-free telephone number of the registrar as required
under division (D) (1) of section 4503.031 of the Revised Code, ~~a
statement that payment for a renewal may be made by financial-
transaction device using the toll-free telephone number,~~ and any
additional information the registrar may require by rule. The
renewal notice shall not include the social security number of
either the owner of the motor vehicle or the person in whose

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name the motor vehicle is registered. The renewal notice shall 62644
be sent by regular mail to the owner's last known address as 62645
shown in the records of the bureau of motor vehicles. 62646

(2) The registrar is not required to mail a renewal notice 62647
if either of the following applies: 62648

(a) The owner of the vehicle has consented to receiving 62649
the renewal notice by electronic means only. 62650

(b) The application for renewal of the registration of a 62651
motor vehicle is prohibited from being accepted by the registrar 62652
or a deputy registrar by division (D) of section 2935.27, 62653
division (A) of section 4503.13, division (B) of section 62654
4510.22, division (D) of section 4503.234, division (B) (1) of 62655
section 4521.10, or division (B) of section 5537.041 of the 62656
Revised Code. 62657

(3) If the owner of a motor vehicle has consented to 62658
receiving a renewal notice by electronic means only, the 62659
registrar shall send an electronic renewal notice to the owner 62660
that contains the information specified in division (B) (1) of 62661
this section at the time specified under that division. 62662

(C) The owner of the motor vehicle shall verify the 62663
information contained in the notice, sign it either manually or 62664
by electronic means, and return it, either by mail or electronic 62665
means, or the owner may take it in person to any office of the 62666
registrar or of a deputy registrar. The owner shall include with 62667
the notice a financial transaction device number when renewing 62668
in person or by electronic means but not by mail, check, or 62669
money order in the amount of the registration taxes and fees 62670
payable on the motor vehicle and a service fee equal to the 62671
amount established under section 4503.038 of the Revised Code, 62672

plus postage as indicated on the notice if the registration is 62673
renewed or fulfilled by mail, and an inspection certificate for 62674
the motor vehicle as provided in section 3704.14 of the Revised 62675
Code. ~~For purposes of the centralized system of motor vehicle~~ 62676
~~registration, the registrar shall accept payments via the toll-~~ 62677
~~free telephone number established under division (D) (1) of~~ 62678
~~section 4503.031 of the Revised Code for renewals made by mail.~~ 62679
If the motor vehicle owner chooses to renew the motor vehicle 62680
registration by electronic means, the owner shall proceed in 62681
accordance with the rules the registrar adopts. 62682

(D) If all registration and transfer fees for the motor 62683
vehicle for the preceding year or the preceding period of the 62684
current registration year have not been paid, if division (D) of 62685
section 2935.27, division (A) of section 4503.13, division (B) 62686
of section 4510.22, division (D) of section 4503.234, division 62687
(B) (1) of section 4521.10, or division (B) of section 5537.041 62688
of the Revised Code prohibits acceptance of the renewal notice, 62689
or if the owner or lessee does not have an inspection 62690
certificate for the motor vehicle as provided in section 3704.14 62691
of the Revised Code, if that section is applicable, the license 62692
shall be refused, and the registrar or deputy registrar shall so 62693
notify the owner. This section does not require the payment of 62694
license or registration taxes on a motor vehicle for any 62695
preceding year, or for any preceding period of a year, if the 62696
motor vehicle was not taxable for that preceding year or period 62697
under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or 62698
Chapter 4504. of the Revised Code. 62699

(E) (1) Failure to receive a renewal notice does not 62700
relieve a motor vehicle owner from the responsibility to renew 62701
the registration for the motor vehicle. Any person who has a 62702
motor vehicle registered in this state and who does not receive 62703

a renewal notice as provided in division (B) of this section 62704
prior to the expiration date of the registration shall request 62705
an application for registration from the registrar or a deputy 62706
registrar and sign the application manually or by electronic 62707
means and submit the application and pay any applicable license 62708
taxes and fees to the registrar or deputy registrar. 62709

(2) If the owner of a motor vehicle submits an application 62710
for registration and the registrar is prohibited by division (D) 62711
of section 2935.27, division (A) of section 4503.13, division 62712
(B) of section 4510.22, division (D) of section 4503.234, 62713
division (B)(1) of section 4521.10, or division (B) of section 62714
5537.041 of the Revised Code from accepting the application, the 62715
registrar shall return the application and the payment to the 62716
owner. If the owner of a motor vehicle submits a registration 62717
renewal application to the registrar by electronic means and the 62718
registrar is prohibited from accepting the application as 62719
provided in this division, the registrar shall notify the owner 62720
of this fact and deny the application and return the payment or 62721
give a credit on the financial transaction device account of the 62722
owner in the manner the registrar prescribes by rule adopted 62723
pursuant to division (A) of this section. 62724

(F) Every deputy registrar shall post in a prominent place 62725
at the deputy's office a notice informing the public of the mail 62726
registration system required by this section and also shall post 62727
a notice that every owner of a motor vehicle and every chauffeur 62728
holding a certificate of registration is required to notify the 62729
registrar in writing of any change of residence within ten days 62730
after the change occurs. The notice shall be in such form as the 62731
registrar prescribes by rule. 62732

~~(G)~~ (G) (1) The service fee equal to the amount established 62733

under section 4503.038 of the Revised Code that is collected 62734
from a person who renews a motor vehicle registration by 62735
electronic means or by mail, plus postage collected by the 62736
registrar and any financial transaction device surcharge 62737
collected by the registrar, shall be paid to the credit of the 62738
public safety - highway purposes fund established by section 62739
4501.06 of the Revised Code. 62740

(2) A person who submits an initial registration or a 62741
transfer of registration by electronic means under this section 62742
shall pay a service fee equal to the amount established under 62743
section 4503.038 of the Revised Code, any necessary postage 62744
costs, and any financial transaction device surcharge, as 62745
applicable. The service fee collected shall be paid either to 62746
the registrar or to the deputy registrar that verifies and 62747
authenticates the submitted documents in accordance with 62748
division (A) (2) of this section. If the registrar authorizes a 62749
deputy registrar to mail the certificate of registration and any 62750
associated license plate to the applicant, the postage costs 62751
shall be paid to that deputy registrar. 62752

(H) (1) Pursuant to section 113.40 of the Revised Code, the 62753
registrar shall implement a program permitting payment of motor 62754
vehicle registration taxes and fees, driver's license and 62755
commercial driver's license fees, and any other taxes, fees, 62756
penalties, or charges imposed or levied by the state by means of 62757
a financial transaction device for transactions occurring 62758
online, at any office of the registrar, and at all deputy 62759
registrar locations. The program shall take effect not later 62760
than July 1, 2016. The registrar shall adopt rules as necessary 62761
for this purpose, but all such rules are subject to any action, 62762
policy, or procedure of the board of deposit or treasurer of 62763
state taken or adopted under section 113.40 of the Revised Code. 62764

(2) The rules adopted under division (H)(1) of this 62765
section shall require a deputy registrar to accept payments by 62766
means of a financial transaction device beginning on the 62767
effective date of the rules unless the deputy registrar contract 62768
entered into by the deputy registrar prohibits the acceptance of 62769
such payments by financial transaction device. However, 62770
commencing with deputy registrar contract awards that have a 62771
start date of July 1, 2016, and for all contract awards 62772
thereafter, the registrar shall require that the proposer accept 62773
payment by means of a financial transaction device, including 62774
credit cards and debit cards, for all department of public 62775
safety transactions conducted at that deputy registrar location. 62776

The bureau and deputy registrars are not required to pay 62777
any costs that result from accepting payment by means of a 62778
financial transaction device. A deputy registrar may charge a 62779
person who tenders payment for a department transaction by means 62780
of a financial transaction device any cost the deputy registrar 62781
incurs from accepting payment by the financial transaction 62782
device, but the deputy registrar shall not require the person to 62783
pay any additional fee of any kind in connection with the use by 62784
the person of the financial transaction device. 62785

(3) In accordance with division (H)(1) of this section and 62786
rules adopted by the registrar under that division, a county 62787
auditor or clerk of a court of common pleas that is designated a 62788
deputy registrar shall accept payment by means of a financial 62789
transaction device, including credit cards and debit cards, for 62790
all department transactions conducted at the office of the 62791
county auditor or clerk in the county auditor's or clerk's 62792
capacity as deputy registrar. The bureau is not required to pay 62793
any costs incurred by a county auditor or clerk that result from 62794
accepting payment by means of a financial transaction device for 62795

any department transaction. 62796

(I) For persons who reside in counties where tailpipe 62797
emissions inspections are required under the motor vehicle 62798
inspection and maintenance program, the notice required by 62799
division (B) of this section shall also include the toll-free 62800
telephone number maintained by the Ohio environmental protection 62801
agency to provide information concerning the locations of 62802
emissions testing centers. The registrar also shall include a 62803
statement in the notice that a battery electric motor vehicle is 62804
not required to undergo emissions inspection under the motor 62805
vehicle inspection and maintenance program established under 62806
section 3704.14 of the Revised Code. 62807

Sec. 4503.20. (A) As used in this section: 62808

~~(1) "Dealer engaged in the business of leasing motor~~ 62809
~~vehicles" means any person engaged in the business of regularly~~ 62810
~~making available, offering to make available, or arranging for~~ 62811
~~another person to use a motor vehicle pursuant to a bailment,~~ 62812
~~lease, or other contractual arrangement.~~ 62813

~~(2) "Motor, "motor vehicle" has the same meaning set~~ 62814
~~forth as in section 4509.01 of the Revised Code.~~ 62815

(B) An application for the registration of a motor vehicle 62816
shall contain a statement, ~~to be signed by the applicant either~~ 62817
~~manually or by electronic signature,~~ that does all of the 62818
following: 62819

(1) States that the applicant maintains, or has maintained 62820
on the applicant's behalf, proof of financial responsibility at 62821
the time of application, and will not operate a motor vehicle in 62822
this state, unless the applicant maintains, with respect to that 62823
motor vehicle or the operation of such vehicle, proof of 62824

financial responsibility; 62825

(2) Contains a brief summary of the purposes and operation 62826
of section 4509.101 of the Revised Code, the rights and duties 62827
of the applicant under that section, and the penalties for 62828
violation of that section; 62829

(3) Warns the applicant that the financial responsibility 62830
law does not prevent the possibility that the applicant may be 62831
involved in an accident with an owner or operator of a motor 62832
vehicle who is without proof of financial responsibility. 62833

~~(C) (1) A person who purchases any motor vehicle from a 62834
licensed motor vehicle dealer who agrees to make application for 62835
registration of the motor vehicle on behalf of the purchaser 62836
shall sign statements that comply with divisions (B) and (F) of 62837
this section. The dealer shall submit the statements to the 62838
deputy registrar where the dealer has agreed to make application 62839
for registration on behalf of the person. 62840~~

~~(2) In the case of a person who leases any motor vehicle 62841
from a dealer engaged in the business of leasing motor vehicles 62842
who agrees to make application for registration of the motor 62843
vehicle on behalf of the lessee, the person shall sign a 62844
statement that complies with division (B) of this section, and 62845
the dealer shall do either of the following: 62846~~

~~(a) Submit the statement signed by the person to the 62847
deputy registrar where the dealer has agreed to make application 62848
for registration on behalf of the person; 62849~~

~~(b) Sign and submit a statement to the deputy registrar 62850
that certifies that a statement has been signed and filed with 62851
the dealer or incorporated into the lease. 62852~~

~~The dealer shall submit to the registrar or deputy 62853~~

~~registrar to whom the dealer submits the application for~~ 62854
~~registration a statement signed by the person that complies with~~ 62855
~~division (F) of this section.~~ 62856

~~(D)~~ (C) The registrar of motor vehicles shall prescribe the 62857
form of the ~~statements~~ statement required under ~~divisions (B),~~ 62858
~~(C), and (F) of this section, and the manner or manners in which~~ 62859
~~the statements required under divisions (B) and (F) of this~~ 62860
~~section~~ statement shall be presented to the applicant. ~~Any~~ The 62861
~~statement that is required under divisions (B), (C), and (F) of~~ 62862
~~this section~~ shall be designed to enable the applicant to retain 62863
a copy of it. 62864

~~(E)~~ (D) Nothing within this section shall be construed to 62865
excuse a violation of section 4509.101 of the Revised Code. A 62866
motor vehicle dealer who makes application for the registration 62867
of a motor vehicle on behalf of the purchaser or lessee of the 62868
motor vehicle is not liable in damages in any civil action on 62869
account of the act of making such application for registration 62870
or the content of any such application for registration. 62871

~~(F)~~ (E) In addition to the ~~statements~~ statement required by 62872
~~divisions~~ division (B) ~~and (C)~~ of this section, a person who 62873
makes application for registration of a motor vehicle shall be 62874
furnished with a form that lists in plain language all the 62875
possible penalties to which a person could be subject for a 62876
violation of the financial responsibility law, including 62877
driver's license suspensions and all fees, including 62878
~~nonvoluntary compliance and reinstatement fees. The person shall~~ 62879
~~read the form and either manually or by electronic signature~~ 62880
~~sign the form, which shall be submitted along with the~~ 62881
~~application for registration as provided in this section. The~~ 62882
~~form shall be retained by the registrar or deputy registrar who~~ 62883

~~issues the motor vehicle registration or the registrar's or~~ 62884
~~deputy registrar's successor for a period of two years from the~~ 62885
~~date of issuance of the registration.~~ 62886

~~(G)~~ (F) Upon the registration of a motor vehicle, the owner 62887
of the motor vehicle is deemed to have agreed to the production 62888
of proof of financial responsibility by the owner or the 62889
operator of the motor vehicle, upon the request of a peace 62890
officer or state highway patrol trooper made in accordance with 62891
division (D) (2) of section 4509.101 of the Revised Code. 62892

~~(H)~~ (G) The registrar shall adopt rules governing the 62893
renewal of motor vehicle registrations by electronic means and 62894
the ~~completion and submission of statements~~ provision of a 62895
statement that comply ~~complies~~ with divisions ~~division~~ (B) ~~and~~ 62896
~~(F)~~ of this section. The registrar shall adopt the rules 62897
prescribed by this division in accordance with Chapter 119. of 62898
the Revised Code. 62899

Sec. 4503.29. (A) The director of veterans services in 62900
conjunction with the registrar of motor vehicles shall develop 62901
and maintain a program to establish and issue specialty license 62902
plates recognizing military service and military honors 62903
pertaining to valor and service. 62904

(B) The director and the registrar shall jointly adopt 62905
rules in accordance with Chapter 119. of the Revised Code for 62906
purposes of establishing the program under this section. The 62907
director and registrar shall adopt the rules as soon as possible 62908
after June 29, 2018, but not later than nine months after June 62909
29, 2018. The rules shall do all of the following: 62910

(1) Establish specialty license plates recognizing 62911
military service; 62912

(2) Establish specialty license plates recognizing 62913
military honors pertaining to valor and service; 62914

(3) Establish eligibility criteria that apply to each 62915
specialty license plate issued under this section; 62916

(4) Establish requirements governing any necessary 62917
documentary evidence required to be presented by an applicant 62918
for a specialty license plate issued under this section. The 62919
rules shall allow an applicant to present a veterans 62920
identification card issued in accordance with section 317.241 of 62921
the Revised Code in lieu of a copy of the applicant's DD-214 or 62922
an equivalent document. An applicant may be required to present 62923
additional evidence if the veterans identification card does not 62924
show all of the information needed for issuance of the specific 62925
nonstandard license plate requested by the applicant. 62926

(5) Establish guidelines for the designs, markings, and 62927
inscriptions on a specialty license plate established under this 62928
section; 62929

(6) Establish procedures for altering the designs, 62930
markings, or inscriptions on a specialty license plate 62931
established under this section; 62932

(7) Prohibit specialty license plates established under 62933
this section from recognizing achievement awards or unit awards; 62934

(8) Establish any other procedures or requirements that 62935
are necessary for the implementation and administration of this 62936
section. 62937

(C) The rules adopted under division (B) of this section 62938
shall provide for the establishment of the military specialty 62939
license plates created prior to June 29, 2018, that are no 62940
longer codified in the Revised Code. 62941

(D) (1) Any person who meets the applicable qualifications 62942
for the issuance of a specialty license plate established by 62943
rule adopted under division (B) of this section may apply to the 62944
registrar of motor vehicles for the registration of any 62945
passenger car, noncommercial motor vehicle, recreational 62946
vehicle, or other vehicle the person owns or leases of a class 62947
approved by the registrar. The application may be combined with 62948
a request for a special reserved license plate under section 62949
4503.40 or 4503.42 of the Revised Code. 62950

(2) (a) Except as provided in division (D) (2) (b) of this 62951
section, upon receipt of an application for registration of a 62952
motor vehicle under this section and the required taxes and 62953
fees, compliance with all applicable laws relating to the 62954
registration of a motor vehicle, and, if necessary, upon 62955
presentation of the required documentary evidence, the registrar 62956
shall issue to the applicant the appropriate motor vehicle 62957
registration and a set of license plates and a validation 62958
sticker, or a validation sticker alone when required by section 62959
4503.191 of the Revised Code. 62960

(b) Any disabled veteran who qualifies to apply to the 62961
registrar for the registration of a motor vehicle under section 62962
4503.41 of the Revised Code without the payment of any 62963
registration taxes or fees, may apply instead for registration 62964
of the motor vehicle under this section. The disabled veteran 62965
applying for registration under this section is not required to 62966
pay any registration taxes or fees as required by sections 62967
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 62968
Revised Code, any local motor vehicle tax levied under Chapter 62969
4504. of the Revised Code, ~~or~~ any fee charged under section 62970
4503.19 of the Revised Code for up to two motor vehicles, 62971
including any motor vehicle registered under section 4503.41 of 62972

the Revised Code, or any fees associated with transferring a 62973
registration under section 4503.12 of the Revised Code. Upon 62974
receipt of an application for registration of the motor vehicle 62975
and presentation of any documentation the registrar may require 62976
by rule, the registrar shall issue to the applicant the 62977
appropriate motor vehicle registration and a set of license 62978
plates authorized under this section and a validation sticker, 62979
or a validation sticker alone when required by section 4503.191 62980
of the Revised Code. 62981

(3) The license plates shall display county identification 62982
stickers that identify the county of registration as required 62983
under section 4503.19 of the Revised Code. 62984

Sec. 4503.41. (A) Any disabled veteran who, because of a 62985
service-connected disability, has been or is awarded funds for 62986
the purchase of a motor vehicle under the "Disabled Veterans'
and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 62987
1998, 38 U.S.C. 1901, and amendments thereto, and any disabled 62988
veteran having a service-connected disability rated at one 62989
hundred per cent by the veterans' administration, may apply to 62990
the registrar for the registration of the disabled veteran's 62991
personal motor vehicle. Except as provided in division (C) of 62992
this section, a disabled veteran is not required to pay any 62993
registration fee and service fee as required by sections 62994
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 62995
Revised Code, any local motor vehicle tax levied under Chapter 62996
4504. of the Revised Code, ~~or~~ any fee charged under section 62997
4503.19 of the Revised Code, or any fees associated with 62998
transferring a registration under section 4503.12 of the Revised 62999
Code. The application for registration shall be accompanied by 63000
such documentary evidence of disability as the registrar may 63001
require by rule. 63002
63003

(B) Upon the receipt of an application for registration of a motor vehicle under this section, and presentation of satisfactory evidence of disability, the registrar or deputy registrar shall issue to the applicant a set of license plates, which shall be red, white, and blue in color and shall, in addition to the letters and numbers ordinarily inscribed thereon, be inscribed with the word "veteran" and imprinted with the international wheelchair symbol.

(C) A disabled veteran who is eligible to register a motor vehicle under this section may register as many vehicles as are titled and registered in that disabled veteran's name. For each additional registration after the first registration, the registrar or deputy registrar shall collect any applicable fee imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 4503.103, and 4503.19 of the Revised Code, and any local motor vehicle tax levied under Chapter 4504. of the Revised Code.

Sec. 4503.511. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of a blackout license plate. The application may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a blackout license plate and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily

inscribed on the license plates, blackout license plates shall 63034
have a black background with white letters or numbers. Blackout 63035
license plates shall not display the slogan "BIRTHPLACE OF 63036
AVIATION" as required under section 4503.22 of the Revised Code. 63037
Blackout license plates also shall not display county 63038
identification stickers that identify the county of registration 63039
as required under section 4503.19 of the Revised Code. 63040

(B) A blackout license plate and a validation sticker, or 63041
validation sticker alone, shall be issued upon receipt of an 63042
application for registration of a motor vehicle under this 63043
section; payment of the regular license tax as prescribed under 63044
section 4503.04 of the Revised Code, any applicable motor 63045
vehicle license tax levied under Chapter 4504. of the Revised 63046
Code, any applicable additional fee prescribed by section 63047
4503.40 or 4503.42 of the Revised Code, a blackout license plate 63048
fee as provided in division (C) of this section, and an 63049
additional administrative fee of ten dollars; and compliance 63050
with all other applicable laws relating to the registration of 63051
motor vehicles. 63052

(C) For each application for registration and registration 63053
renewal notice the registrar receives under this section, the 63054
registrar shall collect a blackout license plate fee of twenty 63055
dollars. The registrar shall deposit both of the following into 63056
the state treasury to the credit of the public safety - highway 63057
purposes fund created in section 4501.06 of the Revised Code: 63058

(1) The twenty-dollar blackout license plate fee; 63059

(2) The ten-dollar administrative fee, the purpose of 63060
which is to compensate the bureau of motor vehicles for 63061
additional services required in the issuing of blackout license 63062
plates. 63063

Sec. 4503.91. (A) The owner or lessee of any passenger 63064
car, noncommercial motor vehicle, recreational vehicle, or other 63065
vehicle of a class approved by the registrar of motor vehicles 63066
may apply to the registrar for the registration of the vehicle 63067
and issuance of "choose life" license plates. The application 63068
for "choose life" license plates may be combined with a request 63069
for a special reserved license plate under section 4503.40 or 63070
4503.42 of the Revised Code. Upon receipt of the completed 63071
application and compliance with divisions (B) and (C) of this 63072
section, the registrar shall issue to the applicant the 63073
appropriate vehicle registration and a set of "choose life" 63074
license plates with a validation sticker or a validation sticker 63075
alone when required by section 4503.191 of the Revised Code. 63076

In addition to the letters and numbers ordinarily 63077
inscribed on license plates, "choose life" license plates shall 63078
be inscribed with the words "choose life" and a marking designed 63079
by "choose life, inc.," a private, nonprofit corporation 63080
incorporated in the state of Florida. The registrar shall review 63081
the design and approve it if the design is feasible. If the 63082
design is not feasible, the registrar shall notify "choose life, 63083
inc." and the organization may resubmit designs until a feasible 63084
one is approved. "Choose life" license plates shall bear county 63085
identification stickers that identify the county of registration 63086
as required under section 4503.19 of the Revised Code. 63087

(B) "Choose life" license plates and a validation sticker, 63088
or a validation sticker alone, shall be issued upon receipt of a 63089
contribution as provided in division (C) of this section and 63090
upon payment of the regular license tax prescribed in section 63091
4503.04 of the Revised Code, any applicable motor vehicle tax 63092
levied under Chapter 4504. of the Revised Code, any applicable 63093
additional fee prescribed by section 4503.40 or 4503.42 of the 63094

Revised Code, a fee of ten dollars for the purpose of 63095
compensating the bureau of motor vehicles for additional 63096
services required in the issuing of "choose life" license 63097
plates, and compliance with all other applicable laws relating 63098
to the registration of motor vehicles. 63099

(C) (1) For each application for registration and 63100
registration renewal received under this section, the registrar 63101
shall collect a contribution of twenty dollars. The registrar 63102
shall transmit this contribution to the treasurer of state for 63103
deposit in the "choose life" fund created in section ~~3701.65~~ 63104
5180.72 of the Revised Code. 63105

(2) The registrar shall deposit the additional fee of ten 63106
dollars specified in division (B) of this section for the 63107
purpose of compensating the bureau for the additional services 63108
required in issuing "choose life" license plates in the public 63109
safety - highway purposes fund created in section 4501.06 of the 63110
Revised Code. 63111

Sec. 4505.09. (A) (1) The clerk of a court of common pleas 63112
shall charge and retain fees as follows: 63113

(a) Five dollars for each certificate of title that is not 63114
applied for within thirty days after the later of the assignment 63115
or delivery of the motor vehicle described in it. The entire fee 63116
shall be retained by the clerk. 63117

(b) ~~Fifteen~~ Eighteen dollars for each certificate of title 63118
or duplicate certificate of title including the issuance of a 63119
memorandum certificate of title, or authorization to print a 63120
non-negotiable evidence of ownership described in division (G) 63121
of section 4505.08 of the Revised Code, non-negotiable evidence 63122
of ownership printed by the clerk under division (H) of that 63123

section, and notation of any lien on a certificate of title that 63124
is applied for at the same time as the certificate of title. The 63125
clerk shall retain eleven dollars and fifty cents of that fee 63126
for each certificate of title when there is a notation of a lien 63127
or security interest on the certificate of title, twelve dollars 63128
and twenty-five cents when there is no lien or security interest 63129
noted on the certificate of title, and eleven dollars and fifty 63130
cents for each duplicate certificate of title. 63131

(c) Four dollars and fifty cents for each certificate of 63132
title with no security interest noted that is issued to a 63133
licensed motor vehicle dealer for resale purposes and, in 63134
addition, a separate fee of fifty cents. The clerk shall retain 63135
two dollars and twenty-five cents of that fee. 63136

(d) Five dollars for each memorandum certificate of title 63137
or non-negotiable evidence of ownership that is applied for 63138
separately. The clerk shall retain that entire fee. 63139

(2) The fees that are not retained by the clerk shall be 63140
paid to the registrar of motor vehicles by monthly returns, 63141
which shall be forwarded to the registrar not later than the 63142
fifth day of the month next succeeding that in which the 63143
certificate is issued or that in which the registrar is notified 63144
of a lien or cancellation of a lien. 63145

(B) (1) The registrar shall pay twenty-five cents of the 63146
amount received for each certificate of title issued to a motor 63147
vehicle dealer for resale, one dollar for certificates of title 63148
issued with a lien or security interest noted on the certificate 63149
of title, and twenty-five cents for each certificate of title 63150
with no lien or security interest noted on the certificate of 63151
title into the public safety - highway purposes fund established 63152
in section 4501.06 of the Revised Code. 63153

(2) Fifty cents of the amount received for each 63154
certificate of title shall be paid by the registrar as follows: 63155

(a) Four cents shall be paid into the state treasury to 63156
the credit of the motor vehicle dealers board fund, which is 63157
hereby created. All investment earnings of the fund shall be 63158
credited to the fund. The moneys in the motor vehicle dealers 63159
board fund shall be used by the motor vehicle dealers board 63160
created under section 4517.30 of the Revised Code, together with 63161
other moneys appropriated to it, in the exercise of its powers 63162
and the performance of its duties under Chapter 4517. of the 63163
Revised Code, except that the director of budget and management 63164
may transfer excess money from the motor vehicle dealers board 63165
fund to the public safety - highway purposes fund if the 63166
registrar determines that the amount of money in the motor 63167
vehicle dealers board fund, together with other moneys 63168
appropriated to the board, exceeds the amount required for the 63169
exercise of its powers and the performance of its duties under 63170
Chapter 4517. of the Revised Code and requests the director to 63171
make the transfer. 63172

(b) Thirty-one cents shall be paid into the highway 63173
operating fund created by section 5735.051 of the Revised Code. 63174

(c) Fifteen cents shall be paid into the state treasury to 63175
the credit of the motor vehicle sales audit fund, which is 63176
hereby created. The moneys in the fund shall be used by the tax 63177
commissioner together with other funds available to the 63178
commissioner to conduct a continuing investigation of sales and 63179
use tax returns filed for motor vehicles in order to determine 63180
if sales and use tax liability has been satisfied. The 63181
commissioner shall refer cases of apparent violations of section 63182
2921.13 of the Revised Code made in connection with the titling 63183

or sale of a motor vehicle and cases of any other apparent 63184
violations of the sales or use tax law to the appropriate county 63185
prosecutor whenever the commissioner considers it advisable. 63186

(3) Two dollars of the amount received by the registrar 63187
under divisions (A)(1)(a), (b), and (d) of this section and one 63188
dollar and fifty cents of the amount received by the registrar 63189
under division (A)(1)(c) of this section for each certificate of 63190
title shall be paid into the state treasury to the credit of the 63191
automated title processing fund, which is hereby created and 63192
which shall consist of moneys collected under division (B)(3) of 63193
this section and under sections 1548.10 and 4519.59 of the 63194
Revised Code. All investment earnings of the fund shall be 63195
credited to the fund. The moneys in the fund shall be used as 63196
follows: 63197

(a) Except for moneys collected under section 1548.10 of 63198
the Revised Code, moneys collected under division (B)(3) of this 63199
section shall be used to implement and maintain an automated 63200
title processing system for the issuance of motor vehicle, off- 63201
highway motorcycle, and all-purpose vehicle certificates of 63202
title in the offices of the clerks of the courts of common 63203
pleas. Those moneys also shall be used to pay expenses that 63204
arise as a result of enabling electronic motor vehicle dealers 63205
to directly transfer applications for certificates of title 63206
under division (A)(3) of section 4505.06 of the Revised Code. 63207

(b) Moneys collected under section 1548.10 of the Revised 63208
Code shall be used to issue marine certificates of title in the 63209
offices of the clerks of the courts of common pleas as provided 63210
in Chapter 1548. of the Revised Code. 63211

(4) The registrar shall pay the fifty-cent separate fee 63212
collected from a licensed motor vehicle dealer under division 63213

(A) (1) (c) of this section into the title defect recision fund 63214
created by section 1345.52 of the Revised Code. 63215

(5) Three dollars of the amount received by the registrar 63216
under division (A) (1) (b) of this section shall be paid into the 63217
state treasury to the credit of the security, investigations, 63218
and policing fund created by section 4501.11 of the Revised 63219
Code. 63220

(C) (1) The automated title processing board is hereby 63221
created consisting of the registrar or the registrar's 63222
representative, a person selected by the registrar, the 63223
president of the Ohio clerks of court association or the 63224
president's representative, and two clerks of courts of common 63225
pleas appointed by the governor. The ~~director of budget and~~ 63226
~~management or the director's designee, the~~ chief of the division 63227
of parks and watercraft in the department of natural resources 63228
or the chief's designee, and the tax commissioner or the 63229
commissioner's designee shall be nonvoting members of the board. 63230
The purpose of the board is to facilitate the operation and 63231
maintenance of an automated title processing system and approve 63232
the procurement of automated title processing system equipment 63233
and ribbons, cartridges, or other devices necessary for the 63234
operation of that equipment. Voting members of the board, 63235
excluding the registrar or the registrar's representative, shall 63236
serve without compensation, but shall be reimbursed for travel 63237
and other necessary expenses incurred in the conduct of their 63238
official duties. The registrar or the registrar's representative 63239
shall receive neither compensation nor reimbursement as a board 63240
member. 63241

(2) The automated title processing board shall determine 63242
each of the following: 63243

(a) The automated title processing equipment and 63244
certificates of title requirements for each county; 63245

(b) The payment of expenses that may be incurred by the 63246
counties in implementing an automated title processing system; 63247

(c) The repayment to the counties for existing title 63248
processing equipment; 63249

(d) With the approval of the director of public safety, 63250
the award of grants from the automated title processing fund to 63251
the clerk of courts of any county who employs a person who 63252
assists with the design of, updates to, tests of, installation 63253
of, or any other activity related to, an automated title 63254
processing system. Any grant awarded under division (C) (2) (d) of 63255
this section shall be deposited into the appropriate county 63256
certificate of title administration fund created under section 63257
325.33 of the Revised Code and shall not be used to supplant any 63258
other funds. 63259

(3) The registrar shall purchase, lease, or otherwise 63260
acquire any automated title processing equipment and 63261
certificates of title that the board determines are necessary 63262
from moneys in the automated title processing fund established 63263
by division (B) (3) of this section. 63264

(D) All counties shall conform to the requirements of the 63265
registrar regarding the operation of their automated title 63266
processing system for motor vehicle titles, certificates of 63267
title for off-highway motorcycles and all-purpose vehicles, and 63268
certificates of title for watercraft and outboard motors. 63269

Sec. 4506.01. As used in this chapter: 63270

(A) "Alcohol concentration" means the concentration of 63271
alcohol in a person's blood, breath, or urine. When expressed as 63272

a percentage, it means grams of alcohol per the following: 63273

(1) One hundred milliliters of whole blood, blood serum,
or blood plasma; 63274
63275

(2) Two hundred ten liters of breath; 63276

(3) One hundred milliliters of urine. 63277

(B) (1) "Commercial driver's license" means a license 63278
issued in accordance with this chapter that authorizes an 63279
individual to drive a commercial motor vehicle. Except as 63280
otherwise specifically provided, "commercial driver's license" 63281
includes an "enhanced commercial driver's license." 63282

(2) "Enhanced commercial driver's license" means a 63283
commercial driver's license issued in accordance with sections— 63284
~~4507.021~~ 4506.072 and ~~4506.072~~ 4507.021 of the Revised Code that 63285
denotes citizenship and identity and is approved by the United 63286
States secretary of homeland security or other designated 63287
federal agency for purposes of entering the United States. 63288

(C) "Commercial driver's license information system" means 63289
the information system established pursuant to the requirements 63290
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 63291
3207-171, 49 U.S.C.A. App. 2701. 63292

(D) Except when used in section 4506.25 of the Revised 63293
Code, "commercial motor vehicle" means any motor vehicle 63294
designed or used to transport persons or property that meets any 63295
of the following qualifications: 63296

(1) Any combination of vehicles with a gross vehicle 63297
weight or combined gross vehicle weight rating of twenty-six 63298
thousand one pounds or more, provided the gross vehicle weight 63299
or gross vehicle weight rating of the vehicle or vehicles being 63300

towed is in excess of ten thousand pounds; 63301

(2) Any single vehicle with a gross vehicle weight or 63302
gross vehicle weight rating of twenty-six thousand one pounds or 63303
more; 63304

(3) Any single vehicle or combination of vehicles that is 63305
not a class A or class B vehicle, but is designed to transport 63306
sixteen or more passengers including the driver; 63307

(4) Any school bus with a gross vehicle weight or gross 63308
vehicle weight rating of less than twenty-six thousand one 63309
pounds that is designed to transport fewer than sixteen 63310
passengers including the driver; 63311

(5) Is transporting hazardous materials for which 63312
placarding is required under subpart F of 49 C.F.R. part 172, as 63313
amended; 63314

(6) Any single vehicle or combination of vehicles that is 63315
designed to be operated and to travel on a public street or 63316
highway and is considered by the federal motor carrier safety 63317
administration to be a commercial motor vehicle, including, but 63318
not limited to, a motorized crane, a vehicle whose function is 63319
to pump cement, a rig for drilling wells, and a portable crane. 63320

(E) "Controlled substance" means all of the following: 63321

(1) Any substance classified as a controlled substance 63322
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 63323
U.S.C.A. 802(6), as amended; 63324

(2) Any substance included in schedules I through V of 21 63325
C.F.R. part 1308, as amended; 63326

(3) Any drug of abuse. 63327

(F) "Conviction" means an unvacated adjudication of guilt 63328
or a determination that a person has violated or failed to 63329
comply with the law in a court of original jurisdiction or an 63330
authorized administrative tribunal, an unvacated forfeiture of 63331
bail or collateral deposited to secure the person's appearance 63332
in court, a plea of guilty or nolo contendere accepted by the 63333
court, the payment of a fine or court cost, or violation of a 63334
condition of release without bail, regardless of whether or not 63335
the penalty is rebated, suspended, or probated. 63336

(G) "Disqualification" means any of the following: 63337

(1) The suspension, revocation, or cancellation of a 63338
person's privileges to operate a commercial motor vehicle; 63339

(2) Any withdrawal of a person's privileges to operate a 63340
commercial motor vehicle as the result of a violation of state 63341
or local law relating to motor vehicle traffic control other 63342
than parking, vehicle weight, or vehicle defect violations; 63343

(3) A determination by the federal motor carrier safety 63344
administration that a person is not qualified to operate a 63345
commercial motor vehicle under 49 C.F.R. 391. 63346

(H) "Domiciled" means having a true, fixed, principal, and 63347
permanent residence to which an individual intends to return. 63348

(I) "Downgrade" means any of the following, as applicable: 63349

(1) A change in the commercial driver's license, or 63350
commercial driver's license temporary instruction permit, 63351
holder's self-certified status as described in division (A) (1) 63352
of section 4506.10 of the Revised Code; 63353

(2) A change to a lesser class of vehicle; 63354

(3) Removal of commercial driver's license privileges from 63355

the individual's driver's license; 63356

(4) A change in the commercial driver's license, or 63357
commercial driver's license temporary instruction permit, 63358
holder's privileges as described in division (F)(1) of section 63359
4506.13 of the Revised Code. 63360

(J) "Drive" means to drive, operate, or be in physical 63361
control of a motor vehicle. 63362

(K) "Driver" means any person who drives, operates, or is 63363
in physical control of a commercial motor vehicle or is required 63364
to have a commercial driver's license. 63365

(L) "Driver's license" means a license issued by the 63366
bureau of motor vehicles that authorizes an individual to drive. 63367

(M) "Drug of abuse" means any controlled substance, 63368
dangerous drug as defined in section 4729.01 of the Revised 63369
Code, harmful intoxicant as defined in section 2925.01 of the 63370
Revised Code, or over-the-counter medication that, when taken in 63371
quantities exceeding the recommended dosage, can result in 63372
impairment of judgment or reflexes. 63373

(N) "Electronic device" includes a cellular telephone, a 63374
personal digital assistant, a pager, a computer, and any other 63375
device used to input, write, send, receive, or read text. 63376

(O) "Eligible unit of local government" means a village, 63377
township, or county that has a population of not more than three 63378
thousand persons according to the most recent federal census. 63379

(P) "Employer" means any person, including the federal 63380
government, any state, and a political subdivision of any state, 63381
that owns or leases a commercial motor vehicle or assigns a 63382
person to drive such a motor vehicle. 63383

(Q) "Endorsement" means an authorization on a person's 63384
commercial driver's license that is required to permit the 63385
person to operate a specified type of commercial motor vehicle. 63386

(R) "Farm truck" means a truck controlled and operated by 63387
a farmer for use in the transportation to or from a farm, for a 63388
distance of not more than one hundred fifty miles, of products 63389
of the farm, including livestock and its products, poultry and 63390
its products, floricultural and horticultural products, and in 63391
the transportation to the farm, from a distance of not more than 63392
one hundred fifty miles, of supplies for the farm, including 63393
tile, fence, and every other thing or commodity used in 63394
agricultural, floricultural, horticultural, livestock, and 63395
poultry production, and livestock, poultry, and other animals 63396
and things used for breeding, feeding, or other purposes 63397
connected with the operation of the farm, when the truck is 63398
operated in accordance with this division and is not used in the 63399
operations of a motor carrier, as defined in section 4923.01 of 63400
the Revised Code. 63401

(S) "Fatality" means the death of a person as the result 63402
of a motor vehicle accident occurring not more than three 63403
hundred sixty-five days prior to the date of death. 63404

(T) "Felony" means any offense under federal or state law 63405
that is punishable by death or specifically classified as a 63406
felony under the law of this state, regardless of the penalty 63407
that may be imposed. 63408

(U) "Foreign jurisdiction" means any jurisdiction other 63409
than a state. 63410

(V) "Gross vehicle weight rating" means the value 63411
specified by the manufacturer as the maximum loaded weight of a 63412

single or a combination vehicle. The gross vehicle weight rating 63413
of a combination vehicle is the gross vehicle weight rating of 63414
the power unit plus the gross vehicle weight rating of each 63415
towed unit. 63416

(W) "Hazardous materials" means any material that has been 63417
designated as hazardous under 49 U.S.C. 5103 and is required to 63418
be placarded under subpart F of 49 C.F.R. part 172 or any 63419
quantity of a material listed as a select agent or toxin in 42 63420
C.F.R. part 73, as amended. 63421

(X) "Imminent hazard" means the existence of a condition 63422
that presents a substantial likelihood that death, serious 63423
illness, severe personal injury, or a substantial endangerment 63424
to health, property, or the environment may occur before the 63425
reasonably foreseeable completion date of a formal proceeding 63426
begun to lessen the risk of that death, illness, injury, or 63427
endangerment. 63428

(Y) "Medical variance" means one of the following received 63429
by a driver from the federal motor carrier safety administration 63430
that allows the driver to be issued a medical certificate: 63431

(1) An exemption letter permitting operation of a 63432
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 63433
C.F.R. 391.64; 63434

(2) A skill performance evaluation certificate permitting 63435
operation of a commercial motor vehicle pursuant to 49 C.F.R. 63436
391.49. 63437

(Z) "Mobile telephone" means a mobile communication device 63438
that falls under or uses any commercial mobile radio service as 63439
defined in 47 C.F.R. 20, except that mobile telephone does not 63440
include two-way or citizens band radio services. 63441

(AA) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(BB) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian, or Mexican jurisdiction declaring that a driver, commercial motor vehicle, or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.

(CC) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(DD) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.

(EE) "Public safety vehicle" has the same meaning as in divisions (E) (1) and (3) of section 4511.01 of the Revised Code.

(FF) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in section 4501.01 of the Revised Code and is used exclusively for purposes other than engaging in business for profit.

(GG) "Residence" means any person's residence determined in accordance with standards prescribed in rules adopted by the registrar.

(HH) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

(II) "Serious traffic violation" means any of the

following: 63470

(1) A conviction arising from a single charge of operating 63471
a commercial motor vehicle in violation of any provision of 63472
section 4506.03 of the Revised Code; 63473

(2) (a) Except as provided in division (II) (2) (b) of this 63474
section, a violation while operating a commercial motor vehicle 63475
of a law of this state, or any municipal ordinance or county or 63476
township resolution, or any other substantially similar law of 63477
another state or political subdivision of another state 63478
prohibiting either of the following: 63479

(i) Texting while driving; 63480

(ii) Using a handheld mobile telephone. 63481

(b) It is not a serious traffic violation if the person 63482
was texting or using a handheld mobile telephone to contact law 63483
enforcement or other emergency services. 63484

(3) A conviction arising from the operation of any motor 63485
vehicle that involves any of the following: 63486

(a) A single charge of any speed in excess of the posted 63487
speed limit by fifteen miles per hour or more; 63488

(b) Violation of section 4511.20 or 4511.201 of the 63489
Revised Code or any similar ordinance or resolution, or of any 63490
similar law of another state or political subdivision of another 63491
state; 63492

(c) Violation of a law of this state or an ordinance or 63493
resolution relating to traffic control, other than a parking 63494
violation, or of any similar law of another state or political 63495
subdivision of another state, that results in a fatal accident; 63496

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;

(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:

(i) It relates to traffic control, other than a parking violation;

(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.

(JJ) "State" means a state of the United States and

includes the District of Columbia. 63526

(KK) "Tank vehicle" means any commercial motor vehicle 63527
that is designed to transport any liquid or gaseous materials 63528
within a tank or tanks that are either permanently or 63529
temporarily attached to the vehicle or its chassis and have an 63530
individual rated capacity of more than one hundred nineteen 63531
gallons and an aggregate rated capacity of one thousand gallons 63532
or more. "Tank vehicle" does not include a commercial motor 63533
vehicle transporting an empty storage container tank that is not 63534
designed for transportation, has a rated capacity of one 63535
thousand gallons or more, and is temporarily attached to a 63536
flatbed trailer. 63537

(LL) "Tester" means a person or entity acting pursuant to 63538
a valid agreement entered into pursuant to division (B) of 63539
section 4506.09 of the Revised Code. 63540

(MM) "Texting" means manually entering alphanumeric text 63541
into, or reading text from, an electronic device. Texting 63542
includes short message service, e-mail, instant messaging, a 63543
command or request to access a world wide web page, pressing 63544
more than a single button to initiate or terminate a voice 63545
communication using a mobile telephone, or engaging in any other 63546
form of electronic text retrieval or entry, for present or 63547
future communication. Texting does not include the following: 63548

(1) Using voice commands to initiate, receive, or 63549
terminate a voice communication using a mobile telephone; 63550

(2) Inputting, selecting, or reading information on a 63551
global positioning system or navigation system; 63552

(3) Pressing a single button to initiate or terminate a 63553
voice communication using a mobile telephone; or 63554

(4) Using, for a purpose that is not otherwise prohibited 63555
by law, a device capable of performing multiple functions, such 63556
as a fleet management system, a dispatching device, a mobile 63557
telephone, a citizens band radio, or a music player. 63558

(NN) "Texting while driving" means texting while operating 63559
a commercial motor vehicle, with the motor running, including 63560
while temporarily stationary because of traffic, a traffic 63561
control device, or other momentary delays. Texting while driving 63562
does not include operating a commercial motor vehicle with or 63563
without the motor running when the driver has moved the vehicle 63564
to the side of, or off, a highway and is stopped in a location 63565
where the vehicle can safely remain stationary. 63566

(OO) "United States" means the fifty states and the 63567
District of Columbia. 63568

(PP) "Upgrade" means a change in the class of vehicles, 63569
endorsements, or self-certified status as described in division 63570
(A) (1) of section 4506.10 of the Revised Code, that expands the 63571
ability of a current commercial driver's license holder to 63572
operate commercial motor vehicles under this chapter; 63573

(QQ) "Use of a handheld mobile telephone" means: 63574

(1) Using at least one hand to hold a mobile telephone to 63575
conduct a voice communication; 63576

(2) Dialing or answering a mobile telephone by pressing 63577
more than a single button; or 63578

(3) Reaching for a mobile telephone in a manner that 63579
requires a driver to maneuver so that the driver is no longer in 63580
a seated driving position, or restrained by a seat belt that is 63581
installed in accordance with 49 C.F.R. 393.93 and adjusted in 63582
accordance with the vehicle manufacturer's instructions. 63583

(RR) "Vehicle" has the same meaning as in section 4511.01 63584
of the Revised Code. 63585

Sec. 4506.05. (A) Notwithstanding any other provision of 63586
law, a person may drive a commercial motor vehicle on a highway 63587
in this state if all of the following conditions are met: 63588

(1) The person has a valid commercial driver's license or 63589
commercial driver's license temporary instruction permit issued 63590
by any state or jurisdiction in accordance with the minimum 63591
standards adopted by the federal motor carrier safety 63592
administration under the "Commercial Motor Vehicle Safety Act of 63593
1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of 63594
commercial driver's licenses; 63595

(2) The person's commercial driver's license or temporary 63596
instruction permit is not suspended, revoked, or canceled, and 63597
the person has the appropriate endorsements for the vehicle that 63598
is being driven; 63599

(3) The person is not disqualified from driving a 63600
commercial motor vehicle; 63601

(4) The person is not subject to an out-of-service order; 63602

(5) The person is medically certified as physically 63603
qualified to operate a commercial motor vehicle in accordance 63604
with this chapter. 63605

(a) A person who submitted a medical examiner's 63606
certificate to the registrar in accordance with division (A)(1) 63607
of section 4506.10 of the Revised Code and whose medical 63608
certification information is maintained in the commercial 63609
driver's license information system is not required to have the 63610
medical examiner's certificate in the person's possession when 63611
on duty. 63612

(b) A person whose medical certification information is 63613
not maintained in the commercial driver's license information 63614
system shall have in the person's possession when on duty the 63615
original or a copy of the current medical examiner's certificate 63616
that was submitted to the registrar. However, the person may 63617
operate a commercial motor vehicle with such proof of medical 63618
certification for not more than fifteen days after the date the 63619
current medical examiner's certificate was issued to the person. 63620

(c) A person who has a medical variance shall have in the 63621
person's possession the original or copy of the medical variance 63622
documentation at all times while on duty. 63623

(6) The person is not prohibited from operating a 63624
commercial motor vehicle because the person violated 49 C.F.R. 63625
382, subpart B. 63626

(B) No person shall drive a commercial motor vehicle on a 63627
highway in this state if the person does not meet the conditions 63628
specified in division (A) of this section. 63629

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 63630
391.62, 391.67, and 391.68, no person holding a commercial 63631
driver's license temporary instruction permit or a commercial 63632
driver's license issued under this chapter may drive a 63633
commercial motor vehicle in interstate commerce until the person 63634
is at least twenty-one years of age. 63635

(D) (1) Whoever violates this section is guilty of a 63636
misdemeanor of the first degree. 63637

(2) The offenses established under this section are strict 63638
liability offenses and section 2901.20 of the Revised Code does 63639
not apply. The designation of these offenses as strict liability 63640
offenses shall not be construed to imply that any other offense, 63641

for which there is no specified degree of culpability, is not a 63642
strict liability offense. 63643

Sec. 4506.07. (A) An applicant for a commercial driver's 63644
license, restricted commercial driver's license, or a commercial 63645
driver's license temporary instruction permit, or a duplicate of 63646
such a license or permit, shall submit an application upon a 63647
form approved and furnished by the registrar of motor vehicles. 63648
Except as provided in section 4506.24 of the Revised Code in 63649
regard to a restricted commercial driver's license, the 63650
applicant shall sign the application which shall contain the 63651
following information: 63652

(1) The applicant's name, date of birth, social security 63653
account number, sex, general description including height, 63654
weight, and color of hair and eyes, current residence, duration 63655
of residence in this state, state of domicile, country of 63656
citizenship, and occupation; 63657

(2) Whether the applicant previously has been licensed to 63658
operate a commercial motor vehicle or any other type of motor 63659
vehicle in another state or a foreign jurisdiction and, if so, 63660
when, by what state, and whether the license or driving 63661
privileges currently are suspended or revoked in any 63662
jurisdiction, or the applicant otherwise has been disqualified 63663
from operating a commercial motor vehicle, or is subject to an 63664
out-of-service order issued under this chapter or any similar 63665
law of another state or a foreign jurisdiction and, if so, the 63666
date of, locations involved, and reason for the suspension, 63667
revocation, disqualification, or out-of-service order; 63668

(3) Whether the applicant has any physical or mental 63669
disability or disease that prevents the applicant from 63670
exercising reasonable and ordinary control over a motor vehicle 63671

while operating it upon a highway or is or has been subject to 63672
any condition resulting in episodic impairment of consciousness 63673
or loss of muscular control and, if so, the nature and extent of 63674
the disability, disease, or condition, and the names and 63675
addresses of the physicians attending the applicant; 63676

(4) Whether the applicant has obtained a medical 63677
examiner's certificate as required by this chapter and, 63678
beginning January 30, 2012, the applicant, prior to or at the 63679
time of applying, has self-certified to the registrar the 63680
applicable status of the applicant under division (A) (1) of 63681
section 4506.10 of the Revised Code; 63682

(5) Whether the applicant has pending a citation for 63683
violation of any motor vehicle law or ordinance except a parking 63684
violation and, if so, a description of the citation, the court 63685
having jurisdiction of the offense, and the date when the 63686
offense occurred; 63687

(6) If an applicant has not certified the applicant's 63688
willingness to make an anatomical gift under section 2108.05 of 63689
the Revised Code, whether the applicant wishes to certify 63690
willingness to make such an anatomical gift, which shall be 63691
given no consideration in the issuance of a license; 63692

(7) Whether the applicant has executed a valid durable 63693
power of attorney for health care pursuant to sections 1337.11 63694
to 1337.17 of the Revised Code or has executed a declaration 63695
governing the use or continuation, or the withholding or 63696
withdrawal, of life-sustaining treatment pursuant to sections 63697
2133.01 to 2133.15 of the Revised Code and, if the applicant has 63698
executed either type of instrument, whether the applicant wishes 63699
the license issued to indicate that the applicant has executed 63700
the instrument; 63701

(8) Whether the applicant is a veteran, active duty, or
reservist of the armed forces of the United States and, if the
applicant is such, whether the applicant wishes the license
issued to indicate that the applicant is a veteran, active duty,
or reservist of the armed forces of the United States by a
military designation on the license;

(9) Whether the applicant currently is prohibited by the
federal motor carrier safety administration from operating a
commercial motor vehicle because the applicant violated 49
C.F.R. 382, subpart B.

(B) Every applicant shall certify, on a form approved and
furnished by the registrar, all of the following:

(1) That the motor vehicle in which the applicant intends
to take the driving skills test is representative of the type of
motor vehicle that the applicant expects to operate as a driver;

(2) That the applicant is not subject to any
disqualification or out-of-service order, or license suspension,
revocation, or cancellation, under the laws of this state, of
another state, or of a foreign jurisdiction and does not have
more than one driver's license issued by this or another state
or a foreign jurisdiction;

(3) Any additional information, certification, or evidence
that the registrar requires by rule in order to ensure that the
issuance of a commercial driver's license or commercial driver's
license temporary instruction permit to the applicant is in
compliance with the law of this state and with federal law.

(C) Every applicant shall execute a form, approved and
furnished by the registrar, under which the applicant consents
to the release by the registrar of information from the

applicant's driving record. 63731

(D) The registrar or a deputy registrar, in accordance 63732
with section 3503.11 of the Revised Code, shall register as an 63733
elector any applicant for a commercial driver's license or for a 63734
renewal or duplicate of such a license under this chapter, if 63735
the applicant is eligible and wishes to be registered as an 63736
elector. The decision of an applicant whether to register as an 63737
elector shall be given no consideration in the decision of 63738
whether to issue the applicant a license or a renewal or 63739
duplicate. 63740

(E) The registrar or a deputy registrar, in accordance 63741
with section 3503.11 of the Revised Code, shall offer the 63742
opportunity of completing a notice of change of residence or 63743
change of name to any applicant for a commercial driver's 63744
license or for a renewal or duplicate of such a license who is a 63745
resident of this state, if the applicant is a registered elector 63746
who has changed the applicant's residence or name and has not 63747
filed such a notice. 63748

(F) In considering any application submitted pursuant to 63749
this section, the bureau of motor vehicles may conduct any 63750
inquiries necessary to ensure that issuance or renewal of a 63751
commercial driver's license would not violate any provision of 63752
the Revised Code or federal law. 63753

(G) In addition to any other information it contains, the 63754
form approved and furnished by the registrar of motor vehicles 63755
for an application for a commercial driver's license, restricted 63756
commercial driver's license, or a commercial driver's license 63757
temporary instruction permit or an application for a duplicate 63758
of such a license or permit shall inform applicants that the 63759
applicant must present a copy of the applicant's DD-214 or an 63760

equivalent document in order to qualify to have the license, or 63761
permit, or duplicate indicate that the applicant is a veteran, 63762
active duty, or reservist of the armed forces of the United 63763
States based on a request made pursuant to division (A) (8) of 63764
this section. 63765

Sec. 4506.13. (A) The registrar of motor vehicles may 63766
authorize the highway patrol or any other employee of the 63767
department of public safety to issue an examiner's commercial 63768
examinations passed form to an applicant who has passed the 63769
required examinations. The examiner's commercial examinations 63770
passed form shall be used to indicate the examinations taken and 63771
passed by the commercial driver's license applicant. 63772

(B) (1) Before issuing, renewing, transferring, or 63773
upgrading a commercial driver's license temporary instruction 63774
permit or a commercial driver's license, the registrar of motor 63775
vehicles shall obtain information about the applicant's driving 63776
record, whether the applicant was previously issued a commercial 63777
driver's license in another state, or whether the applicant is 63778
disqualified or prohibited from operating a commercial motor 63779
vehicle through the commercial driver's license information 63780
system, the drug and alcohol clearinghouse, the applicant's 63781
state of licensure, and when available, the national driver 63782
register. In addition, before initially issuing a class A or 63783
class B commercial driver's license, a passenger endorsement, a 63784
school bus endorsement, or a hazardous materials endorsement, 63785
the registrar shall verify that the applicant completed the 63786
training required under 49 C.F.R. 380, subpart F, through the 63787
federal motor carrier safety administration's training provider 63788
registry. The registrar also shall check the applicant's driver 63789
record to ensure that an applicant who self-certified under 63790
division (A) (1) (a) (i) of section 4506.10 of the Revised Code 63791

that the applicant's operation of a commercial motor vehicle is 63792
non-excepted interstate, is medically certified. 63793

(2) The registrar shall not issue, renew, upgrade, or 63794
transfer the applicant's commercial driver's license temporary 63795
instruction permit or commercial driver's license if any of the 63796
following apply: 63797

(a) The registrar obtains adverse information regarding 63798
the applicant's driving record. 63799

(b) There is no information regarding the driver's self- 63800
certification type as required by division (A)(1) of section 63801
4506.10 of the Revised Code. 63802

(c) The applicant's medical status is not certified, when 63803
required to be certified under division (A)(1)(a)(i) of section 63804
4506.10 of the Revised Code. 63805

(d) The applicant is prohibited from operating a 63806
commercial motor vehicle because the applicant violated the drug 63807
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 63808
B; 63809

(e) If required, the applicant did not successfully 63810
complete the training required by 49 C.F.R. 380, subpart F, as 63811
documented in the federal motor carrier safety administration's 63812
training provider registry. 63813

(3) If the record check reveals information that the 63814
applicant claims is outdated, contested, or invalid, the 63815
registrar shall deny the application until the applicant can 63816
resolve the conflict. 63817

(C) The registrar shall do all of the following: 63818

(1) Within ten days after issuing a commercial driver's 63819

license temporary instruction permit or commercial driver's 63820
license, notify the commercial driver's license information 63821
system, when available, of that fact and provide all information 63822
required to ensure identification of the licensee. If the 63823
registrar is notified that driver has been issued a medical 63824
variance, the registrar shall indicate the existence of the 63825
medical variance on the ~~commercial driver's license holder's~~ 63826
commercial driver's license information system driver record. 63827

(2) For those drivers self-certifying under division (A) 63828
(1) (a) (i) of section 4506.10 of the Revised Code as non-excepted 63829
interstate, post the applicant's medical status as certified or 63830
non-certified on the applicant's commercial driver's license 63831
information system driver record upon receiving a valid original 63832
or copy of the medical examiner's certificate; 63833

(3) Post the driver's self-certification type as set forth 63834
in division (A) (1) of section 4506.10 of the Revised Code; 63835

(4) Post information from the medical examiner's 63836
certificate, if applicable, on the ~~commercial driver's license~~ 63837
~~holder's~~ commercial driver's license information system driver 63838
record within ten calendar days of receipt of the medical 63839
examiner's certificate; 63840

(5) Retain the original or a copy of the commercial 63841
driver's license temporary instruction permit or commercial 63842
driver's license holder's medical certificate for a minimum of 63843
three years after the date the certificate was issued; 63844

(6) Post and maintain as part of the commercial driver's 63845
license information system driver record all convictions, 63846
disqualifications, and other licensing actions for violations of 63847
any state or municipal ordinances related to motor vehicle 63848

traffic control, other than parking violations for all persons 63849
who hold a commercial driver's license temporary instruction 63850
permit or commercial driver's license or operate a motor vehicle 63851
for which a commercial driver's license is required; 63852

(7) Post an applicant's status of medically non-certified 63853
on the applicant's commercial driver's license information 63854
system driver record and downgrade the applicant's commercial 63855
driver's license temporary instruction permit or commercial 63856
driver's license in accordance with division (D) of this section 63857
if either of the following applies: 63858

(a) The commercial driver's license temporary instruction 63859
permit or commercial driver's license holder fails to provide 63860
the driver's self-certification type as required by division (A) 63861
(1) of section 4506.10 of the Revised Code. 63862

(b) The commercial driver's license temporary instruction 63863
permit or commercial driver's license holder self-certifying 63864
under division (A) (1) (a) (i) of section 4506.10 of the Revised 63865
Code as non-excepted interstate fails to provide the registrar 63866
with a current medical examiner's certificate. 63867

(8) Mark the commercial driver's license information 63868
system driver record as non-certified for any commercial 63869
driver's license temporary instruction permit or commercial 63870
driver's license holder who has not self-certified under 63871
division (A) (1) of section 4506.10 of the Revised Code by 63872
January 30, 2014 and initiate the ~~commercial driver's license~~ 63873
commercial driver's license downgrade procedures described in 63874
division (D) of this section; 63875

(9) Within ten days after a commercial driver's license 63876
temporary instruction permit or commercial driver's license 63877

holder's medical certification status expires or a medical 63878
variance expires or is rescinded, update the person's medical 63879
certification status to non-certified; 63880

(10) Within ten calendar days after receiving information 63881
from the federal motor carrier safety administration regarding 63882
issuance or renewal of a medical variance for a driver, update 63883
the driver's commercial driver's license information system 63884
driver record to include the medical variance information 63885
provided by the federal motor carrier safety administration; 63886

(11) Within ten calendar days after receiving information 63887
from the federal motor carrier safety administration that a 63888
commercial driver's license temporary instruction permit or 63889
commercial driver's license holder is prohibited from operating 63890
a commercial motor vehicle because of a violation of the drug 63891
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 63892
B, initiate the commercial driver's license downgrade procedures 63893
described in division (F) (1) of this section; 63894

(12) Within ten calendar days after receiving information 63895
from the federal motor carrier safety administration that a 63896
commercial driver's license temporary instruction permit or 63897
commercial driver's license holder is no longer prohibited or 63898
was erroneously identified as prohibited from operating a 63899
commercial motor vehicle because of a violation of the drug and 63900
alcohol use and testing provisions of 49 C.F.R. 382, subpart B, 63901
initiate the reinstatement procedures described in division (F) 63902
(2) of this section. 63903

(D) If a driver's medical certification or medical 63904
variance expires or the federal motor carrier safety 63905
administration notifies the registrar that a medical variance 63906
was removed or rescinded, the registrar shall do the following: 63907

(1) Send notice to the commercial driver's license holder 63908
of the holder's medically not certified status. The notice shall 63909
inform the driver that the driver's commercial driver's license 63910
privileges will be removed unless the driver resolves the 63911
medical certification or medical variance defect by submitting a 63912
current medical certificate or medical variance, as applicable, 63913
or changing the driver's self-certification under division (A) 63914
(1) of section 4506.10 of the Revised Code to driving only in 63915
excepted interstate or excepted intrastate commerce within sixty 63916
days. 63917

(2) Sixty days after the change to a medically not 63918
certified status, if the commercial driver's license holder has 63919
not resolved the medical certification or medical variance 63920
defect as described in division (D)(1) of this section, the 63921
registrar shall change the person's commercial driver's license 63922
status to reflect no commercial driver's license privileges and 63923
shall send the person a second notice informing the person that 63924
the commercial driver's license privilege has been removed from 63925
the driver's license. 63926

(E) To the extent permitted by federal and state law, the 63927
registrar shall provide records from the commercial driver's 63928
license information system regarding a commercial driver's 63929
license holder or commercial motor vehicle operator to the 63930
following individuals and entities or their authorized agents 63931
within ten days of the receipt of conviction or disqualification 63932
information concerning the holder or operator from another state 63933
or within ten days of the date of conviction or disqualification 63934
of the holder or operator if it occurred in this state, as 63935
applicable: 63936

(1) Other states; 63937

(2) The secretary of the United States department of transportation; 63938
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(3) The commercial driver's license holder or commercial motor vehicle operator referenced in the records; 63940
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(4) A motor carrier that is a current or prospective employer of the commercial driver's license holder or commercial motor vehicle operator referenced in the records. 63942
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(F) (1) If the registrar receives information in accordance with division (C) (11) of this section, the registrar shall notify the subject commercial driver's license temporary instruction permit or commercial driver's license holder. The notice shall inform the driver that the driver's commercial driver's license privileges will be downgraded unless the driver resolves the prohibition in accordance with the federal requirements within thirty days. If the driver does not resolve the prohibition within the thirty days, the registrar shall do all of the following: 63945
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(a) Downgrade the driver's commercial driver's license temporary instruction permit or commercial driver's license to prohibit the driver from operating a commercial motor vehicle; 63955
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(b) Send a second notice to the driver specifying that the driver's license has been downgraded and that the driver is prohibited from operating a commercial motor vehicle until the driver takes the steps necessary to reinstate commercial driver's license privileges; 63958
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(c) Record the downgrade on the driver's commercial driver's license information system driver record not later than sixty days after the original notification to the registrar from the federal motor carrier safety administration. 63963
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(2) If the registrar receives information in accordance 63967
with division (C) (12) of this section, the registrar shall do 63968
one of the following, as applicable: 63969

(a) If the registrar receives the information before the 63970
registrar has downgraded a driver's commercial driver's license 63971
privileges in accordance with division (F) (1) of this section, 63972
the registrar shall terminate the downgrade process and notify 63973
the applicable driver of the termination; 63974

(b) If the registrar receives the information after the 63975
registrar has downgraded a driver's commercial driver's license 63976
privileges in accordance with division (F) (1) of this section, 63977
the registrar shall reinstate the driver's commercial driver's 63978
license, provided that the driver is otherwise eligible for 63979
reinstatement and such commercial driving privileges. 63980

(3) If the registrar receives information in accordance 63981
with division (C) (12) of this section that the driver was 63982
erroneously identified as prohibited from operating a commercial 63983
motor vehicle, in addition to the reinstatement procedures under 63984
division (F) (2) of this section, the registrar shall remove any 63985
record of the downgrade from the driver's commercial driver's 63986
license information system driver record and motor vehicle 63987
driving record. 63988

Sec. 4506.14. (A) Commercial driver's licenses shall 63989
expire as follows: 63990

(1) Except as provided in division (A) (3) or (4) of this 63991
section, each such license issued to replace an operator's or 63992
chauffeur's license shall expire on the original expiration date 63993
of the operator's or chauffeur's license and, upon renewal, 63994
shall expire on the licensee's birthday in the fourth or eighth 63995

year after the date of issuance, based on the period of renewal 63996
requested by the applicant. A person who is sixty-five years of 63997
age or older may only apply for a commercial driver's license 63998
that expires on the birthday of the applicant in the fourth year 63999
after the date it is issued. 64000

(2) (a) Except as provided in division (A) (3) or (4) of 64001
this section, each such license issued as an original license to 64002
a person whose residence is in this state shall expire on the 64003
licensee's birthday in the fourth or eighth year after the date 64004
of issuance, based on the period of renewal requested by the 64005
applicant. A person who is sixty-five years of age or older may 64006
only apply for a commercial driver's license that expires on the 64007
birthday of the applicant in the fourth year after the date it 64008
is issued. 64009

(b) Each such license issued to a person whose temporary 64010
residence is in this state shall expire in accordance with rules 64011
adopted by the registrar of motor vehicles. A license issued to 64012
a person with a temporary residence in this state is 64013
~~nonrenewable, but may be replaced with a new license within~~ 64014
~~ninety days prior to its expiration upon the applicant's~~ 64015
~~compliance with all applicable requirements~~ a limited term 64016
license and may be renewed in accordance with division (C) of 64017
this section. 64018

(3) The registrar or a deputy registrar may issue a 64019
license that expires on a date earlier than the licensee's 64020
birthday in the fourth year after the date of issuance if the 64021
licensee has undergone a security threat assessment required by 64022
federal law to obtain a hazardous materials endorsement and the 64023
assessment will expire before that date. No commercial driver's 64024
license shall be issued under division (A) (3) of this section 64025

for a period longer than four years and one hundred eighty days. 64026

(4) Each such license issued to replace the operator's or 64027
chauffeur's license of a person who is less than twenty-one 64028
years of age, and each such license issued as an original 64029
license to a person who is less than twenty-one years of age, 64030
shall expire on the licensee's twenty-first birthday. 64031

(B) No commercial driver's license shall be issued for a 64032
period longer than eight years. Except as provided in section 64033
4507.12 of the Revised Code, the registrar may waive the 64034
examination of any person applying for the renewal of a 64035
commercial driver's license issued under this chapter, provided 64036
that the applicant presents either an unexpired commercial 64037
driver's license or a commercial driver's license that has 64038
expired not more than six months prior to the date of 64039
application. 64040

~~(C)~~ (C) (1) Subject to the requirements of this chapter and 64041
except as provided in division ~~(A)~~ (2) ~~(C) (2)~~ of this section in 64042
regard to a person whose temporary residence is in this state, 64043
every commercial driver's license shall be renewable one hundred 64044
eighty days before its expiration upon payment of the fees 64045
required by section 4506.08 of the Revised Code. Each person 64046
applying for renewal or transfer of a commercial driver's 64047
license shall complete the application form prescribed by 64048
section 4506.07 of the Revised Code and shall provide all 64049
certifications required. 64050

(2) (a) Except as provided in division (C) (2) (b) of this 64051
section, a limited term commercial driver's license shall not be 64052
issued to a temporary resident for a period longer than the 64053
expiration date of the temporary resident's authorized stay in 64054
the United States, or for four years from the date of issuance, 64055

whichever date is earliest. 64056

(b) If there is no expiration date for a temporary 64057
resident's authorized stay in the United States, a limited term 64058
commercial driver's license shall not be issued to the temporary 64059
resident for a period longer than one year from the date of 64060
issuance. 64061

(c) A limited term commercial driver's license may be 64062
renewed within one hundred eighty days prior to its expiration 64063
upon the applicant's presentation of documentation verifying the 64064
applicant's legal presence or continued temporary lawful status 64065
in the United States. 64066

(3) Prior to applying for renewal of a commercial driver's 64067
license, each applicant shall submit a new copy or original 64068
medical examiner's certificate required by section 4506.10 of 64069
the Revised Code; if the person's medical status has changed, 64070
the registrar shall take the appropriate action to address the 64071
change in medical status. If the person wishes to retain an 64072
endorsement authorizing the person to transport hazardous 64073
materials, the person shall take and successfully complete the 64074
written test for the endorsement and shall submit to any 64075
background check required by federal law. 64076

(D) Each person licensed as a driver under this chapter 64077
shall notify the registrar of any change in the person's address 64078
within ten days following that change. The notification shall be 64079
in writing on a form provided by the registrar and shall include 64080
the full name, date of birth, license number, county of 64081
residence, social security number, and new address of the 64082
person. 64083

(E) Whoever violates division (D) of this section is 64084

guilty of a minor misdemeanor.

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Sec. 4507.05. (A) The registrar of motor vehicles, or a deputy registrar, upon receiving an application for a temporary instruction permit and a temporary instruction permit identification card for a driver's license from any person who is at least fifteen years six months of age, may issue such a permit and identification card entitling the applicant to drive a motor vehicle, other than a commercial motor vehicle, upon the highways under the following conditions:

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(1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:

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(a) The permit and identification card are in the holder's immediate possession;

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(b) The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code;

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(c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

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(2) If the permit is issued to a person who is at least sixteen years of age:

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(a) The permit and identification card are in the holder's immediate possession;

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(b) The holder is accompanied by a licensed operator who 64113
is at least twenty-one years of age, is actually occupying a 64114
seat beside the driver, and does not have a prohibited 64115
concentration of alcohol in the whole blood, blood serum or 64116
plasma, breath, or urine as provided in division (A) of section 64117
4511.19 of the Revised Code; 64118

(c) The total number of occupants of the vehicle does not 64119
exceed the total number of occupant restraining devices 64120
originally installed in the motor vehicle by its manufacturer, 64121
and each occupant of the vehicle is wearing all of the available 64122
elements of a properly adjusted occupant restraining device. 64123

(B) The registrar or a deputy registrar, upon receiving 64124
from any person an application for a temporary instruction 64125
permit and temporary instruction permit identification card to 64126
operate a motorcycle, motor-driven cycle or motor scooter, or 64127
motorized bicycle, may issue such a permit and identification 64128
card entitling the applicant, while having the permit and 64129
identification card in the applicant's immediate possession, to 64130
drive a motorcycle or motor-driven cycle or motor scooter, under 64131
the restrictions prescribed in section 4511.53 of the Revised 64132
Code, or to drive a motorized bicycle under restrictions 64133
determined by the registrar. A temporary instruction permit and 64134
temporary instruction permit identification card to operate a 64135
motorized bicycle may be issued to a person fourteen or fifteen 64136
years old. 64137

(C) Any permit and identification card issued under this 64138
section shall be issued in the same manner as a driver's 64139
license, upon a form to be furnished by the registrar. A 64140
temporary instruction permit to drive a motor vehicle other than 64141
a commercial motor vehicle shall be valid for a period of one 64142

year. 64143

(D) Any person having in the person's possession a valid 64144
and current driver's license or motorcycle operator's license or 64145
endorsement issued to the person by another jurisdiction 64146
recognized by this state is exempt from obtaining a temporary 64147
instruction permit for a driver's license and from submitting to 64148
the examination for a temporary instruction permit and the 64149
regular examination for obtaining a driver's license or 64150
motorcycle operator's endorsement in this state if the person 64151
does all of the following: 64152

(1) Submits to and passes vision screening as provided in 64153
section 4507.12 of the Revised Code; 64154

(2) Surrenders to the registrar or deputy registrar the 64155
person's driver's license issued by the other jurisdiction; and 64156

(3) Complies with all other applicable requirements for 64157
issuance by this state of a driver's license, driver's license 64158
with a motorcycle operator's endorsement, or restricted license 64159
to operate a motorcycle. 64160

If the person does not comply with all the requirements of 64161
this division, the person shall submit to the regular 64162
examination for obtaining a driver's license or motorcycle 64163
operator's endorsement in this state in order to obtain such a 64164
license or endorsement. 64165

(E) The registrar may adopt rules governing the use of 64166
temporary instruction permits and temporary instruction permit 64167
identification cards. 64168

(F) (1) No holder of a permit issued under division (A) of 64169
this section shall operate a motor vehicle upon a highway or any 64170
public or private property used by the public for purposes of 64171

vehicular travel or parking in violation of the conditions 64172
established under division (A) of this section. 64173

(2) Except as provided in division (F) (2) of this section, 64174
no holder of a permit that is issued under division (A) of this 64175
section and that is issued on or after July 1, 1998, and who has 64176
not attained the age of eighteen years, shall operate a motor 64177
vehicle upon a highway or any public or private property used by 64178
the public for purposes of vehicular travel or parking between 64179
the hours of midnight and six a.m. 64180

The holder of a permit issued under division (A) of this 64181
section on or after July 1, 1998, who has not attained the age 64182
of eighteen years, may operate a motor vehicle upon a highway or 64183
any public or private property used by the public for purposes 64184
of vehicular travel or parking between the hours of midnight and 64185
six a.m. if, at the time of such operation, the holder is 64186
accompanied by the holder's parent, guardian, or custodian, and 64187
the parent, guardian, or custodian holds a current valid 64188
driver's or commercial driver's license issued by this state, is 64189
actually occupying a seat beside the permit holder, and does not 64190
have a prohibited concentration of alcohol in the whole blood, 64191
blood serum or plasma, breath, or urine as provided in division 64192
(A) of section 4511.19 of the Revised Code. 64193

~~(G) (1) Notwithstanding any other provision of law to the 64194~~
~~contrary, no law enforcement officer shall cause the operator of 64195~~
~~a motor vehicle being operated on any street or highway to stop 64196~~
~~the motor vehicle for the sole purpose of determining whether 64197~~
~~each occupant of the motor vehicle is wearing all of the 64198~~
~~available elements of a properly adjusted occupant restraining 64199~~
~~device as required by division (A) of this section, or for the 64200~~
~~sole purpose of issuing a ticket, citation, or summons if the 64201~~

~~requirement in that division has been or is being violated, or~~ 64202
~~for causing the arrest of or commencing a prosecution of a~~ 64203
~~person for a violation of that requirement.~~ 64204

~~(2)~~ (G) Notwithstanding any other provision of law to the 64205
contrary, no law enforcement officer shall cause the operator of 64206
a motor vehicle being operated on any street or highway to stop 64207
the motor vehicle for the sole purpose of determining whether a 64208
violation of division (F) (2) of this section has been or is 64209
being committed or for the sole purpose of issuing a ticket, 64210
citation, or summons for such a violation or for causing the 64211
arrest of or commencing a prosecution of a person for such 64212
violation. 64213

(H) As used in this section: 64214

(1) "Eligible adult" means any of the following: 64215

(a) An instructor of a driver training course approved by 64216
the department of public safety; 64217

(b) Any of the following persons who holds a current valid 64218
driver's or commercial driver's license issued by this state: 64219

(i) A parent, guardian, or custodian of the permit holder; 64220

(ii) A person twenty-one years of age or older who acts in 64221
loco parentis of the permit holder. 64222

(2) "Occupant restraining device" has the same meaning as 64223
in section 4513.263 of the Revised Code. 64224

(I) Whoever violates division (F) (1) or (2) of this 64225
section is guilty of a minor misdemeanor. 64226

Sec. 4507.061. (A) The registrar of motor vehicles may 64227
authorize the online renewal of a driver's license, commercial 64228

driver's license, or identification card issued by the bureau of 64229
motor vehicles for eligible applicants. An applicant is eligible 64230
for online renewal if all of the following apply: 64231

(1) The applicant's current driver's license, commercial 64232
driver's license, or identification card was processed in person 64233
at a deputy registrar office. 64234

(2) The applicant has a photo on file with the bureau of 64235
motor vehicles from the applicant's current driver's license, 64236
commercial driver's license, or identification card. 64237

(3) The applicant's current driver's license, commercial 64238
driver's license, or identification card expires on the birthday 64239
of the applicant in the fourth year after the date it was 64240
issued. 64241

(4) The applicant is applying for a driver's license, 64242
commercial driver's license, or identification card that expires 64243
on the birthday of the applicant in the fourth year after the 64244
date it is issued. 64245

(5) The applicant's current driver's license, commercial 64246
driver's license, or identification card is unexpired or expired 64247
not more than six months prior to the date of the application. 64248

(6) The applicant is a citizen or a permanent resident of 64249
the United States and a permanent resident of this state. 64250

(7) The applicant's current driver's license, commercial 64251
driver's license, or identification card was ~~issue~~issued when 64252
the applicant was twenty-one years of age or older. 64253

(8) If the applicant is renewing a driver's license or 64254
commercial driver's license, the applicant is less than sixty- 64255
five years of age. 64256

(9) The applicant's current driver's license, commercial driver's license, or driving privileges are not suspended, canceled, revoked, or restricted, and the applicant is not otherwise prohibited by law from obtaining a driver's license, commercial driver's license, or identification card.

(10) The applicant has no changes to the applicant's name or personal information, other than a change of address.

(11) The applicant has no medical restrictions that would require the applicant to apply for a driver's license, commercial driver's license, or identification card in person at a deputy registrar office. The registrar shall determine the medical restrictions that require in person applications.

(12) For a commercial driver's license, the applicant complies with all the requirements of Chapter 4506. of the Revised Code, including self-certification and medical certificate requirements.

(13) For a commercial driver's license, the applicant is not under any restriction specified by any federal regulation.

(B) An applicant may not submit an application online for any of the following:

(1) A temporary instruction permit;

(2) A commercial driver's license temporary instruction permit;

(3) An initial issuance of an Ohio driver's license, commercial driver's license, or identification card;

(4) An initial issuance of a federally compliant driver's license, commercial driver's license, or identification card;

(5) An initial issuance of an enhanced driver's license, 64284
enhanced commercial driver's license, or enhanced identification 64285
card; 64286

(6) An ignition interlock license; 64287

(7) A limited term driver's license or ~~nonrenewable~~ 64288
limited term commercial driver's license issued to a temporary 64289
resident. 64290

(C) The registrar may require an applicant to provide a 64291
digital copy of any identification documents and supporting 64292
documents as required by statute or administrative rule to 64293
comply with current state and federal requirements. 64294

(D) Except as otherwise provided, an applicant shall 64295
comply with all other applicable laws related to the issuance of 64296
a driver's license, commercial driver's license, or 64297
identification card in order to renew a driver's license, 64298
commercial driver's license, or identification card under this 64299
section. 64300

(E) The registrar may adopt rules in accordance with 64301
Chapter 119. of the Revised Code to implement and administer 64302
this section. 64303

Sec. 4507.071. (A) The registrar of motor vehicles or any 64304
deputy registrar shall not issue a driver's license to any 64305
person under eighteen years of age, except that the registrar or 64306
a deputy registrar may issue a probationary license to a person 64307
who is at least sixteen years of age and has held a temporary 64308
instruction permit for a period of at least six months. 64309

(B) (1) (a) No holder of a probationary driver's license who 64310
has held the license for less than twelve months shall operate a 64311
motor vehicle upon a highway or any public or private property 64312

used by the public for purposes of vehicular travel or parking 64313
between the hours of midnight and six a.m. unless the holder is 64314
accompanied by the holder's parent or guardian. 64315

(b) No holder of a probationary driver's license who has 64316
held the license for twelve months or longer shall operate a 64317
motor vehicle upon a highway or any public or private property 64318
used by the public for purposes of vehicular travel or parking 64319
between the hours of one a.m. and five a.m. unless the holder is 64320
accompanied by the holder's parent or guardian. 64321

(2) (a) Subject to division (D) (1) of this section, 64322
division (B) (1) (a) of this section does not apply to the holder 64323
of a probationary driver's license who is doing ~~either~~ any of 64324
the following: 64325

(i) Traveling to or from work between the hours of 64326
midnight and six a.m., provided that the holder has in the 64327
holder's immediate possession written documentation from the 64328
holder's employer; 64329

(ii) Traveling to or from an official function sponsored 64330
by the school the holder attends between the hours of midnight 64331
and six a.m., provided that the holder has in the holder's 64332
immediate possession written documentation from an appropriate 64333
official of the school; 64334

(iii) Traveling to or from an official religious event 64335
between the hours of midnight and six a.m., provided that the 64336
holder has in the holder's immediate possession written 64337
documentation from an appropriate official affiliated with the 64338
event. 64339

(b) Division (B) (1) (b) of this section does not apply to 64340
the holder of a probationary driver's license who is doing- 64341

~~either~~ any of the following: 64342

(i) Traveling to or from work between the hours of one 64343
a.m. and five a.m., provided that the holder has in the holder's 64344
immediate possession written documentation from the holder's 64345
employer.; 64346

(ii) Traveling to or from an official function sponsored 64347
by the school the holder attends between the hours of one a.m. 64348
and five a.m., provided that the holder has in the holder's 64349
immediate possession written documentation from an appropriate 64350
official of the school; 64351

(iii) Traveling to or from an official religious event 64352
between the hours of one a.m. and five a.m., provided that the 64353
holder has in the holder's immediate possession written 64354
documentation from an appropriate official affiliated with the 64355
event. 64356

(3) An employer, school official, or official affiliated 64357
with a religious event is not liable in damages in a civil 64358
action for any injury, death, or loss to person or property that 64359
allegedly arises from, or is related to, the fact that the 64360
employer, school official, or official affiliated with a 64361
religious event provided the holder of a probationary driver's 64362
license with the written documentation described in division (B) 64363
(2) of this section. 64364

The registrar of motor vehicles shall make available at no 64365
cost a form to serve as the written documentation described in 64366
division (B)(2) of this section, and employers, school 64367
officials, officials affiliated with religious events, and 64368
holders of probationary driver's licenses may utilize that form 64369
or may choose to utilize any other written documentation to meet 64370

the requirements of that division. 64371

(4) No holder of a probationary driver's license who has 64372
held the license for less than twelve months shall operate a 64373
motor vehicle upon a highway or any public or private property 64374
used by the public for purposes of vehicular travel or parking 64375
with more than one person who is not a family member occupying 64376
the vehicle unless the probationary license holder is 64377
accompanied by the probationary license holder's parent, 64378
guardian, or custodian. 64379

(C) It is an affirmative defense to a violation of 64380
division (B) (1) (a) or (b) of this section if, at the time of the 64381
violation, an emergency existed that required the holder of the 64382
probationary driver's license to operate a motor vehicle in 64383
violation of division (B) (1) (a) or (b) of this section or the 64384
holder was an emancipated minor. 64385

(D) (1) If a person is issued a probationary driver's 64386
license prior to attaining the age of seventeen years and the 64387
person pleads guilty to, is convicted of, or is adjudicated in 64388
juvenile court of having committed a moving violation during the 64389
six-month period commencing on the date on which the person is 64390
issued the probationary driver's license, the court with 64391
jurisdiction over the violation may order that the holder must 64392
be accompanied by the holder's parent or guardian whenever the 64393
holder is operating a motor vehicle upon a highway or any public 64394
or private property used by the public for purposes of vehicular 64395
travel or parking for a period not to exceed six months or the 64396
date the holder attains the age of seventeen years, whichever 64397
occurs first. 64398

(2) Any person who is subject to the operating 64399
restrictions established under division (D) (1) of this section 64400

as a result of a first moving violation may petition the court 64401
for driving privileges without being accompanied by the holder's 64402
parent or guardian during the period of time determined by the 64403
court under that division. In granting the driving privileges, 64404
the court shall specify the purposes of the privileges and shall 64405
issue the person appropriate forms setting forth the privileges 64406
granted. If a person is convicted of, pleads guilty to, or is 64407
adjudicated in juvenile court of having committed a second or 64408
subsequent moving violation, the court with jurisdiction over 64409
the violation may terminate any driving privileges previously 64410
granted under this division. 64411

(3) No person shall violate any operating restriction 64412
imposed under division (D) (1) or (2) of this section. 64413

(E) No holder of a probationary license shall operate a 64414
motor vehicle upon a highway or any public or private property 64415
used by the public for purposes of vehicular travel or parking 64416
unless the total number of occupants of the vehicle does not 64417
exceed the total number of occupant restraining devices 64418
originally installed in the motor vehicle by its manufacturer, 64419
and each occupant of the vehicle is wearing all of the available 64420
elements of a properly adjusted occupant restraining device. 64421

(F) A restricted license may be issued to a person who is 64422
fourteen or fifteen years of age upon proof of hardship 64423
satisfactory to the registrar of motor vehicles. 64424

(G) ~~Notwithstanding any other provision of law to the~~ 64425
~~contrary, no law enforcement officer shall cause the operator of~~ 64426
~~a motor vehicle being operated on any street or highway to stop~~ 64427
~~the motor vehicle for the sole purpose of determining whether~~ 64428
~~each occupant of the motor vehicle is wearing all of the~~ 64429
~~available elements of a properly adjusted occupant restraining~~ 64430

~~device as required by division (E) of this section, or for the~~ 64431
~~sole purpose of issuing a ticket, citation, or summons if the~~ 64432
~~requirement in that division has been or is being violated, or~~ 64433
~~for causing the arrest of or commencing a prosecution of a~~ 64434
~~person for a violation of that requirement.~~ 64435

~~(H)~~ Notwithstanding any other provision of law to the 64436
contrary, no law enforcement officer shall cause the operator of 64437
a motor vehicle being operated on any street or highway to stop 64438
the motor vehicle for the sole purpose of determining whether a 64439
violation of division (B) (1) (a) or (b) of this section has been 64440
or is being committed or for the sole purpose of issuing a 64441
ticket, citation, or summons for such a violation or for causing 64442
the arrest of or commencing a prosecution of a person for such 64443
violation. 64444

~~(I)~~ (H) As used in this section: 64445

(1) "Occupant restraining device" has the same meaning as 64446
in section 4513.263 of the Revised Code. 64447

(2) "Family member" of a probationary license holder 64448
includes any of the following: 64449

(a) A spouse; 64450

(b) A child or stepchild; 64451

(c) A parent, stepparent, grandparent, or parent-in-law; 64452

(d) An aunt or uncle; 64453

(e) A sibling, whether of the whole or half blood or by 64454
adoption, a brother-in-law, or a sister-in-law; 64455

(f) A son or daughter of the probationary license holder's 64456
stepparent if the stepparent has not adopted the probationary 64457

license holder; 64458

(g) An eligible adult, as defined in section 4507.05 of 64459
the Revised Code. 64460

(3) "Moving violation" means any violation of any statute 64461
or ordinance that regulates the operation of vehicles, 64462
streetcars, or trackless trolleys on the highways or streets. 64463
"Moving violation" does not include a violation of section 64464
4513.263 of the Revised Code or a substantially equivalent 64465
municipal ordinance, or a violation of any statute or ordinance 64466
regulating pedestrians or the parking of vehicles, vehicle size 64467
or load limitations, vehicle fitness requirements, or vehicle 64468
registration. 64469

~~(J)~~ (I) Whoever violates division (B) (1) or (4), (D) (3), 64470
or (E) of this section is guilty of a minor misdemeanor. 64471

Sec. 4507.08. (A) No probationary license shall be issued 64472
to any person under the age of eighteen who has been adjudicated 64473
an unruly or delinquent child or a juvenile traffic offender for 64474
having committed any act that if committed by an adult would be 64475
a drug abuse offense, as defined in section 2925.01 of the 64476
Revised Code, a violation of division (B) of section 2917.11, or 64477
a violation of division (A) of section 4511.19 of the Revised 64478
Code, unless the person has been required by the court to attend 64479
a drug abuse or alcohol abuse education, intervention, or 64480
treatment program specified by the court and has satisfactorily 64481
completed the program. 64482

(B) No temporary instruction permit or driver's license 64483
shall be issued to any person whose license has been suspended, 64484
during the period for which the license was suspended, nor to 64485
any person whose license has been canceled, under Chapter 4510. 64486

or any other provision of the Revised Code. 64487

(C) No temporary instruction permit or driver's license 64488
shall be issued to any person whose commercial driver's license 64489
is suspended under Chapter 4510. or any other provision of the 64490
Revised Code during the period of the suspension. 64491

No temporary instruction permit or driver's license shall 64492
be issued to any person when issuance is prohibited by division 64493
(A) of section 4507.091 of the Revised Code. 64494

(D) No temporary instruction permit or driver's license 64495
shall be issued to, or retained by, any of the following 64496
persons: 64497

(1) Any person who has alcoholism, or is addicted to the 64498
use of controlled substances to the extent that the use 64499
constitutes an impairment to the person's ability to operate a 64500
motor vehicle with the required degree of safety; 64501

(2) Any person who is under the age of eighteen and has 64502
been adjudicated an unruly or delinquent child or a juvenile 64503
traffic offender for having committed any act that if committed 64504
by an adult would be a drug abuse offense, as defined in section 64505
2925.01 of the Revised Code, a violation of division (B) of 64506
section 2917.11, or a violation of division (A) of section 64507
4511.19 of the Revised Code, unless the person has been required 64508
by the court to attend a drug abuse or alcohol abuse education, 64509
intervention, or treatment program specified by the court and 64510
has satisfactorily completed the program; 64511

(3) Any person who, in the opinion of the registrar, has a 64512
physical or mental disability or disease that prevents the 64513
person from exercising reasonable and ordinary control over a 64514
motor vehicle while operating the vehicle upon the highways, 64515

except that a restricted license ~~effective for six months~~ may be 64516
issued to any person otherwise qualified who is or has been 64517
subject to any condition resulting in episodic impairment of 64518
consciousness or loss of muscular control and whose condition, 64519
in the opinion of the registrar, is dormant or is sufficiently 64520
under medical control that the person is capable of exercising 64521
reasonable and ordinary control over a motor vehicle. A 64522
restricted license ~~effective for six months~~ shall be issued to 64523
any person who otherwise is qualified and who is subject to any 64524
condition that causes episodic impairment of consciousness or a 64525
loss of muscular control if the person presents a statement from 64526
a licensed physician that the person's condition is under 64527
effective medical control and the period of time for which the 64528
control has been continuously maintained, unless, thereafter, a 64529
medical examination is ordered and, pursuant thereto, cause for 64530
denial is found. 64531

A person to whom a ~~six-month~~ restricted license has been 64532
issued shall give notice of the person's medical condition to 64533
the registrar on forms provided by the registrar and signed by 64534
the licensee's physician at intervals required by the registrar. 64535
~~The notice shall be sent to the registrar six months after the~~ 64536
~~issuance of the license. Subsequent restricted licenses issued~~ 64537
~~to the same individual shall be effective for six~~ 64538
~~months~~ determine the validity period of the restricted license. 64539

(4) Any person who is unable to understand highway 64540
warnings or traffic signs or directions given in the English 64541
language; 64542

(5) Any person making an application whose driver's 64543
license or driving privileges are under cancellation, 64544
revocation, or suspension in the jurisdiction where issued or 64545

any other jurisdiction, until the expiration of one year after 64546
the license was canceled or revoked or until the period of 64547
suspension ends. Any person whose application is denied under 64548
this division may file a petition in the municipal court or 64549
county court in whose jurisdiction the person resides agreeing 64550
to pay the cost of the proceedings and alleging that the conduct 64551
involved in the offense that resulted in suspension, 64552
cancellation, or revocation in the foreign jurisdiction would 64553
not have resulted in a suspension, cancellation, or revocation 64554
had the offense occurred in this state. If the petition is 64555
granted, the petitioner shall notify the registrar by a 64556
certified copy of the court's findings and a license shall not 64557
be denied under this division. 64558

(6) Any person who is under a class one or two suspension 64559
imposed for a violation of section 2903.01, 2903.02, 2903.04, 64560
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 64561
Code or whose driver's or commercial driver's license or permit 64562
was permanently revoked prior to January 1, 2004, for a 64563
substantially equivalent violation pursuant to section 4507.16 64564
of the Revised Code; 64565

(7) Any person who is not a resident or temporary resident 64566
of this state. 64567

(E) No person whose driver's license or permit has been 64568
suspended under Chapter 4510. of the Revised Code or any other 64569
provision of the Revised Code shall have driving privileges 64570
reinstated if the registrar determines that a warrant has been 64571
issued in this state or any other state for the person's arrest 64572
and that warrant is an active warrant. 64573

Sec. 4507.09. (A) (1) Except as provided in division (B) of 64574
this section, every driver's license issued to a resident of 64575

this state expires on the birthday of the applicant in the 64576
fourth or eighth year after the date it is issued, based on the 64577
period of renewal requested by the applicant. A resident who is 64578
sixty-five years of age or older may only apply for a driver's 64579
license that expires on the birthday of the applicant in the 64580
fourth year after the date it is issued. In no event shall any 64581
license be issued for a period longer than eight years and 64582
ninety days. 64583

Subject to the requirements of section 4507.12 of the 64584
Revised Code, every driver's license issued to a resident is 64585
renewable at any time prior to its expiration. 64586

(2) A driver's license issued to a temporary resident 64587
shall expire in accordance with rules adopted by the registrar 64588
of motor vehicles. A driver's license issued to a temporary 64589
resident is a limited term license, but may be renewed within 64590
ninety days prior to its expiration in accordance with division 64591
(E) of this section. 64592

(3) No refund shall be made or credit given for the 64593
unexpired portion of the driver's license that is renewed. The 64594
registrar shall notify each person whose driver's license has 64595
expired within forty-five days after the date of expiration. 64596
Notification shall be made by regular mail sent to the person's 64597
last known address as shown in the records of the bureau of 64598
motor vehicles. Failure to provide such notification shall not 64599
be construed as a renewal or extension of any license. 64600

(4) For the purposes of this section, the date of birth of 64601
any applicant born on the twenty-ninth day of February shall be 64602
deemed to be the first day of March in any year in which there 64603
is no twenty-ninth day of February. 64604

(B) Every driver's license or renewal of a driver's license issued to a resident applicant who is sixteen years of age or older, but less than twenty-one years of age, expires on the twenty-first birthday of the applicant, except that an applicant who applies no more than thirty days before the applicant's twenty-first birthday shall be issued a license in accordance with division (A) of this section.

(C) Each person licensed as a driver under this chapter shall notify the registrar of any change in the person's address within ten days following that change. The notification shall be in writing on a form provided by the registrar and shall include the full name, date of birth, license number, county of residence, social security number, and new address of the person.

(D) No driver's license shall be renewed when renewal is prohibited by division (A) of section 4507.091 of the Revised Code.

(E) (1) Except as provided in division (E) (2) of this section, a limited term license shall not be issued to a temporary resident for a period longer than the expiration date of the temporary resident's authorized stay in the United States, or for four years from the date of issuance, whichever date is earliest.

(2) If there is no expiration date for a temporary resident's authorized stay in the United States, a limited term license shall not be issued to the temporary resident for a period longer than one year from the date of issuance.

(3) A limited term license may be renewed within ninety days prior to its expiration upon the applicant's presentation

of documentation verifying the applicant's legal presence or 64634
continued temporary lawful status in the United States. 64635

~~(3) A limited term license is not transferable, and the 64636
applicant may not rely on it to obtain a driver's license in 64637
another state. 64638~~

(4) In accordance with Chapter 119. of the Revised Code, 64639
the registrar shall adopt rules governing limited term licenses 64640
for temporary residents. 64641

Sec. 4507.40. (A) As used in this section, "Ohio 64642
credential" means a temporary instruction permit identification 64643
card, driver's license, commercial driver's license, motorcycle 64644
operator's license, motorized bicycle license, or identification 64645
card issued by the Ohio bureau of motor vehicles. 64646

(B) Any valid holder of an Ohio credential issued after 64647
July 2, 2018, may apply online to obtain an exact reprint of 64648
that Ohio credential. Not more than one hundred eighty days 64649
after ~~the effective date of this section~~ April 12, 2021, the 64650
registrar of motor vehicles shall make the reprint application 64651
process available through electronic means on the bureau of 64652
motor vehicle's web site. A reprint of an Ohio credential shall 64653
be available only through the online process. 64654

(C) An applicant may obtain not more than ~~one reprint~~ two 64655
reprints between the initial issuance and renewal of an Ohio 64656
credential or between renewals of an Ohio credential. A reprint 64657
shall be an exact copy of the last-issued Ohio credential that 64658
it replaces. A reprint expires on the same date as the Ohio 64659
credential it replaces. 64660

(D) The applicant shall do all of the following in the 64661
application: 64662

(1) Certify that the current Ohio credential is lost, 64663
destroyed, or mutilated; 64664

(2) Provide identifying information, as required by the 64665
registrar, in order to confirm the applicant's identity; 64666

(3) Include with the application a financial transaction 64667
device number to pay the applicable fees for the reprint of the 64668
Ohio credential, and a service fee equal to the amount 64669
established under section 4503.038 of the Revised Code. 64670

(E) Upon receipt of a completed application, the registrar 64671
shall issue a reprint Ohio credential to the applicant, if the 64672
applicant is eligible for the reprint. If the applicant does not 64673
qualify for a reprint, the registrar shall notify the applicant 64674
why the application was denied. 64675

(F) The fees that are collected from a person who applies 64676
for a reprint of an Ohio credential shall be paid to the credit 64677
of the public safety - highway purposes fund established by 64678
section 4501.06 of the Revised Code. 64679

Sec. 4507.41. (A) "Ohio credential" has the same meaning 64680
as in section 4507.40 of the Revised Code. 64681

(B) A valid holder of an Ohio credential may apply to 64682
receive an Ohio credential in an expedited manner. In addition 64683
to other applicable fees and taxes, a valid holder of an Ohio 64684
credential shall pay a one-hundred-dollar administrative fee 64685
plus applicable mailing costs to compensate the registrar of 64686
motor vehicles for additional services required in issuing an 64687
expedited Ohio credential. The registrar of motor vehicles shall 64688
determine the applicable mailing costs and the manner by which 64689
the Ohio credential is mailed. An expedited Ohio credential is 64690
available for any Ohio credential and includes online renewal 64691

under section 4507.061 of the Revised Code and reprints under 64692
section 4507.40 of the Revised Code. 64693

(C) The administrative fee and mailing costs charged 64694
pursuant to division (B) of this section shall be deposited into 64695
the public safety - highway purposes fund created in section 64696
4501.06 of the Revised Code. 64697

(D) The registrar of motor vehicles may adopt rules in 64698
accordance with Chapter 119. of the Revised Code to implement 64699
this section. Notwithstanding any provision of section 121.95 of 64700
the Revised Code to the contrary, a regulatory restriction 64701
contained in any rule adopted under this section is not subject 64702
to sections 121.95 to 121.953 of the Revised Code. 64703

Sec. 4507.53. Digitalized photographic records of the 64704
department of public safety may be released only to the 64705
following: 64706

(A) State, local, or federal governmental agencies for 64707
criminal justice purposes; 64708

(B) Any court; 64709

(C) The American association of motor vehicle 64710
administrators to allow state department of motor vehicles 64711
participating in the association's state-to-state verification 64712
services and digital image access and exchange program to use 64713
the photographic records for identity verification purposes; 64714

(D) The department of job and family services or the 64715
unemployment compensation review commission for the purpose of 64716
carrying out the department's or commission's functions under 64717
Chapter 4141. of the Revised Code. 64718

Sec. 4508.023. (A) As used in this section, "school" 64719

<u>includes the following:</u>	64720
<u>(1) A city, local, exempted village, and joint vocational</u>	64721
<u>school district;</u>	64722
<u>(2) A community school established under Chapter 3314. of</u>	64723
<u>the Revised Code;</u>	64724
<u>(3) A science, technology, engineering, and mathematics</u>	64725
<u>school established under Chapter 3326. of the Revised Code;</u>	64726
<u>(4) A chartered nonpublic school;</u>	64727
<u>(5) An educational service center, on behalf of a school</u>	64728
<u>or district.</u>	64729
<u>(B) The driver training in schools grant program is</u>	64730
<u>created in the department of public safety. The director of</u>	64731
<u>public safety shall administer the grant program as follows:</u>	64732
<u>(1) The director shall distribute grants to schools to</u>	64733
<u>implement, administer, or provide driver training courses</u>	64734
<u>approved by the director under section 4507.21 of the Revised</u>	64735
<u>Code.</u>	64736
<u>(2) A school is eligible to receive a grant regardless of</u>	64737
<u>whether either of the following applies:</u>	64738
<u>(a) The school develops and provides its own driver</u>	64739
<u>training course in accordance with section 4507.21 of the</u>	64740
<u>Revised Code.</u>	64741
<u>(b) The school contracts with a private third party to</u>	64742
<u>develop and provide a driver training course on the behalf of</u>	64743
<u>the school in accordance with section 4507.21 of the Revised</u>	64744
<u>Code.</u>	64745
<u>(C) The director of public safety may adopt rules in</u>	64746

accordance with Chapter 119. of the Revised Code to implement 64747
and administer this section. 64748

Sec. 4509.101. (A) (1) No person shall operate, or permit 64749
the operation of, a motor vehicle in this state, unless proof of 64750
financial responsibility is maintained continuously throughout 64751
the registration period with respect to that vehicle, or, in the 64752
case of a driver who is not the owner, with respect to that 64753
driver's operation of that vehicle. 64754

(2) Whoever violates division (A) (1) of this section shall 64755
be subject to the following civil penalties: 64756

(a) Subject to divisions (A) (2) (b) and (c) of this 64757
section, a class (F) suspension of the person's driver's 64758
license, commercial driver's license, temporary instruction 64759
permit, probationary license, or nonresident operating privilege 64760
for the period of time specified in division (B) (6) of section 64761
4510.02 of the Revised Code and impoundment of the person's 64762
license. The court may grant limited driving privileges to the 64763
person, but only if the person presents proof of financial 64764
responsibility and is enrolled in a reinstatement fee payment 64765
plan pursuant to section 4510.10 of the Revised Code. 64766

(b) If, within five years of the violation, the person's 64767
operating privileges are again suspended and the person's 64768
license again is impounded for a violation of division (A) (1) of 64769
this section, a class C suspension of the person's driver's 64770
license, commercial driver's license, temporary instruction 64771
permit, probationary license, or nonresident operating privilege 64772
for the period of time specified in division (B) (3) of section 64773
4510.02 of the Revised Code. The court may grant limited driving 64774
privileges to the person only if the person presents proof of 64775
financial responsibility and has complied with division (A) (5) 64776

of this section, and no court may grant limited driving 64777
privileges for the first fifteen days of the suspension. 64778

(c) If, within five years of the violation, the person's 64779
operating privileges are suspended and the person's license is 64780
impounded two or more times for a violation of division (A) (1) 64781
of this section, a class B suspension of the person's driver's 64782
license, commercial driver's license, temporary instruction 64783
permit, probationary license, or nonresident operating privilege 64784
for the period of time specified in division (B) (2) of section 64785
4510.02 of the Revised Code. The court may grant limited driving 64786
privileges to the person only if the person presents proof of 64787
financial responsibility and has complied with division (A) (5) 64788
of this section, except that no court may grant limited driving 64789
privileges for the first thirty days of the suspension. 64790

(d) In addition to the suspension of an owner's license 64791
under division (A) (2) (a), (b), or (c) of this section, the 64792
suspension of the rights of the owner to register the motor 64793
vehicle and the impoundment of the owner's certificate of 64794
registration and license plates until the owner complies with 64795
division (A) (5) of this section. 64796

The clerk of court shall waive the cost of filing a 64797
petition for limited driving privileges if, pursuant to section 64798
2323.311 of the Revised Code, the petitioner applies to be 64799
qualified as an indigent litigant and the court approves the 64800
application. 64801

(3) A person to whom this state has issued a certificate 64802
of registration for a motor vehicle or a license to operate a 64803
motor vehicle or who is determined to have operated any motor 64804
vehicle or permitted the operation in this state of a motor 64805
vehicle owned by the person shall be required to verify the 64806

existence of proof of financial responsibility covering the 64807
operation of the motor vehicle or the person's operation of the 64808
motor vehicle under either of the following circumstances: 64809

(a) The person or a motor vehicle owned by the person is 64810
involved in a traffic accident that requires the filing of an 64811
accident report under section 4509.06 of the Revised Code. 64812

(b) The person receives a traffic ticket indicating that 64813
proof of the maintenance of financial responsibility was not 64814
produced upon the request of a peace officer or state highway 64815
patrol trooper made in accordance with division (D)(2) of this 64816
section. 64817

(4) An order of the registrar that suspends and impounds a 64818
license or registration, or both, shall state the date on or 64819
before which the person is required to surrender the person's 64820
license or certificate of registration and license plates. The 64821
person is deemed to have surrendered the license or certificate 64822
of registration and license plates, in compliance with the 64823
order, if the person does either of the following: 64824

(a) On or before the date specified in the order, delivers 64825
the license or certificate of registration and license plates to 64826
the registrar; 64827

(b) Mails the license or certificate of registration and 64828
license plates to the registrar in an envelope or container 64829
bearing a postmark showing a date no later than the date 64830
specified in the order. 64831

(5) Except as provided in division (L) of this section, 64832
the registrar shall not restore any operating privileges or 64833
registration rights suspended under this section, return any 64834
license, certificate of registration, or license plates 64835

impounded under this section, or reissue license plates under 64836
section 4503.232 of the Revised Code, if the registrar destroyed 64837
the impounded license plates under that section, or reissue a 64838
license under section 4510.52 of the Revised Code, if the 64839
registrar destroyed the suspended license under that section, 64840
unless the rights are not subject to suspension or revocation 64841
under any other law and unless the person, in addition to 64842
complying with all other conditions required by law for 64843
reinstatement of the operating privileges or registration 64844
rights, complies with all of the following: 64845

(a) Pays to the registrar or an eligible deputy registrar 64846
a financial responsibility reinstatement fee of forty dollars 64847
for the first violation of division (A)(1) of this section, 64848
three hundred dollars for a second violation of that division, 64849
and six hundred dollars for a third or subsequent violation of 64850
that division; 64851

(b) If the person has not voluntarily surrendered the 64852
license, certificate, or license plates in compliance with the 64853
order, pays to the registrar or an eligible deputy registrar a 64854
financial responsibility nonvoluntary compliance fee in an 64855
amount, not to exceed fifty dollars, determined by the 64856
registrar; 64857

(c) Files and continuously maintains proof of financial 64858
responsibility under sections 4509.44 to 4509.65 of the Revised 64859
Code; 64860

(d) Pays a deputy registrar a service fee of ten dollars 64861
to compensate the deputy registrar for services performed under 64862
this section. The deputy registrar shall retain eight dollars of 64863
the service fee and shall transmit the reinstatement fee, any 64864
nonvoluntary compliance fee, and two dollars of the service fee 64865

to the registrar in the manner the registrar shall determine. 64866

(B) (1) Every party required to file an accident report 64867
under section 4509.06 of the Revised Code also shall include 64868
with the report a document described in division (G) (1) (a) of 64869
this section or shall present proof of financial responsibility 64870
through use of an electronic wireless communications device as 64871
permitted by division (G) (1) (b) of this section. 64872

If the registrar determines, within forty-five days after 64873
the report is filed, that an operator or owner has violated 64874
division (A) (1) of this section, the registrar shall do all of 64875
the following: 64876

(a) Order the impoundment, with respect to the motor 64877
vehicle involved, required under division (A) (2) (d) of this 64878
section, of the certificate of registration and license plates 64879
of any owner who has violated division (A) (1) of this section; 64880

(b) Order the suspension required under division (A) (2) 64881
(a), (b), or (c) of this section of the license of any operator 64882
or owner who has violated division (A) (1) of this section; 64883

(c) Record the name and address of the person whose 64884
certificate of registration and license plates have been 64885
impounded or are under an order of impoundment, or whose license 64886
has been suspended or is under an order of suspension; the 64887
serial number of the person's license; the serial numbers of the 64888
person's certificate of registration and license plates; and the 64889
person's social security account number, if assigned, or, where 64890
the motor vehicle is used for hire or principally in connection 64891
with any established business, the person's federal taxpayer 64892
identification number. The information shall be recorded in such 64893
a manner that it becomes a part of the person's permanent 64894

record, and assists the registrar in monitoring compliance with 64895
the orders of suspension or impoundment. 64896

(d) Send written notification to every person to whom the 64897
order pertains, at the person's last known address as shown on 64898
the records of the bureau. The person, within ten days after the 64899
date of the mailing of the notification, shall surrender to the 64900
registrar, in a manner set forth in division (A) (4) of this 64901
section, any certificate of registration and registration plates 64902
under an order of impoundment, or any license under an order of 64903
suspension. 64904

(2) The registrar shall issue any order under division (B) 64905
(1) of this section without a hearing. Any person adversely 64906
affected by the order, within ~~ten~~fifteen days after the 64907
issuance of the order, may request an administrative hearing 64908
before the registrar, who shall provide the person with an 64909
opportunity for a hearing in accordance with this paragraph. A 64910
request for a hearing does not operate as a suspension of the 64911
order. The scope of the hearing shall be limited to whether the 64912
person in fact demonstrated to the registrar proof of financial 64913
responsibility in accordance with this section. The registrar 64914
shall determine the date, time, and place of any hearing, 64915
provided that the hearing shall be held, and an order issued or 64916
findings made, within thirty days after the registrar receives a 64917
request for a hearing. If requested by the person in writing, 64918
the registrar may designate as the place of hearing the county 64919
seat of the county in which the person resides or a place within 64920
fifty miles of the person's residence. The person shall pay the 64921
cost of the hearing before the registrar, if the registrar's 64922
order of suspension or impoundment is upheld. 64923

(C) Any order of suspension or impoundment issued under 64924

this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1) of this section at the time of the traffic offense, motor vehicle inspection, or accident that resulted in the order against the person. A determination may be made without a hearing. This division does not apply unless the person shows good cause for the person's failure to present satisfactory proof of financial responsibility to the registrar prior to the issuance of the order.

(D)(1)(a) For the purpose of enforcing this section, every peace officer is deemed an agent of the registrar.

(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment, pursuant to this section, may confiscate the license, certificate of registration, and license plates, and return them to the registrar.

(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code.

(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the officer's request under division (D)(2) of this section. The

peace officer shall inform every person who receives a traffic 64955
ticket and who has failed to produce proof of the maintenance of 64956
financial responsibility that the person must submit proof to 64957
the traffic violations bureau with any payment of a fine and 64958
costs for the ticketed violation or, if the person is to appear 64959
in court for the violation, the person must submit proof to the 64960
court. 64961

(4) (a) If a person who has failed to produce proof of the 64962
maintenance of financial responsibility appears in court for a 64963
ticketed violation, the court may permit the defendant to 64964
present evidence of proof of financial responsibility to the 64965
court at such time and in such manner as the court determines to 64966
be necessary or appropriate. In a manner prescribed by the 64967
registrar, the clerk of courts shall provide the registrar with 64968
the identity of any person who fails to submit proof of the 64969
maintenance of financial responsibility pursuant to division (D) 64970
(3) of this section. 64971

(b) If a person who has failed to produce proof of the 64972
maintenance of financial responsibility also fails to submit 64973
that proof to the traffic violations bureau with payment of a 64974
fine and costs for the ticketed violation, the traffic 64975
violations bureau, in a manner prescribed by the registrar, 64976
shall notify the registrar of the identity of that person. 64977

(5) (a) Upon receiving notice from a clerk of courts or 64978
traffic violations bureau pursuant to division (D) (4) of this 64979
section, the registrar shall order the suspension of the license 64980
of the person required under division (A) (2) (a), (b), or (c) of 64981
this section and the impoundment of the person's certificate of 64982
registration and license plates required under division (A) (2) 64983
(d) of this section, effective thirty days after the date of the 64984

mailing of notification. The registrar also shall notify the 64985
person that the person must present the registrar with proof of 64986
financial responsibility in accordance with this section, 64987
surrender to the registrar the person's certificate of 64988
registration, license plates, and license, or submit a statement 64989
subject to section 2921.13 of the Revised Code that the person 64990
did not operate or permit the operation of the motor vehicle at 64991
the time of the offense. Notification shall be in writing and 64992
shall be sent to the person at the person's last known address 64993
as shown on the records of the bureau of motor vehicles. The 64994
person, within fifteen days after the date of the mailing of 64995
notification, shall present proof of financial responsibility, 64996
surrender the certificate of registration, license plates, and 64997
license to the registrar in a manner set forth in division (A) 64998
(4) of this section, or submit the statement required under this 64999
section together with other information the person considers 65000
appropriate. 65001

If the registrar does not receive proof or the person does 65002
not surrender the certificate of registration, license plates, 65003
and license, in accordance with this division, the registrar 65004
shall permit the order for the suspension of the license of the 65005
person and the impoundment of the person's certificate of 65006
registration and license plates to take effect. 65007

(b) In the case of a person who presents, within the 65008
fifteen-day period, proof of financial responsibility, the 65009
registrar shall terminate the order of suspension and the 65010
impoundment of the registration and license plates required 65011
under division (A) (2) (d) of this section and shall send written 65012
notification to the person, at the person's last known address 65013
as shown on the records of the bureau. 65014

(c) Any person adversely affected by the order of the registrar under division (D) (5) (a) or (b) of this section, within ~~ten~~ fifteen days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether, at the time of the hearing, the person presents proof of financial responsibility covering the vehicle and whether the person is eligible for an exemption in accordance with this section or any rule adopted under it. The registrar shall determine the date, time, and place of any hearing; provided, that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person, the hearing may be held remotely by electronic means. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. Such person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment under division (D) (5) (a) or (b) of this section is upheld.

(6) A peace officer may charge an owner or operator of a motor vehicle with a violation of section 4510.16 of the Revised Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (D) (2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial

responsibility under section 4509.45 of the Revised Code for a 65046
previous violation of this chapter. 65047

(7) Any forms used by law enforcement agencies in 65048
administering this section shall be prescribed, supplied, and 65049
paid for by the registrar. 65050

(8) No peace officer, law enforcement agency employing a 65051
peace officer, or political subdivision or governmental agency 65052
that employs a peace officer shall be liable in a civil action 65053
for damages or loss to persons arising out of the performance of 65054
any duty required or authorized by this section. 65055

(9) As used in this section, "peace officer" has the 65056
meaning set forth in section 2935.01 of the Revised Code. 65057

(E) All fees, except court costs, fees paid to a deputy 65058
registrar, and those portions of the financial responsibility 65059
reinstatement fees as otherwise specified in this division, 65060
collected under this section shall be paid into the state 65061
treasury to the credit of the public safety - highway purposes 65062
fund established in section 4501.06 of the Revised Code and used 65063
to cover costs incurred by the bureau in the administration of 65064
this section and sections 4503.20, 4507.212, and 4509.81 of the 65065
Revised Code, and by any law enforcement agency employing any 65066
peace officer who returns any license, certificate of 65067
registration, and license plates to the registrar pursuant to 65068
division (C) of this section. 65069

Of each financial responsibility reinstatement fee the 65070
registrar collects pursuant to division (A) (5) (a) of this 65071
section or receives from a deputy registrar under division (A) 65072
(5) (d) of this section, the registrar shall deposit ten dollars 65073
of each forty-dollar reinstatement fee, fifty dollars of each 65074

three-hundred-dollar reinstatement fee, and one hundred dollars 65075
of each six-hundred-dollar reinstatement fee into the state 65076
treasury to the credit of the indigent defense support fund 65077
created by section 120.08 of the Revised Code. 65078

(F) Chapter 119. of the Revised Code applies to this 65079
section only to the extent that any provision in that chapter is 65080
not clearly inconsistent with this section. 65081

(G) (1) (a) The registrar, court, traffic violations bureau, 65082
or peace officer may require proof of financial responsibility 65083
to be demonstrated by use of a standard form prescribed by the 65084
registrar. If the use of a standard form is not required, a 65085
person may demonstrate proof of financial responsibility under 65086
this section by presenting to the traffic violations bureau, 65087
court, registrar, or peace officer any of the following 65088
documents or a copy of the documents: 65089

(i) A financial responsibility identification card as 65090
provided in section 4509.103 of the Revised Code; 65091

(ii) A certificate of proof of financial responsibility on 65092
a form provided and approved by the registrar for the filing of 65093
an accident report required to be filed under section 4509.06 of 65094
the Revised Code; 65095

(iii) A policy of liability insurance, a declaration page 65096
of a policy of liability insurance, or liability bond, if the 65097
policy or bond complies with section 4509.20 or sections 4509.49 65098
to 4509.61 of the Revised Code; 65099

(iv) A bond or certification of the issuance of a bond as 65100
provided in section 4509.59 of the Revised Code; 65101

(v) A certificate of deposit of money or securities as 65102
provided in section 4509.62 of the Revised Code; 65103

(vi) A certificate of self-insurance as provided in 65104
section 4509.72 of the Revised Code. 65105

(b) A person also may present proof of financial 65106
responsibility under this section to the traffic violations 65107
bureau, court, registrar, or peace officer through use of an 65108
electronic wireless communications device as specified under 65109
section 4509.103 of the Revised Code. 65110

(2) If a person fails to demonstrate proof of financial 65111
responsibility in a manner described in division (G)(1) of this 65112
section, the person may demonstrate proof of financial 65113
responsibility under this section by any other method that the 65114
court or the bureau, by reason of circumstances in a particular 65115
case, may consider appropriate. 65116

(3) A motor carrier certificated by the interstate 65117
commerce commission or by the public utilities commission may 65118
demonstrate proof of financial responsibility by providing a 65119
statement designating the motor carrier's operating authority 65120
and averring that the insurance coverage required by the 65121
certificating authority is in full force and effect. 65122

(4) (a) A finding by the registrar or court that a person 65123
is covered by proof of financial responsibility in the form of 65124
an insurance policy or surety bond is not binding upon the named 65125
insurer or surety or any of its officers, employees, agents, or 65126
representatives and has no legal effect except for the purpose 65127
of administering this section. 65128

(b) The preparation and delivery of a financial 65129
responsibility identification card or any other document 65130
authorized to be used as proof of financial responsibility and 65131
the generation and delivery of proof of financial responsibility 65132

to an electronic wireless communications device that is 65133
displayed on the device as text or images does not do any of the 65134
following: 65135

(i) Create any liability or estoppel against an insurer or 65136
surety, or any of its officers, employees, agents, or 65137
representatives; 65138

(ii) Constitute an admission of the existence of, or of 65139
any liability or coverage under, any policy or bond; 65140

(iii) Waive any defenses or counterclaims available to an 65141
insurer, surety, agent, employee, or representative in an action 65142
commenced by an insured or third-party claimant upon a cause of 65143
action alleged to have arisen under an insurance policy or 65144
surety bond or by reason of the preparation and delivery of a 65145
document for use as proof of financial responsibility or the 65146
generation and delivery of proof of financial responsibility to 65147
an electronic wireless communications device. 65148

(c) Whenever it is determined by a final judgment in a 65149
judicial proceeding that an insurer or surety, which has been 65150
named on a document or displayed on an electronic wireless 65151
communications device accepted by a court or the registrar as 65152
proof of financial responsibility covering the operation of a 65153
motor vehicle at the time of an accident or offense, is not 65154
liable to pay a judgment for injuries or damages resulting from 65155
such operation, the registrar, notwithstanding any previous 65156
contrary finding, shall forthwith suspend the operating 65157
privileges and registration rights of the person against whom 65158
the judgment was rendered as provided in division (A) (2) of this 65159
section. 65160

(H) In order for any document or display of text or images 65161

on an electronic wireless communications device described in 65162
division (G) (1) of this section to be used for the demonstration 65163
of proof of financial responsibility under this section, the 65164
document or words or images shall state the name of the insured 65165
or obligor, the name of the insurer or surety company, and the 65166
effective and expiration dates of the financial responsibility, 65167
and designate by explicit description or by appropriate 65168
reference all motor vehicles covered which may include a 65169
reference to fleet insurance coverage. 65170

(I) For purposes of this section, "owner" does not include 65171
a licensed motor vehicle leasing dealer as defined in section 65172
4517.01 of the Revised Code, but does include a motor vehicle 65173
renting dealer as defined in section 4549.65 of the Revised 65174
Code. Nothing in this section or in section 4509.51 of the 65175
Revised Code shall be construed to prohibit a motor vehicle 65176
renting dealer from entering into a contractual agreement with a 65177
person whereby the person renting the motor vehicle agrees to be 65178
solely responsible for maintaining proof of financial 65179
responsibility, in accordance with this section, with respect to 65180
the operation, maintenance, or use of the motor vehicle during 65181
the period of the motor vehicle's rental. 65182

(J) The purpose of this section is to require the 65183
maintenance of proof of financial responsibility with respect to 65184
the operation of motor vehicles on the highways of this state, 65185
so as to minimize those situations in which persons are not 65186
compensated for injuries and damages sustained in motor vehicle 65187
accidents. The general assembly finds that this section contains 65188
reasonable civil penalties and procedures for achieving this 65189
purpose. 65190

(K) Nothing in this section shall be construed to be 65191

subject to section 4509.78 of the Revised Code. 65192

(L) (1) The registrar may terminate any suspension imposed 65193
under this section and not require the owner to comply with 65194
divisions (A) (5) (a), (b), and (c) of this section if the 65195
registrar with or without a hearing determines that the owner of 65196
the vehicle has established by clear and convincing evidence 65197
that all of the following apply: 65198

(a) The owner customarily maintains proof of financial 65199
responsibility. 65200

(b) Proof of financial responsibility was not in effect 65201
for the vehicle on the date in question for one of the following 65202
reasons: 65203

(i) The vehicle was inoperable. 65204

(ii) The vehicle is operated only seasonally, and the date 65205
in question was outside the season of operation. 65206

(iii) A person other than the vehicle owner or driver was 65207
at fault for the lapse of proof of financial responsibility 65208
through no fault of the owner or driver. 65209

(iv) The lapse of proof of financial responsibility was 65210
caused by excusable neglect under circumstances that are not 65211
likely to recur and do not suggest a purpose to evade the 65212
requirements of this chapter. 65213

(2) The registrar may grant an owner or driver relief for 65214
a reason specified in division (L) (1) (b) (iii) or (iv) of this 65215
section only if the owner or driver has not previously been 65216
granted relief under division (L) (1) (b) (iii) or (iv) of this 65217
section. 65218

(M) The registrar shall adopt rules in accordance with 65219

Chapter 119. of the Revised Code that are necessary to 65220
administer and enforce this section. The rules shall include 65221
procedures for the surrender of license plates upon failure to 65222
maintain proof of financial responsibility and provisions 65223
relating to reinstatement of registration rights, acceptable 65224
forms of proof of financial responsibility, the use of an 65225
electronic wireless communications device to present proof of 65226
financial responsibility, and verification of the existence of 65227
financial responsibility during the period of registration. 65228

(N) (1) When a person utilizes an electronic wireless 65229
communications device to present proof of financial 65230
responsibility, only the evidence of financial responsibility 65231
displayed on the device shall be viewed by the registrar, peace 65232
officer, employee or official of the traffic violations bureau, 65233
or the court. No other content of the device shall be viewed for 65234
purposes of obtaining proof of financial responsibility. 65235

(2) When a person provides an electronic wireless 65236
communications device to the registrar, a peace officer, an 65237
employee or official of a traffic violations bureau, or the 65238
court, the person assumes the risk of any resulting damage to 65239
the device unless the registrar, peace officer, employee, or 65240
official, or court personnel purposely, knowingly, or recklessly 65241
commits an action that results in damage to the device. 65242

Sec. 4510.01. As used in this title and in Title XXIX of 65243
the Revised Code: 65244

(A) "Cancel" or "cancellation" means the annulment or 65245
termination by the bureau of motor vehicles of a driver's 65246
license, commercial driver's license, temporary instruction 65247
permit, probationary license, or nonresident operating privilege 65248
because it was obtained unlawfully, issued in error, altered, or 65249

willfully destroyed, or because the holder no longer is entitled 65250
to the license, permit, or privilege. 65251

(B) "Drug abuse offense," "cocaine," and "L.S.D." have the 65252
same meanings as in section 2925.01 of the Revised Code. 65253

(C) "Ignition interlock device" means a device approved by 65254
the director of public safety that connects a breath analyzer to 65255
a motor vehicle's ignition system, that is constantly available 65256
to monitor the concentration by weight of alcohol in the breath 65257
of any person attempting to start that motor vehicle by using 65258
its ignition system, and that deters starting the motor vehicle 65259
by use of its ignition system unless the person attempting to 65260
start the vehicle provides an appropriate breath sample for the 65261
device and the device determines that the concentration by 65262
weight of alcohol in the person's breath is below a preset 65263
level. 65264

(D) "Immobilizing or disabling device" means a device 65265
approved by the director of public safety that may be ordered by 65266
a court to be used by an offender as a condition of limited 65267
driving privileges. "Immobilizing or disabling device" includes 65268
an ignition interlock device, and any prototype device that is 65269
used according to protocols designed to ensure efficient and 65270
effective monitoring of limited driving privileges granted by a 65271
court to an offender. 65272

(E) "Moving violation" means any violation of any statute 65273
or ordinance that regulates the operation of vehicles, 65274
streetcars, or trackless trolleys on the highways or streets. 65275
"Moving violation" does not include a violation of section 65276
4513.263 of the Revised Code or a substantially equivalent 65277
municipal ordinance, a violation of any statute or ordinance 65278
regulating pedestrians or the parking of vehicles, vehicle size 65279

or load limitations, vehicle fitness requirements, or vehicle 65280
registration. 65281

(F) "Municipal OVI ordinance" and "municipal OVI offense" 65282
have the same meanings as in section 4511.181 of the Revised 65283
Code. 65284

(G) "Preset level" means the set point established by the 65285
national highway traffic safety administration's model 65286
specifications for breath alcohol ignition interlock devices for 65287
the analysis of the deep-lung breath sample or other method 65288
employed by the ignition interlock device to measure the 65289
concentration by weight of alcohol in the person's breath. 65290

(H) "Prototype device" means any testing device to monitor 65291
limited driving privileges that has not yet been approved or 65292
disapproved by the director of public safety. 65293

~~(H)~~ (I) "Suspend" or "suspension" means the permanent or 65294
temporary withdrawal, by action of a court or the bureau of 65295
motor vehicles, of a driver's license, commercial driver's 65296
license, temporary instruction permit, probationary license, or 65297
nonresident operating privilege for the period of the suspension 65298
or the permanent or temporary withdrawal of the privilege to 65299
obtain a license, permit, or privilege of that type for the 65300
period of the suspension. 65301

~~(I)~~ (J) "Controlled substance" and "marihuana" have the 65302
same meanings as in section 3719.01 of the Revised Code. 65303

Sec. 4510.022. (A) As used in this section: 65304

(1) "First-time offender" means a person whose driver's 65305
license or commercial driver's license or permit or nonresident 65306
operating privilege has been suspended for being convicted of, 65307
or pleading guilty to, an OVI offense under any of the 65308

following: 65309

(a) Division (G) (1) (a) or (H) (1) of section 4511.19 of the Revised Code; 65310
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(b) Section 4510.07 of the Revised Code for a municipal OVI offense when the offense is equivalent to an offense under division (G) (1) (a) or (H) (1) of section 4511.19 of the Revised Code; 65312
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65315

(c) Division (B) or (D) of section 4510.17 of the Revised Code when the offense is equivalent to an offense under division (G) (1) (a) or (H) (1) of section 4511.19 of the Revised Code. 65316
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(2) "OVI offense" means a violation of section 4511.19 of the Revised Code or a violation of a substantially similar municipal ordinance or law of another state or the United States. 65319
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(3) "Unlimited driving privileges" means driving privileges that are unrestricted as to purpose, time, and place, but that are subject to any other reasonable conditions imposed by a court under division (C) (2) of this section. 65323
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(B) A first-time offender may file a petition for unlimited driving privileges with a certified ignition interlock device during the period of suspension imposed for an OVI offense in the same manner and in the same venue as the person is permitted to apply for limited driving privileges. 65327
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(C) (1) With regard to a first-time offender, in any circumstance in which a court is authorized to grant limited driving privileges under section 4510.021, 4510.13, or 4510.17 of the Revised Code during the period of suspension, as applicable, the court may instead grant unlimited driving privileges with a certified ignition interlock device. No court 65332
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shall grant unlimited driving privileges with a certified 65338
ignition interlock device during any period, or under any 65339
circumstance, that the court is prohibited from granting limited 65340
driving privileges. 65341

(2) All of the following apply when a court grants 65342
unlimited driving privileges with a certified ignition interlock 65343
device to a first-time offender: 65344

(a) The court shall issue an order authorizing the first- 65345
time offender to operate a motor vehicle only if the vehicle is 65346
equipped with a certified ignition interlock device, except as 65347
provided in division (C) of section 4510.43 of the Revised Code. 65348
The order may include any reasonable conditions other than 65349
conditions that restrict the driving privileges in terms of 65350
purpose, time, or place. 65351

The court shall provide to the first-time offender a copy 65352
of the order and a notice that the first-time offender is 65353
subject to the sanctions specified in division (E) of this 65354
section. 65355

The court also shall submit a copy of the order to the 65356
registrar of motor vehicles. 65357

(b) The court may reduce the period of suspension imposed 65358
by the court by an amount of time not greater than half the 65359
period of suspension. 65360

(c) The court shall suspend any jail term imposed for the 65361
OVI offense. The court shall retain jurisdiction over the first- 65362
time offender until the expiration of the period of suspension 65363
imposed for the OVI offense and, if the offender violates any 65364
term or condition of the order during the period of suspension, 65365
the court shall require the first-time offender to serve the 65366

jail term. 65367

(D) (1) A first-time offender shall present to the 65368
registrar or to a deputy registrar an order issued under this 65369
section and a certificate affirming the installation of a 65370
certified ignition interlock device that is in a form 65371
established by the director of public safety and that is signed 65372
by the person who installed the device. Upon presentation of the 65373
order and certificate to the registrar or a deputy registrar, 65374
the registrar or deputy registrar shall issue the offender a 65375
restricted license, unless the offender's driver's or commercial 65376
driver's license or permit is suspended under any other 65377
provision of law and limited driving privileges have not been 65378
granted with regard to that suspension. A restricted license 65379
issued under this division shall be identical to an Ohio 65380
driver's license, except that it shall ~~have printed on its face~~ 65381
include a statement and code indicating that the offender is 65382
prohibited from operating any motor vehicle that is not equipped 65383
with a certified ignition interlock device. 65384

(2) (a) No person who has been granted unlimited driving 65385
privileges with a certified ignition interlock device under this 65386
section shall operate a motor vehicle prior to obtaining a 65387
restricted license. Any person who violates this prohibition is 65388
subject to the penalties prescribed in section 4510.14 of the 65389
Revised Code. 65390

(b) The offense established under division (D) (2) (a) of 65391
this section is a strict liability offense and section 2901.20 65392
of the Revised Code does not apply. 65393

(E) If a first-time offender has been granted unlimited 65394
driving privileges with a certified ignition interlock device 65395
under this section and the first-time offender either commits an 65396

ignition interlock device violation as defined under section 65397
4510.46 of the Revised Code or the first-time offender operates 65398
a motor vehicle that is not equipped with a certified ignition 65399
interlock device, the following applies: 65400

(1) On a first violation, the court may require the first- 65401
time offender to wear a monitor that provides continuous alcohol 65402
monitoring that is remote. 65403

(2) On a second violation, the court shall require the 65404
first-time offender to wear a monitor that provides continuous 65405
alcohol monitoring that is remote for a minimum of forty days. 65406

(3) On a third or subsequent violation, the court shall 65407
require the first-time offender to wear a monitor that provides 65408
continuous alcohol monitoring that is remote for a minimum of 65409
sixty days. 65410

(4) With regard to any instance, the judge may increase 65411
the period of suspension and the period during which the first- 65412
time offender must drive a motor vehicle equipped with a 65413
certified ignition interlock device in the same manner as 65414
provided in division (A) (8) (c) of section 4510.13 of the Revised 65415
Code. The limitation under division (E) of section 4510.46 of 65416
the Revised Code applies to an increase under division (E) (4) of 65417
this section. 65418

(5) If the instance occurred within sixty days of the end 65419
of the suspension of the offender's driver's or commercial 65420
driver's license or permit or nonresident operating privilege 65421
and the court does not increase the period of the suspension 65422
under division (E) (4) of this section, the court shall proceed 65423
as follows: 65424

(a) Issue an order extending the period of suspension and 65425

the period of time during which the first-time offender must 65426
drive a vehicle equipped with a certified ignition interlock 65427
device so that the suspension terminates sixty days from the 65428
date the offender committed that violation. 65429

(b) For each violation subsequent to a violation for which 65430
an extension was ordered under division (E) (5) (a) of this 65431
section, issue an order extending the period of suspension and 65432
the period of time during which the first-time offender must 65433
drive a vehicle equipped with a certified ignition interlock 65434
device so that the suspension terminates sixty days from the 65435
date the offender committed that violation. 65436

The registrar of motor vehicles is prohibited from 65437
reinstating a first-time offender's license unless the 65438
applicable period of suspension has been served and no ignition 65439
interlock device violations have been committed within the sixty 65440
days prior to the application for reinstatement. 65441

(F) With respect to an order issued under this section, 65442
the judge shall impose an additional court cost of two dollars 65443
and fifty cents upon the first-time offender. The judge shall 65444
not waive this payment unless the judge determines that the 65445
first-time offender is indigent and waives the payment of all 65446
court costs imposed upon the indigent first-time offender. The 65447
clerk of court shall transmit one hundred per cent of this 65448
mandatory court cost collected during a month on or before the 65449
twenty-third day of the following month to the state treasury to 65450
be credited to the public safety - highway purposes fund created 65451
under section 4501.06 of the Revised Code. The department of 65452
public safety shall use the amounts collected to cover costs 65453
associated with maintaining the habitual OVI/OMWI offender 65454
registry created under section 5502.10 of the Revised Code. 65455

A judge may impose an additional court cost of two dollars and fifty cents upon the first-time offender. The clerk of court shall retain this discretionary two dollar and fifty cent court cost, if imposed. The clerk shall deposit it in the court's special projects fund that is established under division (E) (1) of section 2303.201, division (B) (1) of section 1901.26, or division (B) (1) of section 1907.24 of the Revised Code.

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this section apply to a judge or mayor regarding the suspension of, or the grant of limited driving privileges during a suspension of, an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code, under division (B) or (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance.

(2) No judge or mayor shall suspend the following portions of the suspension of an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance, provided that division (A) (2) of this section does not limit a court or mayor in crediting any period of suspension imposed pursuant to division (B) or (C) of section 4511.191 of the Revised Code against any time of judicial suspension imposed pursuant to section 4511.19 or 4510.07 of the Revised Code, as described in divisions (B) (2) and (C) (2) of section 4511.191 of the Revised Code:

(a) The first six months of a suspension imposed under

division (G) (1) (a) of section 4511.19 of the Revised Code or of 65486
a comparable length suspension imposed under section 4510.07 of 65487
the Revised Code; 65488

(b) The first year of a suspension imposed under division 65489
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 65490
comparable length suspension imposed under section 4510.07 of 65491
the Revised Code; 65492

(c) The first three years of a suspension imposed under 65493
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 65494
or of a comparable length suspension imposed under section 65495
4510.07 of the Revised Code; 65496

(d) The first sixty days of a suspension imposed under 65497
division (H) of section 4511.19 of the Revised Code or of a 65498
comparable length suspension imposed under section 4510.07 of 65499
the Revised Code. 65500

(3) Except as provided under division (A) (5) of this 65501
section, no judge or mayor shall grant limited driving 65502
privileges to an offender whose driver's or commercial driver's 65503
license or permit or nonresident operating privilege has been 65504
suspended under division (G) or (H) of section 4511.19 of the 65505
Revised Code, under division (C) of section 4511.191 of the 65506
Revised Code, or under section 4510.07 of the Revised Code for a 65507
municipal OVI conviction if the offender, within the preceding 65508
ten years, has been convicted of or pleaded guilty to three or 65509
more violations of an equivalent offense, as defined in section 65510
4511.181 of the Revised Code. 65511

Additionally, except as provided under division (A) (6) of 65512
this section, no judge or mayor shall grant limited driving 65513
privileges to an offender whose driver's or commercial driver's 65514

license or permit or nonresident operating privilege has been 65515
suspended under division (B) of section 4511.191 of the Revised 65516
Code if the offender, within the preceding ten years, has 65517
refused three previous requests to consent to a chemical test of 65518
the person's whole blood, blood serum or plasma, breath, or 65519
urine to determine its alcohol content. 65520

(4) No judge or mayor shall grant limited driving 65521
privileges for employment as a driver of commercial motor 65522
vehicles to an offender whose driver's or commercial driver's 65523
license or permit or nonresident operating privilege has been 65524
suspended under division (G) or (H) of section 4511.19 of the 65525
Revised Code, under division (B) or (C) of section 4511.191 of 65526
the Revised Code, or under section 4510.07 of the Revised Code 65527
for a municipal OVI conviction if the offender is disqualified 65528
from operating a commercial motor vehicle, or whose license or 65529
permit has been suspended, under section 3123.58 or 4506.16 of 65530
the Revised Code. 65531

(5) No judge or mayor shall grant limited driving 65532
privileges to an offender whose driver's or commercial driver's 65533
license or permit or nonresident operating privilege has been 65534
suspended under division (G) or (H) of section 4511.19 of the 65535
Revised Code, under division (C) of section 4511.191 of the 65536
Revised Code, or under section 4510.07 of the Revised Code for a 65537
conviction of a violation of a municipal OVI ordinance during 65538
any of the following periods of time: 65539

(a) (i) Except as otherwise provided in this division and 65540
in division (A) (5) (a) (ii) of this section, the first fifteen 65541
days of a suspension imposed under division (G) (1) (a) of section 65542
4511.19 of the Revised Code or a comparable length suspension 65543
imposed under section 4510.07 of the Revised Code, or of a 65544

suspension imposed under division (C) (1) (a) of section 4511.191 65545
of the Revised Code. On or after the sixteenth day of the 65546
suspension, the court may grant limited driving privileges, but 65547
the court may require that the offender shall not exercise the 65548
privileges unless the vehicles the offender operates are 65549
equipped with a certified ignition interlock device, except as 65550
provided in division (C) of section 4510.43 of the Revised Code. 65551

The court may waive the fifteen-day period and grant 65552
limited driving privileges immediately if the offender has never 65553
been convicted of or pleaded guilty to a violation of section 65554
4511.194 of the Revised Code and the offender submitted to any 65555
chemical test requested by law enforcement at the time of the 65556
offender's arrest for the current underlying violation. 65557

(ii) If the offender has, within ten years of the current 65558
offense, been convicted of or pleaded guilty to a violation of 65559
section 4511.194 of the Revised Code, the first forty-five days 65560
of a suspension imposed under division (G) (1) (a) of section 65561
4511.19 of the Revised Code or a comparable length suspension 65562
imposed under section 4510.07 of the Revised Code, or of a 65563
suspension imposed under division (C) (1) (a) of section 4511.191 65564
of the Revised Code. On or after the forty-sixth day of the 65565
suspension, the court may grant limited driving privileges, but 65566
the court shall require that the offender shall not exercise the 65567
privileges unless the vehicles the offender operates are 65568
equipped with a certified ignition interlock device, except as 65569
provided in division (C) of section 4510.43 of the Revised Code. 65570

(b) The first forty-five days of a suspension imposed 65571
under division (C) (1) (b) of section 4511.191 of the Revised 65572
Code. On or after the forty-sixth day of suspension, the court 65573
may grant limited driving privileges, and either of the 65574

following applies: 65575

(i) If the underlying arrest is alcohol-related, the court 65576
shall issue an order that, except as provided in division (C) of 65577
section 4510.43 of the Revised Code, for the remainder of the 65578
period of suspension the offender shall not exercise the 65579
privileges unless the vehicles the offender operates are 65580
equipped with a certified ignition interlock device. 65581

(ii) If the underlying arrest is drug related, the court 65582
in its discretion may issue an order that, except as provided in 65583
division (C) of section 4510.43 of the Revised Code, for the 65584
remainder of the period of suspension the offender shall not 65585
exercise the privileges unless the vehicles the offender 65586
operates are equipped with a certified ignition interlock 65587
device. 65588

(c) The first sixty days of a suspension imposed under 65589
division (H) of section 4511.19 of the Revised Code or a 65590
comparable length suspension imposed under section 4510.07 of 65591
the Revised Code. 65592

(d) The first one hundred eighty days of a suspension 65593
imposed under division (C)(1)(c) of section 4511.191 of the 65594
Revised Code. On or after the one hundred eighty-first day of 65595
suspension, the court may grant limited driving privileges, and 65596
either of the following applies: 65597

(i) If the underlying arrest is alcohol-related, the court 65598
shall issue an order that, except as provided in division (C) of 65599
section 4510.43 of the Revised Code, for the remainder of the 65600
period of suspension the offender shall not exercise the 65601
privileges unless the vehicles the offender operates are 65602
equipped with a certified ignition interlock device. 65603

(ii) If the underlying arrest is drug-related, the court
in its discretion may issue an order that, except as provided in
division (C) of section 4510.43 of the Revised Code, for the
remainder of the period of suspension the offender shall not
exercise the privileges unless the vehicles the offender
operates are equipped with a certified ignition interlock
device.

(e) The first forty-five days of a suspension imposed
under division (G) (1) (b) of section 4511.19 of the Revised Code
or a comparable length suspension imposed under section 4510.07
of the Revised Code. On or after the forty-sixth day of the
suspension, the court may grant limited driving privileges, and
either of the following applies:

(i) If the underlying conviction is alcohol-related, the
court shall issue an order that, except as provided in division
(C) of section 4510.43 of the Revised Code, for the remainder of
the period of suspension the offender shall not exercise the
privileges unless the vehicles the offender operates are
equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the
court in its discretion may issue an order that, except as
provided in division (C) of section 4510.43 of the Revised Code,
for the remainder of the period of suspension the offender shall
not exercise the privileges unless the vehicles the offender
operates are equipped with a certified ignition interlock
device.

If a court grants limited driving privileges under
division (A) (5) (e) of this section, the court may issue an order
terminating an immobilization order issued pursuant to division
(G) (1) (b) (v) of section 4511.19 of the Revised Code to take

effect concurrently with the granting of limited driving 65634
privileges. The court shall send notice of the termination of 65635
the immobilization order to the registrar of motor vehicles. 65636

Upon receiving information that an offender violated any 65637
condition imposed by the court at the time an immobilization 65638
order was terminated under this section, the court may hold a 65639
hearing and, in its discretion, issue an order reinstating the 65640
immobilization order for the balance of the immobilization 65641
period that remained when the court originally ordered the 65642
termination of the immobilization order. The court may issue the 65643
order only upon a showing of good cause that the offender 65644
violated any condition imposed by the court. The court shall 65645
send notice of the reinstatement of the immobilization order to 65646
the registrar. 65647

(f) The first one hundred eighty days of a suspension 65648
imposed under division (G) (1) (c) of section 4511.19 of the 65649
Revised Code or a comparable length suspension imposed under 65650
section 4510.07 of the Revised Code. On or after the one hundred 65651
eighty-first day of the suspension, the court may grant limited 65652
driving privileges, and either of the following applies: 65653

(i) If the underlying conviction is alcohol-related, the 65654
court shall issue an order that, except as provided in division 65655
(C) of section 4510.43 of the Revised Code, for the remainder of 65656
the period of suspension the offender shall not exercise the 65657
privileges unless the vehicles the offender operates are 65658
equipped with a certified ignition interlock device. 65659

(ii) If the underlying conviction is drug-related, the 65660
court in its discretion may issue an order that, except as 65661
provided in division (C) of section 4510.43 of the Revised Code, 65662
for the remainder of the period of suspension the offender shall 65663

not exercise the privileges unless the vehicles the offender
operates are equipped with a certified ignition interlock
device.

(g) The first three years of a suspension imposed under
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code
or a comparable length suspension imposed under section 4510.07
of the Revised Code, or of a suspension imposed under division
(C) (1) (d) of section 4511.191 of the Revised Code. On or after
the first three years of suspension, the court may grant limited
driving privileges, and either of the following applies:

(i) If the underlying conviction is alcohol-related, the
court shall issue an order that, except as provided in division
(C) of section 4510.43 of the Revised Code, for the remainder of
the period of suspension the offender shall not exercise the
privileges unless the vehicles the offender operates are
equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the
court in its discretion may issue an order that, except as
provided in division (C) of section 4510.43 of the Revised Code,
for the remainder of the period of suspension the offender shall
not exercise the privileges unless the vehicles the offender
operates are equipped with a certified ignition interlock
device.

(6) No judge or mayor shall grant limited driving
privileges to an offender whose driver's or commercial driver's
license or permit or nonresident operating privilege has been
suspended under division (B) of section 4511.191 of the Revised
Code during any of the following periods of time:

(a) (i) Except as otherwise provided in division (A) (6) (a)

(ii) of this section, the first thirty days of suspension 65693
imposed under division (B) (1) (a) of section 4511.191 of the 65694
Revised Code. On or after the thirty-first day of the 65695
suspension, the court may grant limited driving privileges, but 65696
the court in its discretion may issue an order that, except as 65697
provided in division (C) of section 4510.43 of the Revised Code, 65698
for the remainder of the period of suspension the offender shall 65699
not exercise the privileges unless the vehicles the offender 65700
operates are equipped with a certified ignition interlock 65701
device. 65702

(ii) If the offender has, within ten years of the current 65703
offense, been convicted of or pleaded guilty to a violation of 65704
section 4511.194 of the Revised Code, the first ninety days of a 65705
suspension imposed under division (B) (1) (a) of section 4511.191 65706
of the Revised Code. On or after the ninety-first day of the 65707
suspension, the court may grant limited driving privileges, but 65708
the court shall require that the offender shall not exercise the 65709
privileges unless the vehicles the offender operates are 65710
equipped with a certified ignition interlock device, except as 65711
provided in division (C) of section 4510.43 of the Revised Code. 65712

(b) The first ninety days of suspension imposed under 65713
division (B) (1) (b) of section 4511.191 of the Revised Code. On 65714
or after the ninety-first day of suspension, the court may grant 65715
limited driving privileges, and either of the following applies: 65716

(i) If the underlying arrest is alcohol-related, the court 65717
shall issue an order that, except as provided in division (C) of 65718
section 4510.43 of the Revised Code, for the remainder of the 65719
period of suspension the offender shall not exercise the 65720
privileges unless the vehicles the offender operates are 65721
equipped with a certified ignition interlock device. 65722

(ii) If the underlying arrest is drug-related, the court 65723
in its discretion may issue an order that, except as provided in 65724
division (C) of section 4510.43 of the Revised Code, for the 65725
remainder of the period of suspension the offender shall not 65726
exercise the privileges unless the vehicles the offender 65727
operates are equipped with a certified ignition interlock 65728
device. 65729

(c) The first year of suspension imposed under division 65730
(B) (1) (c) of section 4511.191 of the Revised Code. After the 65731
first year of suspension, the court may grant limited driving 65732
privileges, and either of the following applies: 65733

(i) If the underlying arrest is alcohol-related, the court 65734
shall issue an order that, except as provided in division (C) of 65735
section 4510.43 of the Revised Code, for the remainder of the 65736
period of suspension the offender shall not exercise the 65737
privileges unless the vehicles the offender operates are 65738
equipped with a certified ignition interlock device. 65739

(ii) If the underlying arrest is drug-related, the court 65740
in its discretion may issue an order that, except as provided in 65741
division (C) of section 4510.43 of the Revised Code, for the 65742
remainder of the period of suspension the offender shall not 65743
exercise the privileges unless the vehicles the offender 65744
operates are equipped with a certified ignition interlock 65745
device. 65746

(d) The first three years of suspension imposed under 65747
division (B) (1) (d) of section 4511.191 of the Revised Code. 65748
After the first three years of suspension, the court may grant 65749
limited driving privileges, and either of the following applies: 65750

(i) If the underlying arrest is alcohol-related, the court 65751

shall issue an order that, except as provided in division (C) of 65752
section 4510.43 of the Revised Code, for the remainder of the 65753
period of suspension the offender shall not exercise the 65754
privileges unless the vehicles the offender operates are 65755
equipped with a certified ignition interlock device. 65756

(ii) If the underlying arrest is drug-related, the court 65757
in its discretion may issue an order that, except as provided in 65758
division (C) of section 4510.43 of the Revised Code, for the 65759
remainder of the period of suspension the offender shall not 65760
exercise the privileges unless the vehicles the offender 65761
operates are equipped with a certified ignition interlock 65762
device. 65763

(7) In any case in which a judge or mayor grants limited 65764
driving privileges to an offender whose driver's or commercial 65765
driver's license or permit or nonresident operating privilege 65766
has been suspended under division (G)(1)(c), (d), or (e) of 65767
section 4511.19 of the Revised Code, under division (G)(1)(a) or 65768
(b) of section 4511.19 of the Revised Code for a violation of 65769
division (A)(1)(f), (g), (h), or (i) of that section, or under 65770
section 4510.07 of the Revised Code for a municipal OVI 65771
conviction for which sentence would have been imposed under 65772
division (G)(1)(a)(ii) or (G)(1)(b)(ii) or (G)(1)(c), (d), or 65773
(e) of section 4511.19 of the Revised Code had the offender been 65774
charged with and convicted of a violation of section 4511.19 of 65775
the Revised Code instead of a violation of the municipal OVI 65776
ordinance, the judge or mayor shall impose as a condition of the 65777
privileges that the offender must display on the vehicle that is 65778
driven subject to the privileges restricted license plates that 65779
are issued under section 4503.231 of the Revised Code, except as 65780
provided in division (B) of that section. 65781

(8) In any case in which an offender is required by a court under this section to operate a motor vehicle that is equipped with a certified ignition interlock device and either the offender commits an ignition interlock device violation as defined under section 4510.46 of the Revised Code or the offender operates a motor vehicle that is not equipped with a certified ignition interlock device, the following applies:

(a) If the offender was sentenced under division (G) (1) (a) or (b) or division (H) of section 4511.19 of the Revised Code, on a first instance the court may require the offender to wear a monitor that provides continuous alcohol monitoring that is remote. On a second instance, the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of forty days. On a third instance or more, the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of sixty days.

(b) If the offender was sentenced under division (G) (1) (c), (d), or (e) of section 4511.19 of the Revised Code, on a first instance the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of forty days. On a second instance or more, the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of sixty days.

(c) The court may increase the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from that originally imposed by the court by a factor of two and may increase the period of time during which the offender will be prohibited from exercising any

limited driving privileges granted to the offender unless the 65812
vehicles the offender operates are equipped with a certified 65813
ignition interlock device by a factor of two. The limitation 65814
under division (E) of section 4510.46 of the Revised Code 65815
applies to an increase under division (A) (8) (c) of this section. 65816

(d) If the violation occurred within sixty days of the end 65817
of the suspension of the offender's driver's or commercial 65818
driver's license or permit or nonresident operating privilege 65819
and the court does not impose an increase in the period of the 65820
suspension under division (A) (8) (c) of this section, the court 65821
shall proceed as follows: 65822

(i) Issue an order extending the period of suspension and 65823
the grant of limited driving privileges with a required 65824
certified ignition interlock device so that the suspension 65825
terminates sixty days from the date the offender committed that 65826
violation. 65827

(ii) For each violation subsequent to a violation for 65828
which an extension was ordered under division (A) (8) (d) (i) of 65829
this section, issue an order extending the period of suspension 65830
and the grant of limited driving privileges with a required 65831
certified ignition interlock device so that the suspension 65832
terminates sixty days from the date the offender committed that 65833
violation. 65834

The registrar of motor vehicles is prohibited from 65835
reinstating an offender's license unless the applicable period 65836
of suspension has been served and no ignition interlock device 65837
violations have been committed within the sixty days prior to 65838
the application for reinstatement. 65839

(9) At the time the court issues an order under this 65840

section requiring an offender to use an ignition interlock 65841
device, the court shall provide notice to the offender of each 65842
action the court is authorized or required to take under 65843
division (A) (8) of this section if the offender ~~circumvents or~~ 65844
~~tampers with the device or in any case in which~~ commits an 65845
ignition interlock device violation and the court receives 65846
notice pursuant to section 4510.46 of the Revised Code ~~that a~~ 65847
~~device prevented an offender from starting a motor vehicle.~~ 65848

(10) In any case in which the court issues an order under 65849
this section prohibiting an offender from exercising limited 65850
driving privileges unless the vehicles the offender operates are 65851
equipped with an immobilizing or disabling device, including a 65852
certified ignition interlock device, or requires an offender to 65853
wear a monitor that provides continuous alcohol monitoring that 65854
is remote, the court shall impose an additional court cost of 65855
two dollars and fifty cents upon the offender. The court shall 65856
not waive the payment of the two dollars and fifty cents unless 65857
the court determines that the offender is indigent and waives 65858
the payment of all court costs imposed upon the indigent 65859
offender. The clerk of court shall transmit one hundred per cent 65860
of this mandatory court cost collected during a month on or 65861
before the twenty-third day of the following month to the state 65862
treasury to be credited to the public safety - highway purposes 65863
fund created under section 4501.06 of the Revised Code, to be 65864
used by the department of public safety to cover costs 65865
associated with maintaining the habitual OVI/OMWI offender 65866
registry created under section 5502.10 of the Revised Code. In 65867
its discretion the court may impose an additional court cost of 65868
two dollars and fifty cents upon the offender. The clerk of 65869
court shall retain this discretionary two dollar and fifty cent 65870
court cost, if imposed, and shall deposit it in the court's 65871

special projects fund that is established under division (E) (1) 65872
of section 2303.201, division (B) (1) of section 1901.26, or 65873
division (B) (1) of section 1907.24 of the Revised Code. 65874

(B) Any person whose driver's or commercial driver's 65875
license or permit or nonresident operating privilege has been 65876
suspended pursuant to section 4511.19 or 4511.191 of the Revised 65877
Code or under section 4510.07 of the Revised Code for a 65878
violation of a municipal OVI ordinance may file a petition for 65879
limited driving privileges during the suspension. The person 65880
shall file the petition in the court that has jurisdiction over 65881
the place of arrest. Subject to division (A) of this section, 65882
the court may grant the person limited driving privileges during 65883
the period during which the suspension otherwise would be 65884
imposed. However, the court shall not grant the privileges for 65885
employment as a driver of a commercial motor vehicle to any 65886
person who is disqualified from operating a commercial motor 65887
vehicle under section 4506.16 of the Revised Code or during any 65888
of the periods prescribed by division (A) of this section. 65889

(C) (1) After a driver's or commercial driver's license or 65890
permit or nonresident operating privilege has been suspended 65891
pursuant to section 2903.06, 2903.08, 2903.11, 2921.331, 65892
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 65893
5743.99 of the Revised Code, any provision of Chapter 2925. of 65894
the Revised Code, or section 4510.07 of the Revised Code for a 65895
violation of a municipal OVI ordinance, the judge of the court 65896
or mayor of the mayor's court that suspended the license, 65897
permit, or privilege shall cause the offender to deliver to the 65898
court the license or permit. The judge, mayor, or clerk of the 65899
court or mayor's court shall forward to the registrar the 65900
license or permit together with notice of the action of the 65901
court. 65902

(2) A suspension of a commercial driver's license under 65903
any section or chapter identified in division (C) (1) of this 65904
section shall be concurrent with any period of suspension or 65905
disqualification under section 3123.58 or 4506.16 of the Revised 65906
Code. No person who is disqualified for life from holding a 65907
commercial driver's license under section 4506.16 of the Revised 65908
Code shall be issued a driver's license under this chapter 65909
during the period for which the commercial driver's license was 65910
suspended under this section, and no person whose commercial 65911
driver's license is suspended under any section or chapter 65912
identified in division (C) (1) of this section shall be issued a 65913
driver's license under Chapter 4507. of the Revised Code during 65914
the period of the suspension. 65915

(3) No judge or mayor shall suspend any class one 65916
suspension, or any portion of any class one suspension, imposed 65917
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 65918
Revised Code. No judge or mayor shall suspend the first thirty 65919
days of any class two, class three, class four, class five, or 65920
class six suspension imposed under section 2903.06, 2903.08, 65921
2903.11, 2923.02, or 2929.02 of the Revised Code. 65922

(D) The judge of the court or mayor of the mayor's court 65923
shall credit any time during which an offender was subject to an 65924
administrative suspension of the offender's driver's or 65925
commercial driver's license or permit or nonresident operating 65926
privilege imposed pursuant to section 4511.191 or 4511.192 of 65927
the Revised Code or a suspension imposed by a judge, referee, or 65928
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 65929
the Revised Code against the time to be served under a related 65930
suspension imposed pursuant to any section or chapter identified 65931
in division (C) (1) of this section. 65932

(E) The judge or mayor shall notify the bureau of motor vehicles of any determinations made pursuant to this section and of any suspension imposed pursuant to any section or chapter identified in division (C) (1) of this section.

(F) (1) If a court issues an order under this section granting limited driving privileges and requiring an offender to use an immobilizing or disabling device, the order shall authorize the offender during the specified period to operate a motor vehicle only if it is equipped with such a device, except as provided in division (C) of section 4510.43 of the Revised Code. The court shall provide the offender with a copy of the order for purposes of obtaining a restricted license and shall submit a copy of the order to the registrar of motor vehicles.

(2) An offender shall present to the registrar or to a deputy registrar the copy of an immobilizing or disabling device order issued under this section and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and that is signed by the person who installed the device. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall ~~have printed on its face~~ include a statement and a code indicating that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order.

(3) (a) No person who has been granted limited driving 65964
privileges subject to an immobilizing or disabling device order 65965
under this section shall operate a motor vehicle prior to 65966
obtaining a restricted license. Any person who violates this 65967
prohibition is subject to the penalties prescribed in section 65968
4510.14 of the Revised Code. 65969

(b) The offense established under division (F) (3) (a) of 65970
this section is a strict liability offense and section 2901.20 65971
of the Revised Code does not apply. 65972

Sec. 4510.17. (A) The registrar of motor vehicles shall 65973
impose a class D suspension of the person's driver's license, 65974
commercial driver's license, temporary instruction permit, 65975
probationary license, or nonresident operating privilege for the 65976
period of time specified in division (B) (4) of section 4510.02 65977
of the Revised Code on any person who is a resident of this 65978
state and is convicted of or pleads guilty to a violation of a 65979
statute of any other state or any federal statute that is 65980
substantially similar to section 2925.02, 2925.03, 2925.04, 65981
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 65982
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 65983
2925.37 of the Revised Code, provided that the person's license, 65984
permit, or privilege is required to be suspended had the offense 65985
occurred in this state. Upon receipt of a report from a court, 65986
court clerk, or other official of any other state or from any 65987
federal authority that a resident of this state was convicted of 65988
or pleaded guilty to an offense described in this division, the 65989
registrar shall send a notice by regular first class mail to the 65990
person, at the person's last known address as shown in the 65991
records of the bureau of motor vehicles, informing the person of 65992
the suspension, that the suspension will take effect twenty-one 65993
days from the date of the notice, and that, if the person wishes 65994

to appeal the suspension or denial, the person must file a 65995
notice of appeal within twenty-one days of the date of the 65996
notice requesting a hearing on the matter. If the person 65997
requests a hearing, the registrar shall hold the hearing not 65998
more than forty days after receipt by the registrar of the 65999
notice of appeal. The filing of a notice of appeal does not stay 66000
the operation of the suspension that must be imposed pursuant to 66001
this division. The scope of the hearing shall be limited to 66002
whether the person actually was convicted of or pleaded guilty 66003
to the offense for which the suspension is to be imposed. 66004

The suspension the registrar is required to impose under 66005
this division shall end either on the last day of the class D 66006
suspension period or of the suspension of the person's 66007
nonresident operating privilege imposed by the state or federal 66008
court, whichever is earlier. 66009

The registrar shall subscribe to or otherwise participate 66010
in any information system or register, or enter into reciprocal 66011
and mutual agreements with other states and federal authorities, 66012
in order to facilitate the exchange of information with other 66013
states and the United States government regarding persons who 66014
plead guilty to or are convicted of offenses described in this 66015
division and therefore are subject to the suspension or denial 66016
described in this division. 66017

(B) The registrar shall impose a class D suspension of the 66018
person's driver's license, commercial driver's license, 66019
temporary instruction permit, probationary license, or 66020
nonresident operating privilege for the period of time specified 66021
in division (B)(4) of section 4510.02 of the Revised Code on any 66022
person who is a resident of this state and is convicted of or 66023
pleads guilty to a violation of a statute of any other state or 66024

a municipal ordinance of a municipal corporation located in any 66025
other state that is substantially similar to section 4511.19 of 66026
the Revised Code. Upon receipt of a report from another state 66027
made pursuant to section 4510.61 of the Revised Code indicating 66028
that a resident of this state was convicted of or pleaded guilty 66029
to an offense described in this division, the registrar shall 66030
send a notice by regular first class mail to the person, at the 66031
person's last known address as shown in the records of the 66032
bureau of motor vehicles, informing the person of the 66033
suspension, that the suspension or denial will take effect 66034
twenty-one days from the date of the notice, and that, if the 66035
person wishes to appeal the suspension, the person must file a 66036
notice of appeal within twenty-one days of the date of the 66037
notice requesting a hearing on the matter. If the person 66038
requests a hearing, the registrar shall hold the hearing not 66039
more than forty days after receipt by the registrar of the 66040
notice of appeal. The filing of a notice of appeal does not stay 66041
the operation of the suspension that must be imposed pursuant to 66042
this division. The scope of the hearing shall be limited to 66043
whether the person actually was convicted of or pleaded guilty 66044
to the offense for which the suspension is to be imposed. 66045

The suspension the registrar is required to impose under 66046
this division shall end either on the last day of the class D 66047
suspension period or of the suspension of the person's 66048
nonresident operating privilege imposed by the state or federal 66049
court, whichever is earlier. 66050

(C) The registrar shall impose a class D suspension of the 66051
child's driver's license, commercial driver's license, temporary 66052
instruction permit, or nonresident operating privilege for the 66053
period of time specified in division (B) (4) of section 4510.02 66054
of the Revised Code on any child who is a resident of this state 66055

and is convicted of or pleads guilty to a violation of a statute 66056
of any other state or any federal statute that is substantially 66057
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 66058
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 66059
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 66060
Code, provided the child's license, permit, or privilege is 66061
required to be suspended had the offense occurred in this state. 66062
Upon receipt of a report from a court, court clerk, or other 66063
official of any other state or from any federal authority that a 66064
child who is a resident of this state was convicted of or 66065
pleaded guilty to an offense described in this division, the 66066
registrar shall send a notice by regular first class mail to the 66067
child, at the child's last known address as shown in the records 66068
of the bureau of motor vehicles, informing the child of the 66069
suspension, that the suspension or denial will take effect 66070
twenty-one days from the date of the notice, and that, if the 66071
child wishes to appeal the suspension, the child must file a 66072
notice of appeal within twenty-one days of the date of the 66073
notice requesting a hearing on the matter. If the child requests 66074
a hearing, the registrar shall hold the hearing not more than 66075
forty days after receipt by the registrar of the notice of 66076
appeal. The filing of a notice of appeal does not stay the 66077
operation of the suspension that must be imposed pursuant to 66078
this division. The scope of the hearing shall be limited to 66079
whether the child actually was convicted of or pleaded guilty to 66080
the offense for which the suspension is to be imposed. 66081

The suspension the registrar is required to impose under 66082
this division shall end either on the last day of the class D 66083
suspension period or of the suspension of the child's 66084
nonresident operating privilege imposed by the state or federal 66085
court, whichever is earlier. If the child is a resident of this 66086

state who is sixteen years of age or older and does not have a 66087
current, valid Ohio driver's or commercial driver's license or 66088
permit, the notice shall inform the child that the child will be 66089
denied issuance of a driver's or commercial driver's license or 66090
permit for six months beginning on the date of the notice. If 66091
the child has not attained the age of sixteen years on the date 66092
of the notice, the notice shall inform the child that the period 66093
of denial of six months shall commence on the date the child 66094
attains the age of sixteen years. 66095

The registrar shall subscribe to or otherwise participate 66096
in any information system or register, or enter into reciprocal 66097
and mutual agreements with other states and federal authorities, 66098
in order to facilitate the exchange of information with other 66099
states and the United States government regarding children who 66100
are residents of this state and plead guilty to or are convicted 66101
of offenses described in this division and therefore are subject 66102
to the suspension or denial described in this division. 66103

(D) The registrar shall impose a class D suspension of the 66104
child's driver's license, commercial driver's license, temporary 66105
instruction permit, probationary license, or nonresident 66106
operating privilege for the period of time specified in division 66107
(B) (4) of section 4510.02 of the Revised Code on any child who 66108
is a resident of this state and is convicted of or pleads guilty 66109
to a violation of a statute of any other state or a municipal 66110
ordinance of a municipal corporation located in any other state 66111
that is substantially similar to section 4511.19 of the Revised 66112
Code. Upon receipt of a report from another state made pursuant 66113
to section 4510.61 of the Revised Code indicating that a child 66114
who is a resident of this state was convicted of or pleaded 66115
guilty to an offense described in this division, the registrar 66116
shall send a notice by regular first class mail to the child, at 66117

the child's last known address as shown in the records of the 66118
bureau of motor vehicles, informing the child of the suspension, 66119
that the suspension will take effect twenty-one days from the 66120
date of the notice, and that, if the child wishes to appeal the 66121
suspension, the child must file a notice of appeal within 66122
twenty-one days of the date of the notice requesting a hearing 66123
on the matter. If the child requests a hearing, the registrar 66124
shall hold the hearing not more than forty days after receipt by 66125
the registrar of the notice of appeal. The filing of a notice of 66126
appeal does not stay the operation of the suspension that must 66127
be imposed pursuant to this division. The scope of the hearing 66128
shall be limited to whether the child actually was convicted of 66129
or pleaded guilty to the offense for which the suspension is to 66130
be imposed. 66131

The suspension the registrar is required to impose under 66132
this division shall end either on the last day of the class D 66133
suspension period or of the suspension of the child's 66134
nonresident operating privilege imposed by the state or federal 66135
court, whichever is earlier. If the child is a resident of this 66136
state who is sixteen years of age or older and does not have a 66137
current, valid Ohio driver's or commercial driver's license or 66138
permit, the notice shall inform the child that the child will be 66139
denied issuance of a driver's or commercial driver's license or 66140
permit for six months beginning on the date of the notice. If 66141
the child has not attained the age of sixteen years on the date 66142
of the notice, the notice shall inform the child that the period 66143
of denial of six months shall commence on the date the child 66144
attains the age of sixteen years. 66145

(E) (1) Any person whose license or permit has been 66146
suspended pursuant to this section may file a petition in the 66147
municipal or county court, or in case the person is under 66148

eighteen years of age, the juvenile court, in whose jurisdiction 66149
the person resides, requesting limited driving privileges and 66150
agreeing to pay the cost of the proceedings. Except as provided 66151
in division (E) (2) or (3) of this section, the judge may grant 66152
the person limited driving privileges during the period during 66153
which the suspension otherwise would be imposed for any of the 66154
purposes set forth in division (A) of section 4510.021 of the 66155
Revised Code. 66156

(2) No judge shall grant limited driving privileges for 66157
employment as a driver of a commercial motor vehicle to any 66158
person who would be disqualified from operating a commercial 66159
motor vehicle under section 4506.16 of the Revised Code if the 66160
violation had occurred in this state. 66161

(3) No judge shall grant limited driving privileges during 66162
any of the following periods of time: 66163

(a) The first fifteen days of a suspension under division 66164
(B) or (D) of this section, if the person has not been convicted 66165
within ten years of the date of the offense giving rise to the 66166
suspension under this section of a violation of any of the 66167
following: 66168

(i) Division (A) of section 4511.19 of the Revised Code, 66169
or a municipal ordinance relating to operating a vehicle while 66170
under the influence of alcohol, a drug of abuse, or alcohol and 66171
a drug of abuse; 66172

(ii) A municipal ordinance relating to operating a motor 66173
vehicle with a prohibited concentration of alcohol, a controlled 66174
substance, or a metabolite of a controlled substance in the 66175
whole blood, blood serum or plasma, breath, or urine; 66176

(iii) Section 2903.04 of the Revised Code in a case in 66177

which the person was subject to the sanctions described in 66178
division (D) of that section; 66179

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 66180
of section 2903.08 of the Revised Code or a municipal ordinance 66181
that is substantially similar to either of those divisions; 66182

(v) Division (A)(2), (3), or (4) of section 2903.06, 66183
division (A)(2) of section 2903.08, or as it existed prior to 66184
March 23, 2000, section 2903.07 of the Revised Code, or a 66185
municipal ordinance that is substantially similar to any of 66186
those divisions or that former section, in a case in which the 66187
jury or judge found that the person was under the influence of 66188
alcohol, a drug of abuse, or alcohol and a drug of abuse. 66189

(b) The first forty-five days of a suspension under 66190
division (B) or (D) of this section, if the person has been 66191
convicted one time within ten years of the date of the offense 66192
giving rise to the suspension under this section of any 66193
violation identified in division (E)(3)(a) of this section. 66194

(c) The first one hundred eighty days of a suspension 66195
under division (B) or (D) of this section, if the person has 66196
been convicted two times within ten years of the date of the 66197
offense giving rise to the suspension under this section of any 66198
violation identified in division (E)(3)(a) of this section. 66199

(d) The first three years of a suspension under division 66200
(B) or (D) of this section, if the person has been convicted 66201
three or more times within ten years of the date of the offense 66202
giving rise to a suspension under division (B) or (D) of this 66203
section of any violation identified in division (E)(3)(a) of 66204
this section. 66205

(4) In accordance with section 4510.022 of the Revised 66206

Code, a person may petition for, and a judge may grant, 66207
unlimited driving privileges with a certified ignition interlock 66208
device during the period of suspension imposed under division 66209
(B) or (D) of this section to a person described in division (E) 66210
(3) (a) of this section. 66211

(5) If a person petitions for limited driving privileges 66212
under division (E) (1) of this section or unlimited driving 66213
privileges with a certified ignition interlock device as 66214
provided in division (E) (4) of this section, the registrar shall 66215
be represented by the county prosecutor of the county in which 66216
the person resides if the petition is filed in a juvenile court 66217
or county court, except that if the person resides within a city 66218
or village that is located within the jurisdiction of the county 66219
in which the petition is filed, the city director of law or 66220
village solicitor of that city or village shall represent the 66221
registrar. If the petition is filed in a municipal court, the 66222
registrar shall be represented as provided in section 1901.34 of 66223
the Revised Code. 66224

(6) (a) In issuing an order granting limited driving 66225
privileges under division (E) (1) of this section, the court may 66226
impose any condition it considers reasonable and necessary to 66227
limit the use of a vehicle by the person. The court shall 66228
deliver to the person a copy of the order setting forth the 66229
time, place, and other conditions limiting the person's use of a 66230
motor vehicle. Unless division (E) (6) (b) of this section 66231
applies, the grant of limited driving privileges shall be 66232
conditioned upon the person's having the order in the person's 66233
possession at all times during which the person is operating a 66234
vehicle. 66235

(b) If, under the order, the court requires the use of an 66236

immobilizing or disabling device as a condition of the grant of 66237
limited or unlimited driving privileges, the person shall 66238
present to the registrar or to a deputy registrar the copy of 66239
the order granting limited driving privileges and a certificate 66240
affirming the installation of an immobilizing or disabling 66241
device that is in a form established by the director of public 66242
safety and is signed by the person who installed the device. 66243
Upon presentation of the order and the certificate to the 66244
registrar or a deputy registrar, the registrar or deputy 66245
registrar shall issue to the offender a restricted license, 66246
unless the offender's driver's or commercial driver's license or 66247
permit is suspended under any other provision of law and limited 66248
driving privileges have not been granted with regard to that 66249
suspension. A restricted license issued under this division 66250
shall be identical to an Ohio driver's license, except that it 66251
shall ~~have printed on its face~~ include a statement and code 66252
indicating that the offender is prohibited from operating any 66253
motor vehicle that is not equipped with an immobilizing or 66254
disabling device in violation of the order. 66255

(7) (a) Unless division (E) (7) (b) applies, a person granted 66256
limited driving privileges who operates a vehicle for other than 66257
limited purposes, in violation of any condition imposed by the 66258
court or without having the order in the person's possession, is 66259
guilty of a violation of section 4510.11 of the Revised Code. 66260

(b) No person who has been granted limited or unlimited 66261
driving privileges under division (E) of this section subject to 66262
an immobilizing or disabling device order shall operate a motor 66263
vehicle prior to obtaining a restricted license. Any person who 66264
violates this prohibition is subject to the penalties prescribed 66265
in section 4510.14 of the Revised Code. 66266

(c) The offenses established under division (E) (7) of this section are strict liability offenses and section 2901.20 of the Revised Code does not apply.

(F) The provisions of division (A) (8) of section 4510.13 of the Revised Code apply to a person who has been granted limited or unlimited driving privileges with a certified ignition interlock device under this section and who either commits an ignition interlock device violation as defined under section 4510.46 of the Revised Code or operates a motor vehicle that is not equipped with a certified ignition interlock device.

(G) Any person whose license or permit has been suspended under division (A) or (C) of this section may file a petition in the municipal or county court, or in case the person is under eighteen years of age, the juvenile court, in whose jurisdiction the person resides, requesting the termination of the suspension and agreeing to pay the cost of the proceedings. If the court, in its discretion, determines that a termination of the suspension is appropriate, the court shall issue an order to the registrar to terminate the suspension. Upon receiving such an order, the registrar shall reinstate the license.

(H) As used in divisions (C) and (D) of this section:

(1) "Child" means a person who is under the age of eighteen years, except that any person who violates a statute or ordinance described in division (C) or (D) of this section prior to attaining eighteen years of age shall be deemed a "child" irrespective of the person's age at the time the complaint or other equivalent document is filed in the other state or a hearing, trial, or other proceeding is held in the other state on the complaint or other equivalent document, and irrespective of the person's age when the period of license suspension or

denial prescribed in division (C) or (D) of this section is 66297
imposed. 66298

(2) "Is convicted of or pleads guilty to" means, as it 66299
relates to a child who is a resident of this state, that in a 66300
proceeding conducted in a state or federal court located in 66301
another state for a violation of a statute or ordinance 66302
described in division (C) or (D) of this section, the result of 66303
the proceeding is any of the following: 66304

(a) Under the laws that govern the proceedings of the 66305
court, the child is adjudicated to be or admits to being a 66306
delinquent child or a juvenile traffic offender for a violation 66307
described in division (C) or (D) of this section that would be a 66308
crime if committed by an adult; 66309

(b) Under the laws that govern the proceedings of the 66310
court, the child is convicted of or pleads guilty to a violation 66311
described in division (C) or (D) of this section; 66312

(c) Under the laws that govern the proceedings of the 66313
court, irrespective of the terminology utilized in those laws, 66314
the result of the court's proceedings is the functional 66315
equivalent of division (H) (2) (a) or (b) of this section. 66316

Sec. 4510.46. (A) As used in this section: 66317

(1) "Offender" means a person who has been granted limited 66318
or unlimited driving privileges by a court of this state subject 66319
to the condition that the person operate only a vehicle with a 66320
certified ignition interlock device under section 4510.021, 66321
4510.022, or 4510.13 of the Revised Code. 66322

(2) "Ignition interlock device violation" means that a 66323
certified ignition interlock device indicates ~~that it has~~ 66324
~~prevented an offender from starting a motor vehicle because of~~ 66325

~~either~~ any of the following: 66326

(a) The device was tampered with or circumvented; 66327

(b) The analysis of the deep-lung breath sample or other 66328
method employed by the ignition interlock device to measure the 66329
concentration by weight of alcohol in the offender's breath 66330
indicated the presence of alcohol in the offender's breath in a 66331
concentration sufficient to prevent the ignition interlock 66332
device from permitting the motor vehicle to be started; 66333

(c) The analysis of the deep-lung breath sample or other 66334
method employed by the ignition interlock device to measure the 66335
concentration by weight of alcohol in the offender's breath 66336
indicated the presence of alcohol in the offender's breath in a 66337
concentration above the preset level during operation of the 66338
vehicle but after the ignition interlock device permitted the 66339
motor vehicle to be started; 66340

(d) The offender failed to provide a deep-lung breath 66341
sample or other method employed by the ignition interlock device 66342
to measure concentration by weight of alcohol in the offender's 66343
breath in the amount of time required by the ignition interlock 66344
device during operation of the vehicle but after the ignition 66345
interlock device permitted the motor vehicle to be started. 66346

(B) The manufacturer of a certified ignition interlock 66347
device shall monitor each device that is produced by that 66348
manufacturer and that has been installed in a motor vehicle for 66349
an offender. The manufacturer also shall inform the court and 66350
the registrar of motor vehicles, as soon as practicable, 66351
whenever an ignition interlock device violation has occurred. 66352

(C) Upon receipt of information pertaining to an offender 66353
under division (B) of this section, the court shall send a 66354

notice to the offender stating all of the following: 66355

(1) That it has received evidence of an ignition interlock 66356
device violation; 66357

(2) If applicable, that because of this violation the 66358
offender is required to wear a monitor that provides for 66359
continuous alcohol monitoring in accordance with division (E) of 66360
section 4510.022, division (A) (8) of section 4510.13, or 66361
division (F) of section 4510.17 of the Revised Code; 66362

(3) That because of this violation the court may increase 66363
the period of suspension of the offender's driver's or 66364
commercial driver's license or permit or nonresident operating 66365
privilege from that originally imposed by the court by a factor 66366
of two and may increase the period of time during which the 66367
offender will be prohibited from exercising any limited or 66368
unlimited driving privileges granted to the offender unless the 66369
vehicles the offender operates are equipped with a certified 66370
ignition interlock device by a factor of two; 66371

(4) Whether the court is imposing the increases under 66372
division (C) (3) of this section; 66373

(5) If the violation occurred within sixty days of the end 66374
of the suspension of the offender's driver's or commercial 66375
driver's license or permit or nonresident operating privilege 66376
and the court is not imposing an increase in the period of the 66377
suspension under division (C) (3) of this section, that the court 66378
is increasing the offender's suspension by sixty days as 66379
provided in division (E) (5) of section 4510.022, division (A) (8) 66380
(d) of section 4510.13, or division (F) of section 4510.17 of 66381
the Revised Code; 66382

(6) That the offender may file an appeal of any increase 66383

imposed under division (C) (4) or (5) of this section with the 66384
court within fourteen days of receiving the notice; 66385

(7) That the registrar of motor vehicles is prohibited 66386
from reinstating the offender's license unless the period of 66387
suspension has been served and no ignition interlock device 66388
violations have been committed within the sixty days prior to 66389
the application for reinstatement. 66390

(D) Any motion that is filed under division (C) (6) of this 66391
section within the fourteen-day period shall be considered to be 66392
filed in a timely manner, and any such motion that is filed 66393
after that fourteen-day period shall be considered not to be 66394
filed in a timely manner. If the offender files a timely motion, 66395
the court may hold a hearing on the matter. The scope of the 66396
hearing is limited to determining whether the offender in fact 66397
was prevented from starting a motor vehicle that is equipped 66398
with a certified ignition interlock device because the offender 66399
committed an ignition interlock device violation. 66400

If the court finds by a preponderance of the evidence that 66401
the violation did occur, it may deny the offender's appeal. If 66402
the court finds by a preponderance of the evidence that the 66403
violation did not occur, it shall grant the offender's appeal 66404
and shall issue an order terminating the increase of the 66405
offender's suspension. 66406

(E) In no case shall any period of suspension of an 66407
offender's driver's or commercial driver's license or permit or 66408
nonresident operating privilege that is increased by a factor of 66409
two under division (C) (3) of this section or any period of time 66410
during which the offender is prohibited from exercising any 66411
limited driving privileges granted to the offender unless the 66412
vehicles the offender operates are equipped with a certified 66413

ignition interlock device that is increased by a factor of two 66414
under division (C) (3) of this section exceed the maximum period 66415
of time for which the court originally was authorized to suspend 66416
the offender's driver's or commercial driver's license or permit 66417
or nonresident operating privilege under division (G) (1) (a), 66418
(b), (c), (d), or (e) of section 4511.19 of the Revised Code. 66419
This division does not apply when a suspension is increased 66420
under division (C) (5) of this section. 66421

(F) Nothing in this section shall be construed as 66422
prohibiting the court from revoking an individual's driving 66423
privileges. 66424

Sec. 4511.043. (A) (1) No law enforcement officer who stops 66425
the operator of a motor vehicle in the course of an authorized 66426
sobriety or other motor vehicle checkpoint operation or a motor 66427
vehicle safety inspection shall issue a ticket, citation, or 66428
summons for a secondary traffic offense unless in the course of 66429
the checkpoint operation or safety inspection the officer first 66430
determines that an offense other than a secondary traffic 66431
offense has occurred and either places the operator or a vehicle 66432
occupant under arrest or issues a ticket, citation, or summons 66433
to the operator or a vehicle occupant for an offense other than 66434
a secondary offense. 66435

(2) A law enforcement agency that operates a motor vehicle 66436
checkpoint for an express purpose related to a secondary traffic 66437
offense shall not issue a ticket, citation, or summons for any 66438
secondary traffic offense at such a checkpoint, but may use such 66439
a checkpoint operation to conduct a public awareness campaign 66440
and distribute information. 66441

(B) As used in this section, "secondary traffic offense" 66442
means a violation of division ~~(A) or~~ (F) (2) of section 4507.05, 66443

division (B) (1) (a) or (b) ~~or (E)~~ of section 4507.071, ~~division~~
~~(C) or (D) of section 4511.81, or~~ division (A) (3) of section
4513.03, ~~or division (B) of section 4513.263~~ of the Revised
Code.

Sec. 4511.202. (A) No person shall operate a motor
vehicle, trackless trolley, streetcar, agricultural tractor, or
agricultural tractor that is towing, pulling, or otherwise
drawing a unit of farm machinery on any street, highway, or
property open to the public for vehicular traffic without being
in reasonable control of the vehicle, trolley, streetcar,
agricultural tractor, or unit of farm machinery.

(B) Whoever violates this section is guilty of operating a
motor vehicle or agricultural tractor without being in control
of it, a minor misdemeanor.

If the offender commits the offense while distracted and
the distracting activity is a contributing factor to the
commission of the offense, the offender is subject to the
additional fine established under section 4511.991 of the
Revised Code.

Sec. 4511.81. (A) When any child who is in either or both
of the following categories is being transported in a motor
vehicle, other than a taxicab or public safety vehicle as
defined in section 4511.01 of the Revised Code, that is required
by the United States department of transportation to be equipped
with seat belts at the time of manufacture or assembly, the
operator of the motor vehicle shall have the child properly
secured in accordance with the manufacturer's instructions in a
child restraint system that meets federal motor vehicle safety
standards:

(1) A child who is less than four years of age; 66473

(2) A child who weighs less than forty pounds. 66474

(B) When any child who is in either or both of the 66475
following categories is being transported in a motor vehicle, 66476
other than a taxicab, that is owned, leased, or otherwise under 66477
the control of a nursery school or child care center, the 66478
operator of the motor vehicle shall have the child properly 66479
secured in accordance with the manufacturer's instructions in a 66480
child restraint system that meets federal motor vehicle safety 66481
standards: 66482

(1) A child who is less than four years of age; 66483

(2) A child who weighs less than forty pounds. 66484

(C) When any child who is less than eight years of age and 66485
less than four feet nine inches in height, who is not required 66486
by division (A) or (B) of this section to be secured in a child 66487
restraint system, is being transported in a motor vehicle, other 66488
than a taxicab or public safety vehicle as defined in section 66489
4511.01 of the Revised Code or a vehicle that is regulated under 66490
section 5104.015 of the Revised Code, that is required by the 66491
United States department of transportation to be equipped with 66492
seat belts at the time of manufacture or assembly, the operator 66493
of the motor vehicle shall have the child properly secured in 66494
accordance with the manufacturer's instructions on a booster 66495
seat that meets federal motor vehicle safety standards. 66496

(D) When any child who is at least eight years of age but 66497
not older than fifteen years of age, and who is not otherwise 66498
required by division (A), (B), or (C) of this section to be 66499
secured in a child restraint system or booster seat, is being 66500
transported in a motor vehicle, other than a taxicab or public 66501

safety vehicle as defined in section 4511.01 of the Revised 66502
Code, that is required by the United States department of 66503
transportation to be equipped with seat belts at the time of 66504
manufacture or assembly, the operator of the motor vehicle shall 66505
have the child properly restrained either in accordance with the 66506
manufacturer's instructions in a child restraint system that 66507
meets federal motor vehicle safety standards or in an occupant 66508
restraining device as defined in section 4513.263 of the Revised 66509
Code. 66510

~~(E) Notwithstanding any provision of law to the contrary,~~ 66511
~~no law enforcement officer shall cause an operator of a motor~~ 66512
~~vehicle being operated on any street or highway to stop the~~ 66513
~~motor vehicle for the sole purpose of determining whether a~~ 66514
~~violation of division (C) or (D) of this section has been or is~~ 66515
~~being committed or for the sole purpose of issuing a ticket,~~ 66516
~~citation, or summons for a violation of division (C) or (D) of~~ 66517
~~this section or causing the arrest of or commencing a~~ 66518
~~prosecution of a person for a violation of division (C) or (D)~~ 66519
~~of this section, and absent another violation of law, a law~~ 66520
~~enforcement officer's view of the interior or visual inspection~~ 66521
~~of a motor vehicle being operated on any street or highway may~~ 66522
~~not be used for the purpose of determining whether a violation~~ 66523
~~of division (C) or (D) of this section has been or is being~~ 66524
~~committed.~~ 66525

~~(F)~~ The director of public safety shall adopt such rules 66526
as are necessary to carry out this section. 66527

~~(G)~~ (F) The failure of an operator of a motor vehicle to 66528
secure a child in a child restraint system, a booster seat, or 66529
an occupant restraining device as required by this section is 66530
not negligence imputable to the child, is not admissible as 66531

evidence in any civil action involving the rights of the child 66532
against any other person allegedly liable for injuries to the 66533
child, is not to be used as a basis for a criminal prosecution 66534
of the operator of the motor vehicle other than a prosecution 66535
for a violation of this section, and is not admissible as 66536
evidence in any criminal action involving the operator of the 66537
motor vehicle other than a prosecution for a violation of this 66538
section. 66539

~~(H)~~ (G) This section does not apply when an emergency 66540
exists that threatens the life of any person operating or 66541
occupying a motor vehicle that is being used to transport a 66542
child who otherwise would be required to be restrained under 66543
this section. This section does not apply to a person operating 66544
a motor vehicle who has an affidavit signed by a physician 66545
licensed to practice in this state under Chapter 4731. of the 66546
Revised Code or a chiropractor licensed to practice in this 66547
state under Chapter 4734. of the Revised Code that states that 66548
the child who otherwise would be required to be restrained under 66549
this section has a physical impairment that makes use of a child 66550
restraint system, booster seat, or an occupant restraining 66551
device impossible or impractical, provided that the person 66552
operating the vehicle has safely and appropriately restrained 66553
the child in accordance with any recommendations of the 66554
physician or chiropractor as noted on the affidavit. 66555

~~(I)~~ (H) There is hereby created in the state treasury the 66556
child highway safety fund, consisting of fines imposed pursuant 66557
to division ~~(L)~~ ~~(1)~~ (K) (1) of this section for violations of 66558
divisions (A), (B), (C), and (D) of this section. The money in 66559
the fund shall be used by the department of health only to 66560
defray the cost of designating hospitals as pediatric trauma 66561
centers under section 3727.081 of the Revised Code and to 66562

establish and administer a child highway safety program. The 66563
purpose of the program shall be to educate the public about 66564
child restraint systems and booster seats and the importance of 66565
their proper use. The program also shall include a process for 66566
providing child restraint systems and booster seats to persons 66567
who meet the eligibility criteria established by the department, 66568
and a toll-free telephone number the public may utilize to 66569
obtain information about child restraint systems and booster 66570
seats, and their proper use. 66571

~~(J)~~ (I) The director of health, in accordance with Chapter 66572
119. of the Revised Code, shall adopt any rules necessary to 66573
carry out this section, including rules establishing the 66574
criteria a person must meet in order to receive a child 66575
restraint system or booster seat under the department's child 66576
highway safety program; provided that rules relating to the 66577
verification of pediatric trauma centers shall not be adopted 66578
under this section. 66579

~~(K)~~ (J) Nothing in this section shall be construed to 66580
require any person to carry with the person the birth 66581
certificate of a child to prove the age of the child, but the 66582
production of a valid birth certificate for a child showing that 66583
the child was not of an age to which this section applies is a 66584
defense against any ticket, citation, or summons issued for 66585
violating this section. 66586

~~(I)(1)~~ (K)(1) Whoever violates division (A), (B), (C), or 66587
(D) of this section shall be punished as follows, provided that 66588
the failure of an operator of a motor vehicle to secure more 66589
than one child in a child restraint system, booster seat, or 66590
occupant restraining device as required by this section that 66591
occurred at the same time, on the same day, and at the same 66592

location is deemed to be a single violation of this section: 66593

(a) Except as otherwise provided in division ~~(L) (1) (b)~~ (K) 66594
(1) (b) of this section, the offender is guilty of a minor 66595
misdemeanor and shall be fined not less than twenty-five dollars 66596
nor more than seventy-five dollars. 66597

(b) If the offender previously has been convicted of or 66598
pleaded guilty to a violation of division (A), (B), (C), or (D) 66599
of this section or of a municipal ordinance that is 66600
substantially similar to any of those divisions, the offender is 66601
guilty of a misdemeanor of the fourth degree. 66602

(2) All fines imposed pursuant to division ~~(L) (1)~~ (K) (1) 66603
of this section shall be forwarded to the treasurer of state for 66604
deposit in the child highway safety fund created by division ~~(I)~~ 66605
(H) of this section. 66606

Sec. 4511.991. (A) As used in this section and each 66607
section referenced in division (B) of this section, all of the 66608
following apply: 66609

(1) "Distracted" means doing either of the following while 66610
operating a vehicle: 66611

(a) Using an electronic wireless communications device, as 66612
defined in section 4511.204 of the Revised Code, in violation of 66613
that section; 66614

(b) Engaging in any activity that is not necessary to the 66615
operation of a vehicle and impairs, or reasonably would be 66616
expected to impair, the ability of the operator to drive the 66617
vehicle safely. 66618

(2) "Distracted" does not include operating a motor 66619
vehicle while wearing an earphone or earplug over or in both 66620

ears at the same time. A person who so wears earphones or 66621
earplugs may be charged with a violation of section 4511.84 of 66622
the Revised Code. 66623

(3) "Distracted" does not include conducting any activity 66624
while operating a utility service vehicle or a vehicle for or on 66625
behalf of a utility, provided that the driver of the vehicle is 66626
acting in response to an emergency, power outage, or a 66627
circumstance affecting the health or safety of individuals. 66628

As used in division (A) (3) of this section: 66629

(a) "Utility" means an entity specified in division (A), 66630
(C), (D), (E), or (G) of section 4905.03 of the Revised Code. 66631

(b) "Utility service vehicle" means a vehicle owned or 66632
operated by a utility. 66633

(B) If an offender violates section 4511.03, 4511.051, 66634
4511.12, 4511.121, 4511.132, 4511.202, 4511.21, 4511.211, 66635
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 66636
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 66637
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 66638
4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 66639
4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 66640
4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 66641
4511.72, or 4511.73 of the Revised Code while distracted and the 66642
distracting activity is a contributing factor to the commission 66643
of the violation, the offender is subject to the applicable 66644
penalty for the violation and, notwithstanding section 2929.28 66645
of the Revised Code, is subject to an additional fine of not 66646
more than one hundred dollars as follows: 66647

(1) Subject to Traffic Rule 13, if a law enforcement 66648
officer issues an offender a ticket, citation, or summons for a 66649

violation of any of the aforementioned sections of the Revised 66650
Code that indicates that the offender was distracted while 66651
committing the violation and that the distracting activity was a 66652
contributing factor to the commission of the violation, the 66653
offender may enter a written plea of guilty and waive the 66654
offender's right to contest the ticket, citation, or summons in 66655
a trial provided that the offender pays the total amount of the 66656
fine established for the violation and pays the additional fine 66657
of one hundred dollars. 66658

In lieu of payment of the additional fine of one hundred 66659
dollars, the offender instead may elect to attend a distracted 66660
driving safety course, the duration and contents of which shall 66661
be established by the director of public safety. If the offender 66662
attends and successfully completes the course, the offender 66663
shall be issued written evidence that the offender successfully 66664
completed the course. The offender shall be required to pay the 66665
total amount of the fine established for the violation, but 66666
shall not be required to pay the additional fine of one hundred 66667
dollars, so long as the offender submits to the court both the 66668
offender's payment in full and such written evidence within 66669
ninety days of the underlying violation that resulted in the 66670
imposition of the additional fine under division (B) of this 66671
section. 66672

(2) If the offender appears in person to contest the 66673
ticket, citation, or summons in a trial and the offender pleads 66674
guilty to or is convicted of the violation, the court, in 66675
addition to all other penalties provided by law, may impose the 66676
applicable penalty for the violation and may impose the 66677
additional fine of not more than one hundred dollars. 66678

If the court imposes upon the offender the applicable 66679

penalty for the violation and an additional fine of not more 66680
than one hundred dollars, the court shall inform the offender 66681
that, in lieu of payment of the additional fine of not more than 66682
one hundred dollars, the offender instead may elect to attend 66683
the distracted driving safety course described in division (B) 66684
(1) of this section. If the offender elects the course option 66685
and attends and successfully completes the course, the offender 66686
shall be issued written evidence that the offender successfully 66687
completed the course. The offender shall be required to pay the 66688
total amount of the fine established for the violation, but 66689
shall not be required to pay the additional fine of not more 66690
than one hundred dollars, so long as the offender submits to the 66691
court the offender's payment and such written evidence within 66692
ninety days of the underlying violation that resulted in the 66693
imposition of the additional fine under division (B) of this 66694
section. 66695

(C) If a law enforcement officer issues an offender a 66696
ticket, citation, or summons for a violation of any of the 66697
sections of the Revised Code listed in division (B) of this 66698
section that indicates that the offender was distracted while 66699
committing the violation and that the distracting activity was a 66700
contributing factor to the commission of the violation, the 66701
officer shall do both of the following: 66702

(1) Report the issuance of the ticket, citation, or 66703
summons to the officer's law enforcement agency; 66704

(2) Ensure that such report indicates the offender's race. 66705

Sec. 4513.263. (A) As used in this section ~~and in section~~ 66706
~~4513.99 of the Revised Code:~~ 66707

(1) "Automobile" means any commercial tractor, passenger 66708

car, commercial car, or truck that is required to be factory- 66709
equipped with an occupant restraining device for the operator or 66710
any passenger by regulations adopted by the United States 66711
secretary of transportation pursuant to the "~~National Traffic~~ 66712
~~and Motor Vehicle Safety Act of 1966,~~" 80 Stat. 719, 15 U.S.C.A. 66713
~~1392~~and the national highway traffic safety administration. 66714

(2) "Occupant restraining device" means a seat safety 66715
belt, shoulder belt, harness, or other safety device for 66716
restraining a person who is an operator of or passenger in an 66717
automobile and that satisfies the minimum federal vehicle safety 66718
standards established by the United States department of 66719
transportation. 66720

(3) "Passenger" means any person in an automobile, other 66721
than its operator, who is occupying a seating position for which 66722
an occupant restraining device is provided. 66723

(4) "Commercial tractor," "passenger car," and "commercial 66724
car" have the same meanings as in section 4501.01 of the Revised 66725
Code. 66726

(5) "Vehicle" and "motor vehicle," as used in the 66727
definitions of the terms set forth in division (A) (4) of this 66728
section, have the same meanings as in section 4511.01 of the 66729
Revised Code. 66730

(6) "Tort action" means a civil action for damages for 66731
injury, death, or loss to person or property. "Tort action" 66732
includes a product liability claim, as defined in section 66733
2307.71 of the Revised Code, and an asbestos claim, as defined 66734
in section 2307.91 of the Revised Code, but does not include a 66735
civil action for damages for breach of contract or another 66736
agreement between persons. 66737

- (B) No person shall do any of the following: 66738
- (1) Operate an automobile on any street or highway unless 66739
that person is wearing all of the available elements of a 66740
properly adjusted occupant restraining device, or operate a 66741
school bus that has an occupant restraining device installed for 66742
use in its operator's seat unless that person is wearing all of 66743
the available elements of the device, as properly adjusted; 66744
- (2) Operate an automobile on any street or highway unless 66745
each passenger in the automobile who is subject to the 66746
requirement set forth in division (B)(3) of this section is 66747
wearing all of the available elements of a properly adjusted 66748
occupant restraining device; 66749
- (3) Occupy, as a passenger, a seating position on the 66750
front seat of an automobile being operated on any street or 66751
highway unless that person is wearing all of the available 66752
elements of a properly adjusted occupant restraining device; 66753
- (4) Operate a taxicab on any street or highway unless all 66754
factory-equipped occupant restraining devices in the taxicab are 66755
maintained in usable form. 66756
- (C) (1) Division (B)(3) of this section does not apply to a 66757
person who is required by section 4511.81 of the Revised Code to 66758
be secured in a child restraint device or booster seat. 66759
- (2) Division (B)(1) of this section does not apply to a 66760
person who is an employee of the United States postal service or 66761
of a newspaper home delivery service, during any period in which 66762
the person is engaged in the operation of an automobile to 66763
deliver mail or newspapers to addressees. 66764
- (3) Divisions (B)(1) and (3) of this section do not apply 66765
to a person who has an affidavit signed by a physician licensed 66766

to practice in this state under Chapter 4731. of the Revised 66767
Code or a chiropractor licensed to practice in this state under 66768
Chapter 4734. of the Revised Code that states the following: 66769

(a) That the person has a physical impairment that makes 66770
use of an occupant restraining device impossible or impractical; 66771

(b) Whether the physical impairment is temporary, 66772
permanent, or reasonably expected to be permanent; 66773

(c) If the physical impairment is temporary, how long the 66774
physical impairment is expected to make the use of an occupant 66775
restraining device impossible or impractical. 66776

(4) Divisions (B)(1) and (3) of this section do not apply 66777
to a person who has registered with the registrar of motor 66778
vehicles in accordance with division (C)(5) of this section. 66779

(5) A person who has received an affidavit under division 66780
(C)(3) of this section stating that the person has a permanent 66781
or reasonably expected to be permanent physical impairment that 66782
makes use of an occupant restraining device impossible or 66783
impracticable may register with the registrar attesting to that 66784
fact. Upon such registration, the registrar shall make that 66785
information available in the law enforcement automated data 66786
system. A person included in the database under division (C)(5) 66787
of this section is not required to have the affidavit obtained 66788
in accordance with division (C)(3) of this section in their 66789
possession while operating or occupying an automobile. 66790

(6) A physician or chiropractor who issues an affidavit 66791
for the purposes of division (C)(3) or (4) of this section is 66792
immune from civil liability arising from any injury or death 66793
sustained by the person who was issued the affidavit due to the 66794
failure of the person to wear an occupant restraining device 66795

unless the physician or chiropractor, in issuing the affidavit,
acted in a manner that constituted willful, wanton, or reckless
misconduct.

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(7) The registrar shall adopt rules in accordance with
Chapter 119. of the Revised Code establishing a process for a
person to be included in the database under division (C)(5) of
this section. The information provided and included in the
database under division (C)(5) of this section is not a public
record subject to inspection or copying under section 149.43 of
the Revised Code.

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~~(D) Notwithstanding any provision of law to the contrary,
no law enforcement officer shall cause an operator of an
automobile being operated on any street or highway to stop the
automobile for the sole purpose of determining whether a
violation of division (B) of this section has been or is being
committed or for the sole purpose of issuing a ticket, citation,
or summons for a violation of that nature or causing the arrest
of or commencing a prosecution of a person for a violation of
that nature, and no law enforcement officer shall view the
interior or visually inspect any automobile being operated on
any street or highway for the sole purpose of determining
whether a violation of that nature has been or is being
committed.~~

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~~(E)~~ (1) All fines collected for violations of division (B)
of this section, or for violations of any ordinance or
resolution of a political subdivision that is substantively
comparable to that division, shall be forwarded to the treasurer
of state for deposit into the state treasury to the credit of
the trauma and emergency medical services fund, which is hereby
created. ~~In addition, the~~

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(2) The trauma and emergency medical services fund shall 66826
also consist of all of the following which shall be deposited 66827
into the fund: 66828

(a) The portion of the driver's license reinstatement fee 66829
described in division (F) (2) (g) of section 4511.191 of the 66830
Revised Code, ~~plus all;~~ 66831

(b) All fees collected under section 4765.11 of the 66832
Revised Code, ~~plus all;~~ 66833

(c) All fines imposed under section 4765.55 of the Revised 66834
Code, ~~plus the;~~ 66835

(d) The fees and other moneys specified in section 4766.05 66836
of the Revised Code, ~~and plus five;~~ 66837

(e) Five per cent of fines and moneys arising from bail 66838
forfeitures as directed by section 5503.04 of the Revised Code, ~~—~~ 66839
~~also shall be deposited into the trauma and emergency medical—~~ 66840
~~services fund. All—~~ 66841

(3) All money deposited into the trauma and emergency 66842
medical services fund shall be used by the department of public 66843
safety for the administration and operation of the division of 66844
emergency medical services and the state board of emergency 66845
medical, fire, and transportation services, and by the state 66846
board of emergency medical, fire, and transportation services to 66847
make grants, in accordance with section 4765.07 of the Revised 66848
Code and rules the board adopts under section 4765.11 of the 66849
Revised Code. ~~The—~~ 66850

(4) The director of budget and management may transfer 66851
excess money from the trauma and emergency medical services fund 66852
to the public safety - highway purposes fund established in 66853
section 4501.06 of the Revised Code if the director of public 66854

safety determines that the amount of money in the trauma and 66855
emergency medical services fund exceeds the amount required to 66856
cover such costs incurred by the emergency medical services 66857
agency and the grants made by the state board of emergency 66858
medical, fire, and transportation services and requests the 66859
director of budget and management to make the transfer. 66860

~~(F)(1)~~ (E)(1) Subject to division ~~(F)(2)~~ (E)(2) of this 66861
section, the failure of a person to wear all of the available 66862
elements of a properly adjusted occupant restraining device in 66863
violation of division (B)(1) or (3) of this section or the 66864
failure of a person to ensure that each minor who is a passenger 66865
of an automobile being operated by that person is wearing all of 66866
the available elements of a properly adjusted occupant 66867
restraining device in violation of division (B)(2) of this 66868
section shall not be considered or used by the trier of fact in 66869
a tort action as evidence of negligence or contributory 66870
negligence. But, the trier of fact may determine based on 66871
evidence admitted consistent with the Ohio Rules of Evidence 66872
that the failure contributed to the harm alleged in the tort 66873
action and may diminish a recovery of compensatory damages that 66874
represents noneconomic loss, as defined in section 2307.011 of 66875
the Revised Code, in a tort action that could have been 66876
recovered but for the plaintiff's failure to wear all of the 66877
available elements of a properly adjusted occupant restraining 66878
device. Evidence of that failure shall not be used as a basis 66879
for a criminal prosecution of the person other than a 66880
prosecution for a violation of this section; and shall not be 66881
admissible as evidence in a criminal action involving the person 66882
other than a prosecution for a violation of this section. 66883

(2) If, at the time of an accident involving a passenger 66884
car equipped with occupant restraining devices, any occupant of 66885

the passenger car who sustained injury or death was not wearing 66886
an available occupant restraining device, was not wearing all of 66887
the available elements of such a device, or was not wearing such 66888
a device as properly adjusted, then, consistent with the Rules 66889
of Evidence, the fact that the occupant was not wearing the 66890
available occupant restraining device, was not wearing all of 66891
the available elements of such a device, or was not wearing such 66892
a device as properly adjusted is admissible in evidence in 66893
relation to any claim for relief in a tort action to the extent 66894
that the claim for relief satisfies all of the following: 66895

(a) It seeks to recover damages for injury or death to the 66896
occupant. 66897

(b) The defendant in question is the manufacturer, 66898
designer, distributor, or seller of the passenger car. 66899

(c) The claim for relief against the defendant in question 66900
is that the injury or death sustained by the occupant was 66901
enhanced or aggravated by some design defect in the passenger 66902
car or that the passenger car was not crashworthy. 66903

~~(G) (1)~~ (F) (1) Whoever violates division (B) (1) of this 66904
section shall be fined thirty dollars. 66905

(2) Whoever violates division (B) (3) of this section shall 66906
be fined twenty dollars. 66907

(3) Except as otherwise provided in this division, whoever 66908
violates division (B) (4) of this section is guilty of a minor 66909
misdemeanor. If the offender previously has been convicted of or 66910
pleaded guilty to a violation of division (B) (4) of this 66911
section, whoever violates division (B) (4) of this section is 66912
guilty of a misdemeanor of the third degree. 66913

Sec. 4513.35. (A) All fines collected under sections 66914

4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 of the 66915
Revised Code shall be paid into the county treasury and, with 66916
the exception of that portion distributed under section 307.515 66917
of the Revised Code, shall be placed to the credit of the fund 66918
for the maintenance and repair of the highways within that 66919
county, except that: 66920

(1) All fines for violations of division (B) of section 66921
4513.263 shall be delivered to the treasurer of state as 66922
provided in ~~division (E) of~~ section 4513.263 of the Revised 66923
Code. 66924

(2) All fines collected from, or moneys arising from bonds 66925
forfeited by, persons apprehended or arrested by state highway 66926
patrol troopers shall be distributed as provided in section 66927
5503.04 of the Revised Code. 66928

(3) (a) Subject to division (E) of section 4513.263 of the 66929
Revised Code and except as otherwise provided in division (A) (3) 66930
(b) of this section, one-half of all fines collected from, and 66931
one-half of all moneys arising from bonds forfeited by, persons 66932
apprehended or arrested by a township constable or other 66933
township police officer shall be paid to the township treasury 66934
to be placed to the credit of the general fund. 66935

(b) All fines collected from, and all moneys arising from 66936
bonds forfeited by, persons apprehended or arrested by a 66937
township constable or other township police officer pursuant to 66938
division (B) (2) or (C) of section 4513.39 of the Revised Code 66939
for a violation of section 4511.21 of the Revised Code or any 66940
other law, ordinance, or regulation pertaining to speed that 66941
occurred on a highway that is part of the interstate system or 66942
otherwise part of the national highway system, shall be paid 66943
into the county treasury and be credited as provided in the 66944

first paragraph of this section. 66945

(B) Notwithstanding any other provision of this section or 66946
of any other section of the Revised Code: 66947

(1) All fines collected from, and all moneys arising from 66948
bonds forfeited by, persons arrested under division (E) (1) or 66949
(2) of section 2935.03 of the Revised Code are deemed to be 66950
collected, and to arise, from arrests made within the 66951
jurisdiction in which the arresting officer is appointed, 66952
elected, or employed, for violations of one of the sections or 66953
chapters of the Revised Code listed in division (E) (1) of that 66954
section and shall be distributed accordingly. 66955

(2) All fines collected from, and all moneys arising from 66956
bonds forfeited by, persons arrested under division (E) (3) of 66957
section 2935.03 of the Revised Code are deemed to be collected, 66958
and to arise, from arrests made within the jurisdiction in which 66959
the arresting officer is appointed, elected, or employed, for 66960
violations of municipal ordinances that are substantially 66961
equivalent to one of the sections or one of the provisions of 66962
one of the chapters of the Revised Code listed in division (E) 66963
(1) of that section and for violations of one of the sections or 66964
one of the provisions of one of the chapters of the Revised Code 66965
listed in division (E) (1) of that section, and shall be 66966
distributed accordingly. 66967

Sec. 4519.59. (A) (1) The clerk of a court of common pleas 66968
shall charge and retain fees as follows: 66969

(a) ~~Fifteen~~ Eighteen dollars for each certificate of title 66970
or duplicate certificate of title including the issuance of a 66971
memorandum certificate of title, authorization to print a non- 66972
negotiable evidence of ownership described in division (D) of 66973

section 4519.58 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (E) of that section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents for each duplicate certificate of title.

(b) Five dollars for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes. The clerk shall retain two dollars and twenty-five cents of that fee.

(c) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is forwarded or that in which the registrar is notified of a lien or cancellation of a lien.

(B) (1) The registrar shall pay twenty-five cents of the amount received for each certificate of title that is issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the public safety - highway purposes

fund established in section 4501.06 of the Revised Code. 67004

(2) Fifty cents of the amount received for each 67005
certificate of title shall be paid by the registrar as follows: 67006

(a) Four cents shall be paid into the state treasury to 67007
the credit of the motor vehicle dealers board fund created in 67008
section 4505.09 of the Revised Code, for use as described in 67009
division (B) (2) (a) of that section. 67010

(b) Twenty-one cents shall be paid into the highway 67011
operating fund. 67012

(c) Twenty-five cents shall be paid into the state 67013
treasury to the credit of the motor vehicle sales audit fund 67014
created in section 4505.09 of the Revised Code, for use as 67015
described in division (B) (2) (c) of that section. 67016

(3) Two dollars of the amount received by the registrar 67017
for each certificate of title shall be paid into the state 67018
treasury to the credit of the automated title processing fund 67019
created in section 4505.09 of the Revised Code, for use as 67020
described in divisions (B) (3) (a) and (c) of that section. 67021

(4) Three dollars of the amount received by the registrar 67022
under division (A) (1) (a) of this section shall be paid into the 67023
state treasury to the credit of the security, investigations, 67024
and policing fund created by section 4501.11 of the Revised 67025
Code. 67026

Sec. 4701.03. (A) The accountancy board annually shall 67027
elect a president, secretary, and treasurer from its members. 67028
The board may adopt and amend rules for the orderly conduct of 67029
its affairs and for the administration of this chapter. The 67030
board may adopt and amend rules defining the practice of public 67031
accounting, rules of professional conduct appropriate to 67032

establish and maintain a high standard of integrity and dignity 67033
in registrants and certificate holders under this chapter, and 67034
rules regulating the sole proprietorship, partnership, limited 67035
liability company, professional association, corporation-for- 67036
profit, or other legal entity practice of public accounting. A 67037
majority of the board shall constitute a quorum for the 67038
transaction of business. 67039

(B) The board shall keep and hold open for public 67040
inspection all records of its proceedings. 67041

(C) The board may employ any clerks that are necessary to 67042
assist it in the performance of its duties and the keeping of 67043
its records. If the board employs an executive director, the 67044
board shall pay the executive director in accordance with the 67045
schedules created under section 124.152 of the Revised Code. 67046

Sec. 4701.13. The accountancy board shall publish and 67047
maintain a publicly available and searchable electronic 67048
register. The register shall contain the names, license numbers, 67049
license types, license status, and disciplinary history for any 67050
actions taken under section 4701.16 of the Revised Code of all 67051
certified public accountants and public accountants holding 67052
licenses issued under this chapter as of the date the register 67053
is accessed. The register is subject to section 4798.10 of the 67054
Revised Code. 67055

Sec. 4703.11. The architects board shall keep an official 67056
register of all said certificates of qualification to practice 67057
architecture issued and of the renewals of the same as provided 67058
in sections 4703.01 to 4703.19 of the Revised Code, which 67059
register shall be properly indexed and shall be open for public 67060
inspection and information. The register is subject to section 67061
4798.10 of the Revised Code. 67062

Sec. 4713.07. (A) The state cosmetology and barber board 67063
shall do all of the following: 67064

(1) Regulate the practice of cosmetology and all of its 67065
branches in this state; 67066

(2) Investigate or inspect, when evidence appears to 67067
demonstrate that an individual has violated any provision of 67068
this chapter or Chapter 4709. of the Revised Code or any rule 67069
adopted under either chapter, the activities or premises of a 67070
license holder or unlicensed individual; 67071

(3) Adopt rules in accordance with section 4713.08 of the 67072
Revised Code; 67073

(4) Prescribe and make available application forms to be 67074
used by individuals seeking admission to an examination 67075
conducted under section 4713.24 of the Revised Code or a license 67076
or registration issued under this chapter; 67077

(5) Prescribe and make available application forms to be 67078
used by individuals seeking renewal of a license or registration 67079
issued under this chapter; 67080

(6) Provide a toll-free number and an online service to 67081
receive complaints alleging violations of this chapter or 67082
Chapter 4709. of the Revised Code; 67083

(7) Submit a written report annually to the governor that 67084
provides all of the following: 67085

(a) A discussion of the conditions in this state of the 67086
practice of barbering, cosmetology, and the branches of 67087
cosmetology; 67088

(b) An evaluation of board activities intended to aid or 67089
protect consumers; 67090

(c) A brief summary of the board's proceedings during the	67091
year the report covers;	67092
(d) A statement of all money that the board received and	67093
expended during the year the report covers.	67094
(8) Keep a record of all of the following:	67095
(a) The board's proceedings;	67096
(b) The name and last known physical address, electronic	67097
mail address, and telephone number of each individual issued a	67098
license or registration under this chapter or Chapter 4709. of	67099
the Revised Code;	67100
(c) The date and number of each license, permit, and	67101
registration that the board issues.	67102
(9) Assist ex-offenders and military veterans who hold	67103
licenses issued by the board to find employment within salons,	67104
barber shops, or other facilities within this state;	67105
(10) Require inspectors appointed pursuant to section	67106
4713.06 of the Revised Code to conduct inspections of licensed	67107
or permitted facilities, including salons and boutique salons,	67108
schools, barber shops, and tanning facilities, within ninety	67109
days of the opening for business of a licensed facility, upon	67110
complaints reported to the board, within ninety days after a	67111
violation was documented at a facility, and at least once every	67112
two years. Any individual, after providing the individual's name	67113
and contact information, may report to the board any information	67114
the individual may have that appears to show a violation of any	67115
provision of this chapter or rule adopted under it or a	67116
violation of any provision of Chapter 4709. of the Revised Code	67117
or rule adopted by the board pursuant to Chapter 4709. of the	67118
Revised Code. In the absence of bad faith, any individual who	67119

reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor licensed under this chapter or Chapter 4709. of the Revised Code shall be added to the board's records as an individual salon or barber shop.

(11) Supply a copy of the poster created pursuant to division (B) of section 5502.63 of the Revised Code to each person authorized to operate a salon, school, tanning facility, or other type of facility under this chapter;

(12) All other duties that this chapter imposes on the board.

(B) The board may do either of the following:

(1) Report to the proper prosecuting officer violations of section 4709.02 or 4713.14 of the Revised Code;

(2) Delegate any of the duties listed in division (A) of this section to the executive director of the board or to an individual designated by the executive director.

(C) The record kept pursuant to division (A) (8) (b) of this section is subject to section 4798.10 of the Revised Code.

Sec. 4715.08. The state dental board shall have an official seal and shall keep a record of its proceedings, a register of persons licensed as dentists, and a register of licenses by it revoked. The register is subject to section 4798.10 of the Revised Code. At reasonable times, its records shall be open to public inspection, and it shall keep on file all examination papers for a period of ninety days after each examination. A transcript of an entry in such records, certified

by the secretary under the seal of the board, shall be evidence 67149
of the facts therein stated._ 67150

Sec. 4715.42. (A) (1) As used in this section: 67151

(a) "Free clinic" has the same meaning as in section 67152
3701.071 of the Revised Code. 67153

(b) "Indigent and uninsured person" and "operation" have 67154
the same meanings as in section 2305.234 of the Revised Code. 67155

(2) For the purposes of this section, a person shall be 67156
considered retired from practice if the person's license has 67157
been surrendered or allowed to expire with the intention of 67158
ceasing to practice as a dentist or dental hygienist for 67159
remuneration. 67160

(B) Within thirty days after receiving an application for 67161
a volunteer's certificate that includes all of the items listed 67162
in divisions (C) (1), (2), and (3) of this section, the state 67163
dental board shall issue, without examination, a volunteer's 67164
certificate to a person who is retired from practice so that the 67165
person may provide dental services to indigent and uninsured 67166
persons at any location, including a free clinic. 67167

(C) An application for a volunteer's certificate shall 67168
include all of the following: 67169

(1) A copy of the applicant's degree from dental college 67170
or dental hygiene school. 67171

(2) One of the following, as applicable: 67172

(a) A copy of the applicant's most recent license to 67173
practice dentistry or dental hygiene issued by a jurisdiction in 67174
the United States that licenses persons to practice dentistry or 67175
dental hygiene. 67176

(b) A copy of the applicant's most recent license 67177
equivalent to a license to practice dentistry or dental hygiene 67178
in one or more branches of the United States armed services that 67179
the United States government issued. 67180

(3) Evidence of one of the following, as applicable: 67181

(a) The applicant has maintained for at least ten years 67182
prior to retirement full licensure in good standing in any 67183
jurisdiction in the United States that licenses persons to 67184
practice dentistry or dental hygiene. 67185

(b) The applicant has practiced as a dentist or dental 67186
hygienist in good standing for at least ten years prior to 67187
retirement in one or more branches of the United States armed 67188
services. 67189

(D) The holder of a volunteer's certificate may provide 67190
dental services only to indigent and uninsured persons, but may 67191
do so at any location, including a free clinic. The holder shall 67192
not accept any form of remuneration for providing dental 67193
services while in possession of the certificate. Except in a 67194
dental emergency, the holder shall not perform any operation. 67195
The board may revoke a volunteer's certificate on receiving 67196
proof satisfactory to the board that the holder has engaged in 67197
practice in this state outside the scope of the holder's 67198
certificate or that there are grounds for action against the 67199
person under section 4715.30 of the Revised Code. 67200

(E) (1) A volunteer's certificate shall be valid for a 67201
period of three years, and may be renewed upon the application 67202
of the holder, unless the certificate was previously revoked 67203
under division (D) of this section. The board shall maintain a 67204
register of all persons who hold volunteer's certificates. The 67205

register is subject to section 4798.10 of the Revised Code. The 67206
board shall not charge a fee for issuing or renewing a 67207
certificate pursuant to this section. 67208

(2) To be eligible for renewal of a volunteer's 67209
certificate, the holder of the certificate shall certify to the 67210
board completion of sixty hours of continuing dental education 67211
that meets the requirements of section 4715.141 of the Revised 67212
Code and the rules adopted under that section, or completion of 67213
eighteen hours of continuing dental hygiene education that meets 67214
the requirements of section 4715.25 of the Revised Code and the 67215
rules adopted under that section, as the case may be. The board 67216
may not renew a certificate if the holder has not complied with 67217
the appropriate continuing education requirements. Any entity 67218
for which the holder provides dental services may pay for or 67219
reimburse the holder for any costs incurred in obtaining the 67220
required continuing education credits. 67221

(3) The board shall issue to each person who qualifies 67222
under this section for a volunteer's certificate a wallet 67223
certificate and a wall certificate that state that the 67224
certificate holder is authorized to provide dental services 67225
pursuant to the laws of this state. The holder shall keep the 67226
wallet certificate on the holder's person while providing dental 67227
services and shall display the wall certificate prominently at 67228
the location where the holder primarily practices. 67229

(4) The holder of a volunteer's certificate issued 67230
pursuant to this section is subject to the immunity provisions 67231
regarding the provision of services to indigent and uninsured 67232
persons in section 2305.234 of the Revised Code. 67233

(F) The board shall adopt rules in accordance with Chapter 67234
119. of the Revised Code to administer and enforce this section. 67235

(G) The state dental board shall make available through 67236
the board's web site the application form for a volunteer's 67237
certificate under this section, a description of the application 67238
process, and a list of all items that are required by division 67239
(C) of this section to be submitted with the application. 67240

(H) Chapter 4796. of the Revised Code does not apply to a 67241
license issued under this section. 67242

Sec. 4723.28. (A) The board of nursing, by a vote of a 67243
quorum, may impose one or more of the following sanctions if it 67244
finds that a person committed fraud in passing an examination 67245
required to obtain a license or dialysis technician certificate 67246
issued by the board or to have committed fraud, 67247
misrepresentation, or deception in applying for or securing any 67248
nursing license or dialysis technician certificate issued by the 67249
board: deny, revoke, suspend, or place restrictions on any 67250
nursing license or dialysis technician certificate issued by the 67251
board; reprimand or otherwise discipline a holder of a nursing 67252
license or dialysis technician certificate; or impose a fine of 67253
not more than five hundred dollars per violation. 67254

(B) Except as provided in section 4723.092 of the Revised 67255
Code, the board of nursing, by a vote of a quorum, may impose 67256
one or more of the following sanctions: deny, revoke, suspend, 67257
or place restrictions on any nursing license or dialysis 67258
technician certificate issued by the board; reprimand or 67259
otherwise discipline a holder of a nursing license or dialysis 67260
technician certificate; or impose a fine of not more than five 67261
hundred dollars per violation. The sanctions may be imposed for 67262
any of the following: 67263

(1) Denial, revocation, suspension, or restriction of 67264
authority to engage in a licensed profession or practice a 67265

health care occupation, including nursing or practice as a 67266
dialysis technician, for any reason other than a failure to 67267
renew, in Ohio or another state or jurisdiction; 67268

(2) Engaging in the practice of nursing or engaging in 67269
practice as a dialysis technician, having failed to renew a 67270
nursing license or dialysis technician certificate issued under 67271
this chapter, or while a nursing license or dialysis technician 67272
certificate is under suspension; 67273

(3) Conviction of, a plea of guilty to, a judicial finding 67274
of guilt of, a judicial finding of guilt resulting from a plea 67275
of no contest to, or a judicial finding of eligibility for a 67276
pretrial diversion or similar program or for intervention in 67277
lieu of conviction for, a misdemeanor committed in the course of 67278
practice; 67279

(4) Conviction of, a plea of guilty to, a judicial finding 67280
of guilt of, a judicial finding of guilt resulting from a plea 67281
of no contest to, or a judicial finding of eligibility for a 67282
pretrial diversion or similar program or for intervention in 67283
lieu of conviction for, any felony or of any crime involving 67284
gross immorality or moral turpitude; 67285

(5) Selling, giving away, or administering drugs or 67286
therapeutic devices for other than legal and legitimate 67287
therapeutic purposes; or conviction of, a plea of guilty to, a 67288
judicial finding of guilt of, a judicial finding of guilt 67289
resulting from a plea of no contest to, or a judicial finding of 67290
eligibility for a pretrial diversion or similar program or for 67291
intervention in lieu of conviction for, violating any municipal, 67292
state, county, or federal drug law; 67293

(6) Conviction of, a plea of guilty to, a judicial finding 67294

of guilt of, a judicial finding of guilt resulting from a plea 67295
of no contest to, or a judicial finding of eligibility for a 67296
pretrial diversion or similar program or for intervention in 67297
lieu of conviction for, an act in another jurisdiction that 67298
would constitute a felony or a crime of moral turpitude in Ohio; 67299

(7) Conviction of, a plea of guilty to, a judicial finding 67300
of guilt of, a judicial finding of guilt resulting from a plea 67301
of no contest to, or a judicial finding of eligibility for a 67302
pretrial diversion or similar program or for intervention in 67303
lieu of conviction for, an act in the course of practice in 67304
another jurisdiction that would constitute a misdemeanor in 67305
Ohio; 67306

(8) Self-administering or otherwise taking into the body 67307
any dangerous drug, as defined in section 4729.01 of the Revised 67308
Code, in any way that is not in accordance with a legal, valid 67309
prescription issued for that individual, or self-administering 67310
or otherwise taking into the body any drug that is a schedule I 67311
controlled substance; 67312

(9) Habitual or excessive use of controlled substances, 67313
other habit-forming drugs, or alcohol or other chemical 67314
substances to an extent that impairs the individual's ability to 67315
provide safe nursing care or safe dialysis care; 67316

(10) Impairment of the ability to practice according to 67317
acceptable and prevailing standards of safe nursing care or safe 67318
dialysis care because of the use of drugs, alcohol, or other 67319
chemical substances; 67320

(11) Impairment of the ability to practice according to 67321
acceptable and prevailing standards of safe nursing care or safe 67322
dialysis care because of a physical or mental disability; 67323

- (12) Assaulting or causing harm to a patient or depriving
a patient of the means to summon assistance; 67324
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- (13) Misappropriation or attempted misappropriation of 67326
money or anything of value in the course of practice; 67327
- (14) Adjudication by a probate court of being mentally ill 67328
or mentally incompetent. The board may reinstate the person's 67329
nursing license or dialysis technician certificate upon 67330
adjudication by a probate court of the person's restoration to 67331
competency or upon submission to the board of other proof of 67332
competency. 67333
- (15) The suspension or termination of employment by the 67334
United States department of defense or department of veterans 67335
affairs for any act that violates or would violate this chapter; 67336
- (16) Violation of this chapter or any rules adopted under 67337
it; 67338
- (17) Violation of any restrictions placed by the board on 67339
a nursing license or dialysis technician certificate; 67340
- (18) Failure to use universal and standard precautions 67341
established by rules adopted under section 4723.07 of the 67342
Revised Code; 67343
- (19) Failure to practice in accordance with acceptable and 67344
prevailing standards of safe nursing care or safe dialysis care; 67345
- (20) In the case of a registered nurse, engaging in 67346
activities that exceed the practice of nursing as a registered 67347
nurse; 67348
- (21) In the case of a licensed practical nurse, engaging 67349
in activities that exceed the practice of nursing as a licensed 67350
practical nurse; 67351

(22) In the case of a dialysis technician, engaging in 67352
activities that exceed those permitted under section 4723.72 of 67353
the Revised Code; 67354

(23) Aiding and abetting a person in that person's 67355
practice of nursing without a license or practice as a dialysis 67356
technician without a certificate issued under this chapter; 67357

(24) In the case of an advanced practice registered nurse, 67358
except as provided in division (M) of this section, either of 67359
the following: 67360

(a) Waiving the payment of all or any part of a deductible 67361
or copayment that a patient, pursuant to a health insurance or 67362
health care policy, contract, or plan that covers such nursing 67363
services, would otherwise be required to pay if the waiver is 67364
used as an enticement to a patient or group of patients to 67365
receive health care services from that provider; 67366

(b) Advertising that the nurse will waive the payment of 67367
all or any part of a deductible or copayment that a patient, 67368
pursuant to a health insurance or health care policy, contract, 67369
or plan that covers such nursing services, would otherwise be 67370
required to pay. 67371

(25) Failure to comply with the terms and conditions of 67372
participation in the safe haven program conducted under sections 67373
4723.35 and 4723.351 of the Revised Code; 67374

(26) Failure to comply with the terms and conditions 67375
required under the practice intervention and improvement program 67376
established under section 4723.282 of the Revised Code; 67377

(27) In the case of an advanced practice registered nurse: 67378

(a) Engaging in activities that exceed those permitted for 67379

the nurse's nursing specialty under section 4723.43 of the	67380
Revised Code;	67381
(b) Failure to meet the quality assurance standards	67382
established under section 4723.07 of the Revised Code.	67383
(28) In the case of an advanced practice registered nurse	67384
other than a certified registered nurse anesthetist, failure to	67385
maintain a standard care arrangement in accordance with section	67386
4723.431 of the Revised Code or to practice in accordance with	67387
the standard care arrangement;	67388
(29) In the case of an advanced practice registered nurse	67389
who is designated as a clinical nurse specialist, certified	67390
nurse-midwife, or certified nurse practitioner, failure to	67391
prescribe drugs and therapeutic devices in accordance with	67392
section 4723.481 of the Revised Code;	67393
(30) Prescribing any drug or device to perform or induce	67394
an abortion, or otherwise performing or inducing an abortion;	67395
(31) Failure to establish and maintain professional	67396
boundaries with a patient, as specified in rules adopted under	67397
section 4723.07 of the Revised Code;	67398
(32) Regardless of whether the contact or verbal behavior	67399
is consensual, engaging with a patient other than the spouse of	67400
the registered nurse, licensed practical nurse, or dialysis	67401
technician in any of the following:	67402
(a) Sexual contact, as defined in section 2907.01 of the	67403
Revised Code;	67404
(b) Verbal behavior that is sexually demeaning to the	67405
patient or may be reasonably interpreted by the patient as	67406
sexually demeaning.	67407

(33) Assisting suicide, as defined in section 3795.01 of the Revised Code; 67408
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(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 67410
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(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 67414
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(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 67418
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(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 67424
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(38) Failure to cooperate with an investigation conducted by the board under this chapter, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, in an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation does not constitute grounds for discipline if a court of competent jurisdiction has 67429
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issued an order that either quashes a subpoena or permits the 67437
individual to withhold testimony or evidence at issue. 67438

(C) Disciplinary actions taken by the board under 67439
divisions (A) and (B) of this section shall be taken pursuant to 67440
an adjudication conducted under Chapter 119. of the Revised 67441
Code, except that in lieu of a hearing, the board may enter into 67442
a consent agreement with an individual to resolve an allegation 67443
of a violation of this chapter or any rule adopted under it. A 67444
consent agreement, when ratified by a vote of a quorum, shall 67445
constitute the findings and order of the board with respect to 67446
the matter addressed in the agreement. If the board refuses to 67447
ratify a consent agreement, the admissions and findings 67448
contained in the agreement shall be of no effect. 67449

(D) The hearings of the board shall be conducted in 67450
accordance with Chapter 119. of the Revised Code, the board may 67451
appoint a hearing examiner, as provided in section 119.09 of the 67452
Revised Code, to conduct any hearing the board is authorized to 67453
hold under Chapter 119. of the Revised Code. 67454

In any instance in which the board is required under 67455
Chapter 119. of the Revised Code to give notice of an 67456
opportunity for a hearing and the applicant, licensee, or 67457
certificate holder does not make a timely request for a hearing 67458
in accordance with section 119.07 of the Revised Code, the board 67459
is not required to hold a hearing, but may adopt, by a vote of a 67460
quorum, a final order that contains the board's findings. In the 67461
final order, the board may order any of the sanctions listed in 67462
division (A) or (B) of this section. 67463

(E) If a criminal action is brought against a registered 67464
nurse, licensed practical nurse, or dialysis technician for an 67465
act or crime described in divisions (B) (3) to (7) of this 67466

section and the action is dismissed by the trial court other 67467
than on the merits, the board shall conduct an adjudication to 67468
determine whether the registered nurse, licensed practical 67469
nurse, or dialysis technician committed the act on which the 67470
action was based. If the board determines on the basis of the 67471
adjudication that the registered nurse, licensed practical 67472
nurse, or dialysis technician committed the act, or if the 67473
registered nurse, licensed practical nurse, or dialysis 67474
technician fails to participate in the adjudication, the board 67475
may take action as though the registered nurse, licensed 67476
practical nurse, or dialysis technician had been convicted of 67477
the act. 67478

If the board takes action on the basis of a conviction, 67479
plea, or a judicial finding as described in divisions (B) (3) to 67480
(7) of this section that is overturned on appeal, the registered 67481
nurse, licensed practical nurse, or dialysis technician may, on 67482
exhaustion of the appeal process, petition the board for 67483
reconsideration of its action. On receipt of the petition and 67484
supporting court documents, the board shall temporarily rescind 67485
its action. If the board determines that the decision on appeal 67486
was a decision on the merits, it shall permanently rescind its 67487
action. If the board determines that the decision on appeal was 67488
not a decision on the merits, it shall conduct an adjudication 67489
to determine whether the registered nurse, licensed practical 67490
nurse, or dialysis technician committed the act on which the 67491
original conviction, plea, or judicial finding was based. If the 67492
board determines on the basis of the adjudication that the 67493
registered nurse, licensed practical nurse, or dialysis 67494
technician committed such act, or if the registered nurse, 67495
licensed practical nurse, or dialysis technician does not 67496
request an adjudication, the board shall reinstate its action; 67497

otherwise, the board shall permanently rescind its action. 67498

Notwithstanding the provision of division (D) (2) of 67499
section 2953.32 or division (F) (1) of section 2953.39 of the 67500
Revised Code specifying that if records pertaining to a criminal 67501
case are sealed or expunged under that section the proceedings 67502
in the case shall be deemed not to have occurred, sealing or 67503
expungement of the following records on which the board has 67504
based an action under this section shall have no effect on the 67505
board's action or any sanction imposed by the board under this 67506
section: records of any conviction, guilty plea, judicial 67507
finding of guilt resulting from a plea of no contest, or a 67508
judicial finding of eligibility for a pretrial diversion program 67509
or intervention in lieu of conviction. 67510

The board shall not be required to seal, destroy, redact, 67511
or otherwise modify its records to reflect the court's sealing 67512
or expungement of conviction records. 67513

(F) The board may investigate an individual's criminal 67514
background in performing its duties under this section. As part 67515
of such investigation, the board may order the individual to 67516
submit, at the individual's expense, a request to the bureau of 67517
criminal identification and investigation for a criminal records 67518
check and check of federal bureau of investigation records in 67519
accordance with the procedure described in section 4723.091 of 67520
the Revised Code. 67521

(G) During the course of an investigation conducted under 67522
this section, the board may compel any registered nurse, 67523
licensed practical nurse, or dialysis technician or applicant 67524
under this chapter to submit to a mental or physical 67525
examination, or both, as required by the board and at the 67526
expense of the individual, if the board finds reason to believe 67527

that the individual under investigation may have a physical or 67528
mental impairment that may affect the individual's ability to 67529
provide safe nursing care. 67530

The board shall not compel an individual who has been 67531
referred to the safe haven program as described in sections 67532
4723.35 and 4723.351 of the Revised Code to submit to a mental 67533
or physical examination. 67534

Failure of any individual to submit to a mental or 67535
physical examination when directed constitutes an admission of 67536
the allegations, unless the failure is due to circumstances 67537
beyond the individual's control, and a default and final order 67538
may be entered without the taking of testimony or presentation 67539
of evidence. 67540

If the board finds that an individual is impaired, the 67541
board shall require the individual to submit to care, 67542
counseling, or treatment approved or designated by the board, as 67543
a condition for initial, continued, reinstated, or renewed 67544
authority to practice. The individual shall be afforded an 67545
opportunity to demonstrate to the board that the individual can 67546
begin or resume the individual's occupation in compliance with 67547
acceptable and prevailing standards of care under the provisions 67548
of the individual's authority to practice. 67549

For purposes of this division, any registered nurse, 67550
licensed practical nurse, or dialysis technician or applicant 67551
under this chapter shall be deemed to have given consent to 67552
submit to a mental or physical examination when directed to do 67553
so in writing by the board, and to have waived all objections to 67554
the admissibility of testimony or examination reports that 67555
constitute a privileged communication. 67556

(H) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(I) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint or an investigation is confidential and not subject to discovery in any civil action, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of either a licensed health care professional, including a registered nurse, licensed practical nurse, or dialysis technician, or a person who may have engaged in the unauthorized practice of nursing or dialysis care. No law enforcement officer or government entity with knowledge of any information disclosed by the board pursuant to this division shall divulge the information to any other person or government entity except for the purpose of a government investigation, a prosecution, or an adjudication by a court or government entity.

(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

(3) All adjudications and investigations of the board shall be considered civil actions for the purposes of section

2305.252 of the Revised Code. 67587

(4) Any board activity that involves continued monitoring 67588
of an individual as part of or following any disciplinary action 67589
taken under this section shall be conducted in a manner that 67590
maintains the individual's confidentiality. Information received 67591
or maintained by the board with respect to the board's 67592
monitoring activities is not subject to discovery in any civil 67593
action and is confidential, except that the board may disclose 67594
information to law enforcement officers and government entities 67595
for purposes of an investigation of a licensee or certificate 67596
holder. 67597

(J) Any action taken by the board under this section 67598
resulting in a suspension from practice shall be accompanied by 67599
a written statement of the conditions under which the person may 67600
be reinstated to practice. 67601

(K) When the board refuses to grant a license or 67602
certificate to an applicant, revokes a license or certificate, 67603
or refuses to reinstate a license or certificate, the board may 67604
specify that its action is permanent. An individual subject to 67605
permanent action taken by the board is forever ineligible to 67606
hold a license or certificate of the type that was refused or 67607
revoked and the board shall not accept from the individual an 67608
application for reinstatement of the license or certificate or 67609
for a new license or certificate. 67610

(L) No unilateral surrender of a nursing license or 67611
dialysis technician certificate issued under this chapter shall 67612
be effective unless accepted by majority vote of the board. No 67613
application for a nursing license or dialysis technician 67614
certificate issued under this chapter may be withdrawn without a 67615
majority vote of the board. The board's jurisdiction to take 67616

disciplinary action under this section is not removed or limited 67617
when an individual has a license or certificate classified as 67618
inactive or fails to renew a license or certificate. 67619

(M) Sanctions shall not be imposed under division (B) (24) 67620
of this section against any licensee who waives deductibles and 67621
copayments as follows: 67622

(1) In compliance with the health benefit plan that 67623
expressly allows such a practice. Waiver of the deductibles or 67624
copayments shall be made only with the full knowledge and 67625
consent of the plan purchaser, payer, and third-party 67626
administrator. Documentation of the consent shall be made 67627
available to the board upon request. 67628

(2) For professional services rendered to any other person 67629
licensed pursuant to this chapter to the extent allowed by this 67630
chapter and the rules of the board. 67631

Sec. 4723.483. (A) (1) Subject to division (A) (2) of this 67632
section, and notwithstanding any provision of this chapter or 67633
rule adopted by the board of nursing, a clinical nurse 67634
specialist, certified nurse-midwife, or certified nurse 67635
practitioner who holds a certificate to prescribe issued under 67636
section 4723.48 of the Revised Code may do either of the 67637
following without having examined an individual to whom 67638
epinephrine may be administered: 67639

(a) Personally furnish a supply of epinephrine 67640
autoinjectors for use in accordance with sections 3313.7110, 67641
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 67642
~~5101.76~~ 5180.26 of the Revised Code; 67643

(b) Issue a prescription for epinephrine autoinjectors for 67644
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 67645

3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 67646
Revised Code. 67647

(2) An epinephrine autoinjector personally furnished or 67648
prescribed under division (A)(1) of this section must be 67649
furnished or prescribed in such a manner that it may be 67650
administered only in a manufactured dosage form. 67651

(B) A nurse who acts in good faith in accordance with this 67652
section is not liable for or subject to any of the following for 67653
any action or omission of an entity to which an epinephrine 67654
autoinjector is furnished or a prescription is issued: damages 67655
in any civil action, prosecution in any criminal proceeding, or 67656
professional disciplinary action. 67657

Sec. 4723.4811. (A)(1) Subject to division (A)(2) of this 67658
section, and notwithstanding any provision of this chapter or 67659
rule adopted by the board of nursing, a clinical nurse 67660
specialist, certified nurse-midwife, or certified nurse 67661
practitioner licensed as an advanced practice registered nurse 67662
under Chapter 4723. of the Revised Code may do either of the 67663
following without having examined an individual to whom glucagon 67664
may be administered: 67665

(a) Personally furnish a supply of injectable or nasally 67666
administered glucagon for use in accordance with sections 67667
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 67668
5180.262 of the Revised Code; 67669

(b) Issue a prescription for injectable or nasally 67670
administered glucagon for use in accordance with sections 67671
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 67672
5180.262 of the Revised Code. 67673

(2) Injectable or nasally administered glucagon personally 67674

furnished or prescribed under division (A)(1) of this section 67675
must be furnished or prescribed in such a manner that it may be 67676
administered only in a manufactured dosage form. 67677

(B) A nurse who acts in good faith in accordance with this 67678
section is not liable for or subject to any of the following for 67679
any action or omission of an entity to which injectable or 67680
nasally administered glucagon is furnished or a prescription is 67681
issued: damages in any civil action, prosecution in any criminal 67682
proceeding, or professional disciplinary action. 67683

Sec. 4723.653. (A) A person who holds a current, valid 67684
certificate as a medication aide shall be known as a "certified 67685
medication aide" or "CMA." The board of nursing shall establish 67686
and maintain a registry of certified medication aides and make 67687
the registry available on its internet web site. The registry is 67688
subject to section 4798.10 of the Revised Code. 67689

(B) No person shall engage in the administration of 67690
medication as a medication aide, represent the person as being a 67691
certified medication aide, or use the title, "medication aide," 67692
or any other title implying that the person is a certified 67693
medication aide, for a fee, salary, or other compensation, or as 67694
a volunteer, without holding a current, valid certificate as a 67695
medication aide under this chapter. 67696

(C) No person shall employ a person not certified as a 67697
medication aide under this chapter to engage in the 67698
administration of medication as a medication aide. 67699

Sec. 4723.89. (A) As used in this section: 67700

(1) "Doula" means a trained, nonmedical professional who 67701
advocates for, and provides continuous physical, emotional, and 67702
informational support to, a pregnant woman through the delivery 67703

of a child and immediately after the delivery, including during 67704
any of the following periods: 67705

 (a) The antepartum period; 67706

 (b) The intrapartum period; 67707

 (c) The postpartum period. 67708

 (2) "Doula certification organization" means an 67709
organization that is recognized, at an international, national, 67710
state, or local level, for training and certifying doulas. 67711

 (B) Beginning on October 3, 2024, a person shall not use 67712
or assume the title "certified doula" unless the person holds a 67713
certificate issued under this section by the board of nursing. 67714

 (C) The board of nursing shall seek and consider the 67715
opinion of the doula advisory group established in section 67716
4723.90 of the Revised Code when an individual is seeking to be 67717
eligible for medicaid reimbursement as a certified doula. 67718

 (D) The board shall adopt rules in accordance with Chapter 67719
119. of the Revised Code establishing standards and procedures 67720
for issuing certificates to doulas under this section. The rules 67721
shall include all of the following: 67722

 (1) Requirements for certification as a doula, including 67723
both of the following: 67724

 (a) A requirement that a doula either be certified by a 67725
doula certification organization or, if not certified, have 67726
education and experience considered by the board to be 67727
appropriate, as specified in the rules; 67728

 (b) A requirement that the results of a criminal records 67729
check conducted in accordance with section 4723.091 of the 67730

Revised Code demonstrate that the applicant is not ineligible 67731
for certification in accordance with section 4723.092 of the 67732
Revised Code. 67733

(2) Requirements for renewal of a certificate and 67734
continuing education; 67735

(3) Requirements for training on racial bias, health 67736
disparities, and cultural competency as a condition of initial 67737
certification and certificate renewal; 67738

(4) Certificate application and renewal fees, as well as a 67739
waiver of those fees for applicants with a family income not 67740
exceeding three hundred per cent of the federal poverty line; 67741

(5) Requirements and standards of practice for certified 67742
douglas; 67743

(6) The amount of a fine to be imposed under division (F) 67744
of this section; 67745

(7) Any other standards or procedures the board considers 67746
necessary to implement this section. 67747

(E) The board of nursing shall develop and regularly 67748
update a registry of douglas who hold certificates issued under 67749
this section. The registry shall be made available to the public 67750
on a web site maintained by the board. The registry is subject 67751
to section 4798.10 of the Revised Code. 67752

(F) In an adjudication under Chapter 119. of the Revised 67753
Code, the board of nursing may impose a fine against any person 67754
who violates division (B) of this section. On request of the 67755
board, the attorney general shall bring and prosecute to 67756
judgment a civil action to collect any fine imposed under this 67757
division that remains unpaid. 67758

Sec. 4725.07. The state vision professionals board shall 67759
adopt a seal and certificate of suitable design and shall keep a 67760
record of its proceedings, a register of every individual 67761
holding a certificate of licensure, license, registration, or 67762
endorsement issued under this chapter, and a register of every 67763
individual whose certificate of licensure, license, 67764
registration, or endorsement has been revoked under this 67765
chapter. 67766

The board shall have an office in Franklin county, where 67767
all its permanent records shall be kept. On request of the 67768
board, the director of administrative services shall supply the 67769
board with office space and supplies, including stationery and 67770
furniture. All printing and binding necessary for the work of 67771
the board shall be done upon an order issued by the board 67772
through its president and executive director to the department 67773
of administrative services. A register kept by the board under 67774
this section is subject to section 4798.10 of the Revised Code. 67775

Except as provided in this chapter, the records of the 67776
board, including its registers, shall be open to public 67777
inspection at all reasonable times. A copy of an entry in such 67778
records, certified by the executive director under the seal of 67779
the board, shall be prima-facie evidence of the facts therein 67780
stated. 67781

The board annually, on or before the first day of 67782
February, shall make a report to the governor of all its 67783
official acts during the preceding year, its receipts and 67784
disbursements, and a complete report of the conditions of 67785
optometry and optical dispensing in this state. The board shall 67786
submit its first report to the governor not later than February 67787
1, 2019. The board shall submit its reports to the governor 67788

electronically. 67789

Sec. 4729.01. As used in this chapter: 67790

(A) "Pharmacy," except when used in a context that refers 67791
to the practice of pharmacy, means any area, room, rooms, place 67792
of business, department, or portion of any of the foregoing 67793
where the practice of pharmacy is conducted. 67794

(B) "Practice of pharmacy" means providing pharmacist care 67795
requiring specialized knowledge, judgment, and skill derived 67796
from the principles of biological, chemical, behavioral, social, 67797
pharmaceutical, and clinical sciences. As used in this division, 67798
"pharmacist care" includes the following: 67799

(1) Interpreting prescriptions; 67800

(2) Dispensing drugs and drug therapy related devices; 67801

(3) Compounding drugs; 67802

(4) Counseling individuals with regard to their drug 67803
therapy, recommending drug therapy related devices, and 67804
assisting in the selection of drugs and appliances for treatment 67805
of common diseases and injuries and providing instruction in the 67806
proper use of the drugs and appliances; 67807

(5) Performing drug regimen reviews with individuals by 67808
discussing all of the drugs that the individual is taking and 67809
explaining the interactions of the drugs; 67810

(6) Performing drug utilization reviews with licensed 67811
health professionals authorized to prescribe drugs when the 67812
pharmacist determines that an individual with a prescription has 67813
a drug regimen that warrants additional discussion with the 67814
prescriber; 67815

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;

(8) Acting pursuant to a consult agreement, if an agreement has been established;

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.

(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:

(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;

(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;

(3) As an incident to research, teaching activities, or chemical analysis;

(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;

(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:

(a) At the time the request is made, the drug is not

commercially available regardless of the reason that the drug is 67843
not available, including the absence of a manufacturer for the 67844
drug or the lack of a readily available supply of the drug from 67845
a manufacturer. 67846

(b) A limited quantity of the drug is compounded and 67847
provided to the professional. 67848

(c) The drug is compounded and provided to the 67849
professional as an occasional exception to the normal practice 67850
of dispensing drugs pursuant to patient-specific prescriptions. 67851

(D) "Consult agreement" means an agreement that has been 67852
entered into under section 4729.39 of the Revised Code. 67853

(E) "Drug" means: 67854

(1) Any article recognized in the United States 67855
pharmacopoeia and national formulary, or any supplement to them, 67856
intended for use in the diagnosis, cure, mitigation, treatment, 67857
or prevention of disease in humans or animals; 67858

(2) Any other article intended for use in the diagnosis, 67859
cure, mitigation, treatment, or prevention of disease in humans 67860
or animals; 67861

(3) Any article, other than food, intended to affect the 67862
structure or any function of the body of humans or animals; 67863

(4) Any article intended for use as a component of any 67864
article specified in division (E)(1), (2), or (3) of this 67865
section; but does not include devices or their components, 67866
parts, or accessories. 67867

"Drug" does not include "hemp" or a "hemp product" as 67868
those terms are defined in section 928.01 of the Revised Code. 67869

- (F) "Dangerous drug" means any of the following: 67870
- (1) Any drug to which either of the following applies: 67871
- (a) Under the "Federal Food, Drug, and Cosmetic Act," 52 67872
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 67873
required to bear a label containing the legend "Caution: Federal 67874
law prohibits dispensing without prescription" or "Caution: 67875
Federal law restricts this drug to use by or on the order of a 67876
licensed veterinarian" or any similar restrictive statement, or 67877
the drug may be dispensed only upon a prescription; 67878
- (b) Under Chapter 3715. or 3719. of the Revised Code, the 67879
drug may be dispensed only upon a prescription. 67880
- (2) Any drug that contains a schedule V controlled 67881
substance and that is exempt from Chapter 3719. of the Revised 67882
Code or to which that chapter does not apply; 67883
- (3) Any drug intended for administration by injection into 67884
the human body other than through a natural orifice of the human 67885
body; 67886
- (4) Any drug that is a biological product, as defined in 67887
section 3715.01 of the Revised Code. 67888
- (G) "Federal drug abuse control laws" has the same meaning 67889
as in section 3719.01 of the Revised Code. 67890
- (H) "Prescription" means all of the following: 67891
- (1) A written, electronic, or oral order for drugs or 67892
combinations or mixtures of drugs to be used by a particular 67893
individual or for treating a particular animal, issued by a 67894
licensed health professional authorized to prescribe drugs; 67895
- (2) For purposes of sections 4723.4810, 4729.282, 67896

4730.432, and 4731.93 of the Revised Code, a written, 67897
electronic, or oral order for a drug to treat chlamydia, 67898
gonorrhea, or trichomoniasis issued to and in the name of a 67899
patient who is not the intended user of the drug but is the 67900
sexual partner of the intended user; 67901

(3) For purposes of sections 3313.7110, 3313.7111, 67902
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 67903
4731.96, and ~~5101.76~~ 5180.26 of the Revised Code, a written, 67904
electronic, or oral order for an epinephrine autoinjector issued 67905
to and in the name of a school, school district, or camp; 67906

(4) For purposes of Chapter 3728. and sections 4723.483, 67907
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 67908
electronic, or oral order for an epinephrine autoinjector issued 67909
to and in the name of a qualified entity, as defined in section 67910
3728.01 of the Revised Code; 67911

(5) For purposes of sections 3313.7115, 3313.7116, 67912
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 67913
~~5101.78~~ 5180.262 of the Revised Code, a written, electronic, or 67914
oral order for injectable or nasally administered glucagon in 67915
the name of a school, school district, or camp. 67916

(I) "Licensed health professional authorized to prescribe 67917
drugs" or "prescriber" means an individual who is authorized by 67918
law to prescribe drugs or dangerous drugs or drug therapy 67919
related devices in the course of the individual's professional 67920
practice, including only the following: 67921

(1) A dentist licensed under Chapter 4715. of the Revised 67922
Code; 67923

(2) A clinical nurse specialist, certified nurse-midwife, 67924
or certified nurse practitioner who holds a current, valid 67925

license issued under Chapter 4723. of the Revised Code to 67926
practice nursing as an advanced practice registered nurse; 67927

(3) A certified registered nurse anesthetist who holds a 67928
current, valid license issued under Chapter 4723. of the Revised 67929
Code to practice nursing as an advanced practice registered 67930
nurse, but only to the extent of the nurse's authority under 67931
sections 4723.43 and 4723.434 of the Revised Code; 67932

(4) An optometrist licensed under Chapter 4725. of the 67933
Revised Code to practice optometry; 67934

(5) A physician authorized under Chapter 4731. of the 67935
Revised Code to practice medicine and surgery, osteopathic 67936
medicine and surgery, or podiatric medicine and surgery; 67937

(6) A physician assistant who holds a license to practice 67938
as a physician assistant issued under Chapter 4730. of the 67939
Revised Code, holds a valid prescriber number issued by the 67940
state medical board, and has been granted physician-delegated 67941
prescriptive authority; 67942

(7) A veterinarian licensed under Chapter 4741. of the 67943
Revised Code; 67944

(8) A certified mental health assistant licensed under 67945
Chapter 4772. of the Revised Code who has been granted 67946
physician-delegated prescriptive authority by the physician 67947
supervising the certified mental health assistant. 67948

(J) "Sale" or "sell" includes any transaction made by any 67949
person, whether as principal proprietor, agent, or employee, to 67950
do or offer to do any of the following: deliver, distribute, 67951
broker, exchange, gift or otherwise give away, or transfer, 67952
whether the transfer is by passage of title, physical movement, 67953
or both. 67954

(K) "Wholesale sale" and "sale at wholesale" mean any sale 67955
in which the purpose of the purchaser is to resell the article 67956
purchased or received by the purchaser. 67957

(L) "Retail sale" and "sale at retail" mean any sale other 67958
than a wholesale sale or sale at wholesale. 67959

(M) "Retail seller" means any person that sells any 67960
dangerous drug to consumers without assuming control over and 67961
responsibility for its administration. Mere advice or 67962
instructions regarding administration do not constitute control 67963
or establish responsibility. 67964

(N) "Price information" means the price charged for a 67965
prescription for a particular drug product and, in an easily 67966
understandable manner, all of the following: 67967

(1) The proprietary name of the drug product; 67968

(2) The established (generic) name of the drug product; 67969

(3) The strength of the drug product if the product 67970
contains a single active ingredient or if the drug product 67971
contains more than one active ingredient and a relevant strength 67972
can be associated with the product without indicating each 67973
active ingredient. The established name and quantity of each 67974
active ingredient are required if such a relevant strength 67975
cannot be so associated with a drug product containing more than 67976
one ingredient. 67977

(4) The dosage form; 67978

(5) The price charged for a specific quantity of the drug 67979
product. The stated price shall include all charges to the 67980
consumer, including, but not limited to, the cost of the drug 67981
product, professional fees, handling fees, if any, and a 67982

statement identifying professional services routinely furnished 67983
by the pharmacy. Any mailing fees and delivery fees may be 67984
stated separately without repetition. The information shall not 67985
be false or misleading. 67986

(O) "Wholesale distributor of dangerous drugs" or 67987
"wholesale distributor" means a person engaged in the sale of 67988
dangerous drugs at wholesale and includes any agent or employee 67989
of such a person authorized by the person to engage in the sale 67990
of dangerous drugs at wholesale. 67991

(P) "Manufacturer of dangerous drugs" or "manufacturer" 67992
means a person, other than a pharmacist or prescriber, who 67993
manufactures dangerous drugs and who is engaged in the sale of 67994
those dangerous drugs. 67995

(Q) "Terminal distributor of dangerous drugs" or "terminal 67996
distributor" means a person who is engaged in the sale of 67997
dangerous drugs at retail, or any person, other than a 67998
manufacturer, repackager, outsourcing facility, third-party 67999
logistics provider, wholesale distributor, or pharmacist, who 68000
has possession, custody, or control of dangerous drugs for any 68001
purpose other than for that person's own use and consumption. 68002
"Terminal distributor" includes pharmacies, hospitals, nursing 68003
homes, and laboratories and all other persons who procure 68004
dangerous drugs for sale or other distribution by or under the 68005
supervision of a pharmacist, licensed health professional 68006
authorized to prescribe drugs, or other person authorized by the 68007
state board of pharmacy. 68008

(R) "Promote to the public" means disseminating a 68009
representation to the public in any manner or by any means, 68010
other than by labeling, for the purpose of inducing, or that is 68011
likely to induce, directly or indirectly, the purchase of a 68012

dangerous drug at retail. 68013

(S) "Person" includes any individual, partnership, 68014
association, limited liability company, or corporation, the 68015
state, any political subdivision of the state, and any district, 68016
department, or agency of the state or its political 68017
subdivisions. 68018

(T) (1) "Animal shelter" means a facility operated by a 68019
humane society or any society organized under Chapter 1717. of 68020
the Revised Code or a dog pound operated pursuant to Chapter 68021
955. of the Revised Code. 68022

(2) "County dog warden" means a dog warden or deputy dog 68023
warden appointed or employed under section 955.12 of the Revised 68024
Code. 68025

(U) "Food" has the same meaning as in section 3715.01 of 68026
the Revised Code. 68027

(V) "Pain management clinic" has the same meaning as in 68028
section 4731.054 of the Revised Code. 68029

(W) "Investigational drug or product" means a drug or 68030
product that has successfully completed phase one of the United 68031
States food and drug administration clinical trials and remains 68032
under clinical trial, but has not been approved for general use 68033
by the United States food and drug administration. 68034
"Investigational drug or product" does not include controlled 68035
substances in schedule I, as defined in section 3719.01 of the 68036
Revised Code. 68037

(X) "Product," when used in reference to an 68038
investigational drug or product, means a biological product, 68039
other than a drug, that is made from a natural human, animal, or 68040
microorganism source and is intended to treat a disease or 68041

medical condition. 68042

(Y) "Third-party logistics provider" means a person that 68043
provides or coordinates warehousing or other logistics services 68044
pertaining to dangerous drugs including distribution, on behalf 68045
of a manufacturer, wholesale distributor, or terminal 68046
distributor of dangerous drugs, but does not take ownership of 68047
the drugs or have responsibility to direct the sale or 68048
disposition of the drugs. 68049

(Z) "Repackager of dangerous drugs" or "repackager" means 68050
a person that repacks and relabels dangerous drugs for sale or 68051
distribution. 68052

(AA) "Outsourcing facility" means a facility that is 68053
engaged in the compounding and sale of sterile drugs and is 68054
registered as an outsourcing facility with the United States 68055
food and drug administration. 68056

(BB) "Laboratory" means a laboratory licensed under this 68057
chapter as a terminal distributor of dangerous drugs and 68058
entrusted to have custody of any of the following drugs and to 68059
use the drugs for scientific and clinical purposes and for 68060
purposes of instruction: dangerous drugs that are not controlled 68061
substances, as defined in section 3719.01 of the Revised Code; 68062
dangerous drugs that are controlled substances, as defined in 68063
that section; and controlled substances in schedule I, as 68064
defined in that section. 68065

(CC) "Overdose reversal drug" means both of the following: 68066

(1) Naloxone; 68067

(2) Any other drug that the state board of pharmacy, 68068
through rules adopted in accordance with Chapter 119. of the 68069
Revised Code, designates as a drug that is approved by the 68070

federal food and drug administration for the reversal of a known 68071
or suspected opioid-related overdose. 68072

Sec. 4729.06. The state board of pharmacy shall keep a 68073
record of its proceedings and a register of all licenses and 68074
registrations that have been granted, together with each renewal 68075
and suspension or revocation of a license or registration. The 68076
books and registers of the board shall be prima-facie evidence 68077
of the matters therein recorded. The books and registers may be 68078
in electronic format. A register maintained by the board under 68079
this section is subject to section 4798.10 of the Revised Code. 68080

The president and executive director of the board may 68081
administer oaths. 68082

A statement signed by the executive director to which is 68083
affixed the official seal of the board to the effect that it 68084
appears from the records of the board that the board has not 68085
issued a license or registration to the person specified in the 68086
statement, or that a license or registration, if issued, has 68087
been revoked or suspended, or that the holder has been subjected 68088
to disciplinary action by the board shall be received as prima- 68089
facie evidence of the record of the board in any court or before 68090
any officer of this state. 68091

Sec. 4729.261. (A) For purposes of division (D) (4) (b) of 68092
section 2925.14 of the Revised Code, and subject to division (B) 68093
of this section, the state board of pharmacy shall adopt rules 68094
establishing standards and procedures for its approval of types 68095
of instruments that are not to be considered drug paraphernalia 68096
because they demonstrate efficacy in reducing drug poisoning by 68097
determining the presence of a specific compound or group of 68098
compounds. The rules shall be adopted in accordance with Chapter 68099
119. of the Revised Code. 68100

(B) Under this section, the board shall not approve any
type of instrument to the extent that the instrument is intended
to measure the purity of a mixture.

Sec. 4729.49. (A) As used in this section:

(1) "340B covered entity" ~~"medicaid"~~ has the same meaning
as in section 3902.70 of the Revised Code.

(2) "Medicaid managed care organization," and "third-party
administrator" have the same meanings as in section 5167.01 of
the Revised Code.

(B) A contract between a terminal distributor of dangerous
drugs and a 340B covered entity shall require the terminal
distributor to comply with division (C) of this section.

(C) When paying a 340B covered entity for a dangerous drug
dispensed to a patient, a terminal distributor shall pay to the
340B covered entity the full reimbursement amount the terminal
distributor receives from the patient and the patient's health
insurer, including a third-party administrator or medicaid
managed care organization, except that the terminal distributor
may deduct from the full reimbursement amount a fee agreed on in
writing by the terminal distributor and the 340B covered entity.

Sec. 4729.52. (A) As used in this section:

(1) "Category II" means any dangerous drug that is not
included in category III.

(2) "Category III" means any controlled substance that is
contained in schedule I, II, III, IV, or V.

(3) "Schedule I," "schedule II," "schedule III," "schedule
IV," and "schedule V" have the same meanings as in section
3719.01 of the Revised Code.

(B) (1) (a) The state board of pharmacy shall license 68129
persons seeking to operate as any of the following persons, 68130
whether located within or outside this state: 68131

(i) Wholesale distributors of dangerous drugs; 68132

(ii) Manufacturers of dangerous drugs; 68133

(iii) Outsourcing facilities; 68134

(iv) Third-party logistics providers; 68135

(v) Repackagers of dangerous drugs. 68136

(b) ~~There shall be two categories for the licenses~~ When 68137
the board issues a license to a person identified in division 68138
(B) (1) (a) of this section. ~~The,~~ the license shall be issued 68139
according to one of the following categories ~~are as follows,~~ as 68140
the case may be for the person's business operations: 68141

(i) Category II license. A category II license applies to 68142
a person whose business operations are located within this 68143
state. A person who obtains this license may possess, have 68144
custody or control of, and distribute, only the dangerous drugs 68145
described in category II. 68146

(ii) Category III license. A category III license applies 68147
to a person whose business operations are located within this 68148
state. A person who obtains this license may possess, have 68149
custody or control of, and distribute, the dangerous drugs 68150
described in category II and the controlled substances described 68151
in category III. 68152

(iii) Nonresident license. A nonresident license applies 68153
to a person whose business operations are located outside this 68154
state. One of the following subcategories shall be designated by 68155
the board on the license, based on the license holder's business 68156

operations: wholesale distributor of dangerous drugs, 68157
manufacturer of dangerous drugs, outsourcing facility, third- 68158
party logistics provider, or repackager of dangerous drugs. A 68159
person who obtains a nonresident license may possess, have 68160
custody or control of, and distribute the dangerous drugs 68161
described in category II and the controlled substances described 68162
in category III. 68163

(c) The board may adopt rules under section 4729.26 of the 68164
Revised Code to create classification types of any license 68165
issued pursuant to this section. Persons who meet the 68166
definitions of the classification types shall comply with all 68167
requirements for the specific license classification specified 68168
in rule. 68169

(C) A person seeking a license ~~identified in division (B)~~ 68170
~~(1)(a) of~~ issued under this section shall file with the 68171
executive director of the board a verified application 68172
containing such information as the board requires of the 68173
applicant relative to the licensure qualifications set forth in 68174
section 4729.53 of the Revised Code and the rules adopted under 68175
that section. 68176

(D) (1) The board shall ~~license as~~ issue a category II or 68177
category III license, designated for a manufacturer, outsourcing 68178
facility, third-party logistics provider, repackager, or 68179
wholesale distributor as the case may be, to each applicant who 68180
has paid whose business operations are located within this 68181
state, if the applicant pays the required license fee, ~~if and~~ 68182
the board determines that the applicant meets the licensure 68183
qualifications set forth in section 4729.53 of the Revised Code 68184
and the rules adopted under that section. 68185

~~(D)~~ (2) The board may shall issue a nonresident license 68186

~~with the appropriate subcategory designation to a person who~~ 68187
~~does not reside in an~~ applicant whose business operations are 68188
~~located outside this state a license identified in division (B)~~ 68189
~~(1)(a) of this section,~~ if the ~~person~~ applicant pays the 68190
required ~~licensure~~ license fee and ~~meets~~ the board determines 68191
either of the following: 68192

~~(1) Possesses~~ (a) That the applicant possesses a current 68193
and valid manufacturer, outsourcing facility, third-party 68194
logistics provider, repackager, or wholesale distributor 68195
license, or its equivalent, issued by another state in which 68196
that ~~person is~~ person's business operations are physically 68197
located, but only if that state has qualifications for licensure 68198
comparable to the licensure requirements in this state; 68199

~~(2) Meets~~ (b) That the applicant meets the requirements 68200
set forth by the board for issuance of a nonresident license- 68201
~~identified in division (B) (1)(a) of this section,~~ as verified by 68202
a state, federal, or other entity recognized by the board to 68203
perform such verification. 68204

(E) All licenses issued or renewed pursuant to this 68205
section are effective for a period specified by the board in 68206
rules adopted under section 4729.26 of the Revised Code. The 68207
effective period for an initial or renewed license shall not 68208
exceed twenty-four months unless the board extends the period in 68209
rules to adjust license renewal schedules. A license shall be 68210
renewed by the board pursuant to this section, the standard 68211
renewal procedure of Chapter 4745. of the Revised Code, and 68212
rules adopted by the board under section 4729.26 of the Revised 68213
Code. A person seeking to renew a license shall submit an 68214
application for renewal and pay the required renewal fee before 68215
the date specified in the rules adopted by the board. 68216

(F) Each license issued under this section shall describe 68217
not more than one establishment or place where the license 68218
holder may engage in the activities authorized by the license. 68219
No license shall authorize or permit the person named therein to 68220
engage in the sale or distribution of drugs at wholesale or to 68221
maintain possession, custody, or control of dangerous drugs for 68222
any purpose other than for the licensee's own use and 68223
consumption at any establishment or place other than that 68224
described in the license. 68225

~~(G) (1) (a)~~ (G) (1) The category II license fee is one 68226
thousand nine hundred dollars and shall accompany each 68227
application for licensure. The license renewal fee is one 68228
thousand nine hundred dollars and shall accompany each renewal 68229
application. 68230

~~(b) (2)~~ (2) The category III license fee is two thousand 68231
dollars and shall accompany each application for licensure. The 68232
license renewal fee is two thousand dollars and shall accompany 68233
each renewal application. 68234

~~(c) (i)~~ (3) The nonresident license fee is two thousand 68235
dollars and shall accompany each application for licensure. The 68236
license renewal fee is two thousand dollars and shall accompany 68237
each renewal application. 68238

(H) (1) Subject to division ~~(G) (1) (c) (ii)~~ (H) (2) of this 68239
section, a license issued pursuant to this section that has not 68240
been renewed by the date specified in rules adopted by the board 68241
may be reinstated upon payment of the renewal fee and a penalty 68242
of three hundred dollars. 68243

~~(ii) (2)~~ (2) If a complete application for renewal has not been 68244
submitted by the sixty-first day after the renewal date 68245

specified in rules adopted by the board, the license is 68246
considered void and cannot be renewed, but the license holder 68247
may reapply for licensure. 68248

~~(2)~~(I) Renewal fees and penalties assessed under division 68249
~~(G)~~(1)~~(G)~~ or (H) of this section shall not be returned if the 68250
applicant fails to qualify for renewal. 68251

~~(3)~~(J) A person licensed pursuant to this section that 68252
fails to renew licensure in accordance with this section and 68253
rules adopted by the board is prohibited from engaging in 68254
manufacturing, repackaging, or compounding drugs, or 68255
distributing drugs as a third-party logistics provider or 68256
wholesale distributor, until a valid license is issued by the 68257
board. 68258

~~(H)~~(K) Holding a license issued pursuant to this section 68259
subjects the holder and the holder's agents and employees to the 68260
jurisdiction of the board and to the laws of this state for the 68261
purpose of the enforcement of this chapter and the rules of the 68262
board. However, the filing of an application for licensure under 68263
this section by or on behalf of any person, or the issuance of a 68264
license pursuant to this section to or on behalf of any person, 68265
shall not of itself constitute evidence that the person is doing 68266
business within this state. 68267

~~(I)~~(L) A person holding a license issued under this 68268
section shall designate, and shall have available at all times, 68269
a person to serve for the licensed location in a position to be 68270
known as "responsible person." A person may be designated and 68271
serve as a responsible person only if the person meets the 68272
requirements established in rules the board shall adopt under 68273
section 4729.26 of the Revised Code. Along with the license 68274
holder, a responsible person shall accept responsibility for the 68275

operation of the licensed location in accordance with all 68276
applicable state and federal laws and rules. 68277

A license holder shall notify the board of the person who 68278
is designated to serve as the responsible person and, 68279
thereafter, shall notify the board each time a change is made in 68280
the designation. Notice to the board shall be provided in 68281
accordance with procedures established in rules that the board 68282
shall adopt under section 4729.26 of the Revised Code. For any 68283
change of responsible person, the board shall assess a fee of 68284
fifteen dollars. 68285

(M) The board may enter into agreements with other states, 68286
federal agencies, and other entities to exchange information 68287
concerning licensing and inspection of any manufacturer, 68288
outsourcing facility, third-party logistics provider, 68289
repackager, or wholesale distributor located within or outside 68290
this state and to investigate alleged violations of the laws and 68291
rules governing distribution of drugs by such persons. Any 68292
information received pursuant to such an agreement is subject to 68293
the same confidentiality requirements applicable to the agency 68294
or entity from which it was received and shall not be released 68295
without prior authorization from that agency or entity. Any 68296
information received is also subject to section 4729.23 of the 68297
Revised Code. 68298

Sec. 4729.53. (A) The state board of pharmacy shall not 68299
license any person as a manufacturer of dangerous drugs, 68300
outsourcing facility, third-party logistics provider, repackager 68301
of dangerous drugs, or wholesale distributor of dangerous drugs 68302
unless the applicant for licensure furnishes satisfactory proof 68303
to the board that all of the following conditions are met: 68304

(1) If the applicant has committed acts that the board 68305

finds violate any federal, state, or local law, regulation, or 68306
rule relating to drug samples, manufacturing, compounding, 68307
repackaging, wholesale or retail drug distribution, or 68308
distribution of dangerous drugs, including controlled 68309
substances, or if the applicant has committed acts that the 68310
board finds constitute a felony, or if a federal, state, or 68311
local governmental entity has suspended or revoked any current 68312
or prior license of the applicant for the manufacture, 68313
compounding, repackaging, distribution, or sale of any dangerous 68314
drugs, including controlled substances, the applicant, to the 68315
satisfaction of the board, assures that the applicant has in 68316
place adequate safeguards to prevent the recurrence of any such 68317
violations, felonies, or license suspensions or revocations. 68318

(2) The applicant's past experience in the manufacture, 68319
compounding, repackaging, or distribution of dangerous drugs, 68320
including controlled substances, is acceptable to the board. 68321

(3) The applicant is properly equipped as to land, 68322
buildings, equipment, and personnel to properly carry on its 68323
business, including providing adequate security for and proper 68324
storage conditions and handling for dangerous drugs, and is 68325
complying with the requirements under this chapter and the rules 68326
adopted pursuant thereto for maintaining and making available 68327
records to properly identified board officials and federal, 68328
state, and local law enforcement agencies. 68329

(4) Personnel employed by the applicant have the 68330
appropriate education or experience, as determined by the board, 68331
to assume responsibility for positions related to compliance 68332
with this chapter and the rules adopted pursuant thereto. 68333

(5) The applicant has designated the name and address of a 68334
person to whom communications from the board may be directed and 68335

upon whom the notices and citations provided for in section 68336
4729.56 of the Revised Code may be served. 68337

(6) Adequate safeguards are assured to prevent the sale of 68338
dangerous drugs other than in accordance with section 4729.51 of 68339
the Revised Code. 68340

(7) With respect to criminal records checks, the applicant 68341
has done both of the following, and the board has decided that 68342
the results of the criminal records checks do not make the 68343
applicant ineligible for a license issued pursuant to section 68344
4729.52 of the Revised Code: 68345

(a) ~~Complied~~ The applicant has complied with sections 68346
4776.01 to 4776.04 of the Revised Code~~r~~. 68347

(b) ~~Required any~~ The applicant has required each of the 68348
following to submit to a criminal records check in accordance 68349
with section 4776.02 of the Revised Code and send the results of 68350
the criminal records check directly to the board: 68351

(i) Any person who is seeking to serve as the responsible 68352
person on the license, as required by section 4729.52 of the 68353
Revised Code; 68354

(2) Any person who has an ownership interest, or who is a 68355
corporate officer, as set forth in rules adopted under division 68356
(C) of this section, ~~to submit to a criminal records check in~~ 68357
~~accordance with section 4776.02 of the Revised Code and send the~~ 68358
~~results of the criminal records check directly to the board.~~ 68359

(8) The applicant meets any other requirement or 68360
qualification the board, by rule adopted under division (C) of 68361
this section, considers relevant to and consistent with the 68362
public safety and health. 68363

(B) In addition to the causes described in section 4729.56 68364
of the Revised Code for refusing to grant or renew a license, 68365
the board may refuse to grant or renew a license if the board 68366
determines that the granting of the license or its renewal is 68367
not in the public interest. 68368

(C) The board shall adopt rules in accordance with Chapter 68369
119. of the Revised Code that do all of the following: 68370

(1) For purposes of division (A) (7) (b) of this section, 68371
~~define "responsible person" and~~ specify the persons with 68372
ownership interests and the corporate officers who are required 68373
to submit to criminal records checks; 68374

(2) For purposes of division (A) (8) of this section, 68375
specify other requirements or qualifications, if any, that an 68376
applicant must meet to receive a license; 68377

(3) Address any other matter the board considers 68378
appropriate to implement this section. 68379

Sec. 4729.54. (A) As used in this section: 68380

(1) "Category II" means any dangerous drug that is not 68381
included in category III. 68382

(2) "Category III" means any controlled substance that is 68383
contained in schedule I, II, III, IV, or V. 68384

(3) "Emergency medical service organization" has the same 68385
meaning as in section 4765.01 of the Revised Code. 68386

(4) "Emergency medical service organization satellite" 68387
means a location where dangerous drugs are stored that is 68388
separate from, but associated with, the headquarters of an 68389
emergency medical service organization. "Emergency medical 68390
service organization satellite" does not include the units under 68391

the control of the emergency medical service organization. 68392

(5) "Person" includes an emergency medical service 68393
organization or an emergency medical service organization 68394
satellite. 68395

(6) "Schedule I," "schedule II," "schedule III," "schedule 68396
IV," and "schedule V" have the same meanings as in section 68397
3719.01 of the Revised Code. 68398

(B) (1) The state board of pharmacy shall license persons 68399
seeking to operate as terminal distributors of dangerous drugs, 68400
whether located within or outside this state. 68401

A person seeking to be licensed as a terminal distributor 68402
of dangerous drugs shall file with the executive director of the 68403
~~state board of pharmacy~~ a verified application. After it is 68404
filed, the application may not be withdrawn without approval of 68405
the board. 68406

(2) An application shall contain all the following that 68407
apply in the applicant's case: 68408

(a) Information that the board requires relative to the 68409
qualifications of a terminal distributor of dangerous drugs set 68410
forth in section 4729.55 of the Revised Code; 68411

(b) A statement as to ~~whether the category of licensure,~~ 68412
identified under division (E) of this section, that the person 68413
~~is seeking to be licensed as a category II, category III,~~ 68414
~~limited category II, or limited category III terminal~~ 68415
~~distributor of dangerous drugs;~~ 68416

(c) If the person is seeking to be licensed as a limited 68417
category II or limited category III terminal distributor of 68418
dangerous drugs, a list of the dangerous drugs described in 68419

category II or the controlled substances described in category 68420
III that the person is seeking to possess, have custody or 68421
control of, and distribute, which list shall also specify the 68422
purpose for which those drugs will be used and their source; 68423

(d) If the person is an emergency medical service 68424
organization, the information that is specified in divisions (C) 68425
(1) and (2) of this section, and if the person is an emergency 68426
medical service organization satellite, the information required 68427
under division (D) of this section; 68428

(e) Except with respect to the units under the control of 68429
an emergency medical service organization, the identity of the 68430
one establishment or place at which the person intends to engage 68431
in the sale or other distribution of dangerous drugs at retail, 68432
and maintain possession, custody, or control of dangerous drugs 68433
for purposes other than the person's own use or consumption; 68434

(f) If the application pertains to a pain management 68435
clinic, information that demonstrates, to the satisfaction of 68436
the board, compliance with division (A) of section 4729.552 of 68437
the Revised Code. 68438

(C) (1) Each emergency medical service organization that 68439
applies for a terminal distributor of dangerous drugs license 68440
shall submit with its application all of the following: 68441

(a) A copy of its standing orders or protocol, which 68442
orders or protocol shall be signed by a physician; 68443

(b) A list of the dangerous drugs that the units under its 68444
control may carry, expressed in standard dose units, which shall 68445
be signed by a physician; 68446

(c) A list of the personnel employed or used by the 68447
organization to provide emergency medical services in accordance 68448

with Chapter 4765. of the Revised Code. 68449

In accordance with Chapter 119. of the Revised Code, the 68450
board shall adopt rules specifying when an emergency medical 68451
service organization that is licensed as a terminal distributor 68452
must notify the board of any changes in its documentation 68453
submitted pursuant to division (C)(1) of this section. 68454

(2) An emergency medical service organization seeking to 68455
be licensed as a terminal distributor of dangerous drugs shall 68456
list in its application for licensure the following additional 68457
information: 68458

(a) The units under its control that the organization 68459
determines will possess dangerous drugs for the purpose of 68460
administering emergency medical services in accordance with 68461
Chapter 4765. of the Revised Code; 68462

(b) With respect to each such unit, whether the dangerous 68463
drugs that the organization determines the unit will possess are 68464
in category II or III. 68465

(3) An emergency medical service organization that is 68466
licensed as a terminal distributor of dangerous drugs shall file 68467
a new application for such licensure if there is any change in 68468
the number or location of any of its units or if there is any 68469
change in the category of the dangerous drugs that any unit will 68470
possess. 68471

(4) A unit listed in an application for licensure pursuant 68472
to division (C)(2) of this section may obtain the dangerous 68473
drugs it is authorized to possess from its emergency medical 68474
service organization or, on a replacement basis, from a hospital 68475
pharmacy. If units will obtain dangerous drugs from a hospital 68476
pharmacy, the organization shall file, and maintain in current 68477

form, the following items with the pharmacist who is responsible 68478
for the hospital's terminal distributor of dangerous drugs 68479
license: 68480

(a) A copy of its standing orders or protocol; 68481

(b) A list of the personnel employed or used by the 68482
organization to provide emergency medical services in accordance 68483
with Chapter 4765. of the Revised Code, who are authorized to 68484
possess the drugs, which list also shall indicate the personnel 68485
who are authorized to administer the drugs. 68486

(D) Each emergency medical service organization satellite 68487
that applies for a terminal distributor of dangerous drugs 68488
license shall submit with its application all of the information 68489
that the board requires to be submitted with the application, as 68490
specified in rules the board shall adopt in accordance with 68491
Chapter 119. of the Revised Code. 68492

(E) ~~There shall be four categories of terminal distributor~~ 68493
~~of dangerous drugs licenses. The~~ When the board issues a license 68494
to a person seeking to operate as a terminal distributor of 68495
dangerous drugs, the board shall issue the license according to 68496
one of the following categories as follows, as the case may 68497
be for the person's business operations: 68498

(1) Category II license. A category II license applies to 68499
a person whose business operations are located within this 68500
state. A person who obtains this license may possess, have 68501
custody or control of, and distribute only the dangerous drugs 68502
described in category II. 68503

(2) Limited category II license. A limited category II 68504
license applies to a person whose business operations are 68505
located within this state. A person who obtains this license may 68506

possess, have custody or control of, and distribute only the 68507
dangerous drugs described in category II that were listed in the 68508
application for licensure. 68509

(3) Category III license, which may include a pain 68510
management clinic classification issued under section 4729.552 68511
of the Revised Code. A category III license applies to a person 68512
whose business operations are located within this state. A 68513
person who obtains this license may possess, have custody or 68514
control of, and distribute the dangerous drugs described in 68515
category II and category III. If the license includes a pain 68516
management clinic classification, the person may operate a pain 68517
management clinic. 68518

(4) Limited category III license. A limited category III 68519
license applies to a person whose business operations are 68520
located within this state. A person who obtains this license may 68521
possess, have custody or control of, and distribute only the 68522
dangerous drugs described in category II or the controlled 68523
substances described in category III that were listed in the 68524
application for licensure. 68525

(5) Nonresident license. A nonresident license applies to 68526
a person whose business operations are located outside this 68527
state. A person who obtains a nonresident license may possess, 68528
have custody or control of, and distribute the dangerous drugs 68529
described in category II and the controlled substances described 68530
in category III. 68531

(F) Except for an application made by a county dog warden 68532
or on behalf of an animal shelter, if an applicant for a limited 68533
category II license or limited category III license intends to 68534
administer dangerous drugs to a person or animal, the applicant 68535
shall submit, with the application, a copy of its protocol or 68536

standing orders. The protocol or orders shall be signed by a
licensed health professional authorized to prescribe drugs,
specify the dangerous drugs to be administered, and list
personnel who are authorized to administer the dangerous drugs
in accordance with federal law or the law of this state.

An application made by a county dog warden or on behalf of
an animal shelter shall include a list of the dangerous drugs to
be administered to animals and the personnel who are authorized
to administer the drugs to animals in accordance with section
4729.532 of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the
board shall adopt rules specifying when a licensee must notify
the board of any changes in its documentation submitted pursuant
to this division.

(G) (1) Except as provided in division (G) (3) of this
section, each applicant for licensure as a terminal distributor
of dangerous drugs shall submit, with the application, a license
fee in the amount that applies to the category of licensure
being sought. The amount assessed shall not be returned to the
applicant if the applicant fails to qualify for the license.

(2) The following fees apply under division (G) (1) of this
section:

(a) Except as provided in division (G) (2) (b) of this
section:

(i) Three hundred ~~twenty~~ sixty dollars for a category II
or limited category II license;

(ii) Four hundred ~~forty~~ sixty dollars for a category III
license, including a license with a pain management clinic
classification issued under section 4729.552 of the Revised

Code, or a limited category III license; 68566

(iii) Five hundred dollars for a nonresident license. 68567

(b) One hundred ~~twenty-sixty~~ dollars for all of the 68568
following whose business operations are located within this 68569
state: 68570

(i) A person who is required to hold a license as a 68571
terminal distributor of dangerous drugs pursuant to division (C) 68572
of section 4729.541 of the Revised Code; 68573

(ii) A professional association, corporation, partnership, 68574
or limited liability company organized for the purpose of 68575
practicing veterinary medicine that is not included in division 68576
(G) (2) (b) (i) of this section; 68577

(iii) An emergency medical service organization satellite. 68578

(3) No fee applies for a license issued to a charitable 68579
pharmacy, as defined in section 3719.811 of the Revised Code, if 68580
the charitable pharmacy is participating in the drug repository 68581
program established under section 3715.87 of the Revised Code. 68582

(H) (1) The board shall issue a terminal distributor of 68583
dangerous drugs license, in the appropriate category, to each 68584
person who submits an application for such licensure in 68585
accordance with this section, pays the required license fee, is 68586
determined by the board to meet the requirements set forth in 68587
section 4729.55 of the Revised Code, and satisfies any other 68588
applicable requirements of this section. 68589

(2) Except for the license of a county dog warden, the 68590
license shall describe the one establishment or place at which 68591
the licensee may engage in the sale or other distribution of 68592
dangerous drugs at retail and maintain possession, custody, or 68593

control of dangerous drugs for purposes other than the 68594
licensee's own use or consumption. The one establishment or 68595
place shall be that which is identified in the application for 68596
licensure. 68597

No such license shall authorize or permit the terminal 68598
distributor of dangerous drugs named in it to engage in the sale 68599
or other distribution of dangerous drugs at retail or to 68600
maintain possession, custody, or control of dangerous drugs for 68601
any purpose other than the distributor's own use or consumption, 68602
at any establishment or place other than that described in the 68603
license, except that an agent or employee of an animal shelter 68604
or county dog warden may possess and use dangerous drugs in the 68605
course of business as provided in section 4729.532 of the 68606
Revised Code. 68607

(3) The license of an emergency medical service 68608
organization shall cover the organization's headquarters and, in 68609
addition, shall cover and describe all the units of the 68610
organization listed in its application for licensure. 68611

(I) (1) All licenses issued or renewed pursuant to this 68612
section shall be effective for a period specified by the board 68613
in rules adopted under section 4729.26 of the Revised Code. The 68614
effective period for an initial or renewed license shall not 68615
exceed twenty-four months unless the board extends the period in 68616
rules to adjust license renewal schedules. A license shall be 68617
renewed by the board according to the provisions of this 68618
section, the standard renewal procedure of Chapter 4745. of the 68619
Revised Code, and rules adopted by the board under section 68620
4729.26 of the Revised Code. A person seeking to renew a license 68621
shall submit an application for renewal and pay the required fee 68622
on or before the date specified in the rules adopted by the 68623

board. The fee required for the renewal of a license shall be 68624
the same as the license fee that applies under division (G) (2) 68625
of this section. 68626

(2) (a) Subject to division (I) (2) (b) of this section, a 68627
license that has not been renewed by the date specified in rules 68628
adopted by the board may be reinstated only upon payment of the 68629
required renewal fee and a penalty fee of one hundred ten 68630
dollars. 68631

(b) If an application for renewal has not been submitted 68632
by the sixty-first day after the renewal date specified in rules 68633
adopted by the board, the license is considered void and cannot 68634
be renewed, but the license holder may reapply for licensure. 68635

(3) A terminal distributor of dangerous drugs that fails 68636
to renew licensure in accordance with this section and rules 68637
adopted by the board is prohibited from engaging in the retail 68638
sale, possession, or distribution of dangerous drugs until a 68639
valid license is issued by the board. 68640

(J) (1) No emergency medical service organization that is 68641
licensed as a terminal distributor of dangerous drugs shall fail 68642
to comply with division (C) (1), (3), or (4) of this section. 68643

(2) No licensed terminal distributor of dangerous drugs 68644
shall possess, have custody or control of, or distribute 68645
dangerous drugs that the terminal distributor is not entitled to 68646
possess, have custody or control of, or distribute by virtue of 68647
its category of licensure. 68648

(3) No licensee that is required by division (F) of this 68649
section to notify the board of changes in its protocol or 68650
standing orders, or in personnel, shall fail to comply with that 68651
division. 68652

(K) A person holding a license issued under this section 68653
shall designate, and shall have available at all times, a person 68654
to serve for the licensed location in a position to be known as 68655
"responsible person." A person may be designated and serve as a 68656
responsible person only if the person meets the requirements 68657
established in rules that the board shall adopt under section 68658
4729.26 of the Revised Code. Along with the license holder, a 68659
responsible person shall accept responsibility for the operation 68660
of the licensed location in accordance with all applicable state 68661
and federal laws and rules. 68662

A license holder shall notify the board of the person who 68663
is designated to serve as the responsible person and, 68664
thereafter, shall notify the board each time a change is made in 68665
the designation. Notice to the board shall be provided in 68666
accordance with procedures established in rules that the board 68667
shall adopt under section 4729.26 of the Revised Code. For any 68668
change of responsible person, the board shall assess a fee of 68669
fifteen dollars. 68670

(L) The board may enter into agreements with other states, 68671
federal agencies, and other entities to exchange information 68672
concerning licensing and inspection of terminal distributors of 68673
dangerous drugs located within or outside this state and to 68674
investigate alleged violations of the laws and rules governing 68675
distribution of drugs by terminal distributors. Any information 68676
received pursuant to such an agreement is subject to the same 68677
confidentiality requirements applicable to the agency or entity 68678
from which it was received and shall not be released without 68679
prior authorization from that agency or entity. Any information 68680
received is also subject to section 4729.23 of the Revised Code. 68681

Sec. 4729.541. (A) Except as provided in divisions (B) and 68682

(C) of this section, all of the following are exempt from 68683
licensure as a terminal distributor of dangerous drugs: 68684

(1) A licensed health professional authorized to prescribe 68685
drugs; 68686

(2) A business entity that is a corporation formed under 68687
division (B) of section 1701.03 of the Revised Code, a limited 68688
liability company formed under former Chapter 1705. of the 68689
Revised Code as that chapter existed prior to February 11, 2022, 68690
or Chapter 1706. of the Revised Code, or a professional 68691
association formed under Chapter 1785. of the Revised Code if 68692
the entity has a sole shareholder who is a prescriber and is 68693
authorized to provide the professional services being offered by 68694
the entity; 68695

(3) A business entity that is a corporation formed under 68696
division (B) of section 1701.03 of the Revised Code, a limited 68697
liability company formed under former Chapter 1705. of the 68698
Revised Code as that chapter existed prior to February 11, 2022, 68699
or Chapter 1706. of the Revised Code, a partnership or a limited 68700
liability partnership formed under Chapter 1775. of the Revised 68701
Code, or a professional association formed under Chapter 1785. 68702
of the Revised Code, if, to be a shareholder, member, or 68703
partner, an individual is required to be licensed, certified, or 68704
otherwise legally authorized under Title XLVII of the Revised 68705
Code to perform the professional service provided by the entity 68706
and each such individual is a prescriber; 68707

(4) An individual who holds a current license, 68708
certificate, or registration issued under Title XLVII of the 68709
Revised Code and has been certified to conduct diabetes 68710
education by a national certifying body specified in rules 68711
adopted by the state board of pharmacy under section 4729.68 of 68712

the Revised Code, but only with respect to insulin that will be 68713
used for the purpose of diabetes education and only if diabetes 68714
education is within the individual's scope of practice under 68715
statutes and rules regulating the individual's profession; 68716

(5) An individual who holds a valid certificate issued by 68717
a nationally recognized S.C.U.B.A. diving certifying 68718
organization approved by the state board of pharmacy under rules 68719
adopted by the board, but only with respect to medical oxygen 68720
that will be used for the purpose of emergency care or treatment 68721
at the scene of a diving emergency; 68722

(6) With respect to epinephrine autoinjectors that may be 68723
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 68724
or 3328.29 of the Revised Code, any of the following: the board 68725
of education of a city, local, exempted village, or joint 68726
vocational school district; a chartered or nonchartered 68727
nonpublic school; a community school established under Chapter 68728
3314. of the Revised Code; a STEM school established under 68729
Chapter 3326. of the Revised Code; or a college-preparatory 68730
boarding school established under Chapter 3328. of the Revised 68731
Code; 68732

(7) With respect to epinephrine autoinjectors that may be 68733
possessed under section ~~5101.76~~ 5180.26 of the Revised Code, any 68734
of the following: a residential camp, as defined in section 68735
2151.011 of the Revised Code; a child day camp, as defined in 68736
section 5104.01 of the Revised Code; or a child day camp 68737
operated by any county, township, municipal corporation, 68738
township park district created under section 511.18 of the 68739
Revised Code, park district created under section 1545.04 of the 68740
Revised Code, or joint recreation district established under 68741
section 755.14 of the Revised Code; 68742

(8) With respect to epinephrine autoinjectors that may be 68743
possessed under Chapter 3728. of the Revised Code, a qualified 68744
entity, as defined in section 3728.01 of the Revised Code; 68745

(9) With respect to inhalers that may be possessed under 68746
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 68747
the Revised Code, any of the following: the board of education 68748
of a city, local, exempted village, or joint vocational school 68749
district; a chartered or nonchartered nonpublic school; a 68750
community school established under Chapter 3314. of the Revised 68751
Code; a STEM school established under Chapter 3326. of the 68752
Revised Code; or a college-preparatory boarding school 68753
established under Chapter 3328. of the Revised Code; 68754

(10) With respect to inhalers that may be possessed under 68755
section ~~5101.77~~ 5180.261 of the Revised Code, any of the 68756
following: a residential camp, as defined in section 2151.011 of 68757
the Revised Code; a child day camp, as defined in section 68758
5104.01 of the Revised Code; or a child day camp operated by any 68759
county, township, municipal corporation, township park district 68760
created under section 511.18 of the Revised Code, park district 68761
created under section 1545.04 of the Revised Code, or joint 68762
recreation district established under section 755.14 of the 68763
Revised Code; 68764

(11) With respect to overdose reversal drugs that may be 68765
possessed for the purposes described in section 3715.50 of the 68766
Revised Code, any person or government entity exercising the 68767
authority conferred by that section; 68768

(12) With respect to overdose reversal drugs that may be 68769
possessed for use in personally furnishing supplies of the drug 68770
pursuant to a protocol established under section 3715.503 of the 68771
Revised Code, any individual exercising the authority conferred 68772

by that section; 68773

(13) With respect to injectable or nasally administered 68774
glucagon that may be possessed under sections 3313.7115, 68775
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 68776
any of the following: the board of education of a city, local, 68777
exempted village, or joint vocational school district; a 68778
chartered or nonchartered nonpublic school; a community school 68779
established under Chapter 3314. of the Revised Code; a STEM 68780
school established under Chapter 3326. of the Revised Code; or a 68781
college-preparatory boarding school established under Chapter 68782
3328. of the Revised Code; 68783

(14) With respect to injectable or nasally administered 68784
glucagon that may be possessed under section ~~5101.78~~ 5180.262 of 68785
the Revised Code, any of the following: a residential camp, as 68786
defined in section 2151.011 of the Revised Code; a child day 68787
camp, as defined in section 5104.01 of the Revised Code; or a 68788
child day camp operated by any county, township, municipal 68789
corporation, township park district created under section 511.18 68790
of the Revised Code, park district created under section 1545.04 68791
of the Revised Code, or joint recreation district established 68792
under section 755.14 of the Revised Code; 68793

(15) A person who possesses nitrous oxide for use as a 68794
direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for 68795
testing or maintaining a plumbing or heating, ventilation, and 68796
air conditioning system; 68797

(16) A person who possesses medical oxygen, sterile water, 68798
or sterile saline for direct administration to patients or for 68799
the purpose of installation or maintenance of home medical 68800
equipment, as defined in section 4752.01 of the Revised Code; 68801

(17) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency.

(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(C) Any of the persons described in divisions (A) (1) to (16) of this section shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute any of the following:

(1) Dangerous drugs that are compounded or used for the purpose of compounding;

(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code.

Sec. 4729.56. (A) (1) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, may impose any one or more of the following sanctions on a person licensed under ~~division (B) (1) (a) of~~ section 4729.52 of the Revised Code for any of the causes set forth in division (A) (2) of this section:

(a) Suspend, revoke, restrict, limit, or refuse to grant or renew a license;

(b) Reprimand or place the license holder on probation;

(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a

similar offense or two thousand five hundred dollars if the acts
committed are not classified as an offense by the Revised Code;

(2) The board may impose the sanctions set forth in
division (A)(1) of this section for any of the following:

(a) Making any false material statements in an application
for licensure under section 4729.52 of the Revised Code;

(b) Violating any federal, state, or local drug law; any
provision of this chapter or Chapter 2925., 3715., or 3719. of
the Revised Code; or any rule of the board;

(c) A conviction of a felony;

(d) Failing to satisfy the qualifications for licensure
under section 4729.53 of the Revised Code or the rules of the
board or ceasing to satisfy the qualifications after the
registration is granted or renewed;

(e) Falsely or fraudulently promoting to the public a drug
that is a controlled substance included in schedule I, II, III,
IV, or V, except that nothing in this division prohibits a
manufacturer, outsourcing facility, third-party logistics
provider, repackager, or wholesale distributor of dangerous
drugs from furnishing information concerning a controlled
substance to a health care provider or licensed terminal
distributor;

(f) Violating any provision of the "Federal Food, Drug,
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or
Chapter 3715. of the Revised Code;

(g) Any other cause for which the board may impose
sanctions as set forth in rules adopted under section 4729.26 of
the Revised Code.

(B) Upon the suspension or revocation of any license 68858
~~identified in division (B) (1) (a) of~~ issued under section 4729.52 68859
of the Revised Code, the licensee shall immediately surrender 68860
the license to the board. 68861

(C) If the board suspends, revokes, or refuses to renew 68862
any license ~~identified in division (B) (1) (a) of~~ issued under 68863
section 4729.52 of the Revised Code and determines that there is 68864
clear and convincing evidence of a danger of immediate and 68865
serious harm to any person, the board may place under seal all 68866
dangerous drugs owned by or in the possession, custody, or 68867
control of the affected licensee. Except as provided in this 68868
division, the board shall not dispose of the dangerous drugs 68869
sealed under this division until the licensee exhausts all of 68870
the licensee's appeal rights under Chapter 119. of the Revised 68871
Code. The court involved in such an appeal may order the board, 68872
during the pendency of the appeal, to sell sealed dangerous 68873
drugs that are perishable. The board shall deposit the proceeds 68874
of the sale with the court. 68875

(D) If the board is required under Chapter 119. of the 68876
Revised Code to give notice of an opportunity for a hearing and 68877
the license holder does not make a timely request for a hearing 68878
in accordance with section 119.07 of the Revised Code, the board 68879
is not required to hold a hearing, but may adopt a final order 68880
that contains the board's findings. In the final order, the 68881
board may impose any of the sanctions listed in division (A) of 68882
this section. 68883

(E) Notwithstanding division (D) (2) of section 2953.32 or 68884
division (F) (1) of section 2953.39 of the Revised Code 68885
specifying that if records pertaining to a criminal case are 68886
sealed or expunged under that section the proceedings in the 68887

case must be deemed not to have occurred, sealing or expungement 68888
of the following records on which the board has based an action 68889
under this section shall have no effect on the board's action or 68890
any sanction imposed by the board under this section: records of 68891
any conviction, guilty plea, judicial finding of guilt resulting 68892
from a plea of no contest, or a judicial finding of eligibility 68893
for a pretrial diversion program or intervention in lieu of 68894
conviction. The board is not required to seal, destroy, redact, 68895
or otherwise modify its records to reflect the court's sealing 68896
or expungement of conviction records. 68897

Sec. 4729.561. If the state board of pharmacy determines 68898
that there is clear and convincing evidence that the method used 68899
~~by a licensed manufacturer of dangerous drugs, outsourcing-~~ 68900
~~facility, third-party logistics provider, repackager of-~~ 68901
~~dangerous drugs, or wholesale distributor of dangerous drugs to~~ 68902
possess or distribute dangerous drugs by a person licensed under 68903
section 4729.52 of the Revised Code presents a danger of 68904
immediate and serious harm to others, the board may suspend 68905
without a hearing the person's license issued pursuant to that 68906
~~section 4729.52 of the Revised Code.~~ The board shall follow the 68907
procedure for suspension without a prior hearing in section 68908
119.07 of the Revised Code. The suspension shall remain in 68909
effect, unless removed by the board, until the board's final 68910
adjudication order becomes effective, except that if the board 68911
does not issue its final adjudication order within one hundred 68912
twenty days after the suspension, the suspension shall be void 68913
on the one hundred twenty-first day after the suspension. 68914

Sec. 4729.59. The executive director of the state board of 68915
pharmacy shall maintain a register of the names, addresses, and 68916
the date of licensure of those persons to whom licenses have 68917
been issued pursuant to sections 4729.52 and 4729.54 of the 68918

Revised Code. The register is subject to section 4798.10 of the 68919
Revised Code. 68920

The board shall make available a roster of those persons. 68921
The roster shall indicate those persons whose licenses have been 68922
suspended, revoked, or surrendered, and those persons whose 68923
licenses have not been renewed. 68924

A written statement signed and verified by the executive 68925
director of the board or the director's designee in which it is 68926
stated that after diligent search of the register no record or 68927
entry of the issuance of a license to a person is found is 68928
admissible in evidence and constitutes presumptive evidence of 68929
the fact that the person is not licensed pursuant to section 68930
4729.52 or 4729.54 of the Revised Code. 68931

Sec. 4729.60. (A) (1) Before a ~~licensee identified in~~ 68932
~~division (B) (1) (a) of~~ person licensed under section 4729.52 of 68933
the Revised Code may sell or distribute dangerous drugs at 68934
wholesale to any person, except as provided in division (A) (2) 68935
of this section, the licensee shall query the roster established 68936
pursuant to section 4729.59 of the Revised Code to determine 68937
whether the purchaser is a licensed terminal distributor of 68938
dangerous drugs. 68939

If no documented query is conducted before a sale is made, 68940
it shall be presumed that the sale of dangerous drugs by the 68941
licensee is in violation of division (B) of section 4729.51 of 68942
the Revised Code and the purchase of dangerous drugs by the 68943
purchaser is in violation of division (E) of section 4729.51 of 68944
the Revised Code. If a licensee conducts a documented query and 68945
relies on the results of the query in selling or distributing 68946
dangerous drugs at wholesale to the terminal distributor of 68947
dangerous drugs, the licensee shall be deemed not to have 68948

violated division (B) of section 4729.51 of the Revised Code in 68949
making the sale. 68950

(2) Division (A)(1) of this section does not apply when a 68951
~~licensee identified in division (B)(1)(a) of person licensed~~ 68952
under section 4729.52 of the Revised Code sells or distributes 68953
dangerous drugs at wholesale to any of the following: 68954

(a) A person specified in division (B)(4) of section 68955
4729.51 of the Revised Code; 68956

(b) A person exempt from licensure as a terminal 68957
distributor of dangerous drugs under section 4729.541 of the 68958
Revised Code. 68959

(B) Before a licensed terminal distributor of dangerous 68960
drugs may purchase dangerous drugs at wholesale, the terminal 68961
distributor shall query the roster established pursuant to 68962
section 4729.59 of the Revised Code to confirm the seller is 68963
licensed to engage in the sale or distribution of dangerous 68964
drugs at wholesale. 68965

If no documented query is conducted before a purchase is 68966
made, it shall be presumed that the purchase of dangerous drugs 68967
by the terminal distributor is in violation of division (F) of 68968
section 4729.51 of the Revised Code and the sale of dangerous 68969
drugs by the seller is in violation of division (A) of section 68970
4729.51 of the Revised Code. If a licensed terminal distributor 68971
of dangerous drugs conducts a documented query at least annually 68972
and relies on the results of the query in purchasing dangerous 68973
drugs at wholesale, the terminal distributor shall be deemed not 68974
to have violated division (F) of section 4729.51 of the Revised 68975
Code in making the purchase. 68976

Sec. 4729.80. (A) If the state board of pharmacy 68977

establishes and maintains a drug database pursuant to section 68978
4729.75 of the Revised Code, the board is authorized or required 68979
to provide information from the database only as follows: 68980

(1) On receipt of a request from a designated 68981
representative of a government entity responsible for the 68982
licensure, regulation, or discipline of health care 68983
professionals with authority to prescribe, administer, or 68984
dispense drugs, the board may provide to the representative 68985
information from the database relating to the professional who 68986
is the subject of an active investigation being conducted by the 68987
government entity or relating to a professional who is acting as 68988
an expert witness for the government entity in such an 68989
investigation. 68990

(2) On receipt of a request from a federal officer, or a 68991
state or local officer of this or any other state, whose duties 68992
include enforcing laws relating to drugs, the board shall 68993
provide to the officer information from the database relating to 68994
the person who is the subject of an active investigation of a 68995
drug abuse offense, as defined in section 2925.01 of the Revised 68996
Code, being conducted by the officer's employing government 68997
entity. 68998

(3) Pursuant to a subpoena issued by a grand jury, the 68999
board shall provide to the grand jury information from the 69000
database relating to the person who is the subject of an 69001
investigation being conducted by the grand jury. 69002

(4) Pursuant to a subpoena, search warrant, or court order 69003
in connection with the investigation or prosecution of a 69004
possible or alleged criminal offense, the board shall provide 69005
information from the database as necessary to comply with the 69006
subpoena, search warrant, or court order. 69007

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security

agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B) (4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a

claimant under Chapter 4121., 4123., 4127., or 4131. of the 69067
Revised Code, including information in the database related to 69068
prescriptions for the claimant that were not covered or 69069
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 69070
Revised Code. 69071

(12) On receipt of a request from a prescriber or the 69072
prescriber's delegate approved by the board, the board shall 69073
provide to the prescriber information from the database relating 69074
to a patient's mother, if the prescriber certifies in a form 69075
specified by the board that it is for the purpose of providing 69076
medical treatment to a newborn or infant patient diagnosed as 69077
opioid dependent and the prescriber has not been denied access 69078
to the database by the board. 69079

(13) On receipt of a request from the director of health, 69080
the board shall provide to the director information from the 69081
database relating to the duties of the director or the 69082
department of health in implementing the Ohio violent death 69083
reporting system established under section 3701.93 of the 69084
Revised Code. 69085

(14) On receipt of a request from a requestor described in 69086
division (A)(1), (2), (5), or (6) of this section who is from or 69087
participating with another state's prescription monitoring 69088
program, the board may provide to the requestor information from 69089
the database, but only if there is a written agreement under 69090
which the information is to be used and disseminated according 69091
to the laws of this state. 69092

(15) On receipt of a request from a delegate of a retail 69093
dispensary licensed under Chapter 3796. of the Revised Code who 69094
is approved by the board to serve as the dispensary's delegate, 69095
the board shall provide to the delegate a report of information 69096

from the database pertaining only to a patient's use of medical 69097
marijuana, if both of the following conditions are met: 69098

(a) The delegate certifies in a form specified by the 69099
board that it is for the purpose of dispensing medical marijuana 69100
for use in accordance with Chapter 3796. of the Revised Code. 69101

(b) The retail dispensary or delegate has not been denied 69102
access to the database by the board. 69103

(16) On receipt of a request from a judge of a program 69104
certified by the Ohio supreme court as a specialized docket 69105
program for drugs, the board shall provide to the judge, or an 69106
employee of the program who is designated by the judge to 69107
receive the information, information from the database that 69108
relates specifically to a current or prospective program 69109
participant. 69110

(17) On receipt of a request from a coroner, deputy 69111
coroner, or coroner's delegate approved by the board, the board 69112
shall provide to the requestor information from the database 69113
relating to a deceased person about whom the coroner is 69114
conducting or has conducted an autopsy or investigation. 69115

(18) On receipt of a request from a prescriber, the board 69116
may provide to the prescriber a summary of the prescriber's 69117
prescribing record if such a record is created by the board. 69118
Information in the summary is subject to the confidentiality 69119
requirements of this chapter. 69120

~~(19)(a)~~ (19) On receipt of a request from a pharmacy's 69121
responsible person designated under section 4729.54 of the 69122
Revised Code, the board may provide to the responsible person a 69123
summary of the pharmacy's dispensing record if such a record is 69124
created by the board. Information in the summary is subject to 69125

the confidentiality requirements of this chapter. 69126

~~(b) As used in division (A) (19) (a) of this section,~~ 69127
~~"responsible person" has the same meaning as in rules adopted by~~ 69128
~~the board under section 4729.26 of the Revised Code.~~ 69129

(20) The board may provide information from the database 69130
without request to a prescriber or pharmacist who is authorized 69131
to use the database pursuant to this chapter. 69132

(21) (a) On receipt of a request from a prescriber or 69133
pharmacist, or the prescriber's or pharmacist's delegate, who is 69134
a designated representative of a peer review committee, the 69135
board shall provide to the committee information from the 69136
database relating to a prescriber who is subject to the 69137
committee's evaluation, supervision, or discipline if the 69138
information is to be used for one of those purposes. The board 69139
shall provide only information that it determines, in accordance 69140
with rules adopted under section 4729.84 of the Revised Code, is 69141
appropriate to be provided to the committee. 69142

(b) As used in division (A) (21) (a) of this section, "peer 69143
review committee" has the same meaning as in section 2305.25 of 69144
the Revised Code, except that it includes only a peer review 69145
committee of a hospital or a peer review committee of a 69146
nonprofit health care corporation that is a member of the 69147
hospital or of which the hospital is a member. 69148

(22) On receipt of a request from a requestor described in 69149
division (A) (5) or (6) of this section who is from or 69150
participating with a prescription monitoring program that is 69151
operated by a federal agency and approved by the board, the 69152
board may provide to the requestor information from the 69153
database, but only if there is a written agreement under which 69154

the information is to be used and disseminated according to the 69155
laws of this state. 69156

(23) Any personal health information submitted to the 69157
board pursuant to section 4729.772 of the Revised Code may be 69158
provided by the board only as authorized by the submitter of the 69159
information and in accordance with rules adopted under section 69160
4729.84 of the Revised Code. 69161

(24) On receipt of a request from a person described in 69162
division (A)(5), (6), or (17) of this section who is 69163
participating in a drug overdose fatality review committee 69164
described in section 307.631 of the Revised Code, the board may 69165
provide to the requestor information from the database, but only 69166
if there is a written agreement under which the information is 69167
to be used and disseminated according to the laws of this state. 69168

(25) On receipt of a request from a person described in 69169
division (A)(5), (6), or (17) of this section who is 69170
participating in a suicide fatality review committee described 69171
in section 307.641 of the Revised Code, the board may provide to 69172
the requestor information from the database, but only if there 69173
is a written agreement under which the information is to be used 69174
and disseminated according to the laws of this state. 69175

(26) On receipt of a request from a designated 69176
representative of the division of marijuana control in the 69177
department of commerce, the board shall provide to the 69178
representative information from the database relating to an 69179
individual who, or entity that, is the subject of an active 69180
investigation being conducted by the division. 69181

(B) The state board of pharmacy shall maintain a record of 69182
each individual or entity that requests information from the 69183

database pursuant to this section. In accordance with rules 69184
adopted under section 4729.84 of the Revised Code, the board may 69185
use the records to document and report statistics and law 69186
enforcement outcomes. 69187

The board may provide records of an individual's requests 69188
for database information only to the following: 69189

(1) A designated representative of a government entity 69190
that is responsible for the licensure, regulation, or discipline 69191
of health care professionals with authority to prescribe, 69192
administer, or dispense drugs who is involved in an active 69193
criminal or disciplinary investigation being conducted by the 69194
government entity of the individual who submitted the requests 69195
for database information; 69196

(2) A federal officer, or a state or local officer of this 69197
or any other state, whose duties include enforcing laws relating 69198
to drugs and who is involved in an active investigation being 69199
conducted by the officer's employing government entity of the 69200
individual who submitted the requests for database information; 69201

(3) A designated representative of the department of 69202
medicaid regarding a prescriber who is treating or has treated a 69203
recipient of a program administered by the department and who 69204
submitted the requests for database information. 69205

(C) Information contained in the database and any 69206
information obtained from it is confidential and is not a public 69207
record. Information contained in the records of requests for 69208
information from the database is confidential and is not a 69209
public record. Information contained in the database that does 69210
not identify a person, including any licensee or registrant of 69211
the board or other entity, may be released in summary, 69212

statistical, or aggregate form. 69213

(D) A pharmacist or prescriber shall not be held liable in 69214
damages to any person in any civil action for injury, death, or 69215
loss to person or property on the basis that the pharmacist or 69216
prescriber did or did not seek or obtain information from the 69217
database. 69218

Sec. 4729.901. (A) An applicant for registration under 69219
section 4729.90 of the Revised Code shall file with the state 69220
board of pharmacy an application in the form and manner 69221
prescribed in rules adopted under section 4729.94 of the Revised 69222
Code. The application shall be accompanied by an application fee 69223
of ~~fifty~~ sixty-five dollars, which shall not be returned if the 69224
applicant fails to qualify for registration. 69225

(B) If the board is satisfied that the applicant meets the 69226
requirements of section 4729.90 of the Revised Code and any 69227
additional requirements established by the board and determines 69228
that the results of a criminal records check do not make the 69229
applicant ineligible, the board shall register the applicant as 69230
a registered pharmacy technician or certified pharmacy 69231
technician, as applicable. 69232

(C) The board shall register as a registered pharmacy 69233
technician or certified pharmacy technician, as applicable, in 69234
accordance with Chapter 4796. of the Revised Code an applicant 69235
if either of the following applies: 69236

(1) The applicant holds a license or is registered in 69237
another state. 69238

(2) The applicant has satisfactory work experience, a 69239
government certification, or a private certification as 69240
described in that chapter as a pharmacy technician in a state 69241

that does not issue that license or registration. 69242

(D) Registration under division (B) or (C) of this section 69243
is valid for the period specified by the board in rules adopted 69244
under section 4729.94 of the Revised Code. The period shall not 69245
exceed twenty-four months unless the board extends the period in 69246
the rules to adjust license renewal schedules. 69247

Sec. 4729.902. (A) A registered pharmacy technician or 69248
certified pharmacy technician shall file an application for 69249
registration renewal in the form and manner prescribed by the 69250
state board of pharmacy in rules adopted under section 4729.94 69251
of the Revised Code. Registrations shall be renewed in 69252
accordance with the rules and the standard renewal procedure set 69253
forth in Chapter 4745. of the Revised Code. The renewal fee is 69254
~~twenty-five~~ sixty-five dollars per year. 69255

(B) (1) A registered pharmacy technician or certified 69256
pharmacy technician who fails to renew registration in 69257
accordance with division (A) of this section is prohibited from 69258
engaging in the activities authorized by section 4729.91 of the 69259
Revised Code. 69260

(2) (a) A registration that is not renewed by a date 69261
determined under division (A) of this section but has not lapsed 69262
for more than ninety days may be reinstated if the applicant 69263
does both of the following: 69264

(i) Submits a renewal application in a form prescribed by 69265
the board in rules adopted under section 4729.94 of the Revised 69266
Code; 69267

(ii) Pays the renewal fee and a late fee of fifty dollars. 69268

(b) A registration that has lapsed for more than ninety 69269
days cannot be renewed, but the registration holder may reapply 69270

for registration. 69271

Sec. 4729.921. An applicant for registration as a pharmacy 69272
technician trainee shall file with the state board of pharmacy 69273
an application in the form and manner prescribed in rules 69274
adopted under section 4729.94 of the Revised Code. The 69275
application shall be accompanied by an application fee of 69276
~~twenty-five~~ forty dollars, which shall not be returned if the 69277
applicant fails to qualify for registration. 69278

If the board is satisfied that an applicant meets the 69279
requirements of section 4729.92 of the Revised Code and any 69280
additional requirements established by the board and determines 69281
that the results of a criminal records check do not make the 69282
applicant ineligible, the board shall register the applicant as 69283
a pharmacy technician trainee. 69284

The board shall register as a pharmacy technician trainee 69285
in accordance with Chapter 4796. of the Revised Code an 69286
applicant who either holds a license or is registered in another 69287
state or has satisfactory work experience, a government 69288
certification, or a private certification as described in that 69289
chapter as a pharmacy technician trainee in a state that does 69290
not issue that license or registration. 69291

The board may register as a pharmacy technician trainee an 69292
applicant who is seventeen years of age and does not possess a 69293
high school diploma or certificate of high school equivalence if 69294
the applicant is enrolled in a career-technical school program 69295
that is approved by the board and conducted by a city, exempted 69296
village, local, or joint vocational school district. 69297

The board shall not refuse to register an applicant as a 69298
pharmacy technician trainee because of a conviction for an 69299

offense unless the refusal is in accordance with section 9.79 of the Revised Code. 69300
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Registration is valid for ~~one year~~ eighteen months from the date of registration, except that the board may extend the time period for which registration is valid. Registration is not renewable, but an individual may reapply for registration if the individual's previous registration has lapsed for more than five years or the board grants its approval. 69302
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Sec. 4730.433. (A) (1) Subject to division (A) (2) of this section, and notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician assistant who holds a license issued under this chapter and a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may do either of the following without having examined an individual to whom epinephrine may be administered: 69308
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(a) Personally furnish a supply of epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code; 69316
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(b) Issue a prescription for epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code. 69320
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(2) An epinephrine autoinjector personally furnished or prescribed under division (A) (1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form. 69324
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(B) A physician assistant who acts in good faith in 69328

accordance with this section is not liable for or subject to any 69329
of the following for any action or omission of an entity to 69330
which an epinephrine autoinjector is furnished or a prescription 69331
is issued: damages in any civil action, prosecution in any 69332
criminal proceeding, or professional disciplinary action. 69333

Sec. 4730.437. (A) (1) Subject to division (A) (2) of this 69334
section and notwithstanding any provision of this chapter or 69335
rule adopted by the state medical board, a physician assistant 69336
who holds a valid prescriber number issued by the board and has 69337
been granted physician-delegated prescriptive authority may do 69338
either of the following without having examined an individual to 69339
whom glucagon may be administered: 69340

(a) Personally furnish a supply of injectable or nasally 69341
administered glucagon for use in accordance with section 69342
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 69343
5180.262 of the Revised Code; 69344

(b) Issue a prescription for injectable or nasally 69345
administered glucagon in accordance with section 3313.7115, 69346
3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of 69347
the Revised Code. 69348

(2) Injectable or nasally administered glucagon personally 69349
furnished or prescribed under division (A) (1) of this section 69350
must be furnished or prescribed in such a manner that it may be 69351
administered only in a manufactured dosage form. 69352

(B) A physician assistant who acts in good faith in 69353
accordance with this section is not liable for or subject to any 69354
of the following for any action or omission of an entity to 69355
which injectable or nasally administered glucagon is furnished 69356
or a prescription is issued: damages in any civil action, 69357

prosecution in any criminal proceeding, or professional 69358
disciplinary action. 69359

Sec. 4731.07. (A) The state medical board shall keep a 69360
record of its proceedings. The minutes of a meeting of the board 69361
shall, on approval by the board, constitute an official record 69362
of its proceedings. 69363

(B) The board shall keep a register of applicants for 69364
licenses and certificates issued under this chapter; licenses 69365
issued under Chapters 4730., 4760., 4762., 4774., and 4778.; and 69366
licenses and limited permits issued under Chapters 4759. and 69367
4761. of the Revised Code. The register shall show the name of 69368
the applicant and whether the applicant was granted or refused 69369
the license, certificate, or limited permit being sought. The 69370
register is subject to section 4798.10 of the Revised Code. 69371

With respect to applicants to practice medicine and 69372
surgery or osteopathic medicine and surgery, the register shall 69373
show the name of the institution that granted the applicant the 69374
degree of doctor of medicine or osteopathic medicine. With 69375
respect to applicants to practice respiratory care, the register 69376
shall show the addresses of the person's last known place of 69377
business, the effective date and identification number of the 69378
license or limited permit, and, if applicable, the name and 69379
location of the institution that granted the person's degree or 69380
certificate of completion of respiratory care educational 69381
requirements and the date the degree or certificate of 69382
completion was issued. 69383

(C) The books and records of the board shall be prima- 69384
facie evidence of matters therein contained. 69385

Sec. 4731.295. (A) (1) As used in this section: 69386

(a) "Free clinic" has the same meaning as in section 69387
3701.071 of the Revised Code. 69388

(b) "Indigent and uninsured person" and "operation" have 69389
the same meanings as in section 2305.234 of the Revised Code. 69390

(2) For the purposes of this section, a person shall be 69391
considered retired from practice if the person's license has 69392
expired with the person's intention of ceasing to practice 69393
medicine and surgery or osteopathic medicine and surgery for 69394
remuneration. 69395

(B) The state medical board may issue, without 69396
examination, a volunteer's certificate to a person who is 69397
retired from practice so that the person may provide medical 69398
services to indigent and uninsured persons at any location, 69399
including a free clinic. The board shall deny issuance of a 69400
volunteer's certificate to a person who is not qualified under 69401
this section to hold a volunteer's certificate. 69402

(C) An application for a volunteer's certificate shall 69403
include all of the following: 69404

(1) A copy of the applicant's degree of medicine or 69405
osteopathic medicine. 69406

(2) One of the following, as applicable: 69407

(a) A copy of the applicant's most recent license 69408
authorizing the practice of medicine and surgery or osteopathic 69409
medicine and surgery issued by a jurisdiction in the United 69410
States that licenses persons to practice medicine and surgery or 69411
osteopathic medicine and surgery. 69412

(b) A copy of the applicant's most recent license 69413
equivalent to a license to practice medicine and surgery or 69414

osteopathic medicine and surgery in one or more branches of the 69415
United States armed services that the United States government 69416
issued. 69417

(3) Evidence of one of the following, as applicable: 69418

(a) That the applicant has maintained for at least ten 69419
years prior to retirement full licensure in good standing in any 69420
jurisdiction in the United States that licenses persons to 69421
practice medicine and surgery or osteopathic medicine and 69422
surgery. 69423

(b) That the applicant has practiced for at least ten 69424
years prior to retirement in good standing as a doctor of 69425
medicine and surgery or osteopathic medicine and surgery in one 69426
or more of the branches of the United States armed services. 69427

(4) An attestation that the applicant will not accept any 69428
form of remuneration for any medical services rendered while in 69429
possession of a volunteer's certificate. 69430

(D) The holder of a volunteer's certificate may provide 69431
medical services only to indigent and uninsured persons, but may 69432
do so at any location, including a free clinic. The holder shall 69433
not accept any form of remuneration for providing medical 69434
services while in possession of the certificate. Except in a 69435
medical emergency, the holder shall not perform any operation or 69436
deliver babies. The board may revoke a volunteer's certificate 69437
on receiving proof satisfactory to the board that the holder has 69438
engaged in practice in this state outside the scope of the 69439
certificate. 69440

(E) (1) A volunteer's certificate shall be valid for a 69441
period of three years, unless earlier revoked under division (D) 69442
of this section or pursuant to section 4731.22 of the Revised 69443

Code. A volunteer's certificate may be renewed upon the 69444
application of the holder. The board shall maintain a register 69445
of all persons who hold volunteer's certificates. The register 69446
is subject to section 4798.10 of the Revised Code. The board 69447
shall not charge a fee for issuing or renewing a certificate 69448
pursuant to this section. 69449

(2) To be eligible for renewal of a volunteer's 69450
certificate the holder of the certificate shall certify to the 69451
board completion of one hundred fifty hours of continuing 69452
medical education that meets the requirements of section 69453
4731.282 of the Revised Code regarding certification by private 69454
associations and approval by the board. The board may not renew 69455
a certificate if the holder has not complied with the continuing 69456
medical education requirements. Any entity for which the holder 69457
provides medical services may pay for or reimburse the holder 69458
for any costs incurred in obtaining the required continuing 69459
medical education credits. 69460

(3) The board shall issue a volunteer's certificate to 69461
each person who qualifies under this section for the 69462
certificate. The certificate shall state that the certificate 69463
holder is authorized to provide medical services pursuant to the 69464
laws of this state. The holder shall display the certificate 69465
prominently at the location where the holder primarily 69466
practices. 69467

(4) The holder of a volunteer's certificate issued 69468
pursuant to this section is subject to the immunity provisions 69469
regarding the provision of services to indigent and uninsured 69470
persons in section 2305.234 of the Revised Code. 69471

(F) The holder of a volunteer's certificate issued under 69472
this section is not required to obtain a license under Chapter 69473

4796. of the Revised Code. 69474

(G) The board shall adopt rules in accordance with Chapter 69475
119. of the Revised Code to administer and enforce this section. 69476

Sec. 4731.298. (A) The state medical board shall issue, 69477
without examination, to an applicant who meets the requirements 69478
of this section a visiting clinical professional development 69479
certificate authorizing the practice of medicine and surgery or 69480
osteopathic medicine and surgery as part of the applicant's 69481
participation in a clinical professional development program. 69482

(B) To be eligible for a visiting clinical professional 69483
development certificate, an applicant shall provide to the board 69484
satisfactory evidence that the applicant meets both of the 69485
following requirements: 69486

(1) Has been accepted for participation in a clinical 69487
professional development program of a medical school or 69488
osteopathic medical school in this state that is accredited by 69489
the liaison committee on medical education or the American 69490
osteopathic association or of a teaching hospital affiliated 69491
with such a medical school; 69492

(2) Holds a current, unrestricted license to practice 69493
medicine and surgery or osteopathic medicine and surgery issued 69494
in another country. 69495

(C) The board shall maintain a register of all persons who 69496
hold visiting clinical professional development certificates._ 69497
The register is subject to section 4798.10 of the Revised Code. 69498

(D) The holder of a visiting clinical professional 69499
development certificate may practice medicine and surgery or 69500
osteopathic medicine and surgery only as part of the clinical 69501
professional development program in which the certificate holder 69502

participates. The certificate holder's practice must be under 69503
the direct supervision of a qualified faculty member of the 69504
medical school, osteopathic medical school, or teaching hospital 69505
conducting the program who holds a license to practice medicine 69506
and surgery or osteopathic medicine and surgery issued under 69507
this chapter. 69508

The program in which the certificate holder participates 69509
shall ensure that the certificate holder does not do any of the 69510
following: 69511

(1) Write orders or prescribe medication; 69512

(2) Bill for services performed; 69513

(3) Occupy a residency or fellowship position approved by 69514
the accreditation council for graduate medical education; 69515

(4) Attempt to have participation in a clinical 69516
professional development program pursuant to this section 69517
counted toward meeting the graduate medical education 69518
requirements specified in section 4731.09 of the Revised Code. 69519

(E) The board may revoke a certificate issued under this 69520
section on receiving proof satisfactory to the board that the 69521
certificate holder has engaged in practice in this state outside 69522
the scope of the certificate or that there are grounds for 69523
action against the certificate holder under section 4731.22 of 69524
the Revised Code. 69525

(F) A visiting clinical professional development 69526
certificate is valid for the shorter of one year or the duration 69527
of the program in which the holder is participating. The 69528
certificate ceases to be valid if the holder resigns or is 69529
otherwise terminated from the program. The certificate may not 69530
be extended. 69531

(G) The program in which a certificate holder participates 69532
shall obtain from each patient or patient's parent or legal 69533
guardian written consent to any medical or surgical procedure or 69534
course of procedures in which the certificate holder 69535
participates. 69536

(H) The board may adopt any rules it considers necessary 69537
to implement this section. The rules shall be adopted in 69538
accordance with Chapter 119. of the Revised Code. 69539

Sec. 4731.92. (A) As used in this section, "physician" 69540
means an individual authorized under this chapter to practice 69541
medicine and surgery, osteopathic medicine and surgery, or 69542
podiatric medicine and surgery. 69543

(B) (1) Subject to division (B) (2) of this section, and 69544
notwithstanding any provision of this chapter or rule adopted by 69545
the state medical board, a physician may do either of the 69546
following without having examined an individual to whom glucagon 69547
may be administered: 69548

(a) Personally furnish a supply of injectable or nasally 69549
administered glucagon for use in accordance with section 69550
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 69551
5180.262 of the Revised Code; 69552

(b) Issue a prescription for injectable or nasally 69553
administered glucagon for use in accordance with section 69554
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 69555
5180.262 of the Revised Code. 69556

(2) Injectable or nasally administered glucagon personally 69557
furnished or prescribed under division (B) (1) of this section 69558
must be furnished or prescribed in such a manner that it may be 69559
administered only in a manufactured dosage form. 69560

(C) A physician who acts in good faith in accordance with 69561
this section is not liable for or subject to any of the 69562
following for any action or omission of an entity to which 69563
injectable or nasally administered glucagon is furnished or a 69564
prescription is issued: damages in any civil action, prosecution 69565
in any criminal proceeding, or professional disciplinary action. 69566

Sec. 4731.96. (A) As used in this section and section 69567
4731.961 of the Revised Code, "physician" means an individual 69568
authorized under this chapter to practice medicine and surgery, 69569
osteopathic medicine and surgery, or podiatric medicine and 69570
surgery. 69571

(B) (1) Subject to division (B) (2) of this section, and 69572
notwithstanding any provision of this chapter or rule adopted by 69573
the state medical board, a physician may do either of the 69574
following without having examined an individual to whom 69575
epinephrine may be administered: 69576

(a) Personally furnish a supply of epinephrine 69577
autoinjectors for use in accordance with sections 3313.7110, 69578
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 69579
~~5101.76~~ 5180.26 of the Revised Code; 69580

(b) Issue a prescription for epinephrine autoinjectors for 69581
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 69582
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 69583
Revised Code. 69584

(2) An epinephrine autoinjector personally furnished or 69585
prescribed under division (B) (1) of this section must be 69586
furnished or prescribed in such a manner that it may be 69587
administered only in a manufactured dosage form. 69588

(C) A physician who acts in good faith in accordance with 69589

this section is not liable for or subject to any of the 69590
following for any action or omission of an entity to which an 69591
epinephrine autoinjector is furnished or a prescription is 69592
issued: damages in any civil action, prosecution in any criminal 69593
proceeding, or professional disciplinary action. 69594

Sec. 4732.07. The state board of psychology shall keep a 69595
record of its proceedings and a register of applicants for 69596
licenses under this chapter and applicants for certificates 69597
under Chapter 4783. of the Revised Code. The register is subject 69598
to section 4798.10 of the Revised Code. The books and records of 69599
the board shall be prima-facie evidence of the matters therein 69600
contained. 69601

Sec. 4734.04. (A) The state chiropractic board shall hold 69602
meetings at the times and places that a majority of the board 69603
directs. A special meeting shall be held at the call of the 69604
board's president or at the request of two or more board 69605
members, in which case the meeting shall be called by the 69606
board's executive director. 69607

A majority of the board constitutes a quorum for the 69608
transaction of business. Except when action is taken on behalf 69609
of the board by the board's president under division (A) of 69610
section 4734.05 of the Revised Code, the board may not take any 69611
action without the concurrence of three members. The board shall 69612
make rules as necessary to govern its internal management. 69613

(B) The board shall keep a record of its meetings and 69614
other official actions, including a register of all applicants 69615
for licensure to practice chiropractic. The register shall show 69616
whether an applicant for licensure was rejected or was granted a 69617
license. The register is subject to section 4798.10 of the 69618
Revised Code. The board's records and register shall be prima- 69619

facie evidence of all matters recorded in them. The board shall 69620
adopt a common seal, which may be used to authenticate its 69621
official documents. 69622

Sec. 4735.06. ~~(A)~~(A) (1) Application for a license as a 69623
real estate broker shall be made to the superintendent of real 69624
estate on forms furnished by the superintendent and filed with 69625
the superintendent and shall be signed by the applicant or its 69626
members or officers. 69627

(2) Each application shall state the name of the person 69628
applying and the location of the place of business for which the 69629
license is desired, and give such other information as the 69630
superintendent requires in the form of application prescribed by 69631
the superintendent. 69632

(3) Each application shall include the address of the 69633
applicant's current residence or, if the applicant is not an 69634
individual, the address of the current residence of each of the 69635
applicant's members or officers. 69636

(4) The superintendent shall retain residential addresses 69637
submitted under division (A) (3) of this section as separate 69638
records, and those records are subject to section 4798.10 of the 69639
Revised Code. 69640

(B) (1) If the applicant is a partnership, limited 69641
liability company, limited liability partnership, or 69642
association, the names of all the members also shall be stated, 69643
and, if the applicant is a corporation, the names of its 69644
president and of each of its officers also shall be stated. 69645

The superintendent has the right to reject the application 69646
of any partnership, association, limited liability company, 69647
limited liability partnership, or corporation if the name 69648

proposed to be used by such partnership, association, limited
liability company, limited liability partnership, or corporation
is likely to mislead the public or if the name is not such as to
distinguish it from the name of any existing partnership,
association, limited liability company, limited liability
partnership, or corporation licensed under this chapter, unless
there is filed with the application the written consent of such
existing partnership, association, limited liability company,
limited liability partnership, or corporation, executed by a
duly authorized representative of it, permitting the use of the
name of such existing partnership, association, limited
liability company, limited liability partnership, or
corporation.

(2) The superintendent shall approve the use of a trade
name by a brokerage, if the name meets both of the following
criteria:

(a) The proposed name is not the same as or is clearly
distinguishable from a name registered with the division of real
estate and professional licensing by another existing brokerage.
If the superintendent determines that the proposed name is not
clearly distinguishable from any other existing brokerage, the
superintendent may approve the use of the trade name if there is
filed with the superintendent the written consent of the
existing brokerage with the same or similar name.

(b) The name is not misleading or likely to mislead the
public.

(3) The superintendent may approve the use of more than
one trade name for a brokerage.

(4) When a brokerage has received the approval of the

superintendent to conduct business under one or more trade 69678
names, those trade names shall be the only identifying names 69679
used by the brokerage in all advertising. 69680

(C) A fee of one hundred thirty-five dollars shall 69681
accompany the application for a real estate broker's license. 69682
The initial licensing period commences at the time the license 69683
is issued and ends on the applicant's first birthday thereafter. 69684
However, if the applicant was an inactive or active salesperson 69685
immediately preceding application for a broker's license, then 69686
the initial licensing period shall commence at the time the 69687
broker's license is issued and ends on the date the licensee's 69688
continuing education is due as set when the applicant was a 69689
salesperson. The application fee shall be nonrefundable. A fee 69690
of one hundred thirty-five dollars shall be charged by the 69691
superintendent for each successive application made by an 69692
applicant. In the case of issuance of a three-year license, upon 69693
passing the examination, or upon waiver of the examination 69694
requirement, if the superintendent determines it is necessary, 69695
the applicant shall submit an additional fee determined by the 69696
superintendent based upon the number of years remaining in a 69697
real estate salesperson's licensing period. 69698

(D) The Ohio real estate commission may use the division 69699
of real estate operating fund created under section 4735.211 of 69700
the Revised Code in discharging the duties prescribed in 69701
divisions (E), (F), (G), and (H) of section 4735.03 of the 69702
Revised Code and may use it in the advancement of education and 69703
research in real estate at any institution of higher education 69704
in the state, or in contracting with any such institution or a 69705
trade organization for a particular research or educational 69706
project in the field of real estate, or in advancing loans, not 69707
exceeding two thousand dollars, to applicants for salesperson 69708

licenses, to defray the costs of satisfying the educational 69709
requirements of division (F) of section 4735.09 of the Revised 69710
Code. Such loans shall be made according to rules established by 69711
the commission under the procedures of Chapter 119. of the 69712
Revised Code, and they shall be repaid to the fund within three 69713
years of the time they are made. No more than twenty-five 69714
thousand dollars shall be lent from the fund in any one fiscal 69715
year. 69716

The governor may appoint a representative from the 69717
executive branch to be a member ex officio of the commission for 69718
the purpose of advising on research requests or educational 69719
projects. The commission shall report to the general assembly on 69720
the third Tuesday after the third Monday in January of each year 69721
setting forth the total amount contained in the fund and the 69722
amount of each research grant that it has authorized and the 69723
amount of each research grant requested. A copy of all research 69724
reports shall be submitted to the state library of Ohio and the 69725
library of the legislative service commission. 69726

(E) If the superintendent, with the consent of the 69727
commission, enters into an agreement with a national testing 69728
service to administer the real estate broker's examination, 69729
pursuant to division (A) of section 4735.07 of the Revised Code, 69730
the superintendent may require an applicant to pay the testing 69731
service's examination fee directly to the testing service. If 69732
the superintendent requires the payment of the examination fee 69733
directly to the testing service, each applicant shall submit to 69734
the superintendent a processing fee in an amount determined by 69735
the Ohio real estate commission pursuant to division (A)(2) of 69736
section 4735.10 of the Revised Code. 69737

Sec. 4735.09. (A) Application for a license as a real 69738

estate salesperson shall be made to the superintendent of real 69739
estate on forms furnished by the superintendent and signed by 69740
the applicant. The application shall be in the form prescribed 69741
by the superintendent and shall contain such information as is 69742
required by this chapter and the rules of the Ohio real estate 69743
commission. The application shall include the address of the 69744
applicant's current residence. The superintendent shall retain 69745
the applicant's current residence address in a separate record, 69746
and that record is subject to section 4798.10 of the Revised 69747
Code. The application shall be accompanied by the recommendation 69748
of the real estate broker with whom the applicant is associated 69749
or with whom the applicant intends to be associated, certifying 69750
that the applicant is honest and truthful, and has not been 69751
finally adjudged by a court to have violated any municipal, 69752
state, or federal civil rights laws relevant to the protection 69753
of purchasers or sellers of real estate, which conviction or 69754
adjudication the applicant has not disclosed to the 69755
superintendent, and recommending that the applicant be admitted 69756
to the real estate salesperson examination. 69757

(B) A fee of eighty-one dollars shall accompany the 69758
application, which fee includes the fee for the initial year of 69759
the licensing period, if a license is issued. The initial year 69760
of the licensing period commences at the time the license is 69761
issued and ends on the applicant's first birthday thereafter. 69762
The application fee shall be nonrefundable. A fee of eighty-one 69763
dollars shall be charged by the superintendent for each 69764
successive application made by the applicant. 69765

(C) There shall be no limit placed on the number of times 69766
an applicant may retake the examination. 69767

(D) The superintendent, with the consent of the 69768

commission, may enter into an agreement with a recognized 69769
national testing service to administer the real estate 69770
salesperson's examination under the superintendent's supervision 69771
and control, consistent with the requirements of this chapter as 69772
to the contents of the examination. 69773

If the superintendent, with the consent of the commission, 69774
enters into an agreement with a national testing service to 69775
administer the real estate salesperson's examination, the 69776
superintendent may require an applicant to pay the testing 69777
service's examination fee directly to the testing service. If 69778
the superintendent requires the payment of the examination fee 69779
directly to the testing service, each applicant shall submit to 69780
the superintendent a processing fee in an amount determined by 69781
the Ohio real estate commission pursuant to division (A) (1) of 69782
section 4735.10 of the Revised Code. 69783

(E) The superintendent shall issue a real estate 69784
salesperson's license when satisfied that the applicant has 69785
received a passing score on each portion of the salesperson's 69786
examination as determined by rule by the real estate commission. 69787

(F) No applicant for a salesperson's license shall take 69788
the salesperson's examination who has not established to the 69789
satisfaction of the superintendent that the applicant: 69790

(1) Is honest and truthful; 69791

(2) (a) Has not been convicted of a disqualifying offense 69792
as determined in accordance with section 9.79 of the Revised 69793
Code; 69794

(b) Has not been finally adjudged by a court to have 69795
violated any municipal, state, or federal civil rights laws 69796
relevant to the protection of purchasers or sellers of real 69797

estate or, if the applicant has been so adjudged, at least two 69798
years have passed since the court decision and the 69799
superintendent has disregarded the adjudication because the 69800
applicant has proven, by a preponderance of the evidence, that 69801
the applicant is honest and truthful, and there is no basis in 69802
fact for believing that the applicant again will violate the 69803
laws involved. 69804

(3) Has not, during any period in which the applicant was 69805
licensed under this chapter, violated any provision of, or any 69806
rule adopted pursuant to this chapter, or, if the applicant has 69807
violated such provision or rule, has established to the 69808
satisfaction of the superintendent that the applicant will not 69809
again violate such provision or rule; 69810

(4) Is at least eighteen years of age; 69811

(5) If born after the year 1950, has a high school diploma 69812
or a certificate of high school equivalence issued under section 69813
3301.80 of the Revised Code; 69814

(6) Has successfully completed at an institution of higher 69815
education all of the following credit-eligible courses by either 69816
classroom instruction or distance education: 69817

(a) Forty hours of instruction in real estate practice; 69818

(b) Forty hours of instruction that includes the subjects 69819
of Ohio real estate law, municipal, state, and federal civil 69820
rights law, new case law on housing discrimination, 69821
desegregation issues, and methods of eliminating the effects of 69822
prior discrimination. If feasible, the instruction in Ohio real 69823
estate law shall be taught by a member of the faculty of an 69824
accredited law school. If feasible, the instruction in 69825
municipal, state, and federal civil rights law, new case law on 69826

housing discrimination, desegregation issues, and methods of 69827
eliminating the effects of prior discrimination shall be taught 69828
by a staff member of the Ohio civil rights commission who is 69829
knowledgeable with respect to those subjects. The requirements 69830
of this division do not apply to an applicant who is admitted to 69831
practice before the supreme court. 69832

(c) Twenty hours of instruction in real estate appraisal; 69833

(d) Twenty hours of instruction in real estate finance. 69834

(G) (1) Successful completion of the instruction required 69835
by division (F) (6) of this section shall be determined by the 69836
law in effect on the date the instruction was completed. 69837

(2) Division (F) (6) (c) of this section does not apply to 69838
any new applicant who holds a valid Ohio real estate appraiser 69839
license or certificate issued prior to the date of application 69840
for a real estate salesperson's license. 69841

(H) Only for noncredit course offerings, an institution of 69842
higher education shall obtain approval from the appropriate 69843
state authorizing entity prior to offering a real estate course 69844
that is designed and marketed as satisfying the salesperson 69845
license education requirements of division (F) (6) of this 69846
section. The state authorizing entity may consult with the 69847
superintendent in reviewing the course for compliance with this 69848
section. 69849

(I) Any person who has not been licensed as a real estate 69850
salesperson or broker within a four-year period immediately 69851
preceding the person's current application for the salesperson's 69852
examination shall have successfully completed the prelicensure 69853
instruction required by division (F) (6) of this section within a 69854
ten-year period immediately preceding the person's current 69855

application for the salesperson's examination. 69856

(J) Not earlier than the date of issue of a real estate 69857
salesperson's license to a licensee, but not later than twelve 69858
months after the date of issue of a real estate salesperson 69859
license to a licensee, the licensee shall submit proof 69860
satisfactory to the superintendent, on forms made available by 69861
the superintendent, of the completion of twenty hours of 69862
instruction that shall be completed in schools, seminars, and 69863
educational institutions approved by the commission. The 69864
instruction shall include, but is not limited to, current 69865
practices relating to commercial real estate, property 69866
management, short sales, and land contracts; contract law; 69867
federal and state programs; economic conditions; and fiduciary 69868
responsibility. Approval of the curriculum and providers shall 69869
be granted according to rules adopted pursuant to section 69870
4735.10 of the Revised Code and may be taken through classroom 69871
instruction or distance education. 69872

If proof of completion of the required instruction is not 69873
submitted within twelve months of the date a license is issued 69874
under this section, the licensee's license is suspended 69875
automatically without the taking of any action by the 69876
superintendent. The superintendent immediately shall notify the 69877
broker with whom such salesperson is associated of the 69878
suspension of the salesperson's license. A salesperson whose 69879
license has been suspended under this division shall have twelve 69880
months after the date of the suspension of the salesperson's 69881
license to submit proof of successful completion of the 69882
instruction required under this division. No such license shall 69883
be reactivated by the superintendent until it is established, to 69884
the satisfaction of the superintendent, that the requirements of 69885
this division have been met and that the licensee is in 69886

compliance with this chapter. A licensee's license is revoked 69887
automatically without the taking of any action by the 69888
superintendent when the licensee fails to submit the required 69889
proof of completion of the education requirements under division 69890
(I) of this section within twelve months of the date the license 69891
is suspended. 69892

(K) Examinations shall be administered with reasonable 69893
accommodations in accordance with the requirements of the 69894
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 69895
U.S.C. 12189. The contents of an examination shall be consistent 69896
with the classroom instructional requirements of division (F) (6) 69897
of this section. An applicant who has completed the classroom 69898
instructional requirements of division (F) (6) of this section at 69899
the time of application shall be examined no later than twelve 69900
months after the applicant is notified of the applicant's 69901
admission to the examination. 69902

(L) Notwithstanding any provision of this chapter or 69903
Chapter 4796. of the Revised Code to the contrary, the 69904
superintendent shall issue a real estate salesperson's license 69905
in accordance with Chapter 4796. of the Revised Code to an 69906
applicant if both of the following apply: 69907

(1) The applicant satisfies the requirements specified in 69908
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 69909
applicable. 69910

(2) The applicant passes an examination on Ohio real 69911
estate law. 69912

Sec. 4740.06. (A) Any individual who applies for a license 69913
shall file a written application with the appropriate specialty 69914
section of the Ohio construction industry licensing board, 69915

accompanied with the application fee as determined pursuant to 69916
section 4740.09 of the Revised Code. The application shall be on 69917
the form the section prescribes ~~and verified by the applicant's~~ 69918
~~oath~~. The applicant shall provide information satisfactory to 69919
the section showing that the applicant meets the requirements of 69920
division (B), (C), or (D) of this section. 69921

(B) To qualify to take an examination, an individual 69922
shall: 69923

(1) Be at least eighteen years of age; 69924

(2) Be a United States citizen or legal alien who produces 69925
valid documentation to demonstrate the individual is a legal 69926
resident of the United States; 69927

(3) Either have been a tradesperson in the type of 69928
licensed trade for which the application is filed for not less 69929
than five years immediately prior to the date the application is 69930
filed, be a currently registered engineer in this state with 69931
three years of business experience in the construction industry 69932
in the trade for which the engineer is applying to take an 69933
examination, or have other experience acceptable to the 69934
appropriate specialty section of the board; 69935

(4) Maintain contractor's liability insurance in an amount 69936
the appropriate specialty section of the board determines and 69937
only in one contracting company name; 69938

(5) Not have done any of the following: 69939

(a) Violated this chapter or any rule adopted pursuant to 69940
it; 69941

(b) Obtained or renewed a license issued pursuant to this 69942
chapter, or any order, ruling, or authorization of the board or 69943

a section of the board by fraud, misrepresentation, or 69944
deception; 69945

(c) Engaged in fraud, misrepresentation, or deception in 69946
the conduct of business. 69947

(C) For an individual who holds an out-of-state 69948
occupational license, as defined in section 4796.01 of the 69949
Revised Code, that is substantially similar to the license for 69950
which the individual is applying under this chapter, to qualify 69951
to take an examination, an individual shall: 69952

(1) Provide proof that the individual was issued at least 69953
five authorizations for construction, erection, equipment, 69954
alteration, or addition of any building by an authority with 69955
responsibility for enforcing building regulations in the 69956
jurisdiction where the individual holds the out-of-state 69957
occupational license; 69958

(2) Provide at least one tax return that reflects income 69959
earned for services provided under the individual's out-of-state 69960
occupational license; 69961

(3) Provide proof that the contracting company with whom 69962
the individual is employed in the jurisdiction where the 69963
individual holds the out-of-state occupational license is either 69964
of the following: 69965

(a) Licensed as a foreign corporation under section 69966
1703.04 of the Revised Code and has designated an agent in this 69967
state in accordance with section 1703.041 of the Revised Code; 69968

(b) Registered as a foreign limited liability company 69969
under section 1706.511 of the Revised Code and has designated an 69970
agent in this state in accordance with section 1706.09 of the 69971
Revised Code. 69972

(4) Meet the requirements described in divisions (B) (1), 69973
(2), (4), and (5) of this section. 69974

(D) (1) For an individual who has been actively engaged in 69975
activities in the service of the uniformed services, as defined 69976
in section 4796.01 of the Revised Code, that are substantially 69977
similar to the activities for which the license the individual 69978
is applying under this chapter is required, to qualify to take 69979
an examination, an individual shall: 69980

(a) Provide proof that the individual was actively engaged 69981
in the activities in the service of the uniformed services for 69982
at least three of the five years immediately preceding the date 69983
the application is submitted; 69984

(b) Meet the requirements described in divisions (B) (1), 69985
(2), (4), and (5) of this section. 69986

(2) Each specialty section of the board may adopt a rule 69987
in accordance with Chapter 119. of the Revised Code to waive the 69988
requirement that an applicant under division (D) (1) (a) of this 69989
section has been actively engaged in the activity for three of 69990
the five years immediately preceding the date the application is 69991
submitted. 69992

(E) The board secretary, or the secretary's designee, 69993
shall approve an application for examination submitted under 69994
division (C) or (D) of this section within thirty days after 69995
receiving a complete application that meets the requirements of 69996
that division. 69997

(F) When an applicant for licensure as a contractor in a 69998
licensed trade meets the qualifications set forth in division 69999
(B), (C), or (D) of this section and passes the required 70000
examination, the appropriate specialty section of the board, 70001

within ninety days after the application was filed, shall 70002
authorize the administrative section of the board to license the 70003
applicant for the type of contractor's license for which the 70004
applicant qualifies. A specialty section of the board may 70005
withdraw its authorization to the administrative section for 70006
issuance of a license for good cause shown, on the condition 70007
that notice of that withdrawal is given prior to the 70008
administrative section's issuance of the license. 70009

(G) (1) Except as provided in division (G) (2) of this 70010
section, if an applicant does not pass the required examination, 70011
the applicant may retake the examination not less than sixty 70012
days after the applicant's most recent examination. 70013

(2) An applicant who does not pass the required 70014
examination after taking the examination five times under this 70015
section shall reapply for a license under division (A) of this 70016
section before retaking the required examination any subsequent 70017
time. 70018

(H) All licenses a contractor holds pursuant to this 70019
chapter shall expire annually on the same date, which shall be 70020
the expiration date of the original license the contractor 70021
holds. An individual holding a valid, unexpired license may 70022
renew the license, without reexamination, by submitting an 70023
application to the appropriate specialty section of the board 70024
not more than ninety calendar days before the expiration of the 70025
license, along with the renewal fee the specialty section 70026
requires and proof of compliance with the applicable continuing 70027
education requirements. The applicant shall provide information 70028
in the renewal application satisfactory to demonstrate to the 70029
appropriate specialty section that the applicant continues to 70030
meet the requirements of divisions (B) (2), (4), and (5) of this 70031

section. 70032

Upon application and within one calendar year after a 70033
license has expired, a section may waive any of the requirements 70034
for renewal of a license upon finding that an applicant 70035
substantially meets the renewal requirements or that failure to 70036
timely apply for renewal is due to excusable neglect. A section 70037
that waives requirements for renewal of a license may impose 70038
conditions upon the licensee and assess a late filing fee of not 70039
more than double the usual renewal fee. An applicant shall 70040
satisfy any condition the section imposes before a license is 70041
reissued. 70042

(I) An individual holding a valid license may request the 70043
section of the board that authorized that license to place the 70044
license in inactive status under conditions, and for a period of 70045
time, as that section determines. 70046

(J) Except for the ninety-day extension provided for a 70047
license assigned to a contracting company under division (D) of 70048
section 4740.07 of the Revised Code, a license held by an 70049
individual immediately terminates upon the death of the 70050
individual. 70051

(K) Nothing in any license issued by the Ohio construction 70052
industry licensing board shall be construed to limit or 70053
eliminate any requirement of or any license issued by the Ohio 70054
fire marshal. 70055

(L) (1) Subject to division (L) (3) of this section, no 70056
specialty section of the board shall adopt, maintain, renew, or 70057
enforce any rule, or otherwise preclude in any way, an 70058
individual from renewing a license under this chapter due to any 70059
past criminal activity or interpretation of moral character. If 70060

the specialty section denies an individual a license renewal, 70061
the reasons for such denial shall be put in writing. 70062

(2) The section may refuse to issue a license to an 70063
applicant because of a conviction of or plea of guilty to an 70064
offense if the refusal is in accordance with section 9.79 of the 70065
Revised Code. 70066

(3) In considering a renewal of an individual's license, 70067
the section shall not consider any conviction or plea of guilty 70068
prior to the initial licensing. However, the board may consider 70069
a conviction or plea of guilty if it occurred after the 70070
individual was initially licensed, or after the most recent 70071
license renewal. 70072

(4) The section may grant an individual a conditional 70073
license that lasts for one year. After the one-year period has 70074
expired, the license is no longer considered conditional, and 70075
the individual shall be considered fully licensed. 70076

(M) Notwithstanding divisions (H) and (L) of this section 70077
and sections 4740.04 and 4740.05 of the Revised Code, the board 70078
may establish rules that amend the continuing education 70079
requirements and license renewal schedule for licensees as 70080
provided in or adopted pursuant to those sections for the 70081
purpose of establishing a compliance incentive program. These 70082
rules may include provisions for the creation of the program and 70083
the qualifications, continuing education requirements, and 70084
renewal schedule for the program. 70085

Sec. 4741.03. (A) The state veterinary medical licensing 70086
board shall meet at least once in each calendar year and may 70087
hold additional meetings as often as it considers necessary to 70088
conduct the business of the board. The president of the board 70089

may call special meetings, and the executive director shall call 70090
special meetings upon the written request of three members of 70091
the board. The board shall organize by electing a president and 70092
vice-president from its veterinarian members and such other 70093
officers as the board prescribes by rule. Each officer shall 70094
serve for a term specified by board rule or until a successor is 70095
elected and qualified. A quorum of the board consists of four 70096
members of which at least three are members who are 70097
veterinarians. The concurrence of four members is necessary for 70098
the board to take any action. 70099

(B) The board may appoint a person, not one of its 70100
members, to serve as its executive director. The executive 70101
director is in the unclassified service and serves at the 70102
pleasure of the board. The executive director shall serve as the 70103
board's secretary-treasurer ex officio. The board may employ 70104
additional employees for professional, technical, clerical, and 70105
special work as it considers necessary. The executive director 70106
shall give a surety bond to the state in the sum the board 70107
requires, conditioned upon the faithful performance of the 70108
executive director's duties. The board shall pay the cost of the 70109
bond. The executive director shall keep a complete accounting of 70110
all funds received and of all vouchers presented by the board to 70111
the director of budget and management for the disbursement of 70112
funds. The president or executive director shall approve all 70113
vouchers of the board. All money received by the board shall be 70114
credited to the occupational licensing and regulatory fund. 70115

(C) In addition to any other duty required under this 70116
chapter, the board shall do all of the following: 70117

(1) Prescribe a seal; 70118

(2) Review the results of ~~board-approved~~ board-approved, 70119

nationally recognized examinations taken by applicants in	70120
accordance with rules adopted by the board.	70121
(3) Keep a record of all of its meetings and proceedings;	70122
(4) Maintain a register that records all applicants for a	70123
certificate of license or a temporary permit, all persons who	70124
have been denied a license or permit, all persons who have been	70125
granted or reissued a license or permit, and all persons whose	70126
license or permit has been revoked or suspended. The register	70127
shall also include a record of persons licensed prior to October	70128
17, 1975.	70129
(5) Maintain a register, in such form as the board	70130
determines by rule, of all colleges and universities that teach	70131
veterinary medicine and veterinary technology that are approved	70132
by the board;	70133
(6) Enforce this chapter, and for that purpose, make	70134
investigations relative as provided in section 4741.26 of the	70135
Revised Code;	70136
(7) Issue licenses and permits to persons who meet the	70137
qualifications set forth in this chapter;	70138
(8) Approve colleges and universities which meet the	70139
board's requirements for veterinary medicine and associated	70140
fields of study and withdraw or deny, after an adjudication	70141
conducted in accordance with Chapter 119. of the Revised Code,	70142
approval from colleges and universities which fail to meet those	70143
requirements;	70144
(9) Adopt rules, in accordance with Chapter 119. of the	70145
Revised Code, which are necessary for its government and for the	70146
administration and enforcement of this chapter.	70147

(D) The board may do all of the following: 70148

(1) Subpoena witnesses and require their attendance and 70149
testimony, and require the production by witnesses of books, 70150
papers, public records, animal patient records, and other 70151
documentary evidence and examine them, in relation to any matter 70152
that the board has authority to investigate, inquire into, or 70153
hear. Except for any officer or employee of the state or any 70154
political subdivision of the state, the treasurer of state shall 70155
pay all witnesses in any proceeding before the board, upon 70156
certification from the board, witness fees and mileage in the 70157
amount provided for under section 119.094 of the Revised Code. 70158

(2) Examine and inspect books, papers, public records, 70159
animal patient records, and other documentary evidence at the 70160
location where the books, papers, records, and other evidence 70161
are normally stored or maintained. 70162

(E) All registers, books, and records kept by the board 70163
are the property of the board and are open for public 70164
examination and inspection at all reasonable times in accordance 70165
with section 149.43 of the Revised Code. The registers, books, 70166
and records are prima-facie evidence of the matters contained in 70167
them. The registers, books, and records are subject to section 70168
4798.10 of the Revised Code. 70169

Sec. 4743.09. (A) As used in this section: 70170

(1) "Durable medical equipment" means a type of equipment, 70171
such as a remote monitoring device utilized by a physician, 70172
physician assistant, or advanced practice registered nurse in 70173
accordance with this section, that can withstand repeated use, 70174
is primarily and customarily used to serve a medical purpose, 70175
and generally is not useful to a person in the absence of 70176

illness or injury and, in addition, includes repair and 70177
replacement parts for the equipment. 70178

(2) "Facility fee" means any fee charged or billed for 70179
telehealth services provided in a facility that is intended to 70180
compensate the facility for its operational expenses and is 70181
separate and distinct from a professional fee. 70182

(3) "Health care professional" means: 70183

(a) An advanced practice registered nurse, as defined in 70184
section 4723.01 of the Revised Code; 70185

(b) An optometrist licensed under Chapter 4725. of the 70186
Revised Code to practice optometry; 70187

(c) A pharmacist licensed under Chapter 4729. of the 70188
Revised Code; 70189

(d) A physician assistant licensed under Chapter 4730. of 70190
the Revised Code; 70191

(e) A physician licensed under Chapter 4731. of the 70192
Revised Code to practice medicine and surgery, osteopathic 70193
medicine and surgery, or podiatric medicine and surgery; 70194

(f) A psychologist, independent school psychologist, or 70195
school psychologist licensed under Chapter 4732. of the Revised 70196
Code; 70197

(g) A chiropractor licensed under Chapter 4734. of the 70198
Revised Code; 70199

(h) An audiologist or speech-language pathologist licensed 70200
under Chapter 4753. of the Revised Code; 70201

(i) An occupational therapist or physical therapist 70202
licensed under Chapter 4755. of the Revised Code; 70203

(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	70204 70205 70206
(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	70207 70208 70209 70210
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	70211 70212
(m) <u>A peer recovery supporter, youth peer supporter, or family peer supporter certified under Chapter 4758. of the Revised Code;</u>	70213 70214 70215
<u>(n)</u> A dietitian licensed under Chapter 4759. of the Revised Code;	70216 70217
(n) <u>(o)</u> A respiratory care professional licensed under Chapter 4761. of the Revised Code;	70218 70219
(o) <u>(p)</u> A genetic counselor licensed under Chapter 4778. of the Revised Code;	70220 70221
(p) <u>(q)</u> A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	70222 70223
(q) <u>(r)</u> A certified mental health assistant licensed under Chapter 4772. of the Revised Code.	70224 70225
(4) "Health care professional licensing board" means any of the following:	70226 70227
(a) The board of nursing;	70228
(b) The state vision professionals board;	70229
(c) The state board of pharmacy;	70230

(d) The state medical board;	70231
(e) The state board of psychology;	70232
(f) The state chiropractic board;	70233
(g) The state speech and hearing professionals board;	70234
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	70235 70236
(i) The counselor, social worker, and marriage and family therapist board;	70237 70238
(j) The chemical dependency professionals board.	70239
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	70240 70241
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:	70242 70243 70244 70245 70246
(a) The patient receiving the services;	70247
(b) Another health care professional with whom the provider of the services is consulting regarding the patient.	70248 70249
(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the	70250 70251 70252 70253 70254 70255 70256 70257

requirements of division (F) of section 121.95 of the Revised Code. 70258
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(2) (a) Except as provided in division (B) (2) (b) of this section, the rules adopted by a health care professional licensing board under this section shall establish a standard of care for telehealth services that is equal to the standard of care for in-person services. 70260
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(b) Subject to division (B) (2) (c) of this section, a board may require an initial in-person visit prior to prescribing a schedule II controlled substance to a new patient, equivalent to applicable state and federal requirements. 70265
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(c) (i) A board shall not require an initial in-person visit for a new patient whose medical record indicates that the patient is receiving hospice or palliative care, who is receiving medication-assisted treatment or any other medication for opioid-use disorder, who is a patient with a mental health condition, or who, as determined by the clinical judgment of a health care professional, is in an emergency situation. 70269
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(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance. 70276
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(C) With respect to the provision of telehealth services, all of the following apply: 70279
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(1) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit if the appropriate standard of care for an initial visit is satisfied. 70281
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(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo 70285
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an in-person visit. 70287

(3) When providing telehealth services in accordance with 70288
this section, a health care professional shall comply with all 70289
requirements under state and federal law regarding the 70290
protection of patient information. A health care professional 70291
shall ensure that any username or password information and any 70292
electronic communications between the professional and a patient 70293
are securely transmitted and stored. 70294

(4) A health care professional may use synchronous or 70295
asynchronous technology to provide telehealth services to a 70296
patient during an annual visit if the appropriate standard of 70297
care for an annual visit is satisfied. 70298

(5) In the case of a health care professional who is a 70299
physician, physician assistant, or advanced practice registered 70300
nurse, both of the following apply: 70301

(a) The professional may provide telehealth services to a 70302
patient located outside of this state if permitted by the laws 70303
of the state in which the patient is located. 70304

(b) The professional may provide telehealth services 70305
through the use of medical devices that enable remote 70306
monitoring, including such activities as monitoring a patient's 70307
blood pressure, heart rate, or glucose level. 70308

(D) When a patient has consented to receiving telehealth 70309
services, the health care professional who provides those 70310
services is not liable in damages under any claim made on the 70311
basis that the services do not meet the same standard of care 70312
that would apply if the services were provided in-person. 70313

(E) (1) A health care professional providing telehealth 70314
services shall not charge a patient or a health plan issuer 70315

covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the amendments to this section, to expand access to and investment in telehealth services in this state in congruence with the expansion and investment in telehealth services made during the COVID-19 pandemic.

Sec. 4744.12. (A) The state speech and hearing professionals board shall annually elect from among its members

a president and secretary. The board shall hold at least four 70345
regular meetings each year and may hold additional meetings as 70346
it considers necessary. At least one of the board's regular 70347
meetings shall be held in Franklin county. The board shall 70348
publish the time and place of any meetings at least thirty days 70349
before the date on which the meeting is to be held, except that 70350
in the case of an emergency or special meeting, the board shall 70351
give twenty-four-hours' notice or as much notice as possible. 70352

A majority of board members constitutes a quorum. 70353

(B) The board shall do all of the following: 70354

(1) Adopt a seal and certificate of suitable design; 70355

(2) Maintain a record of its proceedings; 70356

(3) Maintain a register of every individual holding a 70357
certificate, license, or permit issued under Chapters 4747. and 70358
4753. of the Revised Code and every individual whose 70359
certificate, license, or permit has been revoked under those 70360
chapters. 70361

(C) Except as otherwise provided in the Revised Code, the 70362
books and records of the board, including its registers, shall 70363
be open to public inspection at all reasonable times. A copy of 70364
an entry in those books and records, certified by the executive 70365
director under the board's seal, is prima facie evidence of the 70366
facts therein stated. The books and records of the board, 70367
including its registers, are subject to section 4798.10 of the 70368
Revised Code. 70369

Sec. 4749.06. (A) Each class A, B, or C licensee shall 70370
register the licensee's investigator or security guard 70371
employees, with the department of public safety, which shall 70372
maintain a record of each licensee and registered employee and 70373

make it available, upon request, to any law enforcement agency. 70374
The class A, B, or C licensee shall file an application to 70375
register a new employee no sooner than three days nor later than 70376
seven calendar days after the date on which the employee is 70377
hired. The record maintained by the department is subject to 70378
section 4798.10 of the Revised Code. 70379

(B) (1) Each employee's registration application shall be 70380
accompanied by one recent photograph of the employee, the 70381
employee's physical description, and the registration fee the 70382
director determines, not to exceed forty dollars. 70383

(2) The employee shall submit one complete set of 70384
fingerprints directly to the superintendent of the bureau of 70385
criminal identification and investigation for the purpose of 70386
conducting a criminal records check. The employee shall provide 70387
the fingerprints using a method the superintendent prescribes 70388
pursuant to division (C) (2) of section 109.572 of the Revised 70389
Code and fill out the form the superintendent prescribes 70390
pursuant to division (C) (1) of section 109.572 of the Revised 70391
Code. An employee who intends to carry a firearm as defined in 70392
section 2923.11 of the Revised Code in the course of business or 70393
employment shall so notify the superintendent. This notification 70394
is in addition to any other requirement related to carrying a 70395
firearm that applies to the employee. The individual or 70396
corporation requesting the criminal records check shall pay the 70397
fee the superintendent prescribes. 70398

The superintendent shall conduct the criminal records 70399
check as set forth in division (B) of section 109.572 of the 70400
Revised Code. If an employee intends to carry a firearm in the 70401
course of business or employment, pursuant to division (B) (2) of 70402
section 109.572 of the Revised Code the superintendent shall 70403

make a request of the federal bureau of investigation for any 70404
information and review the information the bureau provides. The 70405
superintendent shall submit all results of the completed 70406
investigation to the director of public safety. 70407

(3) If, after investigation, the bureau finds that the 70408
employee has not been convicted of a disqualifying offense as 70409
defined in section 4776.10 of the Revised Code within the last 70410
three years, the director shall issue to the employee an 70411
identification card bearing the license number and signature of 70412
the licensee, which in the case of a corporation shall be the 70413
signature of its president or its qualifying agent, and 70414
containing the employee's name, address, age, physical 70415
description, and right thumb print or other identifying mark as 70416
the director prescribes, a recent photograph of the employee, 70417
and the employee's signature. The director may issue a duplicate 70418
of a lost, spoliated, or destroyed identification card issued 70419
under this section, upon payment of a fee fixed by the director, 70420
not exceeding five dollars. 70421

(C) Except as provided in division (E) of this section, no 70422
class A, B, or C licensee shall permit an employee, other than 70423
an individual who qualified a corporation for licensure, to 70424
engage in the business of private investigation, the business of 70425
security services, or both businesses until the employee 70426
receives an identification card from the department, except that 70427
pending the issuance of an identification card, a class A, B, or 70428
C licensee may offer for hire security guard or investigator 70429
employees provided the licensee obtains a waiver from the person 70430
who receives, for hire, security guard or investigative 70431
services, acknowledging that the person is aware the employees 70432
have not completed their registration and agreeing to their 70433
employment. 70434

(D) If a class A, B, or C licensee, or a registered
employee of a class A, B, or C licensee, intends to carry a
firearm, as defined in section 2923.11 of the Revised Code, in
the course of engaging in the business or employment, the
licensee or registered employee shall satisfactorily complete a
firearms basic training program that includes twenty hours of
handgun training and five hours of training in the use of other
firearms, if any other firearm is to be used, or equivalency
training, if authorized, or shall be a former peace officer who
previously had successfully completed a firearms training
course, shall receive a certificate of satisfactory completion
of that program or written evidence of approval of the
equivalency training, shall file an application for
registration, shall receive a firearm-bearer notation on the
licensee's or registered employee's identification card, and
shall annually requalify on a firearms range, all as described
in division (A) of section 4749.10 of the Revised Code. A
private investigator, security guard provider, or employee is
authorized to carry a firearm only in accordance with that
division.

(E) This section does not apply to commissioned peace
officers, as defined in division (B) of section 2935.01 of the
Revised Code, working for, either as an employee or independent
contractor, a class A, B, or C licensee. For purposes of this
chapter, a commissioned peace officer is an employee exempt from
registration.

(F) The registration of an investigator or security guard
employee expires annually on the anniversary date of its initial
issuance. Annual renewals shall be made pursuant to procedures
the director establishes by rule and upon payment of a renewal
fee the director determines, not to exceed thirty-five dollars.

The director shall not renew the registration of any 70466
investigator or security guard employee who no longer meets the 70467
requirements of this section. No background check is required 70468
for annual renewal, but an investigator or security guard 70469
employee shall report any conviction of a disqualifying offense 70470
to the employer and the director of public safety as a condition 70471
of continued registration. 70472

Sec. 4751.20. (A) Except as provided in section 4751.201 70473
of the Revised Code, and subject to section 4751.32 of the 70474
Revised Code, the board of executives of long-term services and 70475
supports shall issue a nursing home administrator license to an 70476
individual under this section if all of the following 70477
requirements are satisfied: 70478

(1) The individual has submitted to the board a completed 70479
application for the license in accordance with rules adopted 70480
under section 4751.04 of the Revised Code and paid an 70481
application fee of two hundred fifty dollars. 70482

(2) If the individual is required by rules adopted under 70483
section 4751.04 of the Revised Code to serve as a nursing home 70484
administrator ~~in training~~resident, the individual has paid to 70485
the board the ~~administrator in training~~application fee of two 70486
hundred fifty dollars. 70487

(3) The individual is at least twenty-one years of age. 70488

(4) The individual has successfully completed educational 70489
requirements and work experience specified in rules adopted 70490
under section 4751.04 of the Revised Code, including, if so 70491
required by the rules, experience obtained as a nursing home 70492
administrator ~~in training~~resident. 70493

(5) The individual has complied with section 4776.02 of 70494

the Revised Code regarding a criminal records check. 70495

(6) The board, in accordance with section 9.79 of the 70496
Revised Code, has determined that the results of the criminal 70497
records check do not make the individual ineligible for the 70498
license. 70499

(7) Except as provided in division (B) of this section, 70500
the individual has passed the licensing examination administered 70501
under section 4751.15 of the Revised Code. 70502

(8) The individual has paid to the board three hundred 70503
fifty dollars for a temporary license issued under division (B) 70504
of this section. 70505

(9) The individual has paid to the board a license fee of 70506
~~two-eight~~ hundred ~~fifty~~ dollars. 70507

~~(9)~~ (10) The individual has satisfied any additional 70508
requirements as may be prescribed in rules adopted under section 70509
4751.04 of the Revised Code. 70510

(B) Beginning January 1, 2025, the operator of a nursing 70511
home may request that the board issue a nursing home 70512
administrator license to an individual who meets the 70513
requirements specified in division (A) of this section but has 70514
not passed the licensing examination administered under section 70515
4751.15 of the Revised Code, in order to fill a vacancy in the 70516
position of nursing home administrator at the nursing home 70517
resulting from a death, illness, or other unexpected cause. An 70518
individual issued a license under division (B) of this section 70519
shall submit to the board, not later than one hundred eighty 70520
days after a license is issued, satisfactory evidence that the 70521
individual has passed the licensing examination administered 70522
under section 4751.15 of the Revised Code. 70523

(C) A nursing home administrator license shall certify 70524
that the individual to whom it was issued has met the applicable 70525
requirements of this chapter and any applicable rules adopted 70526
under section 4751.04 of the Revised Code and is authorized to 70527
practice nursing home administration while the license is valid. 70528

Sec. 4751.24. (A) Subject to section 4751.32 of the 70529
Revised Code, a nursing home administrator license is valid for 70530
two years and may be renewed and reinstated in accordance with 70531
this section. 70532

(B) If a licensed nursing home administrator intends to 70533
continue to practice nursing home administration without 70534
interruption after the administrator's license expires, the 70535
administrator shall apply to the board of executives of long- 70536
term services and supports for a renewed nursing home 70537
administrator license. Subject to section 4751.32 of the Revised 70538
Code, the board shall renew the license if the administrator 70539
does all of the following before the license expires: 70540

(1) Submits to the board a completed application for 70541
license renewal in accordance with rules adopted under section 70542
4751.04 of the Revised Code; 70543

(2) Pays to the board the license renewal fee of ~~six~~eight 70544
hundred dollars; 70545

(3) Submits to the board satisfactory evidence of having 70546
attended such continuing education programs or courses of study 70547
as may be prescribed in rules adopted under section 4751.04 of 70548
the Revised Code; 70549

(4) Satisfies any other requirements as may be prescribed 70550
in rules adopted under section 4751.04 of the Revised Code. 70551

(C) If a nursing home administrator license issued under 70552

section 4751.20 or 4751.201 of the Revised Code is not renewed 70553
before it expires, the individual who held the license may apply 70554
to the board for the license's reinstatement. Subject to section 70555
4751.32 of the Revised Code, the board shall reinstate the 70556
license if the individual does all of the following not later 70557
than one year after the date the license expired: 70558

(1) Submits to the board the completed application for 70559
license reinstatement in accordance with rules adopted under 70560
section 4751.04 of the Revised Code; 70561

(2) Pays to the board the license reinstatement fee equal 70562
to the sum of the following: 70563

(a) ~~Three~~ Eight hundred dollars; 70564

(b) Fifty dollars for each calendar quarter that occurs 70565
during the period beginning on the date the license expires and 70566
ending on the last day of the calendar quarter during which the 70567
individual applies for license reinstatement, up to a maximum of 70568
two hundred dollars. 70569

(3) Submits to the board satisfactory evidence of having 70570
attended such continuing education programs or courses of study 70571
as may be prescribed in rules adopted by the board under section 70572
4751.04 of the Revised Code; 70573

(4) Satisfies any other requirements as may be prescribed 70574
in rules adopted under section 4751.04 of the Revised Code. 70575

(D) A licensed nursing home administrator who determines 70576
to temporarily abandon the practice of nursing home 70577
administration shall notify the board in writing immediately. 70578
The former administrator may thereafter resume the practice of 70579
nursing home administration within the state upon complying with 70580
the requirements of this section regarding biennial license 70581

renewal or license reinstatement, whichever is applicable. 70582

Sec. 4751.25. (A) Subject to section 4751.32 of the 70583
Revised Code, a health services executive license is valid for 70584
one year and may be renewed and reinstated in accordance with 70585
this section. 70586

(B) A licensed health services executive may apply to the 70587
board of executives of long-term services and supports for a 70588
renewed license. Subject to section 4751.32 of the Revised Code, 70589
the board shall renew the license if the licensed health 70590
services executive does all of the following before the license 70591
expires: 70592

(1) Submits to the board the completed application for 70593
license renewal in accordance with rules adopted under section 70594
4751.04 of the Revised Code; 70595

(2) Pays to the board the license renewal fee of ~~fifty-one~~ 70596
hundred dollars; 70597

(3) Submits to the board satisfactory evidence of having 70598
attended such continuing education programs or courses of study 70599
as may be prescribed in rules adopted under section 4751.04 of 70600
the Revised Code. 70601

(C) (1) If a health services executive license is not 70602
renewed before it expires, the individual who held the license 70603
may apply to the board for the license's reinstatement. Subject 70604
to section 4751.32 of the Revised Code, the board shall 70605
reinstate the license if the individual does all of the 70606
following not later than one year after the date the license 70607
expired: 70608

(a) Submits to the board the completed application for 70609
license reinstatement in accordance with rules adopted under 70610

section 4751.04 of the Revised Code; 70611

(b) Pays to the board the license reinstatement fee 70612
specified in division (C) (2) of this section; 70613

(c) Submits to the board satisfactory evidence of having 70614
attended such continuing education programs or courses of study 70615
as may be prescribed in rules adopted under section 4751.04 of 70616
the Revised Code. 70617

(2) The fee to reinstate a health services executive 70618
license under division (C) (1) of this section is the following: 70619

(a) If the individual applying for reinstatement has, at 70620
the same time, applied for reinstatement of a nursing home 70621
administrator license under division (C) of section 4751.24 of 70622
the Revised Code and paid the reinstatement fee required by 70623
division (C) (2) of that section, one hundred dollars; 70624

(b) If division (C) (2) (a) of this section does not apply 70625
to the individual, the sum of the following: 70626

(i) One hundred dollars; 70627

(ii) Twenty-five dollars for each calendar quarter that 70628
occurs during the period beginning on the date the license 70629
expired and ending on the last day of the calendar quarter 70630
during which the individual applies for license reinstatement, 70631
up to a maximum of one hundred dollars. 70632

Sec. 4755.41. (A) The physical therapy section of the Ohio 70633
occupational therapy, physical therapy, and athletic trainers 70634
board shall license persons desiring to practice physical 70635
therapy or to practice as physical therapist assistants in this 70636
state. 70637

(B) An investigation, inquiry, or hearing which the 70638

section is authorized to undertake or hold may be undertaken or 70639
held in accordance with section 4755.02 of the Revised Code. Any 70640
finding or order shall be confirmed or approved by the section. 70641

(C) The physical therapy section shall: 70642

(1) Keep a record of its proceedings; 70643

(2) Keep a register of applicants showing the name and 70644
location of the institution granting the applicant's degree or 70645
certificate in physical therapy and whether or not a license was 70646
issued; 70647

(3) Maintain a register of every physical therapist and 70648
physical therapist assistant in this state, including the 70649
licensee's last known place of business, the licensee's last 70650
known residence, and the date and number of the licensee's 70651
license; 70652

(4) Deposit all fees collected by the section in 70653
accordance with section 4755.03 of the Revised Code; 70654

(5) On receipt of an application for a license to practice 70655
as a physical therapist or physical therapist assistant, provide 70656
to the applicant the section's address, dates of upcoming 70657
section meetings, and a list of names of the section members. 70658

(D) The register kept by the board under division (C) (2) 70659
of this section is subject to section 4798.10 of the Revised 70660
Code. 70661

Sec. 4755.61. (A) The athletic trainers section of the 70662
Ohio occupational therapy, physical therapy, and athletic 70663
trainers board shall: 70664

(1) Adopt rules, not inconsistent with this chapter, for 70665
the licensure of athletic trainers, including rules that specify 70666

the application form and educational course work and clinical 70667
experience requirements for licensure and rules that prescribe 70668
requirements for criminal records checks of applicants under 70669
section 4776.03 of the Revised Code; 70670

(2) Establish and deposit fees in accordance with division 70671
(B) of this section and section 4755.03 of the Revised Code; 70672

(3) Conduct hearings, keep records of its proceedings, and 70673
do all things necessary and proper to administer and enforce 70674
sections 4755.60 to 4755.65 of the Revised Code; 70675

(4) Publish and make available, upon request and for a fee 70676
not to exceed the actual cost of printing and mailing, the 70677
requirements for the issuance of an athletic trainers license 70678
under this chapter and the rules adopted under it; 70679

(5) Maintain a register of every person licensed to 70680
practice athletic training in this state, including the 70681
addresses of the licensee's last known place of business and 70682
residence, and the effective date and identification number of 70683
the person's license. The register is subject to section 4798.10 70684
of the Revised Code. In accordance with section 4798.10 of the 70685
Revised Code, the section shall make this list available ~~to any~~ 70686
~~person~~ upon request and payment of a fee not to exceed the 70687
actual cost of printing and mailing. 70688

(6) Publish and make available, upon request and for a fee 70689
not to exceed the actual cost of printing and mailing, a list of 70690
persons who passed the examination required under section 70691
4755.62 of the Revised Code; 70692

(7) Investigate complaints concerning alleged violations 70693
of section 4755.62 of the Revised Code or other grounds for the 70694
suspension, revocation, or refusal to issue a license under 70695

section 3123.47 or 4755.64 of the Revised Code. In connection 70696
with its investigations, the athletic trainers section may 70697
subpoena witnesses, issue subpoenas, examine witnesses, 70698
administer oaths, and, under the direction of the executive 70699
director of the board, investigate complaints and make 70700
inspections and other inquiries as in the judgment of the 70701
section are appropriate to enforce sections 3123.41 to 3123.50 70702
and this chapter of the Revised Code. The section may review and 70703
audit the records of any licensee during normal business hours 70704
at the licensee's place of business or at any other place where 70705
the licensee's records are kept. Notwithstanding section 149.43 70706
of the Revised Code, the athletic trainers section and its 70707
employees, except pursuant to a court order, shall maintain in 70708
confidence all information obtained. 70709

(8) Adopt rules governing the nature and scope of the 70710
examination required under section 4755.62 of the Revised Code 70711
and the reexamination required under section 4755.63 of the 70712
Revised Code and the minimum examination score for licensure or 70713
renewal thereof. The rules for the examination required under 70714
section 4755.62 of the Revised Code shall ensure the testing of 70715
the applicant's knowledge of the basic and clinical sciences 70716
relating to athletic training theory and practice, including 70717
professional skills and judgment in the utilization of athletic 70718
training techniques and such other subjects as the athletic 70719
trainers section considers useful in determining competency to 70720
practice athletic training. 70721

(9) Conduct the examination required under section 4755.62 70722
of the Revised Code at least twice a year at a time and place 70723
and under such supervision as the athletic trainers section 70724
determines; 70725

(10) Adopt rules to determine which states' standards for licensure are equal to or greater than this state's for the purpose of waiving requirements under division (D) of section 4755.62 of the Revised Code;

(11) Adopt rules to determine which examinations meet the requirements of division (E) of section 4755.62 of the Revised Code;

(12) Adopt rules establishing the standards of ethical conduct for licensed athletic trainers under this chapter;

(13) Adopt rules specifying the scope and nature of the continuing education courses that are acceptable to the athletic trainers section and the number of courses that must be completed to comply with the requirement for renewal of a license under section 4755.63 of the Revised Code.

(14) Adopt rules establishing the schedule when licenses to practice as an athletic trainer expire during a biennium for purposes of section 4755.63 of the Revised Code.

(B) The fees adopted by the athletic trainers section pursuant to division (A) (2) of this section shall be established and adjusted as required to provide sufficient revenues to meet the expenses of the section in administering sections 4755.60 to 4755.66 of the Revised Code. The fees shall include the following:

(1) A nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination;

(2) An initial license fee;

(3) A biennial license renewal fee;

(4) A late renewal penalty, not to exceed fifty per cent 70754
of the renewal fee. 70755

The athletic trainers section may, by rule, provide for 70756
the waiver of all or part of a license fee if the license is 70757
issued less than one hundred days before its expiration date. 70758

(C) All rules under sections 4755.60 to 4755.65 of the 70759
Revised Code shall be adopted by the athletic trainers section 70760
in accordance with Chapter 119. of the Revised Code. 70761

Sec. 4757.41. (A) This chapter shall not apply to the 70762
following: 70763

(1) A person certified by the state board of education 70764
under Chapter 3319. of the Revised Code while performing any 70765
services within the person's scope of employment by a board of 70766
education or by a private school meeting the standards 70767
prescribed by the director of education and workforce under 70768
division (D) of section 3301.07 of the Revised Code or in a 70769
program operated under Chapter 5126. of the Revised Code for 70770
training individuals with developmental disabilities; 70771

(2) Psychologists, independent school psychologists, or 70772
school psychologists licensed under Chapter 4732. of the Revised 70773
Code; 70774

(3) Members of other professions licensed, certified, or 70775
registered by this state while performing services within the 70776
recognized scope, standards, and ethics of their respective 70777
professions; 70778

(4) Rabbis, priests, Christian science practitioners, 70779
clergy, or members of religious orders and other individuals 70780
participating with them in pastoral counseling when the 70781
counseling activities are within the scope of the performance of 70782

their regular or specialized ministerial duties and are 70783
performed under the auspices or sponsorship of an established 70784
and legally cognizable church, denomination, or sect or an 70785
integrated auxiliary of a church as defined in federal tax 70786
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 70787
when the individual rendering the service remains accountable to 70788
the established authority of that church, denomination, sect, or 70789
integrated auxiliary; 70790

(5) Any person who is not licensed under this chapter as a 70791
licensed professional clinical counselor, licensed professional 70792
counselor, independent social worker, or social worker and is 70793
employed in the civil service as defined in section 124.01 of 70794
the Revised Code while engaging in professional counseling or 70795
social work as a civil service employee, if on July 10, 2014, 70796
the person has at least two years of service in that capacity; 70797

(6) A student in an accredited educational institution 70798
while carrying out activities that are part of the student's 70799
prescribed course of study if the activities are supervised as 70800
required by the educational institution and if the student does 70801
not hold herself or himself out as a person licensed or 70802
registered under this chapter; 70803

(7) An individual who holds a license or certificate under 70804
Chapter 4758. of the Revised Code who is acting within the scope 70805
of the individual's license or certificate as a member of the 70806
profession of ~~chemical dependency~~ substance use disorder 70807
~~counseling or~~, prevention services, or peer support services; 70808

(8) Any person employed by the American red cross while 70809
engaging in activities relating to services for military 70810
families and veterans and disaster relief, as described in the 70811
"American National Red Cross Act," 33 Stat. 599 (1905), 36 70812

U.S.C.A. 1, as amended; 70813

(9) Members of labor organizations who hold union 70814
counselor certificates while performing services in their 70815
official capacity as union counselors; 70816

(10) Any person employed in a hospital as defined in 70817
section 3727.01 of the Revised Code or in a nursing home as 70818
defined in section 3721.01 of the Revised Code while providing 70819
as a hospital employee or nursing home employee, respectively, 70820
social services other than counseling and the use of 70821
psychosocial interventions and social psychotherapy; 70822

(11) A vocational rehabilitation professional who is 70823
providing rehabilitation services to individuals under section 70824
3304.17 of the Revised Code, or holds certification by the 70825
commission on rehabilitation counselor certification and is 70826
providing rehabilitation counseling services consistent with the 70827
commission's standards; 70828

(12) A caseworker not licensed under this chapter as an 70829
independent social worker or social worker who is employed by a 70830
public children services agency under section 5153.112 of the 70831
Revised Code; 70832

(13) A person completing supervised experience to qualify 70833
for a license as an art therapist or music therapist, provided 70834
that experience is completed under the supervision of a licensed 70835
art therapist or music therapist, as applicable. 70836

(B) Divisions (A) (5) and (10) of this section do not 70837
prevent a person described in those divisions from obtaining a 70838
license or certificate of registration under this chapter. 70839

(C) Except as provided in divisions (A) and (D) of this 70840
section, no employee in the service of the state, including 70841

public employees as defined by Chapter 4117. of the Revised 70842
Code, shall engage in the practice of professional counseling, 70843
social work, or marriage and family therapy without the 70844
appropriate license issued by the board. Failure to comply with 70845
this division constitutes nonfeasance under section 124.34 of 70846
the Revised Code or just cause under a collective bargaining 70847
agreement. Nothing in this division restricts the director of 70848
administrative services from developing new classifications 70849
related to this division or from reassigning affected employees 70850
to appropriate classifications based on the employee's duties 70851
and qualifications. 70852

(D) Except as provided in division (A) of this section, an 70853
employee who was engaged in the practice of professional 70854
counseling, social work, or marriage and family therapy in the 70855
service of the state prior to July 10, 2014, including public 70856
employees as defined by Chapter 4117. of the Revised Code, shall 70857
comply with division (C) of this section within two years after 70858
July 10, 2014. Any such employee who fails to comply shall be 70859
removed from employment. 70860

(E) Nothing in this chapter prevents a public children 70861
services agency from employing as a caseworker a person not 70862
licensed under this chapter as an independent social worker or 70863
social worker who has the qualifications specified in section 70864
5153.112 of the Revised Code. 70865

Sec. 4758.01. As used in this chapter: 70866

(A) "Accredited educational institution" means an 70867
educational institution accredited by an accrediting agency 70868
accepted by the Ohio board of regents. 70869

~~(B) (1) "Alcohol and other drug clinical counseling"~~ 70870

~~principles, methods, or procedures" means an approach to~~ 70871
~~chemical dependency counseling that emphasizes the chemical~~ 70872
~~dependency counselor's role in systematically assisting clients~~ 70873
~~through all of the following:~~ 70874

~~(a) Analyzing background and current information;~~ 70875

~~(b) Exploring possible solutions;~~ 70876

~~(c) Developing and providing a treatment plan;~~ 70877

~~(d) In the case of an independent chemical dependency~~ 70878
~~counselor-clinical supervisor, independent chemical dependency~~ 70879
~~counselor, or chemical dependency counselor III only, diagnosing~~ 70880
~~chemical dependency conditions.~~ 70881

~~(2) "Alcohol and other drug clinical counseling~~ 70882
~~principles, methods, or procedures" includes counseling,~~ 70883
~~assessing, consulting, and referral as they relate to chemical~~ 70884
~~dependency conditions.~~ 70885

~~(C) "Chemical dependency conditions" means those~~ 70886
~~conditions relating to the abuse of or dependency on alcohol or~~ 70887
~~other drugs that are classified in accepted nosologies,~~ 70888
~~including the diagnostic and statistical manual of mental~~ 70889
~~disorders and the international classification of diseases, and~~ 70890
~~in editions of those nosologies published after December 23,~~ 70891
~~2002.~~ 70892

~~(D) "Chemical dependency counseling" means rendering or~~ 70893
~~offering to render to individuals, groups, or the public a~~ 70894
~~counseling service involving the application of alcohol and~~ 70895
~~other drug clinical counseling principles, methods, or~~ 70896
~~procedures to assist individuals who are abusing or dependent on~~ 70897
~~alcohol or other drugs.~~ 70898

~~(E)~~ (B) "Developmental disability" has the same meaning as
in section 5123.01 of the Revised Code.

(C) "Family peer support services" means services that
promote resiliency and recovery, self-determination, advocacy,
well-being, and skill development for caregivers and families of
individuals with a mental illness or substance use disorder, or
both, and who may also have a co-occurring developmental
disability.

(D) "Gambling disorder" means a persistent and recurring
maladaptive gambling behavior that is classified in accepted
nosologies, including the diagnostic and statistical manual of
mental disorders and the international classification of
diseases, ~~and in editions of those nosologies published after~~
~~September 15, 2014.~~

~~(F)~~ (E) "Peer recovery support services" means services
that promote resiliency and recovery, self-determination,
advocacy, well-being, and skill development for individuals with
a mental illness or substance use disorder, or both, and who may
also have a co-occurring developmental disability, or the
caregivers or families of the foregoing.

(F) "Peer supporter" includes a peer recovery supporter, a
youth peer supporter, or a family peer supporter certified under
this chapter.

(G) "Peer support services" means services that promote
resiliency and recovery, self-determination, advocacy, well-
being, and skill development for individuals, caregivers of, and
families of individuals with a mental illness or substance use
disorder, or both, and who may also have a co-occurring
developmental disability.

(H) "Prevention services" means a comprehensive, multi- 70928
system set of individual and environmental approaches that 70929
maximizes physical health, promotes safety, and precludes the 70930
onset of behavioral health disorders services that are a planned 70931
sequence of culturally relevant, evidenced-based strategies 70932
designed to reduce the likelihood of, or delay the onset of, 70933
mental, emotional, and behavioral disorders. 70934

~~(G)~~ (I) Unless the context provides otherwise, "scope of 70935
practice" means the services, methods, and techniques in which 70936
and the areas for which a person who holds a license, 70937
certificate, or endorsement under this chapter is trained and 70938
qualified. 70939

~~(H)~~ (J) "Substance abuse professional" has the same meaning 70940
as in 49 C.F.R. 40.3. 70941

~~(I)~~ (K) "Substance use disorder clinical counseling 70942
principles, methods, or procedures" means counseling, assessing, 70943
treatment planning, crisis intervention, and referral as they 70944
relate to substance use disorder conditions. 70945

(L) "Substance use disorder conditions" means those 70946
conditions relating to the abuse of or dependency on alcohol or 70947
other drugs that are classified in accepted nosologies, 70948
including the diagnostic and statistical manual of mental 70949
disorders and the international classification of diseases. 70950

(M) "Substance use disorder counseling" means rendering or 70951
offering to render to individuals, groups, or the public a 70952
counseling service involving the application of substance use 70953
disorder clinical counseling principles, methods, or procedures. 70954

(N) "U.S. United States department of transportation drug 70955
and alcohol testing program" means a transportation workplace 70956

drug and alcohol testing program governed by 49 C.F.R. part 40.

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(O) "Youth peer support services" means services that
promote resiliency and recovery, self-determination, advocacy,
well-being, and skill development primarily for individuals who
are thirty years of age or younger with a mental illness or
substance use disorder, or both, and who may also have a co-
occurring developmental disability, as well as the individuals'
caregivers or families.

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Sec. 4758.02. ~~(A)~~ Except as provided in section 4758.03 of
the Revised Code, no person shall do any of the following:

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~~(1)~~ (A) Engage in or represent to the public that the
person engages in ~~chemical dependency~~ substance use disorder
counseling for a fee, salary, or other consideration unless the
person holds a valid independent chemical dependency counselor-
clinical supervisor license, independent chemical dependency
counselor license, chemical dependency counselor III license,
chemical dependency counselor II license, or chemical dependency
counselor assistant certificate issued under this chapter;

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~~(2)~~ (B) Use the title "licensed independent chemical
dependency counselor-clinical supervisor," "LICDC-CS," "licensed
independent chemical dependency counselor," "LICDC," "licensed
chemical dependency counselor III," "LCDC III," "licensed
chemical dependency counselor II," "LCDC II," "chemical
dependency counselor assistant," "CDCA," or any other title or
description incorporating the ~~word~~ words "chemical dependency
counselor" or any other initials used to identify persons acting
in those capacities unless currently authorized under this
chapter to act in the capacity indicated by the title or
initials;

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~~(3)~~ (C) Represent to the public that the person holds a 70986
gambling disorder endorsement unless the person holds a valid 70987
gambling disorder endorsement issued under this chapter; 70988

~~(4)~~ (D) Represent to the public that the person is a 70989
registered applicant unless the person holds a valid registered 70990
applicant certificate issued under this chapter; 70991

~~(5)~~ (E) Use the title "~~certified-licensed~~ prevention 70992
consultant," "~~CPC,~~" "~~certified-licensed~~ prevention specialist," 70993
"~~CPS,~~" "~~certified~~ prevention specialist assistant," "~~CPSA,~~" 70994
"registered applicant," "~~RA,~~" or any other title, description, 70995
or initials used to identify persons acting in those capacities 70996
unless currently authorized under this chapter to act in the 70997
capacity indicated by the title or initials. 70998

~~(B) No person shall engage in or represent to the public 70999
that the person engages in chemical dependency counseling as a 71000
chemical dependency counselor I; 71001~~

(F) Beginning one year after the effective date of this 71002
amendment, engage in or represent to the public that the person 71003
engages in the provision of peer recovery support services, 71004
youth peer support services, or family peer support services for 71005
a fee, salary, or other consideration unless the person holds a 71006
valid peer recovery supporter certificate, youth peer supporter 71007
certificate, or family peer supporter certificate issued under 71008
this chapter; 71009

(G) Beginning one year after the effective date of this 71010
amendment, use the title "certified peer supporter," "certified 71011
peer recovery supporter," "certified youth peer supporter," 71012
"certified family peer supporter," "licensed peer supporter," 71013
"licensed peer recovery supporter, "licensed youth peer 71014

supporter, "licensed family peer supporter," "peer supporter," 71015
or any other title or initials used to identify persons acting 71016
in those capacities unless currently authorized under this 71017
chapter to act in the capacity indicated by the title or 71018
initials; 71019

(H) Beginning one year after the effective date of this 71020
amendment, represent to the public that the person holds a peer 71021
support supervisor endorsement unless the person holds a valid 71022
peer support supervisor endorsement issued under this chapter. 71023

Sec. 4758.03. ~~Division (A) of section~~ Section 4758.02 of 71024
the Revised Code does not apply to any of the following: 71025

(A) An individual who holds a valid license, registration, 71026
certificate, or credentials issued under another chapter of the 71027
Revised Code while performing services within the recognized 71028
scope, standards, and ethics of the individual's profession; 71029

(B) An individual who is a rabbi, priest, Christian 71030
Science practitioner, clergy, or member of a religious order and 71031
other individuals participating with them in pastoral counseling 71032
when the ~~chemical dependency~~ substance use disorder counseling 71033
activities are within the scope of the performance of their 71034
regular or specialized ministerial duties and are performed 71035
under the auspices or sponsorship of an established and legally 71036
cognizable church, denomination, or sect or an integrated 71037
auxiliary of a church as defined in paragraph (h) of 26 Code of 71038
Federal Regulations 1.6033-2 (2000) as amended, and the 71039
individual rendering the service remains accountable to the 71040
established authority of that church, denomination, sect, or 71041
integrated auxiliary; 71042

(C) A student in an accredited educational institution 71043

while carrying out activities that are part of the student's 71044
prescribed course of study if the activities are supervised as 71045
required by the educational institution and the student is not 71046
represented as an individual who holds a license or certificate 71047
issued under this chapter. 71048

Sec. 4758.10. (A) There is hereby created the chemical 71049
dependency professionals board. 71050

(B) The governor shall appoint all of the following voting 71051
members of the board with the advice and consent of the senate: 71052

(1) Four individuals who hold a valid independent chemical 71053
dependency counselor-clinical supervisor license or independent 71054
chemical dependency counselor license issued under this chapter, 71055
including at least two of whom have received ~~at least a~~ master's 71056
degree or higher in a field related to ~~chemical dependency~~ 71057
substance abuse counseling from an accredited educational 71058
institution; 71059

(2) Two individuals who hold a valid chemical dependency 71060
counselor III license issued under this chapter; 71061

(3) One individual who holds a valid chemical dependency 71062
counselor II license issued under this chapter; 71063

(4) One individual who holds a valid chemical dependency 71064
counselor assistant certificate issued under this chapter; 71065

(5) Two individuals who hold a valid prevention consultant 71066
~~certificate license~~ or prevention specialist ~~certificate license~~ 71067
issued under this chapter; 71068

~~(5)~~ (6) One individual who holds a valid peer recovery 71069
supporter certificate, youth peer supporter certificate, or 71070
family peer supporter certificate issued under this chapter; 71071

(7) One individual who is ~~authorized under Chapter 4731.~~ 71072
~~of the Revised Code to practice medicine and surgery or~~ 71073
~~osteopathic medicine and surgery and has experience practicing~~ 71074
~~in a field related to chemical dependency counseling;~~ 71075

~~(6) any of the following employed by, or contracted to work~~ 71076
~~for, a community addiction services provider or community mental~~ 71077
~~health services provider as defined in section 5119.01 of the~~ 71078
~~Revised Code:~~ 71079

(a) A psychiatrist as defined in section 5122.01 of the 71080
Revised Code; 71081

(b) A clinical nurse specialist licensed under Chapter 71082
4723. of the Revised Code who is certified as a psychiatric- 71083
mental health clinical nurse specialist by a national certifying 71084
organization approved by the board of nursing under section 71085
4723.46 of the Revised Code; 71086

(c) A certified nurse practitioner licensed under Chapter 71087
4723. of the Revised Code who is certified as a psychiatric- 71088
mental health nurse practitioner by a national certifying 71089
organization approved by the board of nursing under section 71090
4723.46 of the Revised Code; 71091

(d) A psychologist licensed under Chapter 4732. of the 71092
Revised Code; 71093

(e) Any of the following licensed under Chapter 4757. of 71094
the Revised Code: a licensed professional clinical counselor, 71095
professional counselor, independent social worker, social 71096
worker, independent marriage and family therapist, or marriage 71097
and family therapist. 71098

(8) Two individuals who represent the public and have not 71099
practiced ~~chemical dependency~~ substance use disorder counseling- 71100

~~or, prevention services, or peer support services~~ and have not 71101
been involved in the delivery of ~~chemical dependency substance~~ 71102
~~use disorder counseling services or, prevention services, or~~ 71103
~~peer support services~~. At least one of these individuals shall 71104
be at least fifty years of age. During their terms, the public 71105
members shall not practice ~~chemical dependency substance use~~ 71106
~~disorder counseling or, prevention services, or peer support~~ 71107
~~services~~ or be involved in the delivery of ~~chemical dependency~~ 71108
~~substance use disorder counseling services or, prevention~~ 71109
~~services, or peer support services~~. 71110

(C) ~~Not later than ninety days after December 23, 2002,~~ 71111
~~the~~ The director of mental health and addiction services shall 71112
appoint an individual who represents the department of mental 71113
health and addiction services to serve as an ex officio member 71114
of the chemical dependency professionals board. 71115

(D) Not more than one-half of the voting members of the 71116
board may be of the same gender or members of the same political 71117
party. At least two voting members of the board shall be of 71118
African, Native American, Hispanic, or Asian descent. 71119

Sec. 4758.11. ~~Of the initial appointees to the chemical~~ 71120
~~dependency professionals board appointed by the governor under~~ 71121
~~division (B) of section 4758.10 of the Revised Code, four shall~~ 71122
~~be appointed for terms ending one year after December 23, 2002,~~ 71123
~~four shall be appointed for terms ending two years after~~ 71124
~~December 23, 2002, and four shall be appointed for terms ending~~ 71125
~~three years after December 23, 2002. After the initial~~ 71126
~~appointments, terms~~ Terms of office of members of the chemical 71127
dependency professional board appointed by the governor under 71128
section 4758.10 of the Revised Code shall be three years, with 71129
each term ending on the same day of the same month of the year 71130

as the term it succeeds. 71131

A voting member of the board shall hold office from the 71132
date of appointment until the end of the term for which the 71133
member was appointed. A voting member appointed to fill a 71134
vacancy occurring prior to the expiration of the term for which 71135
the member's predecessor was appointed shall hold office for the 71136
remainder of that term. A voting member shall continue in office 71137
after the expiration date of the member's term until the 71138
member's successor takes office or until a period of sixty days 71139
has elapsed, whichever occurs first. Voting members may be 71140
reappointed, except that an individual who has held office for 71141
two consecutive full terms shall not be reappointed sooner than 71142
one year after the expiration of the second full term. 71143

The ex officio member of the board appointed by the 71144
director of mental health and addiction services under division 71145
(C) of section 4758.10 of the Revised Code shall serve at the 71146
pleasure of the director. 71147

Sec. 4758.13. The chemical dependency professionals board 71148
shall meet to discuss matters relating to the administration and 71149
operation of the board and the regulation of the practices of 71150
~~chemical dependency substance use disorder counseling, peer~~ 71151
support services, and prevention services. The board shall hold 71152
at least one regular meeting every three months. Additional 71153
meetings may be held at such times as the board determines, on 71154
the call of the chairperson, or on the written request to the 71155
executive director of three or more voting board members. If 71156
three or more voting members request a meeting, the executive 71157
director shall call a meeting, which shall be held not later 71158
than seven days after the request is received. 71159

~~Seven~~Nine voting members of the board constitute a quorum 71160

to conduct business. Except as provided in section 4758.32 of 71161
the Revised Code, no action shall be taken without the 71162
concurrence of at least a quorum. 71163

At its first meeting each year, the board shall elect a 71164
chairperson from among its voting members. No member shall serve 71165
more than two consecutive terms as chairperson. 71166

The board shall keep any records and minutes necessary to 71167
fulfill the duties established by this chapter and rules adopted 71168
under it. 71169

Sec. 4758.20. (A) The chemical dependency professionals 71170
board shall adopt rules to establish, specify, or provide for 71171
all of the following: 71172

(1) Fees for the purposes authorized by section 4758.21 of 71173
the Revised Code; 71174

(2) If the board, pursuant to section 4758.221 of the 71175
Revised Code, elects to administer examinations for individuals 71176
seeking to act as substance abuse professionals in a ~~U.S.~~United 71177
States department of transportation drug and alcohol testing 71178
program, the board's administration of the examinations; 71179

(3) For the purpose of section 4758.23 of the Revised 71180
Code, codes of ethical practice and professional conduct for 71181
individuals who hold a license, certificate, or endorsement 71182
issued under this chapter; 71183

(4) For the purpose of section 4758.24 of the Revised 71184
Code, all of the following: 71185

(a) The documents that an individual seeking such a 71186
license, certificate, or endorsement must submit to the board; 71187

(b) Requirements to obtain the license, certificate, or 71188

endorsement that are in addition to the requirements established 71189
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 71190
4758.44, 4758.45, 4758.46, 4758.47, ~~and 4758.48~~, 4758.49, and 71191
4758.491 of the Revised Code. The additional requirements may 71192
include ~~preceptorships~~ internships and practicums. 71193

(c) Requirements for criminal records checks of applicants 71194
under section 4776.03 of the Revised Code; 71195

(d) The period of time that an individual whose registered 71196
applicant certificate has expired must wait before applying for 71197
a new registered applicant certificate. 71198

(5) For the purpose of section 4758.28 of the Revised 71199
Code, requirements for approval of ~~continuing education courses~~ 71200
~~of study for individuals who hold a license, certificate, or~~ 71201
~~endorsement issued under this chapter~~ programs; 71202

(6) For the purpose of section 4758.30 of the Revised 71203
Code, all of the following: 71204

(a) The intervention for and treatment of an individual 71205
holding a license, certificate, or endorsement issued under this 71206
chapter whose abilities to practice are impaired due to abuse of 71207
or dependency on alcohol or other drugs or other physical or 71208
mental condition; 71209

~~(7)~~ (b) Requirements governing reinstatement of a suspended 71210
or revoked license, certificate, or endorsement under division 71211
~~(C) of section 4758.30 of the Revised Code, including~~ 71212
requirements for determining the amount of time an individual 71213
must wait to apply for reinstatement; 71214

~~(8)~~ (c) For the purpose of determining the amount of a fine 71215
to be imposed, a graduated system of fines based on the scope 71216
and severity of violations and the history of compliance, not to 71217

exceed five hundred dollars per incident. 71218

(7) For the purpose of section 4758.31 of the Revised 71219
Code, methods of ensuring that all records the board holds 71220
pertaining to an investigation remain confidential during the 71221
investigation; 71222

~~(9)~~ (8) Criteria for employees of the board to follow when 71223
performing their duties under division (B) of section 4758.35 of 71224
the Revised Code; 71225

~~(10)~~ (9) For the purpose of division ~~(A)(1)~~ (A) of section 71226
4758.39 ~~and~~, division ~~(A)(1)~~ (A) of section 4758.40, and division 71227
(A) of section 4758.41 of the Revised Code, course requirements 71228
for a degree in a behavioral science or nursing that may include 71229
specific content areas and minimum hours for course 71230
requirements; 71231

~~(11)~~ (10) For the purpose of division ~~(A)(2)~~ (B) of section 71232
4758.39 of the Revised Code, the number of hours of compensated 71233
work or supervised internship experience that an individual must 71234
have and the number of those hours that must be in clinical 71235
supervisory experience; 71236

~~(12)~~ (11) For the purpose of division ~~(A)(3)~~ (C) of section 71237
4758.39, division ~~(A)(3)~~ (C) of section 4758.40, division ~~(A)(3)~~ 71238
(C) of section 4758.41, and ~~divisions~~ division (A) (3) ~~and (D)(3)~~ 71239
of section 4758.42 of the Revised Code, both of the following: 71240

(a) The number of hours of training in ~~chemical dependency~~ 71241
substance use disorders an individual must have; 71242

(b) Training requirements for ~~chemical dependency~~ 71243
substance use disorders that shall, at a minimum, include 71244
qualifications for the individuals who provide the training and 71245
the content areas covered in the training. 71246

~~(13)~~ (12) For the purpose of division ~~(A) (2)~~ (B) of section 4758.40, division ~~(A) (2)~~ (B) of section 4758.41, and division (A) (2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;

~~(14) For the purpose of division (B) (2) (b) of section 4758.40 and division (B) (2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;~~

~~(15) For the purpose of division (A) (1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;~~

~~(16)~~ (13) For the purpose of ~~division (C) (2)~~ of section 4758.42 of the Revised Code, ~~education~~ both of the following:

(a) Education requirements for chemical dependency substance use disorders;

~~(17) For the purpose of division (C) (3) of section 4758.42 of the Revised Code, requirements~~ (b) Requirements for programs that provide practicum experience in ~~chemical dependency;~~

~~(18)~~ substance use disorders.

(14) For the purpose of ~~division (A) of~~ section 4758.43 of the Revised Code, ~~both~~ all of the following:

(a) The number of hours of training or education in ~~chemical dependency substance use disorder~~ counseling that an individual must have; 71275
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71277

(b) Training requirements for ~~chemical dependency~~ substance use disorder counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training; 71278
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(c) Requirements for obtaining a chemical dependency counselor preliminary certificate. 71282
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~~(19)~~ (15) For the purpose of ~~division (A) (1) of section 4758.44 of the Revised Code, the~~ all of the following: 71284
71285

(a) The number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services; 71286
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~~(20) For the purpose of division (A) (2) of section 4758.44 of the Revised Code, the~~ (b) The field of study in which an individual must obtain at least a bachelor's degree or higher; 71290
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71292

~~(21)~~ (c) The number of hours of administrative or supervisory education that an individual must have. 71293
71294

(16) For the purpose of division ~~(A) (3)~~ (C) of section 4758.44, division ~~(A) (3)~~ (C) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, both of the following: 71295
71296
71297

(a) The number of hours of prevention-related education that an individual must have; 71298
71299

(b) Requirements for prevention-related education. 71300

~~(22) For the purpose of division (A) (4) of section 4758.44~~ 71301

~~of the Revised Code, the number of hours of administrative or~~ 71302
~~supervisory education that an individual must have;~~ 71303

~~(23)~~ (17) For the purpose of ~~division (A) (1) of section~~ 71304
4758.45 of the Revised Code, ~~the~~ both of the following: 71305

(a) The number of hours of compensated or volunteer work, 71306
field placement, intern, or practicum experience in prevention 71307
services that an individual must have and the number of those 71308
hours that must be in planning or delivering the services; 71309

~~(24) For the purpose of division (A) (2) of section 4758.45~~ 71310
~~of the Revised Code, the~~ (b) The field of study in which an 71311
individual must obtain ~~at least an associate's degree;~~ 71312

~~(25)~~ or higher. 71313

(18) For the purpose of division (C) of section 4758.46 of 71314
the Revised Code, the number of hours of compensated or 71315
volunteer work, field placement, intern, or practicum experience 71316
in prevention services that an individual must have; 71317

~~(26)~~ (19) Standards for the one hundred hours of 71318
compensated work or supervised internship in gambling disorder 71319
direct clinical experience required by division (B) (2) of 71320
section 4758.48 of the Revised Code; 71321

~~(27)~~ (20) For the purpose of section 4758.49 of the Revised 71322
Code, both of the following: 71323

(a) The equivalent of a high school diploma acceptable for 71324
certification; 71325

(b) Standards and number of required hours for the 71326
competency-based peer services training. 71327

(21) For the purpose of section 4758.491 of the Revised 71328

<u>Code, both of the following:</u>	71329
<u>(a) The number of hours of online learning that an</u>	71330
<u>individual is required to complete;</u>	71331
<u>(b) Standards for the supervising peers training program</u>	71332
<u>that an individual is required to complete.</u>	71333
<u>(22) For the purpose of section 4758.51 of the Revised</u>	71334
<u>Code, continuing both of the following:</u>	71335
<u>(a) Continuing education requirements for individuals who</u>	71336
hold a license, certificate, or endorsement issued under this	71337
chapter;	71338
(28) For the purpose of section 4758.51 of the Revised	71339
Code, the (b) The number of hours of continuing education that	71340
an individual must complete to have an expired license,	71341
certificate, or endorsement restored under section 4758.26 of	71342
the Revised Code;	71343
(29) For the purpose of divisions (A) and (B) of section	71344
4758.52 of the Revised Code, training requirements for chemical	71345
dependency counseling;	71346
(30).	71347
<u>(23) The duties, which may differ, of all of the</u>	71348
following:	71349
(a) An independent chemical dependency counselor-clinical	71350
supervisor licensed under this chapter who supervises a chemical	71351
dependency counselor III under section 4758.56 of the Revised	71352
Code;	71353
(b) An independent chemical dependency counselor-clinical	71354
supervisor, independent chemical dependency counselor, or	71355

chemical dependency counselor III licensed under this chapter 71356
who supervises a chemical dependency counselor assistant under 71357
section 4758.59 of the Revised Code; 71358

(c) A prevention consultant or prevention specialist 71359
~~certified~~licensed under this chapter who supervises a 71360
prevention specialist assistant or registered applicant under 71361
section 4758.61 of the Revised Code. 71362

~~(31)~~(24) The duties of an independent chemical dependency 71363
counselor licensed under this chapter who holds the gambling 71364
disorder endorsement who supervises a chemical dependency 71365
counselor III with the gambling disorder endorsement under 71366
section 4758.62 of the Revised Code. 71367

~~(32)~~(25) For the purpose of sections 4758.60 and 4758.61 71368
of the Revised Code, standards for the practice of prevention 71369
services, including specifications that require prevention 71370
services to be all of the following: 71371

(a) Intentionally designed to reduce risk or promote 71372
health before the onset of a disorder; 71373

(b) Population-focused and targeted to specific levels of 71374
risk; 71375

(c) Reserved for interventions designed to reduce the 71376
occurrence of new cases of mental, emotional, and behavioral 71377
disorders, and not be used for clinical assessment, treatment, 71378
relapse and recovery support services, or medications of any 71379
type. 71380

(26) For the purpose of section 4758.65 of the Revised 71381
Code, both of the following: 71382

(a) Any additional competencies that may be promoted by a 71383

peer supporter; 71384

(b) Any additional tasks within a peer supporter's scope 71385
of practice. 71386

(27) For the purposes of section 4758.651 of the Revised 71387
Code, training requirements for supervisors of peer supporters 71388
who do not hold a peer support supervisor endorsement issued 71389
under this chapter; 71390

(28) Anything else the board considers necessary to 71391
administer this chapter. 71392

(B) All rules adopted under this section shall be adopted 71393
in accordance with Chapter 119. of the Revised Code and any 71394
applicable federal laws and regulations. 71395

(C) When it adopts rules under this section, the board may 71396
consider standards established by any national association or 71397
other organization representing the interests of those involved 71398
in ~~chemical dependency substance use disorder counseling or,~~ 71399
prevention services, or peer support services. 71400

Sec. 4758.21. (A) In accordance with rules adopted under 71401
section 4758.20 of the Revised Code and subject to division (B) 71402
of this section, the chemical dependency professionals board 71403
shall establish, and may from time to time adjust, fees to be 71404
charged for the following: 71405

(1) Admitting an individual to an examination administered 71406
pursuant to section 4758.22 of the Revised Code; 71407

(2) Issuing an initial independent chemical dependency 71408
counselor-clinical supervisor license, independent chemical 71409
dependency counselor license, chemical dependency counselor III 71410
license, chemical dependency counselor II license, chemical 71411

dependency counselor assistant certificate, peer recovery 71412
supporter certificate, youth peer supporter certificate, family 71413
peer supporter certificate, prevention consultant 71414
~~certificate~~license, prevention specialist ~~certificate~~license, 71415
prevention specialist assistant certificate, or registered 71416
applicant certificate; 71417

(3) Issuing ~~an initial~~ a gambling disorder endorsement; 71418

(4) Issuing a peer support supervisor endorsement; 71419

(5) Renewing an independent chemical dependency counselor- 71420
clinical supervisor license, independent chemical dependency 71421
counselor license, chemical dependency counselor III license, 71422
chemical dependency counselor II license, chemical dependency 71423
counselor assistant certificate, peer recovery supporter 71424
certificate, youth peer supporter certificate, family peer 71425
supporter certificate, prevention consultant ~~certificate~~license, 71426
prevention specialist ~~certificate~~license, or prevention 71427
specialist assistant certificate; 71428

~~(5)~~ (6) Renewing a gambling disorder endorsement; 71429

~~(6)~~ (7) Renewing a peer support supervisor endorsement; 71430

(8) Approving ~~continuing~~ education courses ~~programs~~ under 71431
section 4758.28 of the Revised Code, except for online learning 71432
courses administered by the department of mental health and 71433
addiction services for the purposes of section 4758.49 of the 71434
Revised Code; 71435

~~(7)~~ (9) Doing anything else the board determines necessary 71436
to administer this chapter. 71437

(B) The fees established under division (A) of this 71438
section are nonrefundable. They shall be in amounts sufficient 71439

to cover the necessary expenses of the board in administering 71440
this chapter and rules adopted under it. The fees for a license, 71441
certificate, or endorsement and the renewal of a license, 71442
certificate, or endorsement may differ for the various types of 71443
licenses, certificates, or endorsements, but shall not exceed 71444
one hundred seventy-five dollars each, unless the board 71445
determines that amounts in excess of one hundred seventy-five 71446
dollars are needed to cover its necessary expenses in 71447
administering this chapter and rules adopted under it and the 71448
amounts in excess of one hundred seventy-five dollars are 71449
approved by the controlling board. 71450

(C) All vouchers of the board shall be approved by the 71451
chairperson or executive director of the board, or both, as 71452
authorized by the board. 71453

Sec. 4758.22. The chemical dependency professionals board 71454
shall prepare, cause to be prepared, or procure the use of, and 71455
grade, cause to be graded, or procure the grading of, 71456
examinations to determine the competence of individuals seeking 71457
an independent chemical dependency counselor-clinical supervisor 71458
license, independent chemical dependency counselor license, 71459
chemical dependency counselor III license, chemical dependency 71460
counselor II license, peer recovery supporter certificate, 71461
youth peer supporter certificate, family peer supporter 71462
certificate, prevention consultant ~~certificate~~ license, or 71463
prevention specialist ~~certificate~~ license. The board may develop 71464
the examinations or use examinations prepared by state or 71465
national organizations that represent the interests of those 71466
involved in ~~chemical dependency~~ substance use disorder 71467
~~counseling or~~, prevention services, or peer support services. 71468
The board shall conduct examinations at least twice each year 71469
and shall determine the level of competence necessary for a 71470

passing score. 71471

An individual may not sit for an examination administered 71472
pursuant to this section unless the individual meets the 71473
requirements to obtain the license or certificate the individual 71474
seeks, other than the requirement to have passed the 71475
examination, and pays the fee established under section 4758.21 71476
of the Revised Code. An individual who is denied admission to 71477
the examination may appeal the denial in accordance with Chapter 71478
119. of the Revised Code. 71479

Sec. 4758.221. In accordance with rules adopted under 71480
section 4758.20 of the Revised Code, the chemical dependency 71481
professionals board may administer examinations for individuals 71482
seeking to act as substance abuse professionals in a U.S.-United 71483
States department of transportation drug and alcohol testing 71484
program. If it elects to administer the examinations, the board 71485
shall use examinations that comprehensively cover all the 71486
elements of substance abuse professional qualification training 71487
listed in 49 C.F.R. 40.281(c)(1) and are prepared by a 71488
nationally recognized professional or training organization that 71489
represents the interests of those involved in ~~chemical-~~ 71490
~~dependency~~ substance use disorder counseling services. 71491

Sec. 4758.23. (A) In rules adopted under section 4758.20 71492
of the Revised Code, the chemical dependency professionals board 71493
shall establish codes of ethical practice and professional 71494
conduct for the following: 71495

(1) Individuals who hold a valid independent chemical 71496
dependency counselor-clinical supervisor license, independent 71497
chemical dependency counselor license, chemical dependency 71498
counselor III license, chemical dependency counselor II license, 71499
or chemical dependency counselor assistant certificate issued 71500

under this chapter; 71501

(2) Individuals who hold a valid peer recovery supporter certificate, youth peer supporter certificate, or family peer supporter certificate issued under this chapter; 71502
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(3) Individuals who hold a valid prevention consultant certificate~~license~~, prevention specialist certificate~~license~~, prevention specialist assistant certificate, or registered applicant certificate issued under this chapter; 71505
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~~(3)~~ (4) Individuals who hold a valid peer support supervisor endorsement; 71509
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(5) Individuals who hold a valid gambling disorder endorsement. 71511
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(B) The codes for individuals identified under division ~~(A) (1)~~ (A) of this section shall define unprofessional conduct, which shall include engaging in ~~a dual relationship~~ multiple relationships with a client, former client, consumer, or former consumer; committing an act of sexual abuse, misconduct, or exploitation of a client, former client, consumer, or former consumer; and, except as permitted by law, violating client or consumer confidentiality. 71513
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~~(C)~~ The codes for individuals identified under ~~division (A) (1)~~ divisions (A) (1) to (4) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in ~~chemical dependency~~ substance use disorder counseling, peer support services, or prevention services. ~~The codes for individuals identified under division (A) (2) of this section may be based on any codes of ethical practice and professional conduct developed by national~~ 71521
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~~associations or other organizations representing the interests~~ 71530
~~of those involved in prevention services.~~ The board may 71531
establish standards in the codes that are more stringent than 71532
those established by the national associations or other 71533
organizations. 71534

Sec. 4758.24. (A) The chemical dependency professionals 71535
board shall issue a license, certificate, or endorsement under 71536
this chapter to an individual who meets all of the following 71537
requirements: 71538

(1) ~~Except as provided in section 4758.241 of the Revised~~ 71539
~~Code, submits~~ Submits a properly completed application and all 71540
other documentation specified in rules adopted under section 71541
4758.20 of the Revised Code; 71542

(2) ~~Except as provided in section 4758.241 of the Revised~~ 71543
~~Code, pays~~ Pays the fee established under section 4758.21 of the 71544
Revised Code for the license, certificate, or endorsement that 71545
the individual seeks; 71546

(3) Meets the requirements to obtain the license, 71547
certificate, or endorsement that the individual seeks as 71548
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 71549
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~or~~ 4758.48, 71550
4758.49, or 4758.491 of the Revised Code; 71551

(4) Meets any additional requirements specified in rules 71552
adopted under section 4758.20 of the Revised Code to obtain the 71553
license, certificate, or endorsement that the individual seeks. 71554

(B) In addition to any other eligibility requirement set 71555
forth in this chapter, each applicant for an initial license, 71556
certificate, or endorsement issued under this chapter shall 71557
comply with sections 4776.01 to 4776.04 of the Revised Code. The 71558

board shall not grant a license, certificate, or endorsement to 71559
an applicant for an initial license, certificate, or endorsement 71560
issued under this chapter unless the applicant complies with 71561
sections 4776.01 to 4776.04 of the Revised Code. 71562

(C) The board shall not ~~do either of the following:~~ 71563

~~(1) Issue a certificate to practice as a chemical~~ 71564
~~dependency counselor I;~~ 71565

~~(2) Issue~~ issue a new registered applicant certificate to 71566
an individual whose previous registered applicant certificate 71567
has been expired for less than the period of time specified in 71568
rules adopted under section 4758.20 of the Revised Code. 71569

Sec. 4758.26. (A) Subject to section 4758.30 of the 71570
Revised Code, a license, certificate, or endorsement issued 71571
under this chapter expires the following period of time after it 71572
is issued: 71573

(1) In the case of ~~an initial~~ a chemical dependency 71574
counselor assistant preliminary certificate or registered 71575
applicant, thirteen months; 71576

(2) In the case of any other license, certificate, or 71577
endorsement, two years. 71578

(B) Subject to section 4758.30 of the Revised Code and 71579
except as provided in section 4758.27 of the Revised Code, the 71580
chemical dependency professionals board shall renew a license, 71581
certificate, or endorsement issued under this chapter in 71582
accordance with the standard renewal procedure established under 71583
Chapter 4745. of the Revised Code if the individual seeking the 71584
renewal pays the renewal fee established under section 4758.21 71585
of the Revised Code and ~~does the following:~~ 71586

~~(1) In the case of an individual seeking renewal of an initial chemical dependency counselor assistant certificate, satisfies the additional training requirement established under section 4758.52 of the Revised Code;~~

~~(2) In the case of any other individual, satisfies the continuing education requirements established under section 4758.51 of the Revised Code.~~

(C) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, a license, certificate, or endorsement issued under this chapter that has expired may be restored if the individual seeking the restoration, not later than one year after the license, certificate, or endorsement expires, applies for restoration of the license, certificate, or endorsement. The board shall issue a restored license, certificate, or endorsement to the individual if the individual pays the renewal fee established under section 4758.21 of the Revised Code and ~~does the following:~~

~~(1) In the case of an individual whose initial chemical dependency counselor assistant certificate expired, satisfies the additional training requirement established under section 4758.52 of the Revised Code;~~

~~(2) In the case of any other individual, satisfies the continuing education requirements established under section 4758.51 of the Revised Code for restoring the license, certificate, or endorsement.~~

The board shall not require an individual to take an examination as a condition of having an expired license, certificate, or endorsement restored under this section.

Sec. 4758.27. The chemical dependency professionals board 71616
shall not renew or restore under section 4758.26 of the Revised 71617
Code either of the following: 71618

(A) A ~~certificate to practice as a~~ chemical dependency 71619
counselor assistant preliminary certificate; 71620

(B) A registered applicant certificate. 71621

Sec. 4758.28. The chemical dependency professionals board 71622
shall approve, in accordance with rules adopted under section 71623
4758.20 of the Revised Code and subject to payment of the fee 71624
established under section 4758.21 of the Revised Code, 71625
~~continuing education courses of study for individuals who hold~~ 71626
programs that may be completed to meet the requirements to 71627
receive an initial license, certificate, or endorsement issued 71628
under this chapter or the renewal of a license, certificate, or 71629
endorsement issued under this chapter. Programs that may be 71630
approved under this section include degree and certificate 71631
training programs offered by accredited educational 71632
institutions, other training programs selected by the board, and 71633
continuing education courses. 71634

Sec. 4758.30. (A) The chemical dependency professionals 71635
board, in accordance with Chapter 119. of the Revised Code, may, 71636
except as provided in division (B) of this section, refuse to 71637
issue a license, certificate, or endorsement applied for under 71638
this chapter; refuse to renew or restore a license, certificate, 71639
or endorsement issued under this chapter; suspend, revoke, or 71640
otherwise restrict a license, certificate, or endorsement issued 71641
under this chapter; ~~or~~ reprimand an individual holding a 71642
license, certificate, or endorsement issued under this chapter; 71643
or impose a fine, in an amount determined in accordance with 71644
rules adopted under section 4758.20 of the Revised Code, against 71645

an individual holding a license, certificate, or endorsement 71646
under this chapter. These actions may be taken by the board 71647
regarding the applicant for a license, certificate, or 71648
endorsement or the individual holding a license, certificate, or 71649
endorsement for one or more of the following reasons: 71650

(1) Violation of any provision of this chapter or rules 71651
adopted under it; 71652

(2) Knowingly making a false statement on an application 71653
for a license, certificate, or endorsement or for renewal, 71654
restoration, or reinstatement of a license, certificate, or 71655
endorsement; 71656

(3) Acceptance of a commission or rebate for referring an 71657
individual to a person who holds a license or certificate issued 71658
by, or who is registered with, an entity of state government, 71659
including persons practicing ~~chemical dependency~~ substance use 71660
disorder counseling, peer support services, prevention services, 71661
gambling disorder counseling, or fields related to ~~chemical-~~ 71662
~~dependency counseling, prevention services, or gambling disorder~~ 71663
~~counseling~~ any of the foregoing; 71664

(4) Conviction in this state or any other ~~state-~~ 71665
jurisdiction of any crime that is a felony in this state; 71666

(5) Conviction in this state or any other ~~state-~~ 71667
jurisdiction of a misdemeanor committed in the course of 71668
practice as an independent chemical dependency counselor- 71669
clinical supervisor, independent chemical dependency counselor, 71670
chemical dependency counselor III, chemical dependency counselor 71671
II, chemical dependency counselor assistant, peer recovery 71672
supporter, youth peer supporter, family peer supporter, 71673
prevention consultant, gambling disorder endorsee, prevention 71674

specialist, prevention specialist assistant, or registered 71675
applicant; 71676

(6) Inability to practice as an independent chemical 71677
dependency counselor-clinical supervisor, independent chemical 71678
dependency counselor, chemical dependency counselor III, 71679
chemical dependency counselor II, chemical dependency counselor 71680
assistant, peer recovery supporter, youth peer supporter, family 71681
peer supporter, gambling disorder endorsee, prevention 71682
consultant, prevention specialist, prevention specialist 71683
assistant, or registered applicant due to abuse of or dependency 71684
on alcohol or other drugs or ~~other physical or by reason of~~ 71685
mental condition illness or physical illness, including physical 71686
deterioration that adversely affects cognitive, motor, or 71687
perceptive skills; 71688

(7) Practicing outside the individual's scope of practice; 71689

(8) Practicing without complying with the supervision 71690
requirements specified under section 4758.56, 4758.59, 4758.61, 71691
~~or~~ 4758.62, or 4758.65 of the Revised Code; 71692

(9) Violation of the code of ethical practice and 71693
professional conduct for ~~chemical dependency substance use~~ 71694
disorder counseling, peer support services, prevention services, 71695
or gambling disorder counseling adopted by the board pursuant to 71696
section 4758.23 of the Revised Code; 71697

(10) Revocation of a license, certificate, or endorsement 71698
or voluntary surrender of a license, certificate, or endorsement 71699
in another state or jurisdiction for an offense that would be a 71700
violation of this chapter. 71701

(B) The board shall not refuse to issue a license, 71702
certificate, or endorsement to an applicant because of a 71703

criminal conviction unless the refusal is in accordance with 71704
section 9.79 of the Revised Code. 71705

(C) An individual whose license, certificate, or 71706
endorsement has been suspended or revoked under this section may 71707
apply to the board for reinstatement after an amount of time the 71708
board shall determine in accordance with rules adopted under 71709
section 4758.20 of the Revised Code. The board may accept or 71710
refuse an application for reinstatement. The board may require 71711
an examination for reinstatement of a license, certificate, or 71712
endorsement that has been suspended or revoked. 71713

Sec. 4758.31. The chemical dependency professionals board 71714
shall investigate alleged violations of this chapter or the 71715
rules adopted under it and alleged irregularities in the 71716
delivery of ~~chemical dependency~~ substance use disorder 71717
counseling services, peer support services, prevention services, 71718
or gambling disorder counseling services by individuals who hold 71719
a license, certificate, or endorsement issued under this 71720
chapter. As part of an investigation, the board may issue 71721
subpoenas, examine witnesses, and administer oaths. 71722

The board may receive any information necessary to conduct 71723
an investigation under this section that has been obtained in 71724
accordance with federal laws and regulations. If the board is 71725
investigating the provision of ~~chemical dependency~~ substance use 71726
disorder counseling services or gambling disorder counseling 71727
services to a couple or group, it is not necessary for both 71728
members of the couple or all members of the group to consent to 71729
the release of information relevant to the investigation. 71730

The board shall ensure, in accordance with rules adopted 71731
under section 4758.20 of the Revised Code, that all records it 71732
holds pertaining to an investigation remain confidential during 71733

the investigation. After the investigation, the records are 71734
public records except as otherwise provided by federal or state 71735
law. 71736

Sec. 4758.35. (A) An individual seeking a license, 71737
certificate, or endorsement issued under this chapter shall ~~file~~ 71738
~~with~~ submit an application to the chemical dependency 71739
professionals board ~~a written application on a form prescribed~~ 71740
~~by~~ in a manner that the board shall prescribe. Each ~~form~~ 71741
application shall state that a false statement made on the ~~form~~ 71742
application is the crime of falsification under section 2921.13 71743
of the Revised Code. 71744

(B) The board shall require an individual or individuals 71745
employed by the board under section 4758.15 of the Revised Code 71746
to do both of the following in accordance with criteria 71747
established by rules adopted under section 4758.20 of the 71748
Revised Code: 71749

(1) Receive and review all applications submitted to the 71750
board; 71751

(2) Submit to the board all applications the individual or 71752
individuals recommend the board review based on the criteria 71753
established in the rules. 71754

(C) The board shall review all applications submitted to 71755
the board pursuant to division (B) (2) of this section. 71756

Sec. 4758.36. As part of the review process under division 71757
(C) of section 4758.35 of the Revised Code of an application 71758
submitted by an applicant whose education or experience in 71759
~~chemical dependency substance use disorder counseling, peer~~ 71760
support services, prevention services, or gambling disorder 71761
counseling was obtained outside the United States, or whose 71762

education and experience both were obtained outside the United 71763
States, the chemical dependency professionals board shall 71764
determine whether the applicant's command of the English 71765
language and education or experience meet the standards required 71766
by this chapter and rules adopted under it. 71767

Sec. 4758.39. An individual seeking an independent 71768
chemical dependency counselor-clinical supervisor license shall 71769
~~meet the requirements of division (A) or (B) of this section.~~ 71770

~~(A) To meet the requirements of this division, an~~ 71771
~~individual must meet all of the following requirements:~~ 71772

~~(1)~~ (A) Hold from an accredited educational institution ~~at~~ 71773
~~least~~ a master's degree or higher in either a behavioral science 71774
or nursing that meets the course requirements specified in rules 71775
adopted under section 4758.20 of the Revised Code; 71776

~~(2)~~ (B) Have not less than the number of hours specified in 71777
rules adopted under section 4758.20 of the Revised Code of 71778
compensated work or supervised internship experience, including 71779
at least the number of hours specified in those rules of 71780
clinical supervisory experience, in any of the following, not 71781
less than twenty per cent of which are in ~~chemical dependency~~ 71782
substance use disorder counseling; 71783

~~(a) Chemical dependency services, substance abuse~~ 71784
~~services, or both types of services~~ (1) The provision of services 71785
in substance use disorder treatment within a scope of practice 71786
that the board considers appropriate for an individual seeking 71787
an independent chemical dependency counselor-clinical supervisor 71788
license; 71789

~~(b)~~ (2) The practice of psychology, as defined in section 71790
4732.01 of the Revised Code; 71791

~~(e)~~ (3) The practice of professional counseling, the 71792
practice of social work, or the practice of marriage and family 71793
therapy, all as defined in section 4757.01 of the Revised Code. 71794

~~(3)~~ (C) Have a minimum of the number of hours specified in 71795
rules adopted under section 4758.20 of the Revised Code of 71796
training in ~~chemical dependency substance use disorders~~ that 71797
meets the requirements specified in those rules; 71798

~~(4)~~ (D) Unless the individual holds a valid license, 71799
registration, certificate, or credentials issued under another 71800
chapter of the Revised Code that authorizes the individual to 71801
engage in a profession whose scope of practice includes the 71802
clinical supervision of ~~chemical dependency substance use~~ 71803
~~disorder~~ counseling, ~~chemical dependency substance use disorder~~ 71804
counseling, and diagnosing and treating ~~chemical dependency~~ 71805
~~substance use disorder~~ conditions, pass one or more examinations 71806
administered pursuant to section 4758.22 of the Revised Code for 71807
the purpose of determining competence to practice as an 71808
independent chemical dependency counselor-clinical supervisor. 71809

~~(B) To meet the requirement of this division, an~~ 71810
~~individual must hold, on March 22, 2013, a valid independent~~ 71811
~~chemical dependency counselor license.~~ 71812

Sec. 4758.40. An individual seeking an independent 71813
chemical dependency counselor license shall ~~meet the~~ 71814
~~requirements of division (A) or (B) of this section.~~ 71815

~~(A) To meet the requirements of this division, an~~ 71816
~~individual must meet all of the following requirements:~~ 71817

~~(1)~~ (A) Hold from an accredited educational institution ~~at~~ 71818
~~least~~ a master's degree or higher in a behavioral science or 71819
nursing that meets the course requirements specified in rules 71820

adopted under section 4758.20 of the Revised Code; 71821

~~(2)~~ (B) Have not less than the number of hours specified in 71822
rules adopted under section 4758.20 of the Revised Code of 71823
compensated work or supervised internship experience in any of 71824
the following, not less than twenty per cent of which are in 71825
~~chemical dependency substance use disorder~~ counseling: 71826

~~(a) Chemical dependency services, substance abuse~~ 71827
~~services, or both types of services~~ (1) The provision of services 71828
in substance use disorder treatment within a scope of practice 71829
that the board considers appropriate for an individual seeking 71830
an independent chemical dependency counselor license; 71831

~~(b)~~ (2) The practice of psychology, as defined in section 71832
4732.01 of the Revised Code; 71833

~~(c)~~ (3) The practice of professional counseling, the 71834
practice of social work, or the practice of marriage and family 71835
therapy, all as defined in section 4757.01 of the Revised Code. 71836

~~(3)~~ (C) Have a minimum of the number of hours specified in 71837
rules adopted under section 4758.20 of the Revised Code of 71838
training in ~~chemical dependency substance use disorders~~ that 71839
meets the requirements specified in those rules; 71840

~~(4)~~ (D) Unless the individual holds a valid license, 71841
registration, certificate, or credentials issued under another 71842
chapter of the Revised Code that authorizes the individual to 71843
engage in a profession whose scope of practice includes ~~chemical~~ 71844
~~dependency substance use disorder~~ counseling and diagnosing and 71845
treating ~~chemical dependency substance use disorder~~ conditions, 71846
pass one or more examinations administered pursuant to section 71847
4758.22 of the Revised Code for the purpose of determining 71848
competence to practice as an independent chemical dependency 71849

counselor. 71850

~~(B) To meet the requirements of this division, an individual must meet both of the following requirements:~~ 71851
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~~(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;~~ 71853
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~~(2) Meet one of the following requirements:~~ 71858

~~(a) Hold the degree described in division (A) (1) of this section;~~ 71859
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~~(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A) (1) of this section may provide the portion of the training on chemical dependency conditions.~~ 71861
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Sec. 4758.41. An individual seeking a chemical dependency counselor III license shall ~~meet the requirements of division~~ 71877
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~~(A), (B), or (C) of this section.~~ 71879

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~ 71880
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~~(1)~~ (A) Hold from an accredited educational institution at least a bachelor's degree or higher in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code; 71882
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~~(2)~~ (B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in chemical dependency substance use disorder counseling: 71886
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~~(a) Chemical dependency services, substance abuse services, or both types of services~~ (1) The provision of services in substance use disorder treatment within a scope of practice that the board considers appropriate for an individual seeking a chemical dependency counselor III license; 71891
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~~(b)~~ (2) The practice of psychology, as defined in section 4732.01 of the Revised Code; 71896
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~~(c)~~ (3) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code. 71898
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~~(3)~~ (C) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency substance use disorders that meets the requirements specified in those rules; 71901
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~~(4)~~ (D) Unless the individual holds a valid license, registration, certificate, or credentials issued under another 71905
71906

chapter of the Revised Code that authorizes the individual to 71907
engage in a profession whose scope of practice includes ~~chemical~~ 71908
~~dependency~~ substance use disorder counseling and diagnosing and 71909
treating ~~chemical dependency~~ substance use disorder conditions, 71910
pass one or more examinations administered pursuant to section 71911
4758.22 of the Revised Code for the purpose of determining 71912
competence to practice as a chemical dependency counselor III. 71913

~~(B) To meet the requirements of this division, an 71914
individual must meet both of the following requirements: 71915~~

~~(1) Hold, on December 23, 2002, a certificate or 71916
credentials that were accepted under former section 3793.07 of 71917
the Revised Code as authority to practice as a certified 71918
chemical dependency counselor III or certified chemical 71919
dependency counselor III-E; 71920~~

~~(2) Have not less than forty clock hours of training on 71921
the version of the diagnostic and statistical manual of mental 71922
disorders that is current at the time of the training. The 71923
training must meet the requirements specified in rules adopted 71924
under section 4758.20 of the Revised Code. An individual 71925
authorized under Chapter 4731. of the Revised Code to practice 71926
medicine and surgery or osteopathic medicine and surgery, a 71927
psychologist licensed under Chapter 4732. of the Revised Code, 71928
or a licensed professional clinical counselor or independent 71929
social worker licensed under Chapter 4757. of the Revised Code 71930
may provide any portion of the training. An independent chemical 71931
dependency counselor licensed under this chapter who holds the 71932
degree described in division (A) (1) of section 4758.40 of the 71933
Revised Code may provide the portion of the training on chemical 71934
dependency conditions. 71935~~

~~(C) To meet the requirements of this division, an 71936~~

~~individual must meet all of the following requirements:~~

~~(1) Hold, on December 23, 2002, a certificate or
credentials that were accepted under former section 3793.07 of
the Revised Code as authority to practice as a certified
chemical dependency counselor II;~~

~~(2) Meet the requirement of division (B) (2) of this
section;~~

~~(3) Hold a bachelor's degree in a behavioral science.~~

Sec. 4758.42. An individual seeking a chemical dependency
counselor II license shall meet the requirements of division
(A) ~~or (B) or (C)~~ of this section ~~or, until three years after
the effective date of this amendment, division (A), (B), (C), or
(D) of this section.~~

(A) To meet the requirements of this division, an
individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an
associate's degree in a behavioral science or nursing or a
bachelor's degree in any field;

(2) Have not less than the number of hours specified in
rules adopted under section 4758.20 of the Revised Code of
compensated work or supervised internship experience in any of
the following, not less than twenty per cent of which are in
~~chemical dependency substance use disorder counseling:~~

(a) ~~Chemical dependency services, substance abuse
services, or both types of services~~The provision of services in
substance use disorder treatment within a scope of practice that
the board considers appropriate for an individual seeking a
chemical dependency counselor II license;

(b) The practice of psychology, as defined in section 71965
4732.01 of the Revised Code; 71966

(c) The practice of professional counseling, the practice 71967
of social work, or the practice of marriage and family therapy, 71968
all as defined in section 4757.01 of the Revised Code. 71969

(3) Have a minimum of the number of hours specified in 71970
rules adopted under section 4758.20 of the Revised Code of 71971
training in ~~chemical dependency~~ substance use disorders that 71972
meets the requirements specified in those rules; 71973

(4) Pass one or more examinations administered pursuant to 71974
section 4758.22 of the Revised Code for the purpose of 71975
determining competence to practice as a chemical dependency 71976
counselor II. 71977

~~(B) To meet the requirement of this division, an 71978
individual must hold, on December 23, 2002, a certificate or 71979
credentials that were accepted under former section 3793.07 of 71980
the Revised Code as authority to practice as a certified 71981
chemical dependency counselor II. 71982~~

~~(C)~~ To meet the requirements of this division, an 71983
individual must meet all of the following requirements: 71984

(1) Hold from an accredited educational institution an 71985
associate's or bachelor's degree in either of the following with 71986
a specialization in ~~chemical dependency~~ substance use disorder 71987
counseling: 71988

(a) A behavioral science; 71989

(b) Nursing. 71990

(2) Have a minimum of one hundred eighty hours of 71991
education in ~~chemical dependency~~ substance use disorders that 71992

meets the requirements specified in rules adopted under section	71993
4758.20 of the Revised Code;	71994
(3) While holding a valid chemical dependency counselor	71995
assistant certificate, have successfully completed, over the	71996
course of not more than any two semesters, at least two hundred	71997
forty hours of supervised practicum experience in chemical-	71998
dependency <u>substance use disorder treatment</u> through a program	71999
that meets all of the following requirements:	72000
(a) The program includes at least two hours per week of	72001
supervised practicum experience;	72002
(b) The program provides intensive outpatient treatment or	72003
a higher level of care, or another level of care if specified in	72004
rules adopted under section 4758.20 of the Revised Code;	72005
(c) The program meets other requirements specified in	72006
rules adopted under that section.	72007
(4) Have at least one thousand hours of compensated work	72008
experience as a chemical dependency counselor assistant;	72009
(5) Provide to the chemical dependency professionals board	72010
a written recommendation from an individual who supervised the	72011
individual's practice of chemical dependency <u>substance use</u>	72012
<u>disorder</u> counseling as a chemical dependency counselor assistant	72013
as required by division (B) of section 4758.59 of the Revised	72014
Code;	72015
(6) Pass one or more examinations administered pursuant to	72016
section 4758.22 of the Revised Code for the purpose of	72017
determining competence to practice as a chemical dependency	72018
counselor II.	72019
(D) To meet the requirements of this division, an	72020

~~individual must meet all of the following requirements:~~ 72021

~~(1) Since at least December 31, 2008, continuously have~~ 72022
~~done both of the following:~~ 72023

~~(a) Held a valid chemical dependency counselor assistant~~ 72024
~~certificate;~~ 72025

~~(b) Practiced chemical dependency counseling while under~~ 72026
~~supervision as required by division (B) of section 4758.59 of~~ 72027
~~the Revised Code.~~ 72028

~~(2) Provide to the board a written recommendation from an~~ 72029
~~individual who supervised the individual's practice of chemical~~ 72030
~~dependency counseling as a chemical dependency counselor~~ 72031
~~assistant;~~ 72032

~~(3) Have a minimum of the number of hours specified in~~ 72033
~~rules adopted under section 4758.20 of the Revised Code of~~ 72034
~~training in chemical dependency that meets the requirements~~ 72035
~~specified in those rules;~~ 72036

~~(4) Pass one or more examinations administered pursuant to~~ 72037
~~section 4758.22 of the Revised Code for the purpose of~~ 72038
~~determining competence to practice as a chemical dependency~~ 72039
~~counselor II.~~ 72040

Sec. 4758.43. An individual seeking a chemical dependency 72041
counselor assistant certificate shall meet either all of the 72042
following requirements: 72043

(A) Be at least eighteen years of age; 72044

(B) Hold a high school diploma, a certificate of high 72045
school equivalence, or a higher degree; 72046

(C) Have at least the number of hours in training or 72047

education specified in rules adopted under section 4758.20 of 72048
the Revised Code ~~of training in chemical dependency related to~~ 72049
~~substance use disorder counseling that meets the requirements~~ 72050
~~specified in those rules;~~ 72051

~~(B) Hold, on December 23, 2002, a certificate or~~ 72052
~~credentials that were accepted under former section 3793.07 of~~ 72053
~~the Revised Code as authority to practice as a registered~~ 72054
~~candidate~~ (D) Obtain a chemical dependency counselor preliminary 72055
certificate in accordance with rules adopted under section 72056
4758.20 of the Revised Code. 72057

Sec. 4758.44. An individual seeking a prevention 72058
consultant ~~certificate license shall meet the requirements of~~ 72059
~~division (A) or (B) of this section.~~ 72060

~~(A) To meet the requirements of this division, an~~ 72061
~~individual must meet all of the following requirements:~~ 72062

~~(1)~~ (A) Have at least the number of hours specified in 72063
rules adopted under section 4758.20 of the Revised Code of 72064
compensated work experience in prevention services, including at 72065
least the number of hours specified in those rules of 72066
administering or supervising the services; 72067

~~(2)~~ (B) Hold from an accredited educational institution ~~at~~ 72068
~~least~~ a bachelor's degree or higher in a field of study 72069
specified in rules adopted under section 4758.20 of the Revised 72070
Code; 72071

~~(3)~~ (C) Have at least the number of hours specified in 72072
rules adopted under section 4758.20 of the Revised Code of 72073
prevention-related education that meets the requirements 72074
specified in those rules; 72075

~~(4)~~ (D) Have at least the number of hours specified in 72076

rules adopted under section 4758.20 of the Revised Code of 72077
administrative or supervisory education; 72078

~~(5)~~ (E) Pass one or more examinations administered pursuant 72079
to section 4758.22 of the Revised Code for the purpose of 72080
determining competence to practice as a prevention consultant. 72081

~~(B) To meet the requirement of this division, an 72082
individual must hold, on December 23, 2002, a certificate or 72083
credentials that were accepted under former section 3793.07 of 72084
the Revised Code as authority to practice as a certified 72085
prevention specialist II. 72086~~

Sec. 4758.45. An individual seeking a prevention 72087
specialist certificate license shall ~~meet the requirements of~~ 72088
~~division (A) or (B) of this section.~~ 72089

~~(A) To meet the requirements of this division, an 72090
individual must meet all of the following requirements: 72091~~

~~(1)~~ (A) Have at least the number of hours specified in 72092
rules adopted under section 4758.20 of the Revised Code of 72093
compensated or volunteer work, field placement, intern, or 72094
practicum experience in prevention services, including at least 72095
the number of hours specified in those rules of planning or 72096
delivering the services; 72097

~~(2)~~ (B) Hold from an accredited educational institution ~~at~~ 72098
~~least an associate's degree~~ or higher in a field of study 72099
specified in rules adopted under section 4758.20 of the Revised 72100
Code; 72101

~~(3)~~ (C) Have at least the number of hours specified in 72102
rules adopted under section 4758.20 of the Revised Code of 72103
prevention-related education that meets the requirements 72104
specified in those rules; 72105

~~(4)~~ (D) Pass one or more examinations administered pursuant 72106
to section 4758.22 of the Revised Code for the purpose of 72107
determining competence to practice as a prevention specialist. 72108

~~(B) To meet the requirement of this division, an 72109
individual must hold, on December 23, 2002, a certificate or 72110
credentials that were accepted under former section 3793.07 of 72111
the Revised Code as authority to practice as a certified 72112
prevention specialist I. 72113~~

Sec. 4758.46. An individual seeking a prevention 72114
specialist assistant certificate shall meet all of the following 72115
requirements: 72116

(A) Be at least eighteen years of age; 72117

(B) Have ~~at least a high school diploma or~~, a certificate 72118
of high school equivalence, or a higher degree; 72119

(C) Have at least the number of hours specified in rules 72120
adopted under section 4758.20 of the Revised Code of compensated 72121
or volunteer work, field placement, intern, or practicum 72122
experience in prevention services; 72123

(D) Have at least the number of hours specified in rules 72124
adopted under section 4758.20 of the Revised Code of prevention- 72125
related education that meets the requirements specified in those 72126
rules. 72127

Sec. 4758.47. An individual seeking a registered applicant 72128
certificate shall meet all of the following requirements: 72129

(A) Be at least eighteen years of age; 72130

(B) Have ~~at least a high school diploma or~~, a certificate 72131
of high school equivalence, or a higher degree; 72132

(C) Submit to the chemical dependency professionals board 72133
a professional development plan that is acceptable to the board. 72134

Sec. 4758.49. (A) An individual seeking a peer recovery 72135
supporter certificate shall meet all of the following 72136
requirements: 72137

(1) Be at least eighteen years of age; 72138

(2) Hold a high school diploma, the equivalent of a high 72139
school diploma as determined by the board in rules adopted under 72140
section 4758.20 of the Revised Code, or a higher degree; 72141

(3) Attest that the individual has direct lived experience 72142
with mental illness or substance use disorder and is in recovery 72143
from a mental illness or substance use disorder; 72144

(4) Complete at least the number of hours of competency- 72145
based peer services training specified in rules adopted under 72146
section 4758.20 of the Revised Code; 72147

(5) Pass one or more examinations administered pursuant to 72148
section 4758.22 of the Revised Code for the purpose of 72149
determining competence to practice as a peer recovery supporter; 72150

(6) Attest to having read and understood the code of 72151
ethical practice and professional conduct established under 72152
section 4758.23 of the Revised Code for peer recovery 72153
supporters. 72154

(B) An individual seeking a youth peer supporter 72155
certificate shall meet all of the following requirements: 72156

(1) Be at least eighteen years of age but not more than 72157
thirty years of age; 72158

(2) Hold a high school diploma, the equivalent of a high 72159

<u>school diploma as determined by the board in rules adopted under</u>	72160
<u>section 4758.20 of the Revised Code, or a higher degree;</u>	72161
<u>(3) Attest that the individual has direct lived experience</u>	72162
<u>with the behavioral health system and other child or youth</u>	72163
<u>services systems;</u>	72164
<u>(4) Complete at least the number of hours of competency-</u>	72165
<u>based peer services training, including training specific to</u>	72166
<u>youth peer support services, specified in rules adopted under</u>	72167
<u>section 4758.20 of the Revised Code;</u>	72168
<u>(5) Pass one or more examinations administered pursuant to</u>	72169
<u>section 4758.22 of the Revised Code for the purpose of</u>	72170
<u>determining competence to practice as a youth peer supporter;</u>	72171
<u>(6) Attest to having read and understood the code of</u>	72172
<u>ethical practice and professional conduct established under</u>	72173
<u>section 4758.23 of the Revised Code for youth peer supporters.</u>	72174
<u>(C) An individual seeking a family peer supporter</u>	72175
<u>certificate shall meet all of the following requirements:</u>	72176
<u>(1) Be at least twenty-one years of age;</u>	72177
<u>(2) Hold a high school diploma, the equivalent of a high</u>	72178
<u>school diploma as determined by the board in rules adopted under</u>	72179
<u>section 4758.20 of the Revised Code, or a higher degree;</u>	72180
<u>(3) Attest that the individual has direct lived experience</u>	72181
<u>as the caregiver of an individual with mental illness or</u>	72182
<u>substance use disorder and has successfully navigated service</u>	72183
<u>systems for at least one year on behalf of the individual;</u>	72184
<u>(4) Complete at least the number of hours of competency-</u>	72185
<u>based peer services training, including training specific to</u>	72186
<u>family peer support services, specified in rules adopted under</u>	72187

<u>section 4758.20 of the Revised Code;</u>	72188
<u>(5) Pass one or more examinations administered pursuant to</u>	72189
<u>section 4758.22 of the Revised Code for the purpose of</u>	72190
<u>determining competence to practice as a family peer supporter;</u>	72191
<u>(6) Attest to having read and understood the code of</u>	72192
<u>ethical practice and professional conduct established under</u>	72193
<u>section 4758.23 of the Revised Code for family peer supporters.</u>	72194
<u>Sec. 4758.491. An individual seeking a peer support</u>	72195
<u>supervisor endorsement shall meet all of the following</u>	72196
<u>requirements:</u>	72197
<u>(A) Hold an active independent chemical dependency</u>	72198
<u>counselor, chemical dependency counselor III, or chemical</u>	72199
<u>dependency counselor II license, or peer recovery supporter,</u>	72200
<u>youth peer supporter, or family peer supporter certificate</u>	72201
<u>issued under this chapter;</u>	72202
<u>(B) Have provided services under either of the following</u>	72203
<u>for at least two years:</u>	72204
<u>(1) An active license or certification described in</u>	72205
<u>division (A) of this section;</u>	72206
<u>(2) A peer recovery supporter, youth peer supporter, or</u>	72207
<u>family peer supporter certificate issued by the department of</u>	72208
<u>mental health and addiction services prior to one year after the</u>	72209
<u>effective date of this section.</u>	72210
<u>(C) Complete the number of hours of online learning</u>	72211
<u>specified in rules adopted under section 4758.20 of the Revised</u>	72212
<u>Code;</u>	72213
<u>(D) Complete a supervising peers training program that</u>	72214
<u>meets the standards established in rules adopted under section</u>	72215

4758.20 of the Revised Code.

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Sec. 4758.51. (A) Except as provided in division (C) of this section and in accordance with rules adopted under section 4758.20 of the Revised Code, each individual who holds a license, certificate, or endorsement issued under this chapter, other than ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant certificate, shall complete during the period that the license, certificate, or endorsement is in effect not less than the following number of clock hours of continuing education as a condition of receiving a renewed license, certificate, or endorsement:

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(1) In the case of an individual holding a prevention specialist assistant certificate, twenty;

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(2) In the case of an individual holding a gambling disorder endorsement, six;

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(3) In the case of any other individual, thirty, except as follows:

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(a) If the individual is age sixty-five years or older, twenty;

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(b) If the individual holds an international certificate from the international certification and reciprocity consortium, the number of clock hours required by the consortium.

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(B) Except as provided in division (C) of this section, an individual whose license, certificate, or endorsement issued under this chapter, other than ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant certificate, has expired shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving

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a restored license, certificate, or endorsement. 72245

(C) The chemical dependency professionals board may waive 72246
the continuing education requirements established under this 72247
section for individuals who are unable to fulfill them because 72248
of military service, illness, residence outside the United 72249
States, or any other reason the board considers acceptable. 72250

Sec. 4758.54. In addition to practicing ~~chemical-~~ 72251
~~dependency~~ substance use disorder counseling, an individual 72252
holding a valid independent chemical dependency counselor- 72253
clinical supervisor license may do all of the following: 72254

(A) Diagnose and treat ~~chemical-dependency~~ substance use 72255
disorder conditions; 72256

(B) Perform treatment planning, assessment, crisis 72257
intervention, individual and group counseling, case management, 72258
and education services as they relate to ~~abuse of and dependency~~ 72259
~~on alcohol and other drugs~~ behavioral health conditions related 72260
to substance use disorder; 72261

(C) Provide clinical supervision of ~~chemical-dependency-~~ 72262
substance use disorder counseling; 72263

~~(D) Refer individuals with nonchemical dependency~~ 72264
~~conditions to appropriate sources of help.~~ 72265

Sec. 4758.55. In addition to practicing ~~chemical-~~ 72266
~~dependency~~ substance use disorder counseling, an individual 72267
holding a valid independent chemical dependency counselor 72268
license may do all of the following: 72269

(A) Diagnose and treat ~~chemical-dependency~~ substance use 72270
disorder conditions; 72271

(B) Perform treatment planning, assessment, crisis 72272

intervention, individual and group counseling, case management, 72273
and education services as they relate to ~~abuse of and dependency~~ 72274
~~on alcohol and other drugs~~ behavioral health conditions related 72275
to substance use disorder; 72276

(C) Provide clinical supervision of ~~chemical dependency~~ 72277
substance use disorder counseling under the supervision of any 72278
of the following: 72279

(1) An independent chemical dependency counselor-clinical 72280
supervisor licensed under this chapter; 72281

(2) An individual authorized under Chapter 4731. of the 72282
Revised Code to practice medicine and surgery or osteopathic 72283
medicine and surgery; 72284

(3) A psychologist licensed under Chapter 4732. of the 72285
Revised Code; 72286

(4) A registered nurse licensed under Chapter 4723. of the 72287
Revised Code or licensed professional clinical counselor, 72288
independent social worker, or independent marriage and family 72289
therapist licensed under Chapter 4757. of the Revised Code if 72290
such supervision is consistent with the scope of practice of the 72291
registered nurse, licensed professional clinical counselor, 72292
independent social worker, or independent marriage and family 72293
therapist; 72294

(5) An individual authorized to practice as a certified 72295
nurse practitioner or clinical nurse specialist under Chapter 72296
4723. of the Revised Code. 72297

~~(D) Refer individuals with nonchemical dependency~~ 72298
~~conditions to appropriate sources of help.~~ 72299

Sec. 4758.56. (A) In addition to practicing ~~chemical~~ 72300

~~dependency substance use disorder~~ counseling, an individual 72301
holding a valid chemical dependency counselor III license may do 72302
all of the following: 72303

(1) Diagnose ~~chemical dependency substance use disorder~~ 72304
conditions under the supervision of any of the professionals 72305
listed in section 4758.561 of the Revised Code; 72306

(2) Treat ~~chemical dependency substance use disorder~~ 72307
conditions; 72308

(3) Perform treatment planning, assessment, crisis 72309
intervention, individual and group counseling, case management, 72310
and education services as they relate to ~~abuse of and dependency~~ 72311
~~on alcohol and other drugs~~ behavioral health conditions related 72312
to substance use disorder; 72313

(4) Provide clinical supervision of ~~chemical dependency~~ 72314
substance use disorder counseling under the supervision of any 72315
of the professionals listed in section 4758.561 of the Revised 72316
Code; 72317

~~(5) Refer individuals with nonchemical dependency~~ 72318
~~conditions to appropriate sources of help.~~ 72319

(B) A chemical dependency counselor III may not practice 72320
as an individual practitioner. 72321

Sec. 4758.57. (A) In addition to practicing ~~chemical~~ 72322
~~dependency substance use disorder~~ counseling, an individual 72323
holding a valid chemical dependency counselor II license may ~~do~~ 72324
~~both of the following:~~ 72325

~~(1) Perform~~ perform treatment planning, assessment, crisis 72326
intervention, individual and group counseling, case management, 72327
and education services as they relate to ~~abuse of and dependency~~ 72328

~~on alcohol and other drugs;~~ 72329

~~(2) Refer individuals with nonchemical dependency~~ 72330
~~conditions to appropriate sources of help~~behavioral health 72331
conditions related to substance use disorder. 72332

(B) A chemical dependency counselor II may not practice as 72333
an individual practitioner. 72334

Sec. 4758.59. (A) Subject to division (B) of this section, 72335
an individual holding a valid chemical dependency counselor 72336
assistant certificate ~~may do both of the following,~~ in addition 72337
to practicing chemical dependency counseling;— 72338

~~(1) Perform,~~ may perform treatment planning, assessment, 72339
crisis intervention, individual and group counseling, case 72340
management, and education services as they relate to ~~abuse of or~~ 72341
~~dependency on alcohol and other drugs;~~ 72342

~~(2) Refer individuals with nonchemical dependency~~ 72343
~~conditions to appropriate sources of help~~behavioral health 72344
conditions related to substance use disorder. 72345

(B) An individual holding a valid chemical dependency 72346
counselor assistant certificate may practice ~~chemical dependency~~ 72347
substance use disorder counseling and perform the tasks 72348
specified in division (A) of this section only while under the 72349
supervision of any of the following: 72350

(1) An independent chemical dependency counselor-clinical 72351
supervisor, independent chemical dependency counselor, or 72352
chemical dependency counselor III licensed under this chapter; 72353

(2) An individual authorized under Chapter 4731. of the 72354
Revised Code to practice medicine and surgery or osteopathic 72355
medicine and surgery; 72356

(3) A psychologist licensed under Chapter 4732. of the Revised Code; 72357
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(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist; 72359
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(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code. 72367
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(C) A chemical dependency counselor assistant may not practice as an individual practitioner. 72370
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Sec. 4758.60. An individual who holds a valid prevention consultant ~~certificate~~ license or prevention specialist ~~certificate~~ license issued under this chapter may engage in the practice of prevention services as specified in rules adopted under section 4758.20 of the Revised Code. 72372
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Sec. 4758.61. An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of prevention services, as specified in rules adopted under section 4758.20 of the Revised Code, under the supervision of any of the following: 72377
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(A) A prevention consultant or prevention specialist ~~certified~~ licensed under this chapter; 72383
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(B) An individual authorized under Chapter 4731. of the 72385

Revised Code to practice medicine and surgery or osteopathic	72386
medicine and surgery;	72387
(C) A psychologist licensed under Chapter 4732. of the	72388
Revised Code;	72389
(D) A registered nurse licensed under Chapter 4723. of the	72390
Revised Code;	72391
(E) A licensed professional clinical counselor, a licensed	72392
professional counselor, an independent social worker, a social	72393
worker, an independent marriage and family therapist, or a	72394
marriage and family therapist licensed under Chapter 4757. of	72395
the Revised Code;	72396
(F) A school counselor licensed by the state board of	72397
education pursuant to section 3319.22 of the Revised Code;	72398
(G) A health education specialist certified by the	72399
national commission for health education credentialing;	72400
(H) An individual authorized to practice as a certified	72401
nurse practitioner or clinical nurse specialist under Chapter	72402
4723. of the Revised Code.	72403
Sec. 4758.62. An individual who holds an independent	72404
chemical dependency counselor license and a gambling disorder	72405
endorsement may do all of the following:	72406
(A) Diagnose and treat gambling disorder conditions;	72407
(B) Perform treatment planning, assessment, crisis	72408
intervention, individual and group counseling, case management,	72409
and educational services insofar as those functions relate to	72410
gambling disorders;	72411
(C) Supervise gambling disorder counseling; and	72412

~~(D) Refer individuals with other gambling conditions to~~ 72413
~~appropriate sources of help.~~ 72414

Sec. 4758.63. An individual who holds a chemical 72415
dependency counselor III license and a gambling disorder 72416
endorsement may do all of the following: 72417

(A) Treat gambling disorder conditions; 72418

(B) Diagnose gambling disorder conditions under 72419
supervision; 72420

(C) Perform treatment planning, assessment, crisis 72421
intervention, individual and group counseling, case management, 72422
and educational services insofar as those functions relate to 72423
gambling disorders; 72424

(D) Supervise gambling disorder counseling under 72425
supervision; ~~and~~ 72426

~~(E) Refer individuals with other gambling conditions to~~ 72427
~~appropriate sources of help.~~ 72428

The supervision required by divisions (B) and (D) of this 72429
section shall be provided by an independent chemical dependency 72430
counselor licensed under this chapter; an individual authorized 72431
to practice medicine and surgery or osteopathic medicine and 72432
surgery under Chapter 4731. of the Revised Code; a psychologist 72433
licensed under Chapter 4732. of the Revised Code; an individual 72434
authorized to practice as a certified nurse practitioner or 72435
clinical nurse specialist under Chapter 4723. of the Revised 72436
Code; a registered nurse licensed under Chapter 4723. of the 72437
Revised Code; or a professional clinical counselor, independent 72438
social worker, or independent marriage and family therapist 72439
licensed under Chapter 4757. of the Revised Code. 72440

An individual holding a chemical dependency counselor III
license shall not practice as an individual practitioner.

Sec. 4758.64. (A) An individual who holds a chemical
dependency counselor II license and a gambling disorder
endorsement may do ~~all~~ both of the following:

~~(A)~~ (1) Treat gambling disorder conditions;

~~(B)~~ (2) Perform treatment planning, assessment, crisis
intervention, individual and group counseling, case management,
and educational services insofar as those functions relate to
gambling disorders; ~~and~~

~~(C) Refer individuals with other gambling conditions to
appropriate sources of help.~~

(B) An individual holding a chemical dependency II license
shall not practice as an individual practitioner.

Sec. 4758.65. (A) The activities described in division (B)
of this section may be performed only under the supervision of
an individual described in section 4758.651 of the Revised Code.

(B) (1) A peer supporter certified under this chapter may
work with the following populations:

(a) In the case of a peer recovery supporter, individuals
with a mental illness or substance use disorder, or both, and
who may also have a co-occurring developmental disability, as
well as the individuals' caregivers or families;

(b) In the case of a youth peer supporter, individuals who
primarily are thirty years of age or younger with a mental
illness or substance use disorder, or both, and who may also
have a co-occurring developmental disability, as well as the
individuals' caregivers or families;

(c) In the case of a family peer supporter, caregivers or families of individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability. 72469
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(2) A peer supporter certified under this chapter may promote any of the following competencies for the populations within the peer supporter's scope of practice as specified in division (B) (1) of this section: 72473
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72476

(a) Resiliency and recovery; 72477

(b) Self-determination; 72478

(c) Advocacy; 72479

(d) Well-being; 72480

(e) Skill development; 72481

(f) Any other competencies specified in rules adopted pursuant to section 4758.20 of the Revised Code. 72482
72483

(3) A peer supporter may perform any other tasks within the peer supporter's scope of practice as established in rules adopted pursuant to section 4758.20 of the Revised Code. 72484
72485
72486

(C) A peer supporter may not practice as an individual practitioner. 72487
72488

Sec. 4758.651. For purposes of section 4758.65 of the Revised Code, any of the following may supervise a peer supporter certified under this chapter: 72489
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72491

(A) A peer recovery supporter, youth peer supporter, or family peer supporter certified under this chapter who holds a peer support supervisor endorsement issued under this chapter; 72492
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72494

(B) A chemical dependency counselor II, chemical 72495

dependency counselor III, or independent chemical dependency 72496
counselor licensed under this chapter who holds a peer support 72497
supervisor endorsement issued under this chapter; 72498

(C) Any of the following who has completed the training 72499
requirements specified in rules adopted under section 4758.20 of 72500
the Revised Code to supervise peer supporters without holding a 72501
peer support supervisor endorsement issued under this chapter: 72502

(1) A social worker, independent social worker, 72503
professional counselor, professional clinical counselor, 72504
marriage and family therapist, or independent marriage and 72505
family therapist licensed under Chapter 4757. of the Revised 72506
Code, if such supervision is consistent with the scope of 72507
practice of the social worker, independent social worker, 72508
professional counselor, professional clinical counselor, 72509
marriage and family therapist, or independent marriage and 72510
family therapist; 72511

(2) A psychologist licensed under Chapter 4732. of the 72512
Revised Code; 72513

(3) A psychiatrist, as defined in section 5122.01 of the 72514
Revised Code. 72515

Sec. 4758.70. (A) Except to the extent of providing 72516
services authorized by this chapter, this chapter does not 72517
authorize any individual to engage in either of the following: 72518

~~(A)~~ (1) The practice of psychology as defined in section 72519
4732.01 of the Revised Code; 72520

~~(B)~~ (2) The practice of professional counseling, practice 72521
of social work, or practice of marriage and family therapy, as 72522
those terms are defined in section 4757.01 of the Revised Code. 72523

(B) Peer recovery supporters, youth peer supporters, or 72524
family peer supporters certified under this chapter are not 72525
authorized to engage in the practice of substance use disorder 72526
counseling or prevention services. 72527

Sec. 4758.80. An independent chemical dependency 72528
counselor, peer recovery supporter, youth peer supporter, or 72529
family peer supporter may provide telehealth services in 72530
accordance with section 4743.09 of the Revised Code. 72531

Sec. 4758.99. Whoever violates ~~division (A) or (B) of~~ 72532
section 4758.02 of the Revised Code is guilty of a misdemeanor 72533
of the fourth degree on a first offense; on each subsequent 72534
offense, the person is guilty of a misdemeanor of the third 72535
degree. 72536

Sec. 4775.07. (A) Any person required to be registered as 72537
a motor vehicle repair operator shall apply to the motor vehicle 72538
repair board upon forms prescribed by the board. The forms shall 72539
contain sufficient information to identify the applicant, 72540
including name, address, state tax identification number, and 72541
any other identifying data prescribed by rule of the board. If 72542
the applicant is a partnership, identifying data as prescribed 72543
by the board may be required for each partner. If the applicant 72544
is a corporation, identifying data may be required for each 72545
officer of the corporation and each person in charge of each 72546
place of the motor vehicle repair operator's business in this 72547
state. The applicant shall affirm the application by oath. The 72548
applicant shall include with the application the initial 72549
registration fee ~~set forth in~~ established under section 4775.08 72550
of the Revised Code and proof satisfactory to the board that the 72551
applicant has a current state and federal tax identification 72552
number, a valid vendor's license issued pursuant to section 72553

5739.17 of the Revised Code, a United States environmental 72554
protection agency identification number issued under the 72555
"Resource Conservation and Recovery Act of 1976," 90 Stat. 2795, 72556
42 U.S.C.A. 6901, as amended, and regulations adopted under that 72557
act, proof of possession of all permits required under Chapter 72558
3704. of the Revised Code, general liability insurance and 72559
liability insurance that protects a person against liability for 72560
damage to motor vehicles in the applicant's care, custody, or 72561
control in an amount and form that conforms to the rules the 72562
board adopts under section 4775.04 of the Revised Code, and 72563
coverage under Chapters 4123. and 4141. of the Revised Code. In 72564
addition, the applicant shall affirm that the applicant is in 72565
compliance with all applicable federal and state statutes and 72566
rules and all local ordinances and resolutions, including all 72567
applicable zoning regulations. 72568

(B) Upon receipt of the completed application form and 72569
fees and after the board determines that the applicant meets the 72570
requirements for registration under division (A) of this 72571
section, the board shall direct the executive director to issue 72572
a registration certificate to the applicant for each place of 72573
business. The motor vehicle repair operator shall display the 72574
registration certificate in a conspicuous place on the premises 72575
of the business for which the registration is obtained. The 72576
board and director shall issue a registration certificate in 72577
accordance with Chapter 4796. of the Revised Code to an 72578
applicant if either of the following applies: 72579

(1) The applicant holds a license or registration 72580
certificate in another state. 72581

(2) The applicant has satisfactory work experience, a 72582
government certification, or a private certification as 72583

described in that chapter as a motor vehicle repair operator in 72584
a state that does not issue that license or registration 72585
certificate. 72586

(C) Each registration certificate issued under this 72587
section expires annually on the date of its original issuance 72588
and may be renewed in accordance with the standard renewal 72589
procedure of Chapter 4745. of the Revised Code. The application 72590
for a renewal of a registration certificate shall be accompanied 72591
by the same information and proof as is required to accompany an 72592
initial application under division (A) of this section. 72593

(D) When a motor vehicle repair operator experiences a 72594
change in any information or data required under division (A) of 72595
this section or by rule of the board for registration as a motor 72596
vehicle repair operator, the motor vehicle repair operator shall 72597
submit written notification of the change to the board within 72598
sixty days after the date that the information becomes obsolete. 72599
If a motor vehicle repair operator fails to submit the written 72600
notification of a change in information or data within sixty 72601
days after the change in information or data, the operator's 72602
registration certificate is automatically suspended, except that 72603
the board may waive the suspension for good cause shown. 72604

(E) Notwithstanding section 5703.21 of the Revised Code, 72605
the department of taxation may disclose to the board any 72606
information necessary for the board to verify the existence of 72607
an applicant's valid vendor's license and current state tax 72608
identification number. 72609

Sec. 4775.08. (A) The initial and annual renewal fee for a 72610
motor vehicle repair registration certificate and for a 72611
temporary motor vehicle repair registration certificate ~~is one~~ 72612
~~hundred fifty dollars~~ for each business location at which the 72613

motor vehicle repair operator conducts business as an operator, — 72614
~~except that shall be established in rules the motor vehicle~~ 72615
~~repair board, with the approval of the controlling board, may~~ 72616
~~establish fees in excess of or less than that amount, provided~~ 72617
~~that such fees do not exceed or are not less than that amount by~~ 72618
~~more than fifty per cent~~ adopts under section 4775.04 of the 72619
Revised Code. 72620

The board shall establish and adjust the fees as necessary 72621
in order to provide for the expenses associated with carrying 72622
out this chapter. 72623

(B) If the board has notified or attempted to notify a 72624
motor vehicle repair operator that the operator is required to 72625
be registered under this chapter, and the operator fails to 72626
register, the initial fee for the registration of such an 72627
unregistered operator for each business location at which the 72628
operator conducts business as an operator, is the initial fee 72629
then in effect plus an additional amount equal to the initial 72630
fee then in effect for each calendar year that the operator is 72631
not registered after the board has notified or attempted to 72632
notify the operator. 72633

(C) The board shall deposit all fees and fines collected 72634
under this chapter into the occupational licensing and 72635
regulatory fund created by section 4743.05 of the Revised Code. 72636

Sec. 4776.01. As used in this chapter: 72637

(A) "License" means an authorization evidenced by a 72638
license, certificate, registration, permit, card, or other 72639
authority that is issued or conferred by a licensing agency to a 72640
licensee or to an applicant for an initial license by which the 72641
licensee or initial license applicant has or claims the 72642

privilege to engage in a profession, occupation, or occupational 72643
activity, or, except in the case of the state dental board, to 72644
have control of and operate certain specific equipment, 72645
machinery, or premises, over which the licensing agency has 72646
jurisdiction. 72647

(B) Except as provided in section 4776.20 of the Revised 72648
Code, "licensee" means the person to whom the license is issued 72649
by a licensing agency. "Licensee" includes a person who, for 72650
purposes of section 3796.13 of the Revised Code, has complied 72651
with sections 4776.01 to 4776.04 of the Revised Code and has 72652
been determined by the division of marijuana control, as the 72653
applicable licensing agency, to meet the requirements for 72654
employment. 72655

(C) Except as provided in section 4776.20 of the Revised 72656
Code, "licensing agency" means any of the following: 72657

(1) The board authorized by Chapters 4701., 4717., 4725., 72658
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 72659
4753., 4755., 4757., 4758., 4759., 4760., 4761., 4762., 4772., 72660
4774., 4778., 4779., and 4783. of the Revised Code to issue a 72661
license to engage in a specific profession, occupation, or 72662
occupational activity, or to have charge of and operate certain 72663
specific equipment, machinery, or premises. 72664

(2) The state dental board, relative to its authority to 72665
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 72666
or 4715.27 of the Revised Code; 72667

(3) The division of marijuana control, relative to its 72668
authority under Chapter 3796. of the Revised Code and any rules 72669
adopted under that chapter with respect to a person who is 72670
subject to section 3796.13 of the Revised Code; 72671

(4) The director of agriculture, relative to the 72672
director's authority to issue licenses under Chapter 928. of the 72673
Revised Code. 72674

(D) "Applicant for an initial license" includes persons 72675
seeking a license for the first time and persons seeking a 72676
license by reciprocity, endorsement, or similar manner of a 72677
license issued in another state. "Applicant for an initial 72678
license" also includes a person who, for purposes of section 72679
3796.13 of the Revised Code, is required to comply with sections 72680
4776.01 to 4776.04 of the Revised Code. 72681

(E) "Applicant for a restored license" includes persons 72682
seeking restoration of a license under section 4730.14, 4730.28, 72683
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 72684
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 72685
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 72686
"Applicant for a restored license" does not include a person 72687
seeking restoration of a license under section 4751.33 of the 72688
Revised Code. 72689

(F) "Criminal records check" has the same meaning as in 72690
section 109.572 of the Revised Code. 72691

Sec. 4776.20. (A) As used in this section: 72692

(1) "Licensing agency" means, in addition to each board 72693
identified in division (C) of section 4776.01 of the Revised 72694
Code, the board or other government entity authorized to issue a 72695
license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 72696
4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 72697
4747., 4749., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 72698
4766., 4771., 4773., and 4781. of the Revised Code. "Licensing 72699
agency" includes an administrative officer that has authority to 72700

issue a license. 72701

(2) "Licensee" means, in addition to a licensee as 72702
described in division (B) of section 4776.01 of the Revised 72703
Code, the person to whom a license is issued by the board or 72704
other government entity authorized to issue a license under 72705
Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 72706
4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 72707
4751., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 72708
4771., 4773., and 4781. of the Revised Code. 72709

(3) "Prosecutor" has the same meaning as in section 72710
2935.01 of the Revised Code. 72711

(B) On a licensee's conviction of, plea of guilty to, 72712
judicial finding of guilt of, or judicial finding of guilt 72713
resulting from a plea of no contest to the offense of 72714
trafficking in persons in violation of section 2905.32 of the 72715
Revised Code, the prosecutor in the case shall promptly notify 72716
the licensing agency of the conviction, plea, or finding and 72717
provide the licensee's name and residential address. On receipt 72718
of this notification, the licensing agency shall immediately 72719
suspend the licensee's license. 72720

(C) If there is a conviction of, plea of guilty to, 72721
judicial finding of guilt of, or judicial finding of guilt 72722
resulting from a plea of no contest to the offense of 72723
trafficking in persons in violation of section 2905.32 of the 72724
Revised Code and all or part of the violation occurred on the 72725
premises of a facility that is licensed by a licensing agency, 72726
the prosecutor in the case shall promptly notify the licensing 72727
agency of the conviction, plea, or finding and provide the 72728
facility's name and address and the offender's name and 72729
residential address. On receipt of this notification, the 72730

licensing agency shall immediately suspend the facility's 72731
license. 72732

(D) Notwithstanding any provision of the Revised Code to 72733
the contrary, the suspension of a license under division (B) or 72734
(C) of this section shall be implemented by a licensing agency 72735
without a prior hearing. After the suspension, the licensing 72736
agency shall give written notice to the subject of the 72737
suspension of the right to request a hearing under Chapter 119. 72738
of the Revised Code. After a hearing is held, the licensing 72739
agency shall either revoke or permanently revoke the license of 72740
the subject of the suspension, unless it determines that the 72741
license holder has not been convicted of, pleaded guilty to, 72742
been found guilty of, or been found guilty based on a plea of no 72743
contest to the offense of trafficking in persons in violation of 72744
section 2905.32 of the Revised Code. 72745

Sec. 4779.21. The Ohio occupational therapy, physical 72746
therapy, and athletic trainers board shall maintain records 72747
regarding the practice of orthotics, prosthetics, and pedorthics 72748
under this chapter, including records of the board's 72749
proceedings, a registry of all applicants for licensure that 72750
indicates whether the applicant was granted a license, and any 72751
other records necessary to carry out the provisions of this 72752
chapter. A registry or record kept pursuant to this section is 72753
subject to section 4798.10 of the Revised Code. 72754

Sec. 4785.041. (A) The division of industrial compliance 72755
within the department of commerce may renew a license issued 72756
under section 4785.04 of the Revised Code if the licensee does 72757
all of the following: 72758

(1) Submits an application for license renewal on a form 72759
prescribed by the division; 72760

(2) Pays the license renewal fee established by the	72761
division;	72762
(3) If the licensee is an elevator mechanic, submits	72763
evidence that the applicant has completed the continuing	72764
education coursework described in division (B) of this section;	72765
(4) If the license is an elevator contractor's license,	72766
submits proof that the applicant is in compliance with the	72767
insurance requirements prescribed in section 4785.07 of the	72768
Revised Code.	72769
(B) The continuing education courses described in division	72770
(A) (3) of this section shall:	72771
(1) Instruct licensees on new and existing rules and	72772
standards adopted by the division;	72773
(2) Consist of not less than eight hours of instruction;	72774
(3) Be attended and completed within one year immediately	72775
preceding the scheduled date for the license renewal;	72776
(4) Be taught by instructors through continuing education	72777
providers approved by the division.	72778
(C) A continuing education instructor who holds a license	72779
under this chapter is exempt from the continuing education	72780
requirement prescribed in division (A) (3) of this section,	72781
provided that any such applicant was qualified as an instructor	72782
at any time during the year immediately preceding the scheduled	72783
date for the license renewal.	72784
(D) (1) A licensee who is unable to complete the continuing	72785
education coursework required under this section before the	72786
expiration of the licensee's license due to a temporary	72787
disability may apply for a temporary continuing education waiver	72788

from the division. 72789

(2) An application for a temporary continuing education 72790
waiver shall be made in a form prescribed by the division, which 72791
shall be signed by the applicant ~~under the penalty of perjury~~ 72792
and accompanied by a ~~certified~~ statement from a competent 72793
physician attesting to the temporary disability. If the division 72794
grants the waiver, the licensee's license does not expire but is 72795
placed on inactive status. 72796

(3) On the termination of the temporary disability, the 72797
licensee shall submit to the division a ~~certified~~ statement from 72798
the same physician, if practicable, attesting to the termination 72799
of the temporary disability. The division shall then take the 72800
licensee's license off inactive status and shall issue a waiver 72801
sticker, valid for ninety days, to the licensee and affix the 72802
sticker to the license. The licensee may then perform the tasks 72803
the license authorizes the licensee to perform but the licensee 72804
shall meet the continuing education requirement during this 72805
ninety-day period or be considered to have not met the 72806
continuing education requirement and the license shall be deemed 72807
to be expired. 72808

(E) (1) Approved continuing education providers shall keep 72809
uniform records, for a period of ten years, of attendance of 72810
licensees in a format approved by the division. Such records 72811
shall be available for inspection by the division on request. 72812

(2) Approved training providers are responsible for the 72813
security of all attendance records and certificates of 72814
completion, provided, however, that falsifying or knowingly 72815
allowing another to falsify such attendance records or 72816
certificates of completion constitutes grounds for suspension or 72817
revocation of a continuing education provider's division 72818

approval. 72819

(F) The division shall not renew the license of an 72820
individual or entity if the individual or entity would be denied 72821
an initial license for a reason listed in division (E) of 72822
section 4785.04 of the Revised Code. 72823

Sec. 4798.08. (A) For purposes of this section, a 72824
"completed application" means an application for an occupational 72825
license for which the applicant has properly and timely 72826
submitted all information required for the occupational 72827
licensing board to act on the application. 72828

(B) The common sense initiative office may examine any 72829
occupational license and may require an occupational licensing 72830
board to report to the office the following information: 72831

(1) The method by which the board receives applications 72832
for the occupational license; 72833

(2) The legal authority governing the length of time 72834
within which the board must process applications for the 72835
occupational license; 72836

(3) Any application fees associated with the issuance or 72837
renewal of the occupational license; 72838

(4) The board's recommendation for the appropriate length 72839
of time to process completed applications for the occupational 72840
license; 72841

(5) The number of applications denied by the board in the 72842
previous year; 72843

(6) Any other relevant information requested by the common 72844
sense initiative office. 72845

(C) The common sense initiative office may establish an 72846
efficient application processing time for an occupational 72847
license reviewed by the office under division (B) of this 72848
section. If the office establishes an efficient application 72849
processing time under this division, the office shall direct the 72850
board to do both of the following: 72851

(1) Publish the established processing time for the 72852
license on the board's web site; 72853

(2) Make available an electronic method for an applicant 72854
to request an application fee refund as allowed under division 72855
(D) of this section. 72856

(D) If an occupational licensing board exceeds an 72857
efficient application processing time established under this 72858
section with respect to a completed application, the applicant 72859
may request a refund of the amount of the application fee. 72860

(E) On receipt of a refund request under division (D) of 72861
this section, the occupational licensing board shall do both of 72862
the following: 72863

(1) If the board exceeded the efficient application 72864
processing time established under this section with respect to a 72865
completed application, refund the application fee to the extent 72866
permitted by law; 72867

(2) Inform the common sense initiative office whether the 72868
refund request has been approved or denied. 72869

(F) An application fee refund in accordance with this 72870
section shall have no bearing on the disposition of the 72871
underlying application. 72872

(G) Nothing in this section shall be construed to impair 72873

or otherwise affect the authority granted by law, regulation, or 72874
executive order to an occupational licensing board and does not 72875
create any right or benefit, substantive or procedural, 72876
enforceable at law or in equity by any party against the state, 72877
its departments, agencies, or entities, its officers, employees, 72878
or agents, or any other person. 72879

Sec. 4798.10. (A) Except as provided in divisions (B) and 72880
(D) of this section, both of the following apply to the address, 72881
telephone number, and electronic mail address of an individual 72882
holding, or who has held, an occupational license, specialty 72883
occupational license for medical reimbursement, certification, 72884
or registration: 72885

(1) The individual's address, telephone number, or 72886
electronic mail address is not a public record under section 72887
149.43 of the Revised Code. 72888

(2) The individual's address, telephone number, or 72889
electronic mail address is confidential and may not be released 72890
by an occupational licensing board. 72891

(B) An occupational licensing board may release the 72892
individual's address, telephone number, or electronic mail 72893
address only under the following circumstances: 72894

(1) At the request of a federal, state, or local 72895
government agency or a professional organization approved by the 72896
occupational licensing board, provided the agency or approved 72897
organization agrees not to disseminate the information to third 72898
parties; 72899

(2) For the purpose of joining and maintaining an 72900
interstate licensure compact or other method of granting 72901
interstate reciprocal licensure; 72902

(3) For the purpose of enforcing state or federal law, 72903
including conducting investigations, issuing citations, 72904
enforcing settlements, and conducting adjudication hearings in 72905
accordance with state or federal law; 72906

(4) At the request of a law enforcement agency or an 72907
agency in another state responsible for the licensure, 72908
regulation, or investigation of the holder of an occupational 72909
license, specialty occupational license for medical 72910
reimbursement, certification, or registration under the 72911
jurisdiction of an occupational licensing board in that state; 72912

(5) At the request of an accredited educational 72913
institution for research purposes approved by the occupational 72914
licensing board, provided the institution agrees not to 72915
disseminate the information to third parties; 72916

(6) At the request of an entity that performs services on 72917
behalf of an occupational licensing board, provided the 72918
organization or entity agrees not to disseminate the information 72919
to third parties unless the disclosure is necessary to provide 72920
the services and is authorized as part of a contract or 72921
agreement between the entity and the occupational licensing 72922
board; 72923

(7) For the purpose of reporting disciplinary actions to 72924
federal or state authorities or to organizations approved by the 72925
occupational licensing board; 72926

(8) At the request of the individual who holds or held the 72927
occupational license, specialty occupational license for medical 72928
reimbursement, certification, or registration issued by the 72929
occupational licensing board. 72930

(C) The address, telephone number, and electronic mail 72931

address of an individual holding, or who has held, an 72932
occupational license, specialty occupational license for medical 72933
reimbursement, certification, or registration contained in an 72934
electronic licensing system created by the office of information 72935
technology pursuant to section 125.18 of the Revised Code is 72936
subject to division (A) of this section and may be released by 72937
the office only under the circumstances listed in division (B) 72938
of this section. This section does not, however, prohibit or 72939
limit the office of information technology from displaying an 72940
individual's county and state of residence or business on a web 72941
site operated by the office for the purpose of verifying that an 72942
individual possesses an occupational license, specialty 72943
occupational license for medical reimbursement, certification, 72944
or registration. 72945

(D) Notwithstanding any provision in this section to the 72946
contrary, this section does not authorize the release of the 72947
address, telephone number, or electronic mail address of a 72948
designated public service worker, as that term is defined in 72949
section 149.43 of the Revised Code, unless the release also 72950
complies with that section. 72951

Sec. 4903.10. After any order has been made by the public 72952
utilities commission, any party who has entered an appearance in 72953
person or by counsel in the proceeding may apply for a rehearing 72954
in respect to any matters determined in the proceeding. Such 72955
application shall be filed within thirty days after the entry of 72956
the order upon the journal of the commission. 72957

Notwithstanding the preceding paragraph, in any 72958
uncontested proceeding or, by leave of the commission first had 72959
in any other proceeding, any affected person, firm, or 72960
corporation may make an application for a rehearing within 72961

thirty days after the entry of any final order upon the journal 72962
of the commission. Leave to file an application for rehearing 72963
shall not be granted to any person, firm, or corporation who did 72964
not enter an appearance in the proceeding unless the commission 72965
first finds: 72966

(A) The applicant's failure to enter an appearance prior 72967
to the entry upon the journal of the commission of the order 72968
complained of was due to just cause; and, 72969

(B) The interests of the applicant were not adequately 72970
considered in the proceeding. 72971

Every applicant for rehearing or for leave to file an 72972
application for rehearing shall give due notice of the filing of 72973
such application to all parties who have entered an appearance 72974
in the proceeding in the manner and form prescribed by the 72975
commission. 72976

Such application shall be in writing and shall set forth 72977
specifically the ground or grounds on which the applicant 72978
considers the order to be unreasonable or unlawful. No party 72979
shall in any court urge or rely on any ground for reversal, 72980
vacation, or modification not so set forth in the application. 72981

Where such application for rehearing has been filed before 72982
the effective date of the order as to which a rehearing is 72983
sought, the effective date of such order, unless otherwise 72984
ordered by the commission, shall be postponed or stayed pending 72985
disposition of the matter by the commission or by operation of 72986
law. In all other cases the making of such an application shall 72987
not excuse any person from complying with the order, or operate 72988
to stay or postpone the enforcement thereof, without a special 72989
order of the commission. 72990

Where such application for rehearing has been filed, the 72991
commission may grant and hold such rehearing on the matter 72992
specified in such application, if in its judgment sufficient 72993
reason therefor is made to appear. Notice of such rehearing 72994
shall be given by regular mail to all parties who have entered 72995
an appearance in the proceeding. 72996

If the commission does not grant or deny such application 72997
for rehearing within thirty days from the date of filing 72998
thereof, it is denied by operation of law. 72999

If the commission grants such rehearing, it shall specify 73000
in the notice of such granting the purpose for which it is 73001
granted. The commission shall also specify the scope of the 73002
additional evidence, if any, that will be taken, but it shall 73003
not upon such rehearing take any evidence that, with reasonable 73004
diligence, could have been offered upon the original hearing. 73005

If, after such rehearing, the commission is of the opinion 73006
that the original order or any part thereof is in any respect 73007
unjust or unwarranted, or should be changed, the commission may 73008
abrogate or modify the same; otherwise such order shall be 73009
affirmed. An order made after such rehearing, abrogating or 73010
modifying the original order, shall have the same effect as an 73011
original order, but shall not affect any right or the 73012
enforcement of any right arising from or by virtue of the 73013
original order prior to the receipt of notice by the affected 73014
party of the filing of the application for rehearing. 73015

If the commission does not affirm, abrogate, or modify the 73016
original order within one hundred fifty days from the date 73017
granting such rehearing, the order is affirmed by operation of 73018
law. 73019

No cause of action arising out of any order of the 73020
commission, other than in support of the order, shall accrue in 73021
any court to any person, firm, or corporation unless such 73022
person, firm, or corporation has made a proper application to 73023
the commission for a rehearing. 73024

Sec. 4905.03. As used in this chapter, any person, firm, 73025
copartnership, voluntary association, joint-stock association, 73026
company, or corporation, wherever organized or incorporated, is: 73027

(A) A telephone company, when engaged in the business of 73028
transmitting telephonic messages to, from, through, or in this 73029
state; 73030

(B) A for-hire motor carrier, when engaged in the business 73031
of transporting persons or property by motor vehicle for 73032
compensation, except when engaged in any of the operations in 73033
intrastate commerce described in divisions (B)(1) to (9) of 73034
section 4921.01 of the Revised Code, but including the carrier's 73035
agents, officers, and representatives, as well as employees 73036
responsible for hiring, supervising, training, assigning, or 73037
dispatching drivers and employees concerned with the 73038
installation, inspection, and maintenance of motor-vehicle 73039
equipment and accessories; 73040

(C) An electric light company, when engaged in the 73041
business of supplying electricity for light, heat, or power 73042
purposes to consumers within this state, including supplying 73043
electric transmission service for electricity delivered to 73044
consumers in this state, but excluding a regional transmission 73045
organization approved by the federal energy regulatory 73046
commission; ~~—~~. 73047

An electric light company does not include a facility for 73048

the production of electricity that meets all of the following: 73049

(1) Is located on a customer-generator's premises or, for 73050
mercantile customers, is located within the certified territory 73051
of the electric utility that provides electric service to the 73052
mercantile customer; 73053

(2) Operates in parallel with the electric utility's 73054
transmission and distribution facilities; 73055

(3) Is intended primarily to offset part or all of the 73056
customer-generator's or mercantile customer's requirements for 73057
electricity. 73058

(D) A gas company, when engaged in the business of 73059
supplying artificial gas for lighting, power, or heating 73060
purposes to consumers within this state or when engaged in the 73061
business of supplying artificial gas to gas companies or to 73062
natural gas companies within this state, but a producer engaged 73063
in supplying to one or more gas or natural gas companies, only 73064
such artificial gas as is manufactured by that producer as a by- 73065
product of some other process in which the producer is primarily 73066
engaged within this state is not thereby a gas company. All 73067
rates, rentals, tolls, schedules, charges of any kind, or 73068
agreements between any gas company and any other gas company or 73069
any natural gas company providing for the supplying of 73070
artificial gas and for compensation for the same are subject to 73071
the jurisdiction of the public utilities commission. 73072

(E) A natural gas company, when engaged in the business of 73073
supplying natural gas for lighting, power, or heating purposes 73074
to consumers within this state. Notwithstanding the above, 73075
neither the delivery nor sale of Ohio-produced natural gas or 73076
Ohio-produced raw natural gas liquids by a producer or gatherer 73077

under a public utilities commission-ordered exemption, adopted 73078
before, as to producers, or after, as to producers or gatherers, 73079
January 1, 1996, or the delivery or sale of Ohio-produced 73080
natural gas or Ohio-produced raw natural gas liquids by a 73081
producer or gatherer of Ohio-produced natural gas or Ohio- 73082
produced raw natural gas liquids, either to a lessor under an 73083
oil and gas lease of the land on which the producer's drilling 73084
unit is located, or the grantor incident to a right-of-way or 73085
easement to the producer or gatherer, shall cause the producer 73086
or gatherer to be a natural gas company for the purposes of this 73087
section. 73088

All rates, rentals, tolls, schedules, charges of any kind, 73089
or agreements between a natural gas company and other natural 73090
gas companies or gas companies providing for the supply of 73091
natural gas and for compensation for the same are subject to the 73092
jurisdiction of the public utilities commission. The commission, 73093
upon application made to it, may relieve any producer or 73094
gatherer of natural gas, defined in this section as a gas 73095
company or a natural gas company, of compliance with the 73096
obligations imposed by this chapter and Chapters 4901., 4903., 73097
4907., 4909., 4921., and 4923. of the Revised Code, so long as 73098
the producer or gatherer is not affiliated with or under the 73099
control of a gas company or a natural gas company engaged in the 73100
transportation or distribution of natural gas, or so long as the 73101
producer or gatherer does not engage in the distribution of 73102
natural gas to consumers. 73103

Nothing in division (E) of this section limits the 73104
authority of the commission to enforce sections 4905.90 to 73105
4905.96 of the Revised Code. 73106

(F) A pipe-line company, when engaged in the business of 73107

transporting natural gas, oil, or coal or its derivatives 73108
through pipes or tubing, either wholly or partly within this 73109
state, but not when engaged in the business of the transport 73110
associated with gathering lines, raw natural gas liquids, or 73111
finished product natural gas liquids; 73112

(G) A water-works company, when engaged in the business of 73113
supplying water through pipes or tubing, or in a similar manner, 73114
to consumers within this state; 73115

(H) A heating or cooling company, when engaged in the 73116
business of supplying water, steam, or air through pipes or 73117
tubing to consumers within this state for heating or cooling 73118
purposes; 73119

(I) A messenger company, when engaged in the business of 73120
supplying messengers for any purpose; 73121

(J) A street railway company, when engaged in the business 73122
of operating as a common carrier, a railway, wholly or partly 73123
within this state, with one or more tracks upon, along, above, 73124
or below any public road, street, alleyway, or ground, within 73125
any municipal corporation, operated by any motive power other 73126
than steam and not a part of an interurban railroad, whether the 73127
railway is termed street, inclined-plane, elevated, or 73128
underground railway; 73129

(K) A suburban railroad company, when engaged in the 73130
business of operating as a common carrier, whether wholly or 73131
partially within this state, a part of a street railway 73132
constructed or extended beyond the limits of a municipal 73133
corporation, and not a part of an interurban railroad; 73134

(L) An interurban railroad company, when engaged in the 73135
business of operating a railroad, wholly or partially within 73136

this state, with one or more tracks from one municipal 73137
corporation or point in this state to another municipal 73138
corporation or point in this state, whether constructed upon the 73139
public highways or upon private rights-of-way, outside of 73140
municipal corporations, using electricity or other motive power 73141
than steam power for the transportation of passengers, packages, 73142
express matter, United States mail, baggage, and freight. Such 73143
an interurban railroad company is included in the term 73144
"railroad" as used in section 4907.02 of the Revised Code. 73145

(M) A sewage disposal system company, when engaged in the 73146
business of sewage disposal services through pipes or tubing, 73147
and treatment works, or in a similar manner, within this state. 73148

As used in division (E) of this section, "natural gas" 73149
includes natural gas that has been processed to enable 73150
consumption or to meet gas quality standards or that has been 73151
blended with propane, hydrogen, biologically derived methane 73152
gas, or any other artificially produced or processed gas. 73153

As used in this section, "gathering lines" has the same 73154
meaning as in section 4905.90 of the Revised Code, and "raw 73155
natural gas liquids" and "finished product natural gas liquids" 73156
have the same meanings as in section 4906.01 of the Revised 73157
Code. 73158

As used in division (C) of this section, "certified 73159
territory," "customer-generator," "electric utility," and 73160
"mercantile customer" have the same meanings as in section 73161
4928.01 of the Revised Code. 73162

Sec. 4905.10. (A) For the sole purpose of maintaining and 73163
administering the public utilities commission and exercising its 73164
supervision and jurisdiction over the railroads and public 73165

utilities of this state, an amount equivalent to the 73166
appropriation from the public utilities fund created under 73167
division (B) of this section to the public utilities commission 73168
for railroad and public utilities regulation in each fiscal year 73169
shall be apportioned among and assessed against each railroad 73170
and public utility within this state by the commission by first 73171
computing an assessment as though it were to be made in 73172
proportion to the intrastate gross earnings or receipts, 73173
excluding earnings or receipts from sales to other public 73174
utilities for resale, of the railroad or public utility for the 73175
calendar year next preceding that in which the assessment is 73176
made. The commission may include in that first computation any 73177
amount of a railroad's or public utility's intrastate gross 73178
earnings or receipts that were underreported in a prior year. In 73179
addition to whatever penalties apply under the Revised Code to 73180
such underreporting, the commission shall assess the railroad or 73181
public utility interest at the rate stated in division (A) of 73182
section 1343.01 of the Revised Code. The commission shall 73183
deposit any interest so collected into the public utilities 73184
fund. The commission may exclude from that first computation any 73185
such amounts that were overreported in a prior year. 73186

The final computation of the assessment shall consist of 73187
imposing upon each railroad and public utility whose assessment 73188
under the first computation would have been one hundred dollars 73189
or less an assessment of one hundred dollars and recomputing the 73190
assessments of the remaining railroads and public utilities by 73191
apportioning an amount equal to the appropriation to the public 73192
utilities commission for administration of the utilities 73193
division in each fiscal year less the total amount to be 73194
recovered from those paying the minimum assessment, in 73195
proportion to the intrastate gross earnings or receipts of the 73196

remaining railroads and public utilities for the calendar year 73197
next preceding that in which the assessments are made. 73198

In the case of an assessment based on intrastate gross 73199
receipts under this section against a public utility that is an 73200
electric utility as defined in section 4928.01 of the Revised 73201
Code, or an electric services company, electric cooperative, or 73202
governmental aggregator subject to certification under section 73203
4928.08 of the Revised Code, such receipts shall be those 73204
specified in the utility's, company's, cooperative's, or 73205
aggregator's most recent report of intrastate gross receipts and 73206
sales of kilowatt hours of electricity, filed with the 73207
commission pursuant to division (F) of section 4928.06 of the 73208
Revised Code, and verified by the commission. 73209

In the case of an assessment based on intrastate gross 73210
receipts under this section against a retail natural gas 73211
supplier or governmental aggregator subject to certification 73212
under section 4929.20 of the Revised Code, such receipts shall 73213
be those specified in the supplier's or aggregator's most recent 73214
report of intrastate gross receipts and sales of hundred cubic 73215
feet of natural gas, filed with the commission pursuant to 73216
division (B) of section 4929.23 of the Revised Code, and 73217
verified by the commission. However, no such retail natural gas 73218
supplier or such governmental aggregator serving or proposing to 73219
serve customers of a particular natural gas company, as defined 73220
in section 4929.01 of the Revised Code, shall be assessed under 73221
this section until after the commission, pursuant to section 73222
4905.26 or 4909.18 of the Revised Code, has removed from the 73223
base rates of the natural gas company the amount of assessment 73224
under this section that is attributable to the value of 73225
commodity sales service, as defined in section 4929.01 of the 73226
Revised Code, in the base rates paid by those customers of the 73227

company that do not purchase that service from the natural gas 73228
company. 73229

(B) Through calendar year 2005, on or before the first day 73230
of October in each year, the commission shall notify each such 73231
railroad and public utility of the sum assessed against it, 73232
whereupon payment shall be made to the commission, which shall 73233
deposit it into the state treasury to the credit of the public 73234
utilities fund, which is hereby created. Beginning in calendar 73235
year 2006, on or before the fifteenth day of May in each year, 73236
the commission shall notify each railroad and public utility 73237
that had a sum assessed against it for the current fiscal year 73238
of more than one thousand dollars that fifty per cent of that 73239
amount shall be paid to the commission by the twentieth day of 73240
June of that year as an initial payment of the assessment 73241
against the company for the next fiscal year. On or before the 73242
first day of October in each year, the commission shall make a 73243
final determination of the sum of the assessment against each 73244
railroad and public utility and shall notify each railroad and 73245
public utility of the sum assessed against it. The commission 73246
shall deduct from the assessment for each railroad or public 73247
utility any initial payment received. Payment of the assessment 73248
shall be made to the commission by the first day of November of 73249
that year. The commission shall deposit the payments received 73250
into the state treasury to the credit of the public utilities 73251
fund. Any such amounts paid into the fund but not expended by 73252
the commission shall be credited ratably, after first deducting 73253
any deficits accumulated from prior years, by the commission to 73254
railroads and public utilities that pay more than the minimum 73255
assessment, according to the respective portions of such sum 73256
assessable against them for the ensuing fiscal year. The 73257
assessments for such fiscal year shall be reduced 73258

correspondingly. 73259

(C) Within five days after the beginning of each fiscal 73260
year through fiscal year 2006, the director of budget and 73261
management shall transfer from the general revenue fund to the 73262
public utilities fund an amount sufficient for maintaining and 73263
administering the public utilities commission and exercising its 73264
supervision and jurisdiction over the railroads and public 73265
utilities of the state during the first four months of the 73266
fiscal year. The director shall transfer the same amount back to 73267
the general revenue fund from the public utilities fund at such 73268
time as the director determines that the balance of the public 73269
utilities fund is sufficient to support the appropriations from 73270
the fund for the fiscal year. The director may transfer less 73271
than that amount if the director determines that the revenues of 73272
the public utilities fund during the fiscal year will be 73273
insufficient to support the appropriations from the fund for the 73274
fiscal year, in which case the amount not paid back to the 73275
general revenue fund shall be payable to the general revenue 73276
fund in future fiscal years. 73277

(D) For the purpose of this section only, "public utility" 73278
includes: 73279

(1) In addition to an electric utility as defined in 73280
section 4928.01 of the Revised Code, an electric services 73281
company, an electric cooperative, or a governmental aggregator 73282
subject to certification under section 4928.08 of the Revised 73283
Code, to the extent of the company's, cooperative's, or 73284
aggregator's engagement in the business of supplying or 73285
arranging for the supply in this state of any retail electric 73286
service for which it must be so certified; 73287

(2) In addition to a natural gas company as defined in 73288

section 4929.01 of the Revised Code, a retail natural gas 73289
supplier or governmental aggregator subject to certification 73290
under section 4929.20 of the Revised Code, to the extent of the 73291
supplier's or aggregator's engagement in the business of 73292
supplying or arranging for the supply in this state of any 73293
competitive retail natural gas service for which it must be 73294
certified. 73295

(E) Each public utilities commissioner shall receive a 73296
salary fixed at the level set by pay range 49 under schedule E-2 73297
created by the director of administrative services under section 73298
124.152 of the Revised Code. 73299

Sec. 4911.07. The salary of the consumers' counsel shall 73300
be determined by the consumers' counsel governing board but 73301
shall be in pay range 49 as set forth in the schedules created 73302
under section 124.152 of the Revised Code. 73303

Sec. 4928.01. (A) As used in this chapter: 73304

(1) "Ancillary service" means any function necessary to 73305
the provision of electric transmission or distribution service 73306
to a retail customer and includes, but is not limited to, 73307
scheduling, system control, and dispatch services; reactive 73308
supply from generation resources and voltage control service; 73309
reactive supply from transmission resources service; regulation 73310
service; frequency response service; energy imbalance service; 73311
operating reserve-spinning reserve service; operating reserve- 73312
supplemental reserve service; load following; back-up supply 73313
service; real-power loss replacement service; dynamic 73314
scheduling; system black start capability; and network stability 73315
service. 73316

(2) "Billing and collection agent" means a fully 73317

independent agent, not affiliated with or otherwise controlled 73318
by an electric utility, electric services company, electric 73319
cooperative, or governmental aggregator subject to certification 73320
under section 4928.08 of the Revised Code, to the extent that 73321
the agent is under contract with such utility, company, 73322
cooperative, or aggregator solely to provide billing and 73323
collection for retail electric service on behalf of the utility 73324
company, cooperative, or aggregator. 73325

(3) "Certified territory" means the certified territory 73326
established for an electric supplier under sections 4933.81 to 73327
4933.90 of the Revised Code. 73328

(4) "Competitive retail electric service" means a 73329
component of retail electric service that is competitive as 73330
provided under division (B) of this section. 73331

(5) "Electric cooperative" means a not-for-profit electric 73332
light company that both is or has been financed in whole or in 73333
part under the "Rural Electrification Act of 1936," 49 Stat. 73334
1363, 7 U.S.C. 901, and owns or operates facilities in this 73335
state to generate, transmit, or distribute electricity, or a 73336
not-for-profit successor of such company. 73337

(6) "Electric distribution utility" means an electric 73338
utility that supplies at least retail electric distribution 73339
service. 73340

(7) "Electric light company" has the same meaning as in 73341
section 4905.03 of the Revised Code and includes an electric 73342
services company, but excludes any self-generator to the extent 73343
that it consumes electricity it so produces, sells that 73344
electricity for resale, or obtains electricity from a generating 73345
facility it hosts on its premises. 73346

(8) "Electric load center" has the same meaning as in 73347
section 4933.81 of the Revised Code. 73348

(9) "Electric services company" means an electric light 73349
company that is engaged on a for-profit or not-for-profit basis 73350
in the business of supplying or arranging for the supply of only 73351
a competitive retail electric service in this state. "Electric 73352
services company" includes a power marketer, power broker, 73353
aggregator, or independent power producer but excludes an 73354
electric cooperative, municipal electric utility, governmental 73355
aggregator, or billing and collection agent. 73356

(10) "Electric supplier" has the same meaning as in 73357
section 4933.81 of the Revised Code. 73358

(11) "Electric utility" means an electric light company 73359
that has a certified territory and is engaged on a for-profit 73360
basis either in the business of supplying a noncompetitive 73361
retail electric service in this state or in the businesses of 73362
supplying both a noncompetitive and a competitive retail 73363
electric service in this state. "Electric utility" excludes a 73364
municipal electric utility or a billing and collection agent. 73365

(12) "Firm electric service" means electric service other 73366
than nonfirm electric service. 73367

(13) "Governmental aggregator" means a legislative 73368
authority of a municipal corporation, a board of township 73369
trustees, or a board of county commissioners acting as an 73370
aggregator for the provision of a competitive retail electric 73371
service under authority conferred under section 4928.20 of the 73372
Revised Code. 73373

(14) A person acts "knowingly," regardless of the person's 73374
purpose, when the person is aware that the person's conduct will 73375

probably cause a certain result or will probably be of a certain 73376
nature. A person has knowledge of circumstances when the person 73377
is aware that such circumstances probably exist. 73378

(15) "Level of funding for low-income customer energy 73379
efficiency programs provided through electric utility rates" 73380
means the level of funds specifically included in an electric 73381
utility's rates on October 5, 1999, pursuant to an order of the 73382
public utilities commission issued under Chapter 4905. or 4909. 73383
of the Revised Code and in effect on October 4, 1999, for the 73384
purpose of improving the energy efficiency of housing for the 73385
utility's low-income customers. The term excludes the level of 73386
any such funds committed to a specific nonprofit organization or 73387
organizations pursuant to a stipulation or contract. 73388

(16) "Low-income customer assistance programs" means the 73389
percentage of income payment plan program, the home energy 73390
assistance program, the home weatherization assistance program, 73391
and the targeted energy efficiency and weatherization program. 73392

(17) "Market development period" for an electric utility 73393
means the period of time beginning on the starting date of 73394
competitive retail electric service and ending on the applicable 73395
date for that utility as specified in section 4928.40 of the 73396
Revised Code, irrespective of whether the utility applies to 73397
receive transition revenues under this chapter. 73398

(18) "Market power" means the ability to impose on 73399
customers a sustained price for a product or service above the 73400
price that would prevail in a competitive market. 73401

(19) "Mercantile customer" means a commercial or 73402
industrial customer if the electricity consumed is for 73403
nonresidential use and the customer consumes more than seven 73404

hundred thousand kilowatt hours per year or is part of a 73405
national account involving multiple facilities in one or more 73406
states. 73407

(20) "Municipal electric utility" means a municipal 73408
corporation that owns or operates facilities to generate, 73409
transmit, or distribute electricity. 73410

(21) "Noncompetitive retail electric service" means a 73411
component of retail electric service that is noncompetitive as 73412
provided under division (B) of this section. 73413

(22) "Nonfirm electric service" means electric service 73414
provided pursuant to a schedule filed under section 4905.30 of 73415
the Revised Code or pursuant to an arrangement under section 73416
4905.31 of the Revised Code, which schedule or arrangement 73417
includes conditions that may require the customer to curtail or 73418
interrupt electric usage during nonemergency circumstances upon 73419
notification by an electric utility. 73420

(23) "Percentage of income payment plan arrears" means 73421
funds eligible for collection through the percentage of income 73422
payment plan rider, but uncollected as of July 1, 2000. 73423

(24) "Person" has the same meaning as in section 1.59 of 73424
the Revised Code. 73425

(25) "Advanced energy project" means any technologies, 73426
products, activities, or management practices or strategies that 73427
facilitate the generation or use of electricity or energy and 73428
that reduce or support the reduction of energy consumption or 73429
support the production of clean, renewable energy for 73430
industrial, distribution, commercial, institutional, 73431
governmental, research, not-for-profit, or residential energy 73432
users, including, but not limited to, advanced energy resources 73433

and renewable energy resources. "Advanced energy project" also 73434
includes any project described in division (A), (B), or (C) of 73435
section 4928.621 of the Revised Code. 73436

(26) "Regulatory assets" means the unamortized net 73437
regulatory assets that are capitalized or deferred on the 73438
regulatory books of the electric utility, pursuant to an order 73439
or practice of the public utilities commission or pursuant to 73440
generally accepted accounting principles as a result of a prior 73441
commission rate-making decision, and that would otherwise have 73442
been charged to expense as incurred or would not have been 73443
capitalized or otherwise deferred for future regulatory 73444
consideration absent commission action. "Regulatory assets" 73445
includes, but is not limited to, all deferred demand-side 73446
management costs; all deferred percentage of income payment plan 73447
arrears; post-in-service capitalized charges and assets 73448
recognized in connection with statement of financial accounting 73449
standards no. 109 (receivables from customers for income taxes); 73450
future nuclear decommissioning costs and fuel disposal costs as 73451
those costs have been determined by the commission in the 73452
electric utility's most recent rate or accounting application 73453
proceeding addressing such costs; the undepreciated costs of 73454
safety and radiation control equipment on nuclear generating 73455
plants owned or leased by an electric utility; and fuel costs 73456
currently deferred pursuant to the terms of one or more 73457
settlement agreements approved by the commission. 73458

(27) "Retail electric service" means any service involved 73459
in supplying or arranging for the supply of electricity to 73460
ultimate consumers in this state, from the point of generation 73461
to the point of consumption. For the purposes of this chapter, 73462
retail electric service includes one or more of the following 73463
"service components": generation service, aggregation service, 73464

power marketing service, power brokerage service, transmission 73465
service, distribution service, ancillary service, metering 73466
service, and billing and collection service. 73467

(28) "Starting date of competitive retail electric 73468
service" means January 1, 2001. 73469

(29) "Customer-generator" means a user of a net metering 73470
system. 73471

(30) "Net metering" means measuring the difference in an 73472
applicable billing period between the electricity supplied by an 73473
electric service provider and the electricity generated by a 73474
customer-generator that is fed back to the electric service 73475
provider. 73476

(31) "Net metering system" means a facility for the 73477
production of electrical energy that does all of the following: 73478

(a) Uses as its fuel either solar, wind, biomass, landfill 73479
gas, green energy that is fully dispatchable, or hydropower, or 73480
uses a microturbine or a fuel cell; 73481

(b) Is located on a customer-generator's premises or, for 73482
a mercantile customer, is located within the certified territory 73483
of the electric utility that provides electric service to the 73484
mercantile customer; 73485

(c) Operates in parallel with the electric utility's 73486
transmission and distribution facilities; 73487

(d) Is intended primarily to offset part or all of the 73488
customer-generator's requirements for electricity. For an 73489
industrial customer-generator with a net metering system that 73490
has a capacity of less than twenty megawatts and uses wind as 73491
energy, this means the net metering system was sized so as to 73492

not exceed one hundred per cent of the customer-generator's 73493
annual requirements for electric energy at the time of 73494
interconnection. 73495

(32) "Self-generator" means an entity in this state that 73496
owns or hosts on its premises an electric generation facility 73497
that produces electricity primarily for the owner's consumption 73498
and that may provide any such excess electricity to another 73499
entity, whether the facility is installed or operated by the 73500
owner or by an agent under a contract. 73501

(33) "Rate plan" means the standard service offer in 73502
effect on the effective date of the amendment of this section by 73503
S.B. 221 of the 127th general assembly, July 31, 2008. 73504

(34) "Advanced energy resource" means any of the 73505
following: 73506

(a) Any method or any modification or replacement of any 73507
property, process, device, structure, or equipment that 73508
increases the generation output of an electric generating 73509
facility to the extent such efficiency is achieved without 73510
additional carbon dioxide emissions by that facility; 73511

(b) Any distributed generation system consisting of 73512
customer cogeneration technology; 73513

(c) Clean coal technology that includes a carbon-based 73514
product that is chemically altered before combustion to 73515
demonstrate a reduction, as expressed as ash, in emissions of 73516
nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or 73517
sulfur trioxide in accordance with the American society of 73518
testing and materials standard D1757A or a reduction of metal 73519
oxide emissions in accordance with standard D5142 of that 73520
society, or clean coal technology that includes the design 73521

capability to control or prevent the emission of carbon dioxide, 73522
which design capability the commission shall adopt by rule and 73523
shall be based on economically feasible best available 73524
technology or, in the absence of a determined best available 73525
technology, shall be of the highest level of economically 73526
feasible design capability for which there exists generally 73527
accepted scientific opinion; 73528

(d) Advanced nuclear energy technology consisting of 73529
generation III technology as defined by the nuclear regulatory 73530
commission; other, later technology; or significant improvements 73531
to existing facilities; 73532

(e) Any fuel cell used in the generation of electricity, 73533
including, but not limited to, a proton exchange membrane fuel 73534
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 73535
solid oxide fuel cell; 73536

(f) Advanced solid waste or construction and demolition 73537
debris conversion technology, including, but not limited to, 73538
advanced stoker technology, and advanced fluidized bed 73539
gasification technology, that results in measurable greenhouse 73540
gas emissions reductions as calculated pursuant to the United 73541
States environmental protection agency's waste reduction model 73542
(WARM); 73543

(g) Demand-side management and any energy efficiency 73544
improvement; 73545

(h) Any new, retrofitted, refueled, or repowered 73546
generating facility located in Ohio, including a simple or 73547
combined-cycle natural gas generating facility or a generating 73548
facility that uses biomass, coal, modular nuclear, or any other 73549
fuel as its input; 73550

(i) Any uprated capacity of an existing electric 73551
generating facility if the uprated capacity results from the 73552
deployment of advanced technology. 73553

"Advanced energy resource" does not include a waste energy 73554
recovery system that is, or has been, included in an energy 73555
efficiency program of an electric distribution utility pursuant 73556
to requirements under section 4928.66 of the Revised Code. 73557

(35) "Air contaminant source" has the same meaning as in 73558
section 3704.01 of the Revised Code. 73559

(36) "Cogeneration technology" means technology that 73560
produces electricity and useful thermal output simultaneously. 73561

(37) (a) "Renewable energy resource" means any of the 73562
following: 73563

(i) Solar photovoltaic or solar thermal energy; 73564

(ii) Wind energy; 73565

(iii) Power produced by a hydroelectric facility; 73566

(iv) Power produced by a small hydroelectric facility, 73567
which is a facility that operates, or is rated to operate, at an 73568
aggregate capacity of less than six megawatts; 73569

(v) Power produced by a run-of-the-river hydroelectric 73570
facility placed in service on or after January 1, 1980, that is 73571
located within this state, relies upon the Ohio river, and 73572
operates, or is rated to operate, at an aggregate capacity of 73573
forty or more megawatts; 73574

(vi) Geothermal energy; 73575

(vii) Fuel derived from solid wastes, as defined in 73576
section 3734.01 of the Revised Code, through fractionation, 73577

biological decomposition, or other process that does not 73578
principally involve combustion; 73579

(viii) Biomass energy; 73580

(ix) Energy produced by cogeneration technology that is 73581
placed into service on or before December 31, 2015, and for 73582
which more than ninety per cent of the total annual energy input 73583
is from combustion of a waste or byproduct gas from an air 73584
contaminant source in this state, which source has been in 73585
operation since on or before January 1, 1985, provided that the 73586
cogeneration technology is a part of a facility located in a 73587
county having a population of more than three hundred sixty-five 73588
thousand but less than three hundred seventy thousand according 73589
to the most recent federal decennial census; 73590

(x) Biologically derived methane gas; 73591

(xi) Heat captured from a generator of electricity, 73592
boiler, or heat exchanger fueled by biologically derived methane 73593
gas; 73594

(xii) Energy derived from nontreated by-products of the 73595
pulping process or wood manufacturing process, including bark, 73596
wood chips, sawdust, and lignin in spent pulping liquors. 73597

"Renewable energy resource" includes, but is not limited 73598
to, any fuel cell used in the generation of electricity, 73599
including, but not limited to, a proton exchange membrane fuel 73600
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 73601
solid oxide fuel cell; wind turbine located in the state's 73602
territorial waters of Lake Erie; methane gas emitted from an 73603
abandoned coal mine; waste energy recovery system placed into 73604
service or retrofitted on or after the effective date of the 73605
amendment of this section by S.B. 315 of the 129th general 73606

assembly, September 10, 2012, except that a waste energy 73607
recovery system described in division (A) (38) (b) of this section 73608
may be included only if it was placed into service between 73609
January 1, 2002, and December 31, 2004; storage facility that 73610
will promote the better utilization of a renewable energy 73611
resource; or distributed generation system used by a customer to 73612
generate electricity from any such energy. 73613

"Renewable energy resource" does not include a waste 73614
energy recovery system that is, or was, on or after January 1, 73615
2012, included in an energy efficiency program of an electric 73616
distribution utility pursuant to requirements under section 73617
4928.66 of the Revised Code. 73618

(b) As used in division (A) (37) of this section, 73619
"hydroelectric facility" means a hydroelectric generating 73620
facility that is located at a dam on a river, or on any water 73621
discharged to a river, that is within or bordering this state or 73622
within or bordering an adjoining state and meets all of the 73623
following standards: 73624

(i) The facility provides for river flows that are not 73625
detrimental for fish, wildlife, and water quality, including 73626
seasonal flow fluctuations as defined by the applicable 73627
licensing agency for the facility. 73628

(ii) The facility demonstrates that it complies with the 73629
water quality standards of this state, which compliance may 73630
consist of certification under Section 401 of the "Clean Water 73631
Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and 73632
demonstrates that it has not contributed to a finding by this 73633
state that the river has impaired water quality under Section 73634
303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 73635
U.S.C. 1313. 73636

(iii) The facility complies with mandatory prescriptions 73637
regarding fish passage as required by the federal energy 73638
regulatory commission license issued for the project, regarding 73639
fish protection for riverine, anadromous, and catadromous fish. 73640

(iv) The facility complies with the recommendations of the 73641
Ohio environmental protection agency and with the terms of its 73642
federal energy regulatory commission license regarding watershed 73643
protection, mitigation, or enhancement, to the extent of each 73644
agency's respective jurisdiction over the facility. 73645

(v) The facility complies with provisions of the 73646
"Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 73647
to 1544, as amended. 73648

(vi) The facility does not harm cultural resources of the 73649
area. This can be shown through compliance with the terms of its 73650
federal energy regulatory commission license or, if the facility 73651
is not regulated by that commission, through development of a 73652
plan approved by the Ohio historic preservation office, to the 73653
extent it has jurisdiction over the facility. 73654

(vii) The facility complies with the terms of its federal 73655
energy regulatory commission license or exemption that are 73656
related to recreational access, accommodation, and facilities 73657
or, if the facility is not regulated by that commission, the 73658
facility complies with similar requirements as are recommended 73659
by resource agencies, to the extent they have jurisdiction over 73660
the facility; and the facility provides access to water to the 73661
public without fee or charge. 73662

(viii) The facility is not recommended for removal by any 73663
federal agency or agency of any state, to the extent the 73664
particular agency has jurisdiction over the facility. 73665

(c) The standards in divisions (A) (37) (b) (i) to (viii) of 73666
this section do not apply to a small hydroelectric facility 73667
under division (A) (37) (a) (iv) of this section. 73668

(38) "Waste energy recovery system" means either of the 73669
following: 73670

(a) A facility that generates electricity through the 73671
conversion of energy from either of the following: 73672

(i) Exhaust heat from engines or manufacturing, 73673
industrial, commercial, or institutional sites, except for 73674
exhaust heat from a facility whose primary purpose is the 73675
generation of electricity; 73676

(ii) Reduction of pressure in gas pipelines before gas is 73677
distributed through the pipeline, provided that the conversion 73678
of energy to electricity is achieved without using additional 73679
fossil fuels. 73680

(b) A facility at a state institution of higher education 73681
as defined in section 3345.011 of the Revised Code that recovers 73682
waste heat from electricity-producing engines or combustion 73683
turbines and that simultaneously uses the recovered heat to 73684
produce steam, provided that the facility was placed into 73685
service between January 1, 2002, and December 31, 2004. 73686

(39) "Smart grid" means capital improvements to an 73687
electric distribution utility's distribution infrastructure that 73688
improve reliability, efficiency, resiliency, or reduce energy 73689
demand or use, including, but not limited to, advanced metering 73690
and automation of system functions. 73691

(40) "Combined heat and power system" means the 73692
coproduction of electricity and useful thermal energy from the 73693
same fuel source designed to achieve thermal-efficiency levels 73694

of at least sixty per cent, with at least twenty per cent of the 73695
system's total useful energy in the form of thermal energy. 73696

(41) "Legacy generation resource" means all generating 73697
facilities owned directly or indirectly by a corporation that 73698
was formed prior to 1960 by investor-owned utilities for the 73699
original purpose of providing power to the federal government 73700
for use in the nation's defense or in furtherance of national 73701
interests, including the Ohio valley electric corporation. 73702

(42) "Prudently incurred costs related to a legacy 73703
generation resource" means costs, including deferred costs, 73704
allocated pursuant to a power agreement approved by the federal 73705
energy regulatory commission that relates to a legacy generation 73706
resource, less any revenues realized from offering the 73707
contractual commitment for the power agreement into the 73708
wholesale markets, provided that where the net revenues exceed 73709
net costs, those excess revenues shall be credited to customers. 73710
Such costs shall exclude any return on investment in common 73711
equity and, in the event of a premature retirement of a legacy 73712
generation resource, shall exclude any recovery of remaining 73713
debt. Such costs shall include any incremental costs resulting 73714
from the bankruptcy of a current or former sponsor under such 73715
power agreement or co-owner of the legacy generation resource if 73716
not otherwise recovered through a utility rate cost recovery 73717
mechanism. 73718

(43) "Green energy" means any energy generated by using an 73719
energy resource that does one or more of the following: 73720

(a) Releases reduced air pollutants, thereby reducing 73721
cumulative air emissions; 73722

(b) Is more sustainable and reliable relative to some 73723

fossil fuels. 73724

"Green energy" includes energy generated by using natural 73725
gas as a resource. 73726

(B) For the purposes of this chapter, a retail electric 73727
service component shall be deemed a competitive retail electric 73728
service if the service component is competitive pursuant to a 73729
declaration by a provision of the Revised Code or pursuant to an 73730
order of the public utilities commission authorized under 73731
division (A) of section 4928.04 of the Revised Code. Otherwise, 73732
the service component shall be deemed a noncompetitive retail 73733
electric service. 73734

Sec. 4928.02. It is the policy of this state to do the 73735
following throughout this state: 73736

(A) Ensure the availability to consumers of adequate, 73737
reliable, safe, efficient, nondiscriminatory, and reasonably 73738
priced retail electric service; 73739

(B) Ensure the availability of unbundled and comparable 73740
retail electric service that provides consumers with the 73741
supplier, price, terms, conditions, and quality options they 73742
elect to meet their respective needs; 73743

(C) Ensure diversity of electricity supplies and 73744
suppliers, by giving consumers effective choices over the 73745
selection of those supplies and suppliers and by encouraging the 73746
development of distributed and small generation facilities; 73747

(D) Encourage innovation and market access for cost- 73748
effective supply- and demand-side retail electric service 73749
including, but not limited to, demand-side management, time- 73750
differentiated pricing, waste energy recovery systems, smart 73751
grid programs, and implementation of advanced metering 73752

infrastructure; 73753

(E) Encourage cost-effective and efficient access to 73754
information regarding the operation of the transmission and 73755
distribution systems of electric utilities in order to promote 73756
both effective customer choice of retail electric service and 73757
the development of performance standards and targets for service 73758
quality for all consumers, including annual achievement reports 73759
written in plain language; 73760

(F) Ensure that an electric utility's transmission and 73761
distribution systems are available to a customer-generator or 73762
owner of distributed generation, so that the customer-generator 73763
or owner can market and deliver the electricity it produces_ 73764
through power purchase agreements or other contractual 73765
agreements; 73766

(G) Recognize the continuing emergence of competitive 73767
electricity markets through the development and implementation 73768
of flexible regulatory treatment; 73769

(H) Ensure effective competition in the provision of 73770
retail electric service by avoiding anticompetitive subsidies 73771
flowing from a noncompetitive retail electric service to a 73772
competitive retail electric service or to a product or service 73773
other than retail electric service, and vice versa, including by 73774
prohibiting the recovery of any generation-related costs through 73775
distribution or transmission rates; 73776

(I) Ensure retail electric service consumers protection 73777
against unreasonable sales practices, market deficiencies, and 73778
market power; 73779

(J) Provide coherent, transparent means of giving 73780
appropriate incentives to technologies that can adapt 73781

successfully to potential environmental mandates; 73782

(K) Encourage implementation of distributed generation 73783
across customer classes through regular review and updating of 73784
administrative rules governing critical issues such as, but not 73785
limited to, interconnection standards, standby charges, and net 73786
metering; 73787

(L) Protect at-risk populations, including, but not 73788
limited to, when considering the implementation of any new 73789
advanced energy or renewable energy resource; 73790

(M) Encourage the education of small business owners in 73791
this state regarding the use of, and encourage the use of, 73792
energy efficiency programs and alternative energy resources in 73793
their businesses; 73794

(N) Facilitate the state's effectiveness in the global 73795
economy. 73796

(O) Encourage cost-effective, timely, and efficient access 73797
to and sharing of customer usage data with customers and 73798
competitive suppliers to promote customer choice and grid 73799
modernization. 73800

(P) Ensure that a customer's data is provided in a 73801
standard format and provided to third parties in as close to 73802
real time as is economically justifiable in order to spur 73803
economic investment and improve the energy options of individual 73804
customers. 73805

(Q) Encourage the development of customer-sited 73806
generation. 73807

In carrying out this policy, the commission shall consider 73808
rules as they apply to the costs of electric distribution 73809

infrastructure, including, but not limited to, line extensions, 73810
for the purpose of development in this state. 73811

Sec. 4928.06. (A) Beginning on the starting date of 73812
competitive retail electric service, the public utilities 73813
commission shall ensure that the policy specified in section 73814
4928.02 of the Revised Code is effectuated. To the extent 73815
necessary, the commission shall adopt rules to carry out this 73816
chapter. Initial rules necessary for the commencement of the 73817
competitive retail electric service under this chapter shall be 73818
adopted within one hundred eighty days after the effective date 73819
of this section. Except as otherwise provided in this chapter, 73820
the proceedings and orders of the commission under the chapter 73821
shall be subject to and governed by Chapter 4903. of the Revised 73822
Code. 73823

(B) If the commission determines, on or after the starting 73824
date of competitive retail electric service, that there is a 73825
decline or loss of effective competition with respect to a 73826
competitive retail electric service of an electric utility, 73827
which service was declared competitive by commission order 73828
issued pursuant to division (A) of section 4928.04 of the 73829
Revised Code, the commission shall ensure that that service is 73830
provided at compensatory, fair, and nondiscriminatory prices and 73831
terms and conditions. 73832

(C) In addition to its authority under section 4928.04 of 73833
the Revised Code and divisions (A) and (B) of this section, the 73834
commission, on an ongoing basis, shall monitor and evaluate the 73835
provision of retail electric service in this state for the 73836
purpose of discerning any noncompetitive retail electric service 73837
that should be available on a competitive basis on or after the 73838
starting date of competitive retail electric service pursuant to 73839

a declaration in the Revised Code, and for the purpose of 73840
discerning any competitive retail electric service that is no 73841
longer subject to effective competition on or after that date. 73842
Upon such evaluation, the commission periodically shall report 73843
its findings and any recommendations for legislation to the 73844
standing committees of both houses of the general assembly that 73845
have primary jurisdiction regarding public utility legislation. 73846
~~Until 2008, the commission and the consumer's counsel also shall~~ 73847
~~provide biennial reports to those standing committees, regarding~~ 73848
~~the effectiveness of competition in the supply of competitive~~ 73849
~~retail electric services in this state. In addition, until the~~ 73850
~~end of all market development periods as determined by the~~ 73851
~~commission under section 4928.40 of the Revised Code, those~~ 73852
~~standing committees shall meet at least biennially to consider~~ 73853
~~the effect on this state of electric service restructuring and~~ 73854
~~to receive reports from the commission, consumers' counsel, and~~ 73855
~~director of development.~~ 73856

(D) In determining, for purposes of division (B) or (C) of 73857
this section, whether there is effective competition in the 73858
provision of a retail electric service or reasonably available 73859
alternatives for that service, the commission shall consider 73860
factors including, but not limited to, all of the following: 73861

(1) The number and size of alternative providers of that 73862
service; 73863

(2) The extent to which the service is available from 73864
alternative suppliers in the relevant market; 73865

(3) The ability of alternative suppliers to make 73866
functionally equivalent or substitute services readily available 73867
at competitive prices, terms, and conditions; 73868

(4) Other indicators of market power, which may include 73869
market share, growth in market share, ease of entry, and the 73870
affiliation of suppliers of services. 73871

The burden of proof shall be on any entity requesting, 73872
under division (B) or (C) of this section, a determination by 73873
the commission of the existence of or a lack of effective 73874
competition or reasonably available alternatives. 73875

(E) (1) Beginning on the starting date of competitive 73876
retail electric service, the commission has authority under 73877
Chapters 4901. to 4909. of the Revised Code, and shall exercise 73878
that authority, to resolve abuses of market power by any 73879
electric utility that interfere with effective competition in 73880
the provision of retail electric service. 73881

(2) In addition to the commission's authority under 73882
division (E) (1) of this section, the commission, beginning the 73883
first year after the market development period of a particular 73884
electric utility and after reasonable notice and opportunity for 73885
hearing, may take such measures within a transmission 73886
constrained area in the utility's certified territory as are 73887
necessary to ensure that retail electric generation service is 73888
provided at reasonable rates within that area. The commission 73889
may exercise this authority only upon findings that an electric 73890
utility is or has engaged in the abuse of market power and that 73891
that abuse is not adequately mitigated by rules and practices of 73892
any independent transmission entity controlling the transmission 73893
facilities. Any such measure shall be taken only to the extent 73894
necessary to protect customers in the area from the particular 73895
abuse of market power and to the extent the commission's 73896
authority is not preempted by federal law. The measure shall 73897
remain in effect until the commission, after reasonable notice 73898

and opportunity for hearing, determines that the particular 73899
abuse of market power has been mitigated. 73900

(F) An electric utility, electric services company, 73901
electric cooperative, or governmental aggregator subject to 73902
certification under section 4928.08 of the Revised Code shall 73903
provide the commission with such information, regarding a 73904
competitive retail electric service for which it is subject to 73905
certification, as the commission considers necessary to carry 73906
out this chapter. An electric utility shall provide the 73907
commission with such information as the commission considers 73908
necessary to carry out divisions (B) to (E) of this section. The 73909
commission shall take such measures as it considers necessary to 73910
protect the confidentiality of any such information. 73911

The commission shall require each electric utility to file 73912
with the commission on and after the starting date of 73913
competitive retail electric service an annual report of its 73914
intrastate gross receipts and sales of kilowatt hours of 73915
electricity, and shall require each electric services company, 73916
electric cooperative, and governmental aggregator subject to 73917
certification to file an annual report on and after that 73918
starting date of such receipts and sales from the provision of 73919
those retail electric services for which it is subject to 73920
certification. For the purpose of the reports, sales of kilowatt 73921
hours of electricity are deemed to occur at the meter of the 73922
retail customer. 73923

Sec. 4928.34. (A) The public utilities commission shall 73924
not approve or prescribe a transition plan under division (A) or 73925
(B) of section 4928.33 of the Revised Code unless the commission 73926
first makes all of the following determinations: 73927

(1) The unbundled components for the electric transmission 73928

component of retail electric service, as specified in the 73929
utility's rate unbundling plan required by division (A) (1) of 73930
section 4928.31 of the Revised Code, equal the tariff rates 73931
determined by the federal energy regulatory commission that are 73932
in effect on the date of the approval of the transition plan 73933
under sections 4928.31 to 4928.40 of the Revised Code, as each 73934
such rate is determined applicable to each particular customer 73935
class and rate schedule by the commission. The unbundled 73936
transmission component shall include a sliding scale of charges 73937
under division (B) of section 4905.31 of the Revised Code to 73938
ensure that refunds determined or approved by the federal energy 73939
regulatory commission are flowed through to retail electric 73940
customers. 73941

(2) The unbundled components for retail electric 73942
distribution service in the rate unbundling plan equal the 73943
difference between the costs attributable to the utility's 73944
transmission and distribution rates and charges under its 73945
schedule of rates and charges in effect on the effective date of 73946
this section, based upon the record in the most recent rate 73947
proceeding of the utility for which the utility's schedule was 73948
established, and the tariff rates for electric transmission 73949
service determined by the federal energy regulatory commission 73950
as described in division (A) (1) of this section. 73951

(3) All other unbundled components required by the 73952
commission in the rate unbundling plan equal the costs 73953
attributable to the particular service as reflected in the 73954
utility's schedule of rates and charges in effect on the 73955
effective date of this section. 73956

(4) The unbundled components for retail electric 73957
generation service in the rate unbundling plan equal the 73958

residual amount remaining after the determination of the 73959
transmission, distribution, and other unbundled components, and 73960
after any adjustments necessary to reflect the effects of the 73961
amendment of section 5727.111 of the Revised Code by Sub. S.B. 73962
No. 3 of the 123rd general assembly. 73963

(5) All unbundled components in the rate unbundling plan 73964
have been adjusted to reflect any base rate reductions on file 73965
with the commission and as scheduled to be in effect by December 73966
31, 2005, under rate settlements in effect on the effective date 73967
of this section. However, all earnings obligations, 73968
restrictions, or caps imposed on an electric utility in a 73969
commission order prior to the effective date of this section are 73970
void. 73971

(6) Subject to division (A) (5) of this section, the total 73972
of all unbundled components in the rate unbundling plan are 73973
capped and shall equal during the market development period, 73974
except as specifically provided in this chapter, the total of 73975
all rates and charges in effect under the applicable bundled 73976
schedule of the electric utility pursuant to section 4905.30 of 73977
the Revised Code in effect on the day before the effective date 73978
of this section, including the transition charge determined 73979
under section 4928.40 of the Revised Code, adjusted for any 73980
changes in the taxation of electric utilities and retail 73981
electric service under Sub. S.B. No. 3 of the 123rd General 73982
Assembly, and the universal service percentage of income payment 73983
plan rider authorized by section ~~4928.51~~ 4928.52 of the Revised 73984
~~Code, and the temporary rider authorized by section 4928.61 of~~ 73985
~~the Revised Code.~~ For the purpose of this division, the rate cap 73986
applicable to a customer receiving electric service pursuant to 73987
an arrangement approved by the commission under section 4905.31 73988
of the Revised Code is, for the term of the arrangement, the 73989

total of all rates and charges in effect under the arrangement. 73990
For any rate schedule filed pursuant to section 4905.30 of the 73991
Revised Code or any arrangement subject to approval pursuant to 73992
section 4905.31 of the Revised Code, the initial tax-related 73993
adjustment to the rate cap required by this division shall be 73994
equal to the rate of taxation specified in section 5727.81 of 73995
the Revised Code and applicable to the schedule or arrangement. 73996
To the extent such total annual amount of the tax-related 73997
adjustment is greater than or less than the comparable amount of 73998
the total annual tax reduction experienced by the electric 73999
utility as a result of the provisions of Sub. S.B. No. 3 of the 74000
123rd general assembly, such difference shall be addressed by 74001
the commission through accounting procedures, refunds, or an 74002
annual surcharge or credit to customers, or through other 74003
appropriate means, to avoid placing the financial responsibility 74004
for the difference upon the electric utility or its 74005
shareholders. Any adjustments in the rate of taxation specified 74006
in section 5727.81 of the Revised Code ~~section~~ shall not occur 74007
without a corresponding adjustment to the rate cap for each such 74008
rate schedule or arrangement. The department of taxation shall 74009
advise the commission and self-assessors under section 5727.81 74010
of the Revised Code prior to the effective date of any change in 74011
the rate of taxation specified under that section, and the 74012
commission shall modify the rate cap to reflect that adjustment 74013
so that the rate cap adjustment is effective as of the effective 74014
date of the change in the rate of taxation. This division shall 74015
be applied, to the extent possible, to eliminate any increase in 74016
the price of electricity for customers that otherwise may occur 74017
as a result of establishing the taxes contemplated in section 74018
5727.81 of the Revised Code. 74019

(7) The rate unbundling plan complies with any rules 74020

adopted by the commission under division (A) of section 4928.06	74021
of the Revised Code.	74022
(8) The corporate separation plan required by division (A)	74023
(2) of section 4928.31 of the Revised Code complies with section	74024
4928.17 of the Revised Code and any rules adopted by the	74025
commission under division (A) of section 4928.06 of the Revised	74026
Code.	74027
(9) Any plan or plans the commission requires to address	74028
operational support systems and any other technical	74029
implementation issues pertaining to competitive retail electric	74030
service comply with any rules adopted by the commission under	74031
division (A) of section 4928.06 of the Revised Code.	74032
(10) The employee assistance plan required by division (A)	74033
(4) of section 4928.31 of the Revised Code sufficiently provides	74034
severance, retraining, early retirement, retention,	74035
outplacement, and other assistance for the utility's employees	74036
whose employment is affected by electric industry restructuring	74037
under this chapter.	74038
(11) The consumer education plan required under division	74039
(A) (5) of section 4928.31 of the Revised Code complies with	74040
former section 4928.42 of the Revised Code and any rules adopted	74041
by the commission under division (A) of section 4928.06 of the	74042
Revised Code.	74043
(12) The transition revenues for which an electric utility	74044
is authorized a revenue opportunity under sections 4928.31 to	74045
4928.40 of the Revised Code are the allowable transition costs	74046
of the utility as such costs are determined by the commission	74047
pursuant to section 4928.39 of the Revised Code, and the	74048
transition charges for the customer classes and rate schedules	74049

of the utility are the charges determined pursuant to section 74050
4928.40 of the Revised Code. 74051

(13) Any independent transmission plan included in the 74052
transition plan filed under section 4928.31 of the Revised Code 74053
reasonably complies with section 4928.12 of the Revised Code and 74054
any rules adopted by the commission under division (A) of 74055
section 4928.06 of the Revised Code, unless the commission, for 74056
good cause shown, authorizes the utility to defer compliance 74057
until an order is issued under division (G) of section 4928.35 74058
of the Revised Code. 74059

(14) The utility is in compliance with sections 4928.01 to 74060
4928.11 of the Revised Code and any rules or orders of the 74061
commission adopted or issued under those sections. 74062

(15) All unbundled components in the rate unbundling plan 74063
have been adjusted to reflect the elimination of the tax on 74064
gross receipts imposed by section 5727.30 of the Revised Code. 74065

In addition, a transition plan approved by the commission 74066
under section 4928.33 of the Revised Code but not containing an 74067
approved independent transmission plan shall contain the express 74068
conditions that the utility will comply with an order issued 74069
under division (G) of section 4928.35 of the Revised Code. 74070

(B) Subject to division (E) of section 4928.17 of the 74071
Revised Code, if the commission finds that any part of the 74072
transition plan would constitute an abandonment under sections 74073
4905.20 and 4905.21 of the Revised Code, the commission shall 74074
not approve that part of the transition plan unless it makes the 74075
finding required for approval of an abandonment application 74076
under section 4905.21 of the Revised Code. Sections 4905.20 and 74077
4905.21 of the Revised Code otherwise shall not apply to a 74078

transition plan under sections 4928.31 to 4928.40 of the Revised Code. 74079
74080

Sec. 4928.43. (A) Each state agency that provides 74081
employment assistance and job training programs, including the 74082
~~bureau of employment department of job and family services and~~ 74083
~~the department of development,~~ shall provide concentrated 74084
attention through those programs to assisting employees whose 74085
employment is affected by electric industry restructuring under 74086
this chapter. 74087

(B) To the extent not prohibited by federal law or any law 74088
of this state and except as otherwise provided in a labor 74089
contract or other agreement, no unencumbered money in a pension 74090
fund for employees of electric utilities shall be used for any 74091
purpose other than to pay allowable pensions or early retirement 74092
buyouts for the employees. 74093

Sec. 4928.47. (A) An electric distribution utility may, on 74094
a nondiscriminatory basis and subject to approval by the public 74095
utilities commission, enter into an agreement having a term of 74096
three years or more with a mercantile customer or group of 74097
mercantile customers for the purpose of constructing in this 74098
state a customer sited renewable energy resource ~~in this state~~ 74099
or a green energy resource as defined in division (A) (43) (b) of 74100
section 4928.01 of the Revised Code that will provide the 74101
mercantile customer or group with a material portion of the 74102
customer's or group's electricity requirements. 74103

(B) Any direct or indirect costs, including costs for 74104
infrastructure development or generation, associated with the 74105
in-state customer-sited renewable energy resource shall be paid 74106
for solely by the utility and the mercantile customer or group 74107
of mercantile customers. At no point shall the commission 74108

authorize the utility to collect, nor shall the utility ever 74109
collect, any of those costs from any customer other than the 74110
mercantile customer or group of mercantile customers. 74111

Sec. 4928.51. ~~(A)~~ There is hereby established in the state 74112
treasury ~~a universal service~~ the electric partnership plan fund, 74113
into which shall be deposited all ~~universal service~~ revenues 74114
remitted to the director of ~~development~~ job and family services 74115
under this section, for the exclusive purposes of providing 74116
funding for the low-income customer assistance programs ~~and for~~ 74117
~~the consumer education program authorized under section 4928.56~~ 74118
~~of the Revised Code~~, and paying the administrative costs of the 74119
low-income customer assistance programs and the consumer 74120
education program. Interest on the fund shall be credited to the 74121
fund. Disbursements from the fund shall be made to any supplier 74122
that provides a competitive retail electric service or a 74123
noncompetitive retail electric service to a customer who is 74124
approved to receive assistance under a specified low-income 74125
customer assistance program and to any authorized provider of 74126
weatherization or energy efficiency service to a customer 74127
approved to receive such assistance under a specified low-income 74128
customer assistance program. 74129

~~(B)~~ ~~Universal service revenues~~ Revenues deposited in the 74130
electric partnership plan fund shall include all ~~of the~~ 74131
~~following:~~ 74132

~~(1)~~ ~~Revenues~~ revenues remitted to the director after 74133
collection by an electric distribution utility ~~beginning July 1,~~ 74134
~~2000, attributable to the collection from customers of the~~ 74135
~~universal service rider prescribed under~~ pursuant to division 74136
(C) of section 4928.52 of the Revised Code; 74137

~~(2)~~ ~~Revenues remitted to the director that have been~~ 74138

~~collected by an electric distribution utility beginning July 1, 2000, as customer payments under the percentage of income payment plan program, including revenues remitted under division (C) of this section;~~ 74139
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~~(3) Adequate revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state not earlier than July 1, 2000, upon the utility's or cooperative's decision to participate in the low-income customer assistance programs.~~ 74143
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~~(C)(1) Beginning July 1, 2000, an electric distribution utility shall transfer to the director the right to collect all arrearage payments of a customer for percentage of income payment plan program debt owed to the utility on the day before that date or retain the right to collect that debt but remit to the director all program revenues received by the utility for that customer.~~ 74148
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~~(2) A current or past percentage of income payment plan program customer is relieved of any payment obligation under the percentage of income payment program for any unpaid arrears accrued by the customer under the program as of the effective date of this section if the customer, as determined by the director, meets both of the following criteria:~~ 74155
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74160

~~(a) The customer as of that date has complied with customer payment responsibilities under the program.~~ 74161
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~~(b) The customer is permanently and totally disabled as defined in section 5117.01 of the Revised Code or is sixty-five years of age or older as defined in that section.~~ 74163
74164
74165

~~(D) The public utilities commission shall complete an audit of each electric utility by July 1, 2000, for the purpose~~ 74166
74167

~~of establishing a baseline for the percentage of income payment~~ 74168
~~plan program component of the low-income assistance programs.~~ 74169

Sec. 4928.52. (A) Beginning ~~July~~ January 1, 2000, ~~the~~ 74170
2026, the percentage of income payment plan rider shall replace, 74171
for each electric distribution utility, the universal service 74172
~~rider shall replace the percentage of income payment plan rider~~ 74173
in existence on the effective date of the amendment of this 74174
~~section and any amount in the rates of an electric utility for~~ 74175
~~the funding of low-income customer energy efficiency programs by~~ 74176
this act. The ~~universal service~~ percentage of income payment 74177
plan rider shall be a rider on retail electric distribution 74178
service rates as such rates are determined by the public 74179
utilities commission pursuant to this chapter. The ~~universal~~ 74180
~~service~~ percentage of income payment plan rider for the first 74181
~~five years after the starting date of competitive retail~~ 74182
~~electric service shall be the sum of all of~~ recover the 74183
following: 74184

(1) The ~~level of~~ prudently incurred costs of providing the 74185
percentage of income payment plan program ~~rider in existence on~~ 74186
~~the effective date of this section~~ for each electric distribution 74187
utility; 74188

(2) ~~An amount equal to the level of funding for low-income~~ 74189
~~customer energy efficiency programs provided through electric~~ 74190
~~utility rates in effect on the effective date of this section~~ The 74191
total of the electric distribution utilities' allocated shares, 74192
as determined by the public utilities commission, under division 74193
(B) (1) of this section; 74194

(3) Any additional amount necessary and sufficient to fund 74195
through the ~~universal service~~ percentage of income payment plan 74196
rider the administrative costs of the low-income customer 74197

assistance programs ~~and the consumer education program created~~ 74198
~~in section 4928.56 of the Revised Code.~~ 74199

~~(B) (1) If, during or after the five-year period~~ 74200
~~specified in division (A) of this section, the director of~~ 74201
~~development, after consultation with the public benefits~~ 74202
~~advisory board created under section 4928.58 of the Revised~~ 74203
~~Code, determines that revenues in the universal service fund and~~ 74204
~~revenues from federal or other sources of funding for those~~ 74205
~~programs, including general revenue fund appropriations for the~~ 74206
~~Ohio energy credit program, will be insufficient to cover the~~ 74207
~~administrative costs of the low-income customer assistance~~ 74208
~~programs and the consumer education program and provide adequate~~ 74209
~~funding for those programs, the director shall file a petition~~ 74210
~~with the commission for an increase in the universal service~~ 74211
~~rider. The commission, after reasonable notice and opportunity~~ 74212
~~for hearing, may adjust the universal service rider by the~~ 74213
~~minimum amount necessary to provide the additional revenues. The~~ 74214
~~commission shall not decrease the universal service rider~~ 74215
~~without the approval of the director, after consultation by the~~ 74216
~~director with the advisory board~~allocate to each electric 74217
distribution utility a share of the funding for low-income 74218
customer assistance programs administered by the director of job 74219
and family services according to each electric distribution 74220
utility's annual distribution service revenues. 74221

(2) Each electric distribution utility's allocation 74222
determined under division (B) (1) of this section shall include a 74223
separately designated allocation equal to the electric 74224
distribution utility's share of an amount not to exceed fifteen 74225
million dollars annually for funding the consumer education 74226
program administered by the department of job and family 74227
services under section 4928.56 of the Revised Code. 74228

(C) On the thirtieth day of June of each year, each 74229
electric distribution utility shall remit to the department for 74230
deposit in the electric partnership plan fund the utility's 74231
share of the following: 74232

(1) The utility's allocation determined under division (B) 74233
(2) of this section for funding the consumer education program 74234
administered by the department of job and family services under 74235
section 4928.56 of the Revised Code; 74236

(2) The costs under division (A) (3) of this section for 74237
the administration of the low-income customer assistance 74238
programs administered by the director. 74239

~~(C) (D) The universal service percentage of income payment~~ 74240
~~plan rider established under division (A) or (B) of this section~~ 74241
~~shall be set in such a manner so as not to shift among the~~ 74242
~~customer classes of electric distribution utilities the costs of~~ 74243
~~funding low-income customer assistance programs.~~ 74244

Sec. 4928.53. (A) Beginning July 1, ~~2000~~2026, the director 74245
of ~~development is hereby authorized to~~ job and family services 74246
shall administer the low-income customer assistance programs, 74247
except for the percentage of income payment plan rider 74248
established under section 4928.52 of the Revised Code. For that 74249
~~purpose, the public utilities commission shall cooperate with~~ 74250
~~and provide such assistance as the director requires for~~ 74251
~~administration of the low-income customer assistance programs.~~ 74252
The director shall consolidate the administration of and 74253
redesign and coordinate the operations of ~~those~~ the low-income 74254
customer assistance programs within the department to provide, 74255
to the maximum extent possible, for efficient program 74256
administration and a one-stop application and eligibility 74257
determination process at the local level for consumers. 74258

(B) (1) ~~Not later than March 1, 2000, the~~ The director, in 74259
accordance with Chapter 119. of the Revised Code, shall adopt 74260
rules to carry out sections 4928.51 to 4928.58 of the Revised 74261
Code and ensure the effective and efficient administration and 74262
operation of the low-income customer assistance programs. ~~The~~ 74263
~~rules shall take effect on July 1, 2000.~~ 74264

(2) The director's authority to adopt rules under this 74265
division for the Ohio energy credit program shall be subject to 74266
such rule-making authority as is conferred on the director of 74267
development by sections 5117.01 to 5117.12 of the Revised Code, 74268
as amended by Sub. S.B. No. 3 of the 123rd general assembly, 74269
except that rules initially adopted by the director of 74270
development for the Ohio energy credit program shall incorporate 74271
the substance of those sections as they exist on the effective 74272
date of this section. 74273

(3) ~~The director's~~ Under the director of job and family 74274
service's authority to adopt rules under this ~~division~~ section, 74275
the director may adopt rules for the percentage of income 74276
payment plan program ~~shall include authority to adopt, including~~ 74277
rules prescribing criteria for customer eligibility and policies 74278
regarding payment and crediting arrangements and 74279
responsibilities, and procedures for verifying customer 74280
eligibility, ~~procedures for disbursing public funds to suppliers~~ 74281
~~and otherwise administering funds under the director's~~ 74282
~~jurisdiction, and requirements as to timely remittances of~~ 74283
~~revenues described in division (B) of section 4928.51 of the~~ 74284
~~Revised Code.~~ The rules shall prohibit the imposition of a 74285
waiting period before enrolling an eligible customer in the 74286
percentage of income payment plan. ~~The director's authority in~~ 74287
~~division (B) (3) of this section excludes authority to prescribe~~ 74288
~~service disconnection and customer billing policies and~~ 74289

~~procedures and to address complaints against suppliers under the~~ 74290
~~percentage of payment plan program, which excluded authority~~ 74291
~~shall be exercised by the public utilities commission, in~~ 74292
~~coordination with the director.~~ Rules adopted by the director 74293
under this division for the percentage of income payment plan 74294
program shall specify a level of payment responsibility to be 74295
borne by an eligible customer based on a percentage of the 74296
customer's income. ~~Rules initially adopted by the director for~~ 74297
~~the percentage of income payment plan program shall incorporate~~ 74298
~~the eligibility criteria and payment arrangement and~~ 74299
~~responsibility policies set forth in rule 4901:1-18-04(B) of the~~ 74300
~~Ohio Administrative Code in effect on the effective date of this~~ 74301
~~section.~~ 74302

Sec. 4928.54. ~~The director of development services public~~ 74303
~~utilities commission~~ shall aggregate percentage of income 74304
payment plan program customers for the purpose of establishing a 74305
competitive procurement process for the supply of competitive 74306
retail electric service for those customers. The process shall 74307
be an auction. Only bidders certified under section 4928.08 of 74308
the Revised Code may participate in the auction. 74309

Sec. 4928.542. The winning bid or bids selected through 74310
the competitive procurement process established under section 74311
4928.54 of the Revised Code shall meet all of the following 74312
requirements: 74313

(A) Be designed to provide reliable competitive retail 74314
electric service to percentage of income payment plan program 74315
customers; 74316

(B) Reduce the cost of the percentage of income payment 74317
plan program relative to the otherwise applicable standard 74318
service offer established under sections 4928.141, 4928.142, and 74319

4928.143 of the Revised Code; 74320

(C) Result in the best value for persons paying the 74321
~~universal service percentage of income payment plan rider under~~ 74322
section 4928.52 of the Revised Code. 74323

Sec. 4928.543. The ~~director of development services public~~ 74324
~~utilities commission~~ shall adopt rules ~~in accordance with~~ 74325
~~Chapter 119. of the Revised Code~~ to implement sections 4928.54, 74326
4928.541, and 4928.542 of the Revised Code. The rules shall 74327
ensure a fair and unbiased auction process and the performance 74328
of the winning bidder or bidders. 74329

Sec. 4928.544. ~~(A)~~ For the purpose of facilitating 74330
compliance with sections 4928.54, 4928.541, and 4928.542 of the 74331
Revised Code, ~~and upon written request by the director of~~ 74332
~~development services,~~ the public utilities commission shall 74333
design, manage, and supervise the competitive procurement 74334
process required by section 4928.54 of the Revised Code. To the 74335
extent reasonably possible, and to minimize costs, the process 74336
may be designed based on any existing competitive procurement 74337
process for the establishment of the default generation supply 74338
price for electric distribution utilities. 74339

This ~~division~~ section does not preclude a process design 74340
that is based on a competitive procurement process that applies 74341
to the combined certified territories of electric distribution 74342
utilities subject to common ownership. 74343

~~(B) The director of development services shall reimburse~~ 74344
~~the commission for its costs incurred under division (A) of this~~ 74345
~~section. The reimbursements constitute administrative costs of~~ 74346
~~the low-income customer assistance programs for the purpose of~~ 74347
~~division (A) of section 4928.51 of the Revised Code.~~ 74348

Sec. 4928.545. The public utilities commission shall 74349
administer the percentage of income payment plan rider 74350
established under section 4928.52 of the Revised Code, including 74351
by performing periodic audits of each electric distribution 74352
utility's percentage of income payment plan rider. 74353

The commission shall adopt rules for the administration of 74354
the percentage of income payment plan rider and shall cooperate 74355
with, and provide such assistance to, the director of job and 74356
family services as the director requires for administration of 74357
the low-income customer assistance programs. 74358

Sec. 4928.55. The director of ~~development~~-job and family 74359
services shall establish an energy efficiency and weatherization 74360
program targeted, to the extent practicable, to high-cost, high- 74361
volume use structures occupied by customers eligible for the 74362
percentage of income payment plan program, with the goal of 74363
reducing the energy bills of the occupants. Acceptance of energy 74364
efficiency and weatherization services provided by the program 74365
shall be a condition for the eligibility of any such customer to 74366
participate in the percentage of income payment plan program. 74367

Sec. 4928.56. The director of ~~development~~-job and family 74368
services may adopt rules in accordance with Chapter 119. of the 74369
Revised Code establishing an education program for consumers 74370
eligible to participate in the low-income customer assistance 74371
programs. The education program shall provide information to 74372
consumers regarding energy efficiency and energy conservation. 74373

Sec. 4928.58. (A) There is hereby created the public 74374
benefits advisory board, which has the purpose of ensuring that 74375
energy services be provided to low-income consumers in this 74376
state in an affordable manner consistent with the policy 74377
specified in section 4928.02 of the Revised Code. The advisory 74378

board shall consist of twenty-one members as follows: the 74379
director of ~~development~~ job and family services, the chairperson 74380
of the public utilities commission, the consumers' counsel, and 74381
the director of the air quality development authority, each 74382
serving ex officio and represented by a designee at the 74383
official's discretion; two members of the house of 74384
representatives appointed by the speaker of the house of 74385
representatives, neither of the same political party, and two 74386
members of the senate appointed by the president of the senate, 74387
neither of the same political party; and thirteen members 74388
appointed by the governor with the advice and consent of the 74389
senate, consisting of one representative of suppliers of 74390
competitive retail electric service; one representative of the 74391
residential class of electric utility customers; one 74392
representative of the industrial class of electric utility 74393
customers; one representative of the commercial class of 74394
electric utility customers; one representative of agricultural 74395
or rural customers of an electric utility; two customers 74396
receiving assistance under one or more of the low-income 74397
customer assistance programs, to represent customers eligible 74398
for any such assistance, including senior citizens; one 74399
representative of the general public; one representative of 74400
local intake agencies; one representative of a community-based 74401
organization serving low-income customers; one representative of 74402
environmental protection interests; one representative of 74403
lending institutions; and one person considered an expert in 74404
energy efficiency or renewables technology. Initial appointments 74405
shall be made not later than November 1, 1999. 74406

(B) Initial terms of six of the appointed members shall 74407
end on June 30, 2003, and initial terms of the remaining seven 74408
appointed members shall end on June 30, 2004. Thereafter, terms 74409

of appointed members shall be for three years, with each term 74410
ending on the same day of the same month as the term it 74411
succeeds. Each member shall hold office from the date of the 74412
member's appointment until the end of the term for which the 74413
member was appointed. Members may be reappointed. 74414

Vacancies shall be filled in the manner provided for 74415
original appointments. Any member appointed to fill a vacancy 74416
occurring prior to the expiration date of the term for which the 74417
member's predecessor was appointed shall hold office as a member 74418
for the remainder of that term. A member shall continue in 74419
office after the expiration date of the member's term until the 74420
member's successor takes office or until a period of sixty days 74421
has elapsed, whichever occurs first. 74422

(C) Board members shall be reimbursed for their actual and 74423
necessary expenses incurred in the performance of board duties. 74424
The reimbursements constitute, as applicable, administrative 74425
costs of the low-income customer assistance programs for the 74426
purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 74427
of the Revised Code ~~or administrative costs of the advanced-~~ 74428
~~energy program for the purpose of division (A) of section~~ 74429
~~4528.61 of the Revised Code.~~ 74430

(D) The advisory board shall select a chairperson from 74431
among its members. Only board members appointed by the governor 74432
with the advice and consent of the senate shall be voting 74433
members of the board; each shall have one vote in all 74434
deliberations of the board. A majority of the voting members 74435
constitute a quorum. 74436

(E) ~~The duties of the advisory board shall be as follows:~~ 74437

~~(1) Advise~~ advise the director of job and family services 74438

in the administration of ~~the universal service fund and the low-~~ 74439
~~income customer assistance programs and advise the director on~~ 74440
~~the director's recommendation to the commission regarding the~~ 74441
~~appropriate level of the universal service rider;~~ 74442

~~(2) Advise the director on the administration of the~~ 74443
~~advanced energy program and the advanced energy fund under~~ 74444
~~sections 4928.61 to 4928.63 of the Revised Code.~~ 74445

(F) The advisory board is not an agency for purposes of 74446
sections 101.82 to 101.87 of the Revised Code. 74447

Sec. 4928.61. (A) There is hereby established in the state 74448
treasury the advanced energy fund, into which shall be deposited 74449
all advanced energy revenues remitted to the director of 74450
development under division (B) of this section, for the 74451
exclusive purposes of funding the advanced energy program 74452
created under section 4928.62 of the Revised Code and paying the 74453
program's administrative costs. Interest on the fund shall be 74454
credited to the fund. 74455

(B) Advanced energy revenues shall include all of the 74456
following: 74457

~~(1) Revenues remitted to the director after collection by~~ 74458
~~each electric distribution utility in this state of a temporary~~ 74459
~~rider on retail electric distribution service rates as such~~ 74460
~~rates are determined by the public utilities commission pursuant~~ 74461
~~to this chapter. The rider shall be a uniform amount statewide,~~ 74462
~~determined by the director of development, after consultation~~ 74463
~~with the public benefits advisory board created by section~~ 74464
~~4928.58 of the Revised Code. The amount shall be determined by~~ 74465
~~dividing an aggregate revenue target for a given year as~~ 74466
~~determined by the director, after consultation with the advisory~~ 74467

~~board, by the number of customers of electric distribution- 74468~~
~~utilities in this state in the prior year. Such aggregate- 74469~~
~~revenue target shall not exceed more than fifteen million- 74470~~
~~dollars in any year through 2005 and shall not exceed more than- 74471~~
~~five million dollars in any year after 2005. The rider shall be- 74472~~
~~imposed beginning on the effective date of the amendment of this- 74473~~
~~section by Sub. H.B. 251 of the 126th general assembly, January- 74474~~
~~4, 2007, and shall terminate at the end of ten years following- 74475~~
~~the starting date of competitive retail electric service or- 74476~~
~~until the advanced energy fund, including interest, reaches one- 74477~~
~~hundred million dollars, whichever is first. 74478~~

~~(2) Revenues from payments, repayments, and collections 74479~~
~~under the advanced energy program and from program income; 74480~~

~~(3) (2) Revenues remitted to the director after collection 74481~~
~~by a municipal electric utility or electric cooperative in this 74482~~
~~state upon the utility's or cooperative's decision to 74483~~
~~participate in the advanced energy fund; 74484~~

~~(4) (3) Revenues from renewable energy compliance payments 74485~~
~~as provided under division (C) (2) of section 4928.64 of the 74486~~
~~Revised Code; 74487~~

~~(5) (4) Revenue from forfeitures under division (C) of 74488~~
~~section 4928.66 of the Revised Code; 74489~~

~~(6) (5) Funds transferred pursuant to division (B) of 74490~~
~~Section 512.10 of S.B. 315 of the 129th general assembly; 74491~~

~~(7) (6) Interest earnings on the advanced energy fund. 74492~~

~~(C) (1) Each electric distribution utility in this state- 74493~~
~~shall remit to the director on a quarterly basis the revenues- 74494~~
~~described in divisions (B) (1) and (2) of this section. Such- 74495~~
~~remittances shall occur within thirty days after the end of each 74496~~

~~calendar quarter.~~ 74497

~~(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B) (3) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter. For the purpose of division (B) (3) of this section, the participation of an electric cooperative or municipal electric utility in the energy efficiency revolving loan program as it existed immediately prior to the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, does not constitute a decision to participate in the advanced energy fund under this section as so amended.~~ 74498
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~~(3) All remittances under divisions (C) (1) and (2) of this section shall continue only until the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~ 74510
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~~(D) Any moneys collected in rates for non-low-income customer energy efficiency programs, as of October 5, 1999, and not contributed to the energy efficiency revolving loan fund authorized under this section prior to the effective date of its amendment by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, shall be used to continue to fund cost-effective, residential energy efficiency programs, be contributed into the universal service fund as a supplement to that required under section 4928.53 of the Revised Code, or be returned to ratepayers in the form of a rate reduction at the option of the affected electric distribution utility.~~ 74515
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Sec. 4928.62. (A) There is hereby created the advanced 74526

energy program, which shall be administered by the director of 74527
development. Under the program, the director may authorize the 74528
use of moneys in the advanced energy fund for financial, 74529
technical, and related assistance for advanced energy projects 74530
in this state or for economic development assistance, in 74531
furtherance of the purposes set forth in section 4928.63 of the 74532
Revised Code. 74533

(1) To the extent feasible given approved applications for 74534
assistance, the assistance shall be distributed among the 74535
certified territories of electric distribution utilities and 74536
participating electric cooperatives, and among the service areas 74537
of participating municipal electric utilities, in amounts 74538
proportionate to the remittances of each utility and cooperative 74539
under ~~divisions (B)(1) and (3)~~division (B)(2) of section 4928.61 74540
of the Revised Code. 74541

(2) The funds described in division ~~(B)(6)~~(B)(5) of 74542
section 4928.61 of the Revised Code shall not be subject to the 74543
territorial requirements of division (A)(1) of this section. 74544

(3) The director shall not authorize financial assistance 74545
for an advanced energy project under the program unless the 74546
director first determines that the project will create new jobs 74547
or preserve existing jobs in this state or use innovative 74548
technologies or materials. 74549

(B) In carrying out sections 4928.61 to 4928.63 of the 74550
Revised Code, the director may do all of the following to 74551
further the public interest in advanced energy projects and 74552
economic development: 74553

(1) Award grants, contracts, loans, loan participation 74554
agreements, linked deposits, and energy production incentives; 74555

(2) Acquire in the name of the director any property of 74556
any kind or character in accordance with this section, by 74557
purchase, purchase at foreclosure, or exchange, on such terms 74558
and in such manner as the director considers proper; 74559

(3) Make and enter into all contracts and agreements 74560
necessary or incidental to the performance of the director's 74561
duties and the exercise of the director's powers under sections 74562
4928.61 to 4928.63 of the Revised Code; 74563

(4) Employ or enter into contracts with financial 74564
consultants, marketing consultants, consulting engineers, 74565
architects, managers, construction experts, attorneys, technical 74566
monitors, energy evaluators, or other employees or agents as the 74567
director considers necessary, and fix their compensation; 74568

(5) Adopt rules prescribing the application procedures for 74569
financial assistance under the advanced energy program; the 74570
fees, charges, interest rates, payment schedules, local match 74571
requirements, and other terms and conditions of any grants, 74572
contracts, loans, loan participation agreements, linked 74573
deposits, and energy production incentives; criteria pertaining 74574
to the eligibility of participating lending institutions; and 74575
any other matters necessary for the implementation of the 74576
program; 74577

(6) Do all things necessary and appropriate for the 74578
operation of the program. 74579

(C) The department of development may hold ownership to 74580
any unclaimed energy efficiency and renewable energy emission 74581
allowances provided for in Chapter 3745-14 of the Administrative 74582
Code or otherwise, that result from advanced energy projects 74583
that receive funding from the advanced energy fund, and it may 74584

use the allowances to further the public interest in advanced 74585
energy projects or for economic development. 74586

(D) Financial statements, financial data, and trade 74587
secrets submitted to or received by the director from an 74588
applicant or recipient of financial assistance under sections 74589
4928.61 to 4928.63 of the Revised Code, or any information taken 74590
from those statements, data, or trade secrets for any purpose, 74591
are not public records for the purpose of section 149.43 of the 74592
Revised Code. 74593

(E) Nothing in the amendments of sections 4928.61, 74594
4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 74595
126th general assembly shall affect any pending or effected 74596
assistance, pending or effected purchases or exchanges of 74597
property made, or pending or effected contracts or agreements 74598
entered into pursuant to division (A) or (B) of this section as 74599
the section existed prior to the effective date of those 74600
amendments, January 4, 2007, or shall affect the exemption 74601
provided under division (C) of this section as the section 74602
existed prior to that effective date. 74603

(F) Any assistance a school district receives for an 74604
advanced energy project, including a geothermal heating, 74605
ventilating, and air conditioning system, shall be in addition 74606
to any assistance provided under Chapter 3318. of the Revised 74607
Code and shall not be included as part of the district or state 74608
portion of the basic project cost under that chapter. 74609

Sec. 4928.63. The director of development ~~and the public~~ 74610
~~benefits advisory board have~~ has the powers and duties provided 74611
in sections 4928.61 and 4928.62 of the Revised Code, in order to 74612
promote the welfare of the people of this state; stabilize the 74613
economy; assist in the improvement and development within this 74614

state of not-for-profit entity, industrial, commercial, 74615
distribution, residential, and research buildings and activities 74616
required for the people of this state; improve the economic 74617
welfare of the people of this state by reducing energy costs and 74618
by reducing energy usage in a cost-efficient manner using, as 74619
determined by the director, both the most appropriate national, 74620
federal, or other standards for products and the best practices 74621
for the use of technology, products, or services in the context 74622
of a total facility or building; and assist in the lowering of 74623
energy demand to reduce air, water, or thermal pollution. It is 74624
hereby determined that the accomplishment of those purposes is 74625
essential so that the people of this state may maintain their 74626
present high standards in comparison with the people of other 74627
states and so that opportunities for improving the economic 74628
welfare of the people of this state, for improving the housing 74629
of residents of this state, and for favorable markets for the 74630
products of this state's natural resources, agriculture, and 74631
manufacturing shall be improved; and that it is necessary for 74632
this state to establish the program authorized pursuant to 74633
sections 4928.61 and 4928.62 of the Revised Code. 74634

Sec. 4928.66. (A) (1) (a) Beginning in 2009, an electric 74635
distribution utility shall implement energy efficiency programs 74636
that achieve energy savings equivalent to at least three-tenths 74637
of one per cent of the total, annual average, and normalized 74638
kilowatt-hour sales of the electric distribution utility during 74639
the preceding three calendar years to customers in this state. 74640
An energy efficiency program may include a combined heat and 74641
power system placed into service or retrofitted on or after the 74642
effective date of the amendment of this section by S.B. 315 of 74643
the 129th general assembly, September 10, 2012, or a waste 74644
energy recovery system placed into service or retrofitted on or 74645

after September 10, 2012, except that a waste energy recovery 74646
system described in division (A) (38) (b) of section 4928.01 of 74647
the Revised Code may be included only if it was placed into 74648
service between January 1, 2002, and December 31, 2004. For a 74649
waste energy recovery or combined heat and power system, the 74650
savings shall be as estimated by the public utilities 74651
commission. The savings requirement, using such a three-year 74652
average, shall increase to an additional five-tenths of one per 74653
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 74654
of one per cent in 2012, nine-tenths of one per cent in 2013, 74655
and one per cent in 2014. In 2015 and 2016, an electric 74656
distribution utility shall achieve energy savings equal to the 74657
result of subtracting the cumulative energy savings achieved 74658
since 2009 from the product of multiplying the baseline for 74659
energy savings, described in division (A) (2) (a) of this section, 74660
by four and two-tenths of one per cent. If the result is zero or 74661
less for the year for which the calculation is being made, the 74662
utility shall not be required to achieve additional energy 74663
savings for that year, but may achieve additional energy savings 74664
for that year. The annual savings requirements shall be, for 74665
years 2017, 2018, 2019, and 2020, an additional one per cent of 74666
the baseline. For purposes of a waste energy recovery or 74667
combined heat and power system, an electric distribution utility 74668
shall not apply more than the total annual percentage of the 74669
electric distribution utility's industrial-customer load, 74670
relative to the electric distribution utility's total load, to 74671
the annual energy savings requirement. 74672

(b) Beginning in 2009, an electric distribution utility 74673
shall implement peak demand reduction programs designed to 74674
achieve a one per cent reduction in peak demand in 2009 and an 74675
additional seventy-five hundredths of one per cent reduction 74676

each year through 2014. In 2015 and 2016, an electric
distribution utility shall achieve a reduction in peak demand
equal to the result of subtracting the cumulative peak demand
reductions achieved since 2009 from the product of multiplying
the baseline for peak demand reduction, described in division
(A) (2) (a) of this section, by four and seventy-five hundredths
of one per cent. If the result is zero or less for the year for
which the calculation is being made, the utility shall not be
required to achieve an additional reduction in peak demand for
that year, but may achieve an additional reduction in peak
demand for that year. In 2017 and each year thereafter through
2020, the utility shall achieve an additional seventy-five
hundredths of one per cent reduction in peak demand.

(2) For the purposes of divisions (A) (1) (a) and (b) of
this section:

(a) The baseline for energy savings under division (A) (1)
(a) of this section shall be the average of the total kilowatt
hours the electric distribution utility sold in the preceding
three calendar years. The baseline for a peak demand reduction
under division (A) (1) (b) of this section shall be the average
peak demand on the utility in the preceding three calendar
years, except that the commission may reduce either baseline to
adjust for new economic growth in the utility's certified
territory. Neither baseline shall include the load and usage of
any of the following customers:

(i) Beginning January 1, 2017, a customer for which a
reasonable arrangement has been approved under section 4905.31
of the Revised Code;

(ii) A customer that has opted out of the utility's
portfolio plan under section 4928.6611 of the Revised Code;

(iii) A customer that has opted out of the utility's 74707
portfolio plan under Section 8 of S.B. 310 of the 130th general 74708
assembly. 74709

(b) The commission may amend the benchmarks set forth in 74710
division (A)(1)(a) or (b) of this section if, after application 74711
by the electric distribution utility, the commission determines 74712
that the amendment is necessary because the utility cannot 74713
reasonably achieve the benchmarks due to regulatory, economic, 74714
or technological reasons beyond its reasonable control. 74715

(c) Compliance with divisions (A)(1)(a) and (b) of this 74716
section shall be measured by including the effects of all 74717
demand-response programs for mercantile customers of the subject 74718
electric distribution utility, all waste energy recovery systems 74719
and all combined heat and power systems, and all such mercantile 74720
customer-sited energy efficiency, including waste energy 74721
recovery and combined heat and power, and peak demand reduction 74722
programs, adjusted upward by the appropriate loss factors. Any 74723
mechanism designed to recover the cost of energy efficiency, 74724
including waste energy recovery and combined heat and power, and 74725
peak demand reduction programs under divisions (A)(1)(a) and (b) 74726
of this section may exempt mercantile customers that commit 74727
their demand-response or other customer-sited capabilities, 74728
whether existing or new, for integration into the electric 74729
distribution utility's demand-response, energy efficiency, 74730
including waste energy recovery and combined heat and power, or 74731
peak demand reduction programs, if the commission determines 74732
that that exemption reasonably encourages such customers to 74733
commit those capabilities to those programs. If a mercantile 74734
customer makes such existing or new demand-response, energy 74735
efficiency, including waste energy recovery and combined heat 74736
and power, or peak demand reduction capability available to an 74737

electric distribution utility pursuant to division (A) (2) (c) of 74738
this section, the electric utility's baseline under division (A) 74739
(2) (a) of this section shall be adjusted to exclude the effects 74740
of all such demand-response, energy efficiency, including waste 74741
energy recovery and combined heat and power, or peak demand 74742
reduction programs that may have existed during the period used 74743
to establish the baseline. The baseline also shall be normalized 74744
for changes in numbers of customers, sales, weather, peak 74745
demand, and other appropriate factors so that the compliance 74746
measurement is not unduly influenced by factors outside the 74747
control of the electric distribution utility. 74748

(d) (i) Programs implemented by a utility may include the 74749
following: 74750

(I) Demand-response programs; 74751

(II) Smart grid investment programs, provided that such 74752
programs are demonstrated to be cost-beneficial; 74753

(III) Customer-sited programs, including waste energy 74754
recovery and combined heat and power systems; 74755

(IV) Transmission and distribution infrastructure 74756
improvements that reduce line losses; 74757

(V) Energy efficiency savings and peak demand reduction 74758
that are achieved, in whole or in part, as a result of funding 74759
provided from the ~~universal service~~ electric partnership plan 74760
fund established by section 4928.51 of the Revised Code to 74761
benefit low-income customers through programs that include, but 74762
are not limited to, energy audits, the installation of energy 74763
efficiency insulation, appliances, and windows, and other 74764
weatherization measures. 74765

(ii) No energy efficiency or peak demand reduction 74766

achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 74767
section shall qualify for shared savings. 74768

(iii) Division (A) (2) (c) of this section shall be applied 74769
to include facilitating efforts by a mercantile customer or 74770
group of those customers to offer customer-sited demand- 74771
response, energy efficiency, including waste energy recovery and 74772
combined heat and power, or peak demand reduction capabilities 74773
to the electric distribution utility as part of a reasonable 74774
arrangement submitted to the commission pursuant to section 74775
4905.31 of the Revised Code. 74776

(e) No programs or improvements described in division (A) 74777
(2) (d) of this section shall conflict with any statewide 74778
building code adopted by the board of building standards. 74779

(B) In accordance with rules it shall adopt, the public 74780
utilities commission shall produce and docket at the commission 74781
an annual report containing the results of its verification of 74782
the annual levels of energy efficiency and of peak demand 74783
reductions achieved by each electric distribution utility 74784
pursuant to division (A) of this section. A copy of the report 74785
shall be provided to the consumers' counsel. 74786

(C) If the commission determines, after notice and 74787
opportunity for hearing and based upon its report under division 74788
(B) of this section, that an electric distribution utility has 74789
failed to comply with an energy efficiency or peak demand 74790
reduction requirement of division (A) of this section, the 74791
commission shall assess a forfeiture on the utility as provided 74792
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 74793
Code, either in the amount, per day per undercompliance or 74794
noncompliance, relative to the period of the report, equal to 74795
that prescribed for noncompliances under section 4905.54 of the 74796

Revised Code, or in an amount equal to the then existing market 74797
value of one renewable energy credit per megawatt hour of 74798
undercompliance or noncompliance. Revenue from any forfeiture 74799
assessed under this division shall be deposited to the credit of 74800
the advanced energy fund created under section 4928.61 of the 74801
Revised Code. 74802

(D) The commission may establish rules regarding the 74803
content of an application by an electric distribution utility 74804
for commission approval of a revenue decoupling mechanism under 74805
this division. Such an application shall not be considered an 74806
application to increase rates and may be included as part of a 74807
proposal to establish, continue, or expand energy efficiency or 74808
conservation programs. The commission by order may approve an 74809
application under this division if it determines both that the 74810
revenue decoupling mechanism provides for the recovery of 74811
revenue that otherwise may be forgone by the utility as a result 74812
of or in connection with the implementation by the electric 74813
distribution utility of any energy efficiency or energy 74814
conservation programs and reasonably aligns the interests of the 74815
utility and of its customers in favor of those programs. 74816

(E) The commission additionally shall adopt rules that 74817
require an electric distribution utility to provide a customer 74818
upon request with two years' consumption data in an accessible 74819
form. 74820

(F) (1) As used in divisions (F) (2), (3), and (4) of this 74821
section, "portfolio plan" has the same meaning as in division 74822
(C) (1) of section 4928.6610 of the Revised Code. 74823

(2) If an electric distribution utility has a portfolio 74824
plan in effect as of October 22, 2019, and that plan expires 74825
before December 31, 2020, the commission shall extend the plan 74826

through that date. All portfolio plans shall terminate on that date. 74827
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(3) If a portfolio plan is extended beyond its commission approved term by division (F) (2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of October 22, 2019. 74829
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(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F) (2) of this section shall remain the same unless changes are authorized by the commission. 74835
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(G) (1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following: 74839
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(a) Include energy savings that were estimated by the commission to be achieved as of December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code; 74844
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(b) Use an energy savings baseline that is the average of the total kilowatt hours sold by all electric distribution utilities in this state in the calendar years 2018, 2019, and 2020. The baseline shall exclude the load and usage described in division (A) (2) (a) (i), (ii), and (iii) of this section. That baseline may also be reduced for new economic growth in the utility's certified territory as provided in division (A) (2) (a) of this section and adjusted and normalized as provided in division (A) (2) (c) of this section. 74847
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(2) (a) If the cumulative energy savings collectively 74856
achieved as determined by the commission under division (G) (1) 74857
of this section is at least seventeen and one-half per cent of 74858
the baseline described in division (G) (1) (b) of this section, 74859
then full compliance with division (A) (1) (a) of this section 74860
shall be deemed to have been achieved notwithstanding any 74861
provision of this section to the contrary. 74862

(b) If the cumulative energy savings collectively achieved 74863
as determined by the commission under division (G) (1) of this 74864
section is less than seventeen and one-half per cent of the 74865
baseline described in division (G) (1) (b) of this section, then 74866
both of the following shall apply: 74867

(i) The commission shall determine the manner in which 74868
further implementation of energy efficiency programs shall occur 74869
as may be reasonably necessary for collective achievement of 74870
cumulative energy savings equal to seventeen and one-half per 74871
cent, and not more, of the baseline described in division (G) (1) 74872
(b) of this section. 74873

(ii) Full compliance with division (A) (1) (a) of this 74874
section shall be deemed to be achieved as of a date certain 74875
established by the commission notwithstanding any provision of 74876
this section to the contrary. 74877

(3) Upon the date that full compliance with division (A) 74878
(1) (a) of this section is deemed achieved under division (G) (2) 74879
(a) or (b) of this section, any electric distribution utility 74880
cost recovery mechanisms authorized by the commission for 74881
compliance with this section shall terminate except as may be 74882
necessary to reconcile the difference between revenue collected 74883
and the allowable cost of compliance associated with compliance 74884
efforts occurring prior to December 31, 2021, for programs re- 74885

established under section 4928.661 of the Revised Code, and 74886
prior to the date upon which full compliance with division (A) 74887
(1) (a) of this section is deemed achieved, for all other 74888
compliance efforts. No such cost recovery mechanism shall be 74889
authorized by the commission beyond the period of time required 74890
to complete this final reconciliation. 74891

Sec. 4928.67. (A) (1) Except as provided in division (A) (2) 74892
of this section, an electric utility shall develop a standard 74893
contract or tariff providing for net metering. 74894

That contract or tariff shall be identical in rate 74895
structure, all retail rate components, and any monthly charges 74896
to the contract or tariff to which the same customer would be 74897
assigned if that customer were not a customer-generator. 74898

(2) An electric utility shall also develop a separate 74899
standard contract or tariff providing for net metering for a 74900
hospital, as defined in section 3701.01 of the Revised Code, 74901
that is also a customer-generator, subject to all of the 74902
following: 74903

(a) No limitation, including that in divisions (A) (31) (a) 74904
and (d) of section 4928.01 of the Revised Code, shall apply 74905
regarding the availability of the contract or tariff to such 74906
hospital customer-generators. 74907

(b) The contract or tariff shall be based both upon the 74908
rate structure, rate components, and any charges to which the 74909
hospital would otherwise be assigned if the hospital were not a 74910
customer-generator and upon the market value of the customer- 74911
generated electricity at the time it is generated. 74912

(c) The contract or tariff shall allow the hospital 74913
customer-generator to operate its electric generating facilities 74914

individually or collectively without any wattage limitation on 74915
size. 74916

(B) (1) Net metering under this section shall be 74917
accomplished using a single meter capable of registering the 74918
flow of electricity in each direction. If its existing 74919
electrical meter is not capable of measuring the flow of 74920
electricity in two directions, the customer-generator shall be 74921
responsible for all expenses involved in purchasing and 74922
installing a meter that is capable of measuring electricity flow 74923
in two directions. 74924

(2) The electric utility, at its own expense and with the 74925
written consent of the customer-generator, may install one or 74926
more additional meters to monitor the flow of electricity in 74927
each direction. 74928

(3) Consistent with the other provisions of this section, 74929
the measurement of net electricity supplied or generated shall 74930
be calculated in the following manner: 74931

(a) The electric utility shall measure the net electricity 74932
produced or consumed during the billing period, in accordance 74933
with normal metering practices. 74934

(b) If the electricity supplied by the electric utility 74935
exceeds the electricity generated by the customer-generator and 74936
fed back to the utility during the billing period, the customer- 74937
generator shall be billed for the net electricity supplied by 74938
the utility, in accordance with normal metering practices. If 74939
electricity is provided to the utility, the credits for that 74940
electricity shall appear in the next billing cycle. 74941

(c) With respect to a net metering system for a mercantile 74942
customer that is not located on the customer-generator's 74943

premises, both of the following apply: 74944

(i) If the electricity supplied by the electric utility 74945
exceeds the electricity generated by the customer-generator and 74946
fed back to the utility during the billing period, the customer- 74947
generator shall be billed for the generation service for the net 74948
electricity supplied by the utility. 74949

(ii) The customer-generator shall be billed for 74950
distribution and transmission service for all electricity used 74951
by the customer-generator, in accordance with normal metering 74952
practices, according to the rates and charges contained in the 74953
utility's tariffs. 74954

(4) A net metering system used by a customer-generator 74955
shall meet all applicable safety and performance standards 74956
established by the national electrical code, the institute of 74957
electrical and electronics engineers, and underwriters 74958
laboratories. 74959

(C) The public utilities commission shall adopt rules 74960
relating to additional control and testing requirements for 74961
customer-generators that the commission determines are necessary 74962
to protect public and worker safety and system reliability. 74963

(D) An electric utility shall not require a customer- 74964
generator whose net metering system meets the standards and 74965
requirements provided for in divisions (B) (4) and (C) of this 74966
section to do any of the following: 74967

(1) Comply with additional safety or performance 74968
standards; 74969

(2) Perform or pay for additional tests; 74970

(3) Purchase additional liability insurance. 74971

Sec. 4928.75. ~~Beginning in fiscal year 2021 and each~~ 74972
~~fiscal year thereafter, the~~ The director of development job and 74973
family services shall, in each fiscal year, submit a completed 74974
waiver request in accordance with section 96.83 of Title 45 of 74975
the Code of Federal Regulations to the United States department 74976
of health and human services and any other applicable federal 74977
agencies for the state to expend twenty-five per cent of federal 74978
low-income home energy assistance programs funds from the home 74979
energy assistance block grants for weatherization services 74980
allowed by section 96.83(a) of Title 45 of the Code of Federal 74981
Regulations to the United States department of health and human 74982
services. 74983

Sec. 5101.101. (A) This section establishes the order of 74984
priority to be followed by the department of job and family 74985
services when distributing funds for the purpose of providing 74986
family planning services, including funds the department 74987
receives through Title XX of the "Social Security Act," 88 Stat. 74988
2337 (1974), 42 U.S.C. 1397, as amended, and funds the 74989
department receives through Title IV-A of the "Social Security 74990
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be 74991
used for purposes of providing Title XX social services. This 74992
section does not apply to payments made under the medicaid 74993
program. 74994

(B) With respect to each period during which funds from a 74995
particular source are distributed for the purpose of providing 74996
family planning services, the department is subject to both of 74997
the following when distributing the funds to applicants seeking 74998
those funds: 74999

(1) Foremost priority shall be given to public entities 75000
that are operated by state or local government entities and that 75001

provide or are able to provide family planning services. 75002

(2) If any funds remain after the department distributes 75003
funds to public entities under division (B)(1) of this section, 75004
the department may distribute funds to nonpublic entities. If 75005
funds are distributed to nonpublic entities, the department 75006
shall distribute the funds in the following order of descending 75007
priority: 75008

(a) Nonpublic entities that are federally qualified health 75009
centers or federally qualified health center look-alikes, both 75010
as defined in section 3701.047 of the Revised Code, or community 75011
action agencies, as defined in section ~~122.66~~ 5101.311 of the 75012
Revised Code; 75013

(b) Nonpublic entities that provide comprehensive primary 75014
and preventive care services in addition to family planning 75015
services; 75016

(c) Nonpublic entities that provide family planning 75017
services, but do not provide comprehensive primary and 75018
preventive care services. 75019

Sec. 5101.211. The director of job and family services or 75020
the director of children and youth may provide for a grant 75021
agreement entered into under section 5101.21 of the Revised Code 75022
to have a retroactive effective date of the first day of July of 75023
an odd-numbered year if both of the following are the case: 75024

(A) The agreement is entered into after that date and 75025
before the last day of that July. 75026

(B) The board of county commissioners requests the 75027
retroactive effective date and provides the director good cause 75028
satisfactory to the director for the reason the agreement was 75029
not entered into on or before the first day of that July. 75030

Sec. 5101.212. The department of job and family services 75031
or the director of children and youth shall publish in a manner 75032
accessible to the public all of the following that concern 75033
family services duties for which grants included in grant 75034
agreements entered into under section 5101.21 of the Revised 75035
Code are awarded: state plans for receipt of federal financial 75036
participation, agreements between the department and a federal 75037
agency, and executive orders issued by the governor. The 75038
department may publish the materials electronically or 75039
otherwise. 75040

Sec. 5101.215. If the director of job and family services 75041
or the director of children and youth enters into an agreement 75042
or contracts with, or issues a grant to, a religious 75043
organization under section 5101.214 of the Revised Code, the 75044
religious organization shall comply with section 104 of the 75045
Personal Responsibility and Work Opportunity and Reconciliation 75046
Act of 1996 (P.L. 104-193). 75047

Sec. 5101.222. The director of job and family services or 75048
the director of children and youth may adopt rules in accordance 75049
with section 111.15 of the Revised Code to implement sections 75050
5101.22 to 5101.222 of the Revised Code. If the director adopts 75051
the rules, the director shall adopt the rules as if they were 75052
internal management rules. 75053

Sec. 5101.242. The department of job and family services 75054
or the director of children and youth may certify a claim to the 75055
attorney general under section 131.02 of the Revised Code for 75056
the attorney general to take action under that section against a 75057
responsible county grantee or responsible entity to recover any 75058
funds that the department determines the responsible county 75059
grantee or responsible entity owes the department for actions 75060

taken under division (C) (2), (3), (4), or (5) of section 5101.24 75061
or 5101.241 of the Revised Code. 75062

Sec. 5101.26. As used in this section and in sections 75063
5101.27 to 5101.30 of the Revised Code: 75064

(A) "Community control sanction" has the same meaning as 75065
in section 2929.01 of the Revised Code. 75066

(B) "County agency" means a county department of job and 75067
family services or a public children services agency. 75068

(C) "Fugitive felon" means an individual who is fleeing to 75069
avoid prosecution, or custody or confinement after conviction, 75070
under the laws of the place from which the individual is 75071
fleeing, for a crime or an attempt to commit a crime that is a 75072
felony under the laws of the place from which the individual is 75073
fleeing or, in the case of New Jersey, a high misdemeanor, 75074
regardless of whether the individual has departed from the 75075
individual's usual place of residence. 75076

(D) "Information" means records as defined in section 75077
149.011 of the Revised Code, any other documents in any format, 75078
and data derived from records and documents that are generated, 75079
acquired, or maintained by the department of job and family 75080
services, the department of children and youth, a county agency, 75081
or an entity performing duties on behalf of the department or a 75082
county agency. 75083

(E) "Law enforcement agency" has the same meaning as in 75084
section 109.573 of the Revised Code. 75085

(F) "Post-release control sanction" has the same meaning 75086
as in section 2967.01 of the Revised Code. 75087

(G) "Public assistance" means financial assistance or 75088

social services that are provided under a program administered 75089
by the department of job and family services, department of 75090
children and youth, or a county agency pursuant to Chapter 329., 75091
5101., 5104., 5107., or 5108. of the Revised Code or an 75092
executive order issued under section 107.17 of the Revised Code. 75093
"Public assistance" does not mean medical assistance provided 75094
under a medical assistance program, as defined in section 75095
5160.01 of the Revised Code. 75096

(H) "Public assistance recipient" means an applicant for 75097
or recipient or former recipient of public assistance. 75098

(I) "Publicly funded child care" has the same meaning as 75099
in section 5104.01 of the Revised Code. 75100

(J) "Tuberculosis control unit" means the county 75101
tuberculosis control unit designated by a board of county 75102
commissioners under section 339.72 of the Revised Code or the 75103
district tuberculosis control unit designated pursuant to an 75104
agreement entered into by two or more boards of community 75105
commissioners under that section. 75106

Sec. 5101.272. (A) For the purposes of section 5101.27 of 75107
the Revised Code, an authorization shall be made on a form that 75108
uses language understandable to the average person and contains 75109
all of the following: 75110

(1) A description of the information to be used or 75111
disclosed that identifies the information in a specific and 75112
meaningful fashion; 75113

(2) The name or other specific identification of the 75114
person or class of persons authorized to make the requested use 75115
or disclosure; 75116

(3) The name or other specific identification of the 75117

person or governmental entity to which the information may be released; 75118
75119

(4) A description of each purpose of the requested use or disclosure of the information; 75120
75121

(5) The date on which the authorization expires or an event related either to the individual who is the subject of the request or to the purposes of the requested use or disclosure, the occurrence of which will cause the authorization to expire; 75122
75123
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(6) A statement that the information used or disclosed pursuant to the authorization may be disclosed by the recipient of the information and may no longer be protected from disclosure; 75126
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75129

(7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed; 75130
75131
75132

(8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 75133
75134
75135

(9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following: 75136
75137
75138

(a) A description of how the individual or authorized representative may revoke the authorization; 75139
75140

(b) If the department of job and family services' or department of children and youth's privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice. 75141
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(10) A statement that treatment, payment, enrollment, or 75146
eligibility for public assistance cannot be conditioned on 75147
signing the authorization unless the authorization is necessary 75148
for determining eligibility for the public assistance program. 75149

(B) When an individual requests information pursuant to 75150
section 5101.27 of the Revised Code regarding the individual's 75151
receipt of public assistance and does not wish to provide a 75152
statement of purpose, the statement "at request of the 75153
individual" is a sufficient description for purposes of division 75154
(A) (4) of this section. 75155

Sec. 5101.273. The department of job and family services 75156
or the department of children and youth shall enter into any 75157
necessary agreements with the United States department of health 75158
and human services and neighboring states to join and 75159
participate as an active member in the public assistance 75160
reporting information system. The department may disclose 75161
information regarding a public assistance recipient to the 75162
extent necessary to participate as an active member in the 75163
public assistance reporting information system. 75164

Sec. 5101.28. (A) (1) On request of the department of job 75165
and family services, the department of children and youth, or a 75166
county agency, a law enforcement agency shall provide 75167
information regarding public assistance recipients to enable the 75168
department of job and family services, department of children 75169
and youth, or county agency to determine, for eligibility 75170
purposes, whether a recipient or a member of a recipient's 75171
assistance group is a fugitive felon or violating a condition of 75172
probation, a community control sanction, parole, or a post- 75173
release control sanction imposed under state or federal law. 75174

(2) A county agency may enter into a written agreement 75175

with a local law enforcement agency establishing procedures 75176
concerning access to information and providing for compliance 75177
with this section. 75178

(B) To the extent permitted by federal law, the department 75179
of job and family services, department of children and youth, 75180
and county agencies shall provide information regarding 75181
recipients of public assistance to a law enforcement agency on 75182
request for use in the performance of the law enforcement 75183
agency's official duties. 75184

(C) Information about a public assistance recipient shall 75185
be exchanged, obtained, or shared only if the department of job 75186
and family services, department of children and youth, county 75187
agency, or law enforcement agency requesting the information 75188
gives sufficient information to specifically identify the 75189
recipient. In addition to the recipient's name, identifying 75190
information may include the recipient's current or last known 75191
address, social security number, other identifying number, age, 75192
gender, physical characteristics, any information specified in 75193
an agreement entered into under division (A) of this section, or 75194
any information considered appropriate by the department of job 75195
and family services, department of children and youth or agency. 75196

(D) (1) The department of job and family services, 75197
department of children and youth, and ~~its~~ each department's 75198
officers and employees are not liable in damages in a civil 75199
action for any injury, death, or loss to person or property that 75200
allegedly arises from the release of information in accordance 75201
with divisions (A), (B), and (C) of this section. This section 75202
does not affect any immunity or defense that the department of 75203
job and family services, department of children and youth, and 75204
~~its~~ each department's officers and employees may be entitled to 75205

under another section of the Revised Code or the common law of 75206
this state, including section 9.86 of the Revised Code. 75207

(2) The county agencies and their employees are not liable 75208
in damages in a civil action for any injury, death, or loss to 75209
person or property that allegedly arises from the release of 75210
information in accordance with divisions (A), (B), and (C) of 75211
this section. "Employee" has the same meaning as in division (B) 75212
of section 2744.01 of the Revised Code. This section does not 75213
affect any immunity or defense that the county agencies and 75214
their employees may be entitled to under another section of the 75215
Revised Code or the common law of this state, including section 75216
2744.02 and division (A) (6) of section 2744.03 of the Revised 75217
Code. 75218

(E) To the extent permitted by federal law, the department 75219
of job and family services, department of children and youth, 75220
and county agencies shall provide access to information to the 75221
auditor of state acting pursuant to Chapter 117. or sections 75222
5101.181 and 5101.182 of the Revised Code and to any other 75223
government entity authorized by federal law to conduct an audit 75224
of, or similar activity involving, a public assistance program. 75225

(F) To the extent permitted by law, nothing in this 75226
section prohibits the department of job and family services, the 75227
department of children and youth, county departments of job and 75228
family services, and employees of the departments from reporting 75229
to a public children services agency or other appropriate agency 75230
information on known or suspected physical or mental injury, 75231
sexual abuse or exploitation, or negligent treatment or 75232
maltreatment, of a child. 75233

Sec. 5101.30. (A) The director of job and family services 75234
and the director of children and youth shall adopt rules in 75235

accordance with Chapter 119. of the Revised Code implementing 75236
sections 5101.26 to 5101.30 of the Revised Code and governing 75237
the custody, use, disclosure, and preservation of the 75238
information generated or received by the department of job and 75239
family services, the department of children and youth, county 75240
agencies, other state and county entities, contractors, 75241
grantees, private entities, or officials participating in the 75242
administration of public assistance programs. The rules shall 75243
comply with applicable federal statutes and regulations. 75244

(1) The rules shall specify conditions and procedures for 75245
the release of information which may include, among other 75246
conditions and procedures, both of the following: 75247

(a) Permitting providers of services or assistance under 75248
public assistance programs limited access to information that is 75249
essential for the providers to render services or assistance or 75250
to bill for services or assistance rendered. The department of 75251
aging, when investigating a complaint under section 173.20 of 75252
the Revised Code, shall be granted any limited access permitted 75253
in the rules pursuant to division (A)(1) of this section. 75254

(b) Permitting a contractor, grantee, or other state or 75255
county entity limited access to information that is essential 75256
for the contractor, grantee, or entity to perform administrative 75257
or other duties on behalf of the department or county agency. A 75258
contractor, grantee, or entity given access to information 75259
pursuant to division (A)(2) of this section is bound by the 75260
director's rules, and disclosure of the information by the 75261
contractor, grantee, or entity in a manner not authorized by the 75262
rules is a violation of section 5101.27 of the Revised Code. 75263

(2) The rules may define who is an "authorized 75264
representative" for purposes of sections 5101.27 and 5101.272 of 75265

the Revised Code. 75266

(B) Whenever names, addresses, or other information 75267
relating to public assistance recipients is held by any agency 75268
other than the department or a county agency, that other agency 75269
shall adopt rules consistent with sections 5101.26 to 5101.30 of 75270
the Revised Code to prevent the publication or disclosure of 75271
names, lists, or other information concerning those recipients. 75272

Sec. ~~122.66~~ 5101.311. As used in sections ~~122.66~~ 5101.311 75273
to ~~122.702~~ 5101.318 of the Revised Code: 75274

(A) "Poverty line" means the official poverty line 75275
established by the director of the United States office of 75276
management and budget and as revised by the secretary of health 75277
and human services in accordance with section 673(2) of the 75278
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 75279
9902. 75280

(B) "Low-income person" means a person whose adjusted 75281
gross income as defined in division (A) of section 5747.01 of 75282
the Revised Code is below the poverty line as defined in 75283
division (A) of this section. 75284

(C) "Advocacy" means the act of pleading for, supporting, 75285
or recommending actions on behalf of low-income persons. 75286

(D) "Community action agency" means a community-based and 75287
operated private nonprofit agency or organization that includes 75288
or is designed to include a sufficient number of projects or 75289
components to provide a range of services and activities having 75290
a measurable and potentially major impact on the causes of 75291
poverty in the community or those areas of the community where 75292
poverty is a particularly acute problem and is designated as a 75293
community action agency by the ~~community services division~~ 75294

department of job and family services pursuant to sections 75295
~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code. 75296

(E) "Community" means a city, village, county, multicity 75297
or multicounty unit, a neighborhood or other area, disregarding 75298
boundaries or political subdivisions, which provides a suitable 75299
organizational base and possesses a commonality of needs and 75300
interests for a community action program suitable to be served 75301
by a community action agency. 75302

(F) "Service area" means the geographical area served by a 75303
community action agency. 75304

Sec. ~~122.67~~ 5101.312. ~~There is hereby created in the~~ 75305
~~development services agency the community services division.~~ The 75306
director of ~~development services~~ job and family services shall 75307
employ and fix the compensation of professional and technical 75308
unclassified personnel as necessary to carry out the provisions 75309
of sections ~~122.66~~ 5101.311 to ~~122.701~~ 5101.317 of the Revised 75310
Code. 75311

Sec. ~~122.68~~ 5101.313. ~~The community services division~~ 75312
department of job and family services shall: 75313

(A) Administer all federal funds appropriated to the state 75314
from the "Community Services Block Grant Act," 95 Stat. 511, 42 75315
U.S.C.A. 9901, and comply with requirements imposed by that act 75316
in its application for, and administration of, the funds; 75317

(B) Designate community action agencies to receive 75318
community services block grant funds; 75319

(C) (1) Subject to division (C) (2) of this section, 75320
disburse at least ninety-one per cent of the funds received in 75321
the state from the "Community Services Block Grant Act" to 75322
community action agencies that comply with the requirements of 75323

section ~~122.69~~ 5101.315 of the Revised Code and migrant and 75324
seasonal farm worker organizations that are not designated 75325
community action agencies but which provide the services 75326
described in division (B) (1) of section ~~122.69~~ 5101.315 of the 75327
Revised Code; 75328

(2) Disburse at least four and one-half per cent of the 75329
funds received in the state from the "Community Services Block 75330
Grant Act" to one or more nonprofit organizations to which both 75331
of the following apply: 75332

(a) The organization or organizations were incorporated 75333
under the laws of this state before January 1, 2015. 75334

(b) The primary purpose of the organization or 75335
organizations is to provide training and technical assistance to 75336
community action agencies that comply with the requirements of 75337
section ~~122.69~~ 5101.315 of the Revised Code. 75338

(D) Provide technical assistance to community action 75339
agencies to improve program planning, development, and 75340
administration; 75341

(E) Conduct yearly performance assessments, according to 75342
criteria determined by ~~development services agency~~ department of 75343
job and family services rule, to determine whether community 75344
action agencies are in compliance with section ~~122.69~~ 5101.315 75345
of the Revised Code; 75346

(F) Annually prepare and submit to the United States 75347
secretary of health and human services, the governor, the 75348
president of the Ohio senate, and the speaker of the Ohio house 75349
of representatives, a comprehensive report that includes: 75350

(1) Certification that all community action agencies 75351
designated to receive funds from the "Community Services Block 75352

Grant Act" are in compliance with section ~~122.69~~ 5101.315 of the 75353
Revised Code; 75354

(2) A program plan for the next federal fiscal year that 75355
has been made available for public inspection and that details 75356
how community services block grant funds will be disbursed and 75357
used during that fiscal year; 75358

(3) Information detailing how funds were expended for the 75359
current fiscal year; 75360

(4) An audit of community services block grant 75361
expenditures for the preceding federal fiscal year that is 75362
conducted in accordance with generally accepted accounting 75363
principles by an independent auditing firm that has no 75364
connection with any community action agency receiving community 75365
services block grant funds or with any employee of the division. 75366

(G) Serve as a statewide advocate for social and economic 75367
opportunities for low-income persons. 75368

Sec. ~~122.681~~ 5101.314. (A) Except as permitted by this 75369
section, or when required by federal law, no person or 75370
government entity shall solicit, release, disclose, receive, 75371
use, or knowingly permit or participate in the use of any 75372
information regarding an individual receiving assistance 75373
pursuant to a ~~community services division~~ department of job and 75374
family services program under sections ~~122.66~~ 5101.311 to 75375
~~122.702~~ 5101.318 of the Revised Code for any purpose not 75376
directly related to the administration of a ~~division~~ department 75377
assistance program. 75378

(B) To the extent permitted by federal law, the 75379
~~division~~ department, and any entity that receives ~~division~~ 75380
department funds to administer a ~~division~~ department program to 75381

assist individuals, shall release information regarding an 75382
individual assistance recipient to the following: 75383

(1) A government entity responsible for administering the 75384
assistance program for purposes directly related to the 75385
administration of the program; 75386

(2) A law enforcement agency for the purpose of any 75387
investigation, prosecution, or criminal or civil proceeding 75388
relating to the administration of the assistance program; 75389

(3) A government entity responsible for administering a 75390
children's protective services program, for the purpose of 75391
protecting children; 75392

(4) Any appropriate person in compliance with a search 75393
warrant, subpoena, or other court order. 75394

(C) To the extent permitted by federal law and section 75395
1347.08 of the Revised Code, the ~~division~~department, and any 75396
entity administering a ~~division~~department program, shall 75397
provide access to information regarding an individual assistance 75398
recipient to all of the following: 75399

(1) The individual assistance recipient; 75400

(2) The authorized representative of the individual 75401
assistance recipient; 75402

(3) The legal guardian of the individual assistance 75403
recipient; 75404

(4) The attorney of the individual assistance recipient. 75405

(D) To the extent permitted by federal law, the 75406
~~division~~department, and any entity administering a ~~division~~department 75407
department program, may do either of the following: 75408

(1) Release information about an individual assistance 75409
recipient if the recipient gives voluntary, written 75410
authorization; 75411

(2) Release information regarding an individual assistance 75412
recipient to a state, federal, or federally assisted program 75413
that provides cash or in-kind assistance or services directly to 75414
individuals based on need. 75415

(E) The ~~community services division~~department of job and 75416
family services, or an entity administering a ~~division~~ 75417
department program, shall provide, at no cost, a copy of each 75418
written authorization to the individual who signed it. 75419

(F) The ~~development services agency~~department may adopt 75420
rules defining who may serve as an individual assistance 75421
recipient's authorized representative for purposes of division 75422
(C) (2) of this section. 75423

Sec. ~~122.69~~ 5101.315. (A) Any nonprofit agency or 75424
organization seeking designation as a community action agency by 75425
the ~~community services division~~department of job and family 75426
services shall obtain the endorsement of the chief elected 75427
officials of at least two-thirds of the municipal corporations 75428
and the counties within the community to be served by the agency 75429
or organization. 75430

(B) Any nonprofit agency or organization that receives the 75431
endorsement provided for in division (A) of this section shall 75432
be designated by the ~~division~~department as the community action 75433
agency for the community it serves and shall receive community 75434
services block grant funds for any period of time that the 75435
nonprofit agency or organization: 75436

(1) Provides a range of services and opportunities having 75437

a measurable and potentially major impact on the causes of 75438
poverty in the community or those areas of the community where 75439
poverty is a particularly acute problem. These activities may 75440
include but shall not be limited to: 75441

(a) Providing activities designed to assist low-income 75442
persons, including low-income persons who are elderly and who 75443
have disabilities, to: 75444

(i) Secure and maintain meaningful employment, training, 75445
work experience, and unsubsidized employment; 75446

(ii) Attain an adequate education; 75447

(iii) Make better use of available income; 75448

(iv) Obtain and maintain adequate housing and a suitable 75449
living environment; 75450

(v) Obtain emergency assistance through loans or grants to 75451
meet immediate and urgent individual and family needs, including 75452
the need for health services, nutritious food, housing, and 75453
employment-related assistance; 75454

(vi) Remove obstacles and solve personal and family 75455
problems that block the achievement of self-sufficiency; 75456

(vii) Achieve greater participation in the affairs of the 75457
community; 75458

(viii) Undertake family planning, consistent with personal 75459
and family goals and religious and moral convictions; 75460

(ix) Obtain energy assistance, conservation, and 75461
weatherization services. 75462

(b) Providing, on an emergency basis, supplies and 75463
services, nutritious foodstuffs, and related services necessary 75464

to counteract conditions of starvation and malnutrition among 75465
low-income persons; 75466

(c) Coordinating and establishing links between government 75467
and other social services programs to assure the effective 75468
delivery of services to low-income individuals; 75469

(d) Providing child care services, nutrition and health 75470
services, transportation services, alcoholism and narcotic 75471
addiction prevention and rehabilitation services, youth 75472
development services, and community services to persons who are 75473
elderly and who have disabilities; 75474

(e) Encouraging entities in the private sector to 75475
participate in efforts to ameliorate poverty in the community. 75476

(2) Annually submits to the ~~division~~department a program 75477
plan and budget for use of community services block grant funds 75478
for the next federal fiscal year. At least ten days prior to its 75479
submission to the ~~division~~department, a copy of the program plan 75480
and budget shall be made available to the chief elected 75481
officials of the municipal corporations and counties within the 75482
service area in order to provide them the opportunity to review 75483
and comment upon such plan and budget. 75484

(3) Composes its board of directors in compliance with 75485
~~section (c) (3) of section 675 of the "Community Services Block~~ 75486
~~Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904~~U.S.C. 9901, except 75487
that the board shall consist of not less than fifteen nor more 75488
than thirty-three members; 75489

(4) Complies with the prohibitions against discrimination 75490
and political activity, as provided in the "Community Services 75491
Block Grant Act"; 75492

(5) Complies with fiscal and program requirements 75493

established by ~~development services agency department~~ rule. 75494

Sec. ~~122.70~~ 5101.316. The board of directors of a 75495
community action agency shall: 75496

(A) Select, appoint, and may remove the executive director 75497
of the community action agency; 75498

(B) Approve contracts, annual program budgets, and 75499
policies of the community action agency; 75500

(C) Advise the elected officials of any political 75501
subdivision located within its service area, and state and 75502
federal elected officials who represent its service area, of the 75503
nature and extent of poverty within its community, and advise 75504
them of any needed changes; 75505

(D) Convene public meetings to provide community members 75506
the opportunity to comment on public policies and programs to 75507
reduce poverty; 75508

(E) Annually evaluate the policies and programs of the 75509
community action agency according to criteria determined by 75510
~~development services agency department~~ of job and family 75511
services rule; 75512

(F) Submit the results of the evaluation required by 75513
division (E) of this section, along with recommendations for 75514
improved administration of the community action agency, to the 75515
~~community services division~~department; 75516

(G) Adopt a code of ethics for the board of directors and 75517
the employees of the community action agency; 75518

(H) Adopt written policies describing all of the 75519
following: 75520

(1) How the community action agency is to expend and 75521
distribute the community services block grant funds that it 75522
receives from the division under sections ~~122.68~~ 5101.313 and 75523
~~122.69~~ 5101.315 of the Revised Code; 75524

(2) The salary, benefits, travel expenses, and any other 75525
compensation that persons are to receive for serving on the 75526
community action agency's board of directors; 75527

(3) The operating procedures to be used by the board to 75528
conduct its meetings, to vote on all official business it 75529
considers, and to provide notice of its meetings. 75530

(I) Provide for the posting of notices in a conspicuous 75531
place indicating that the code of ethics described in division 75532
(G) of this section and the policies described in division (H) 75533
of this section are available for public inspection at the 75534
community action agency during normal business hours. 75535

Sec. ~~122.701~~ 5101.317. (A) Prior to designating a new 75536
community action agency or rescinding a community action 75537
agency's designation, the ~~community services division~~ department 75538
of job and family services shall: 75539

(1) Determine whether a community action agency is in 75540
compliance with section ~~122.69~~ 5101.315 of the Revised Code; 75541

(2) Consult with the chief elected officials of political 75542
subdivisions located within a community action agency's service 75543
area, and, in designating a new community action agency, obtain 75544
their endorsement of the agency in accordance with division (A) 75545
of section ~~122.69~~ 5101.315 of the Revised Code; 75546

(3) Hold at least one public meeting within a community 75547
action agency's service area for the purpose of allowing 75548
citizens to comment on the community action agency's delivery of 75549

services; 75550

(4) Evaluate the proposed service area of the community 75551
action agency, and, as may be necessary, modify the boundaries 75552
of the service area so that low-income persons in the area are 75553
adequately and efficiently served. 75554

(B) After providing notice and hearing pursuant to 75555
sections 119.01 to 119.13 of the Revised Code, the director of 75556
~~development~~ job and family services: 75557

(1) May rescind the designation of a community action 75558
agency after finding that the agency is not in compliance with 75559
any or all of the provisions of section ~~122.69~~ 5101.315 of the 75560
Revised Code; 75561

(2) Shall rescind the designation of a community action 75562
agency upon notification from the chief elected officials of 75563
more than one-half of the municipal corporations and the 75564
counties within a community currently served by a community 75565
action agency that such agency is not endorsed by them and after 75566
finding that the agency is not in compliance with section ~~122.69~~ 75567
5101.315 of the Revised Code. 75568

Any agency whose designation is rescinded pursuant to this 75569
section may appeal from an order rescinding such designation 75570
pursuant to section 119.12 of the Revised Code. 75571

Sec. ~~122.702~~ 5101.318. The general assembly shall conduct 75572
public hearings ~~each year on the proposed use and distribution~~ 75573
~~of~~ community services block grant funds, as required by section 75574
~~675(b) 676~~ of the "Community Services Block Grant Act," ~~95 Stat.~~ 75575
~~1609, 42 U.S.C.A. 9904~~ U.S.C. 9901. 75576

Sec. 5101.33. (A) As used in this section, "benefits" 75577
means any of the following: 75578

(1) Cash assistance paid under Chapter 5107. of the Revised Code; 75579
75580

(2) Supplemental nutrition assistance program benefits provided under section 5101.54 of the Revised Code; 75581
75582

(3) Any other program administered by the department of job and family services or the department of children and youth under which assistance is provided or service rendered; 75583
75584
75585

(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer. 75586
75587
75588
75589

(B) The department of job and family services or department of children and youth may make any payment or delivery of benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following: 75590
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75592
75593

(1) Contracting with an agent to supply debit cards to the department of job and family services or the department of children and youth for use by such individuals in accessing their benefits and to credit such cards electronically with the amounts specified by the director of job and family services or the director of children and youth pursuant to law; 75594
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(2) Informing such individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their benefits through the system; 75600
75601
75602
75603

(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their 75604
75605
75606
75607

facilities; 75608

(4) Periodically preparing vouchers for the payment of 75609
such benefits by electronic benefit transfer; 75610

(5) Satisfying any applicable requirements of federal and 75611
state law. 75612

(C) The department may enter into a written agreement with 75613
any person or government entity to provide benefits administered 75614
by that person or entity through the medium of electronic 75615
benefit transfer. A written agreement may require the person or 75616
government entity to pay to the department either or both of the 75617
following: 75618

(1) A charge that reimburses the department for all costs 75619
the department incurs in having the benefits administered by the 75620
person or entity provided through the electronic benefit 75621
transfer system; 75622

(2) A fee for having the benefits provided through the 75623
electronic benefit transfer system. 75624

(D) The department may designate which counties will 75625
participate in the medium of electronic benefit transfer, 75626
specify the date a designated county will begin participation, 75627
and specify which benefits will be provided through the medium 75628
of electronic benefit transfer in a designated county. 75629

(E) The department of job and family services or the 75630
department of children and youth may adopt rules in accordance 75631
with Chapter 119. of the Revised Code for the efficient 75632
administration of this section. 75633

Sec. 5101.35. (A) As used in this section: 75634

(1) (a) "Agency" means the following entities that 75635

administer a family services program: 75636

- (i) The department of job and family services; 75637
- (ii) The department of children and youth; 75638
- (iii) A county department of job and family services; 75639
- (iv) A public children services agency; 75640
- (v) A private or government entity administering, in whole 75641
or in part, a family services program for or on behalf of the 75642
department of job and family services, the department of 75643
children and youth, or a county department of job and family 75644
services or public children services agency. 75645

(b) If the department of medicaid contracts with the 75646
department of job and family services to hear appeals authorized 75647
by section 5160.31 of the Revised Code regarding medical 75648
assistance programs, "agency" includes the department of 75649
medicaid. 75650

(2) "Appellant" means an applicant, participant, former 75651
participant, recipient, or former recipient of a family services 75652
program who is entitled by federal or state law to a hearing 75653
regarding a decision or order of the agency that administers the 75654
program. 75655

(3) (a) "Family services program" means all of the 75656
following: 75657

- (i) A Title IV-A program as defined in section 5101.80 of 75658
the Revised Code; 75659
- (ii) Programs that provide assistance under Chapter 5104. 75660
of the Revised Code; 75661
- (iii) Programs that provide assistance under section 75662

~~5101.141,~~ 5101.461, 5101.54, 5119.41, 5153.163, ~~or 5153.165,~~ or
5180.42 of the Revised Code; 75663
75664

(iv) Title XX social services provided under section 75665
5101.46 of the Revised Code, other than such services provided 75666
by the department of mental health and addiction services, the 75667
department of developmental disabilities, a board of alcohol, 75668
drug addiction, and mental health services, or a county board of 75669
developmental disabilities. 75670

(b) If the department of medicaid contracts with the 75671
department of job and family services to hear appeals authorized 75672
by section 5160.31 of the Revised Code regarding medical 75673
assistance programs, "family services program" includes medical 75674
assistance programs. 75675

(4) "Medical assistance program" has the same meaning as 75676
in section 5160.01 of the Revised Code. 75677

(B) Except as provided by divisions (G) and (H) of this 75678
section, an appellant who appeals under federal or state law a 75679
decision or order of an agency administering a family services 75680
program shall, at the appellant's request, be granted a state 75681
hearing by the department of job and family services or the 75682
department of children and youth, as appropriate. This state 75683
hearing shall be conducted in accordance with rules adopted 75684
under this section. The state hearing shall be recorded, but 75685
neither the recording nor a transcript of the recording shall be 75686
part of the official record of the proceeding. Except as 75687
provided in section 5160.31 of the Revised Code, a state hearing 75688
decision is binding upon the agency and department, unless it is 75689
reversed or modified on appeal to the director of job and family 75690
services, director of children and youth, or a court of common 75691
pleas. 75692

(C) Except as provided by division (G) of this section, an
appellant who disagrees with a state hearing decision may make
an administrative appeal to the director of job and family
services or director of children and youth in accordance with
rules adopted under this section. This administrative appeal
does not require a hearing, but the director or the director's
designee shall review the state hearing decision and previous
administrative action and may affirm, modify, remand, or reverse
the state hearing decision. An administrative appeal decision is
the final decision of the department and, except as provided in
section 5160.31 of the Revised Code, is binding upon the
department and agency, unless it is reversed or modified on
appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant
to division (B) or (C) of this section within the time limits
established by rules adopted under this section. If a county
department of job and family services or a public children
services agency fails to comply within these time limits, the
department may take action pursuant to section 5101.24 of the
Revised Code. If another agency, other than the department of
medicaid, fails to comply within the time limits, the department
may force compliance by withholding funds due the agency or
imposing another sanction established by rules adopted under
this section.

(E) An appellant who disagrees with an administrative
appeal decision of the director of job and family services, the
director of children and youth, or either director's designee
issued under division (C) of this section may appeal from the
decision to the court of common pleas pursuant to section 119.12
of the Revised Code. The appeal shall be governed by section
119.12 of the Revised Code except that:

(1) The person may apply to the court for designation as 75724
an indigent and, if the court grants this application, the 75725
appellant shall not be required to furnish the costs of the 75726
appeal. 75727

(2) The appellant shall mail the notice of appeal to the 75728
department of job and family services or director of children 75729
and youth, as appropriate, and file notice of appeal with the 75730
court within thirty days after the department mails the 75731
administrative appeal decision to the appellant. For good cause 75732
shown, the court may extend the time for mailing and filing 75733
notice of appeal, but such time shall not exceed six months from 75734
the date the department mails the administrative appeal 75735
decision. Filing notice of appeal with the court shall be the 75736
only act necessary to vest jurisdiction in the court. 75737

(3) The department shall be required to file a transcript 75738
of the testimony of the state hearing with the court only if the 75739
court orders the department to file the transcript. The court 75740
shall make such an order only if it finds that the department 75741
and the appellant are unable to stipulate to the facts of the 75742
case and that the transcript is essential to a determination of 75743
the appeal. The department shall file the transcript not later 75744
than thirty days after the day such an order is issued. 75745

(F) The department of job and family service and 75746
department of children and youth, as applicable, shall adopt 75747
rules in accordance with Chapter 119. of the Revised Code to 75748
implement this section, including rules governing the following: 75749

(1) State hearings under division (B) of this section. The 75750
rules shall include provisions regarding notice of eligibility 75751
termination and the opportunity of an appellant appealing a 75752
decision or order of a county department of job and family 75753

services to request a county conference with the county 75754
department before the state hearing is held. 75755

(2) Administrative appeals under division (C) of this 75756
section; 75757

(3) Time limits for complying with a decision issued under 75758
division (B) or (C) of this section; 75759

(4) Sanctions that may be applied against an agency under 75760
division (D) of this section. 75761

(G) The department of job and family services and the 75762
department of children and youth, as applicable, may adopt rules 75763
in accordance with Chapter 119. of the Revised Code establishing 75764
an appeals process for an appellant who appeals a decision or 75765
order regarding a Title IV-A program identified under division 75766
(A) (4) (c), (d), (e), (f), (g), or (h) of section 5101.80 of the 75767
Revised Code that is different from the appeals process 75768
established by this section. The different appeals process may 75769
include having a state agency that administers the Title IV-A 75770
program pursuant to an interagency agreement entered into under 75771
section 5101.801 of the Revised Code administer the appeals 75772
process. 75773

(H) If an appellant receiving medicaid through a health 75774
insuring corporation that holds a certificate of authority under 75775
Chapter 1751. of the Revised Code is appealing a denial of 75776
medicaid services based on lack of medical necessity or other 75777
clinical issues regarding coverage by the health insuring 75778
corporation, the person hearing the appeal may order an 75779
independent medical review if that person determines that a 75780
review is necessary. The review shall be performed by a health 75781
care professional with appropriate clinical expertise in 75782

treating the recipient's condition or disease. The department 75783
shall pay the costs associated with the review. 75784

A review ordered under this division shall be part of the 75785
record of the hearing and shall be given appropriate evidentiary 75786
consideration by the person hearing the appeal. 75787

(I) The requirements of Chapter 119. of the Revised Code 75788
apply to a state hearing or administrative appeal under this 75789
section only to the extent, if any, specifically provided by 75790
rules adopted under this section. 75791

Sec. 5101.351. The department of job and family services 75792
or the department of children and youth may employ or contract 75793
with hearing officers to draft and recommend state hearing 75794
decisions under division (B) of section 5101.35 of the Revised 75795
Code. The department may employ or contract with hearing 75796
authorities to issue state hearing decisions under division (B) 75797
of section 5101.35 of the Revised Code. A hearing authority 75798
employed or contracted with under this section is not required 75799
to have been admitted to the practice of law in this state. 75800

Sec. 5101.38. The department of job and family services or 75801
the department of children and youth may appoint and commission 75802
any competent officer, employee, agency, or person to serve as a 75803
special agent, investigator, or representative to perform a 75804
designated duty for and in behalf of the department. Specific 75805
credentials shall be given by the department to each person so 75806
designated, and each credential shall state: 75807

(A) The person's name; 75808

(B) Agency with which such person is connected; 75809

(C) Purpose of appointment; 75810

(D) Date of expiration of appointment, if appropriate; 75811

(E) Such information as the department considers proper. 75812

Sec. 5101.461. (A) As used in this section: 75813

(1) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 75814
75815

(2) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 75816
75817

(B) To the extent authorized by federal law, the 75818
department of job and family services or the department of 75819
children and youth may use funds received through the Title IV-A 75820
temporary assistance for needy families block grant for purposes 75821
of providing Title XX social services. The amount used under 75822
this section shall not exceed the maximum amount permitted by 75823
federal law. The funds and provision of Title XX social services 75824
with the funds are not subject to section 5101.46 of the Revised 75825
Code. 75826

Funds distributed under this section for the purpose of 75827
providing family planning services shall be distributed by a 75828
county department of job and family services according to the 75829
same order of priority that applies to the department of job and 75830
family services under section 5101.101 of the Revised Code. 75831

(C) The department and any county department of job and 75832
family services may require an entity under contract to provide 75833
Title XX social services with funds used under this section to 75834
submit to an audit on the basis of alleged misuse or improper 75835
accounting of funds. If an audit is required, the social 75836
services provider shall reimburse the state department or county 75837
department for the cost it incurred in conducting the audit or 75838
having the audit conducted. 75839

If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the state department or county department the amount of the adverse findings. The amount shall not be reimbursed with funds received under this section. The state department and county departments may terminate or refuse to enter into a contract with a social services provider to provide services with funds available pursuant to this section if there are adverse findings in an audit that are the responsibility of the provider.

(D) The state department of job and family services or the department of children and youth may adopt rules to implement and carry out the purposes of this section. Rules governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules in accordance with section 111.15 of the Revised Code. Rules governing eligibility for services, program participation, and other matters pertaining to applicants and participants shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5101.612. (A) As used in this section, "federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

(B) Within available funds, the department of job and family services shall distribute funds to the counties not later than thirty days after the beginning of each calendar quarter for a part of the counties' costs for protective services. Funds provided to a county under this section shall be deposited into the public assistance fund created under section 5101.161 of the Revised Code.

(C) In each fiscal year, the amount of funds available for 75870
distribution under this section shall be allocated to counties 75871
as follows: 75872

(1) If the amount is less than the amount initially 75873
appropriated for the immediately preceding fiscal year, each 75874
county shall receive an amount equal to the percentage of the 75875
funding it received in the immediately preceding fiscal year, 75876
exclusive of any releases from or additions to the allocation or 75877
any sanctions imposed under this section; 75878

(2) If the amount is equal to the amount initially 75879
appropriated for the immediately preceding fiscal year, each 75880
county shall receive an amount equal to the amount it received 75881
in the preceding fiscal year, exclusive of any releases from or 75882
additions to the allocation or any sanctions imposed under this 75883
section; 75884

(3) If the amount is greater than the amount initially 75885
appropriated for the immediately preceding fiscal year, each 75886
county shall receive the amount determined under division (C) (2) 75887
of this section as a base allocation, plus a percentage of the 75888
amount that exceeds the amount initially appropriated for the 75889
immediately preceding fiscal year. The amount exceeding the 75890
amount initially appropriated in the immediately preceding 75891
fiscal year shall be allocated to the counties as follows: 75892

(a) Twelve per cent divided equally among all counties; 75893

(b) Forty-eight per cent in the ratio that the number of 75894
residents of the county aged sixty or older bears to the total 75895
number of such persons residing in this state; 75896

(c) Forty per cent in the ratio that the number of 75897
residents of the county with incomes under the federal poverty 75898

line bears to the total number of such persons in this state. 75899

(D) Not later than ninety days after the end of each state 75900
fiscal biennium, each county shall return any unspent funds to 75901
the department. 75902

(E) The director of job and family services may adopt 75903
rules in accordance with section 111.15 of the Revised Code to 75904
allocate funds under this section and prescribe reports on 75905
expenditures to be submitted by the counties as necessary for 75906
the implementation of this section. 75907

Sec. 5101.80. (A) As used in this section and in section 75908
5101.801 of the Revised Code: 75909

(1) "County family services agency" has the same meaning 75910
as in section 307.981 of the Revised Code. 75911

(2) "State agency" has the same meaning as in section 9.82 75912
of the Revised Code. 75913

(3) "Title IV-A administrative agency" means both of the 75914
following: 75915

(a) A county family services agency or state agency 75916
administering a Title IV-A program under the supervision of the 75917
department of job and family services or the department of 75918
children and youth; 75919

(b) A government agency or private, not-for-profit entity 75920
administering a project funded in whole or in part with funds 75921
provided under the Title IV-A demonstration program created 75922
under section 5101.803 of the Revised Code. 75923

(4) "Title IV-A program" means all of the following that 75924
are funded in part with funds provided under the temporary 75925
assistance for needy families block grant established by Title 75926

IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 75927
U.S.C. 601, as amended: 75928

(a) The Ohio works first program established under Chapter 75929
5107. of the Revised Code; 75930

(b) The prevention, retention, and contingency program 75931
established under Chapter 5108. of the Revised Code; 75932

(c) A program established by the general assembly or an 75933
executive order issued by the governor that is administered or 75934
supervised by the department of job and family services or 75935
department of children and youth pursuant to section 5101.801 of 75936
the Revised Code; 75937

(d) The kinship permanency incentive program created under 75938
section ~~5101.802~~5180.52 of the Revised Code; 75939

(e) The Title IV-A demonstration program created under 75940
section 5101.803 of the Revised Code; 75941

(f) The Ohio parenting and pregnancy program created under 75942
section ~~5101.804~~5180.71 of the Revised Code; 75943

(g) Fatherhood programs recommended by the Ohio commission 75944
on fatherhood under section ~~5101.805~~5180.704 of the Revised 75945
Code; 75946

(h) A component of a Title IV-A program identified under 75947
divisions (A) (4) (a) to (g) of this section that the Title IV-A 75948
state plan prepared under division (C) (1) of this section 75949
identifies as a component. 75950

(B) The department of job and family services shall act as 75951
the single state agency to administer and supervise the 75952
administration of Title IV-A programs. The Title IV-A state plan 75953
and amendments to the plan prepared under division (C) of this 75954

section are binding on Title IV-A administrative agencies. No 75955
Title IV-A administrative agency may establish, by rule or 75956
otherwise, a policy governing a Title IV-A program that is 75957
inconsistent with a Title IV-A program policy established, in 75958
rule or otherwise, by the director of job and family services. 75959

(C) The department of job and family services shall do all 75960
of the following: 75961

(1) Prepare and submit to the United States secretary of 75962
health and human services a Title IV-A state plan for Title IV-A 75963
programs; 75964

(2) Prepare and submit to the United States secretary of 75965
health and human services amendments to the Title IV-A state 75966
plan that the department determines necessary, including 75967
amendments necessary to implement Title IV-A programs identified 75968
in divisions (A) (4) (c) to (h) of this section; 75969

(3) Prescribe forms for applications, certificates, 75970
reports, records, and accounts of Title IV-A administrative 75971
agencies, and other matters related to Title IV-A programs; 75972

(4) Make such reports, in such form and containing such 75973
information as the department may find necessary to assure the 75974
correctness and verification of such reports, regarding Title 75975
IV-A programs; 75976

(5) Require reports and information from each Title IV-A 75977
administrative agency as may be necessary or advisable regarding 75978
a Title IV-A program; 75979

(6) Afford a fair hearing in accordance with section 75980
5101.35 of the Revised Code to any applicant for, or participant 75981
or former participant of, a Title IV-A program aggrieved by a 75982
decision regarding the program; 75983

(7) Administer and expend, pursuant to Chapters 5104., 75984
5107., and 5108. of the Revised Code and sections 5101.801, 75985
~~5101.802,~~ 5101.803, ~~and 5101.804~~ 5180.52, and 5180.71 of the 75986
Revised Code, any sums appropriated by the general assembly for 75987
the purpose of those chapters and sections and all sums paid to 75988
the state by the secretary of the treasury of the United States 75989
as authorized by Title IV-A of the "Social Security Act," 110 75990
Stat. 2113 (1996), 42 U.S.C. 601, as amended; 75991

(8) Conduct investigations and audits as are necessary 75992
regarding Title IV-A programs; 75993

(9) Enter into reciprocal agreements with other states 75994
relative to the provision of Ohio works first and prevention, 75995
retention, and contingency to residents and nonresidents; 75996

(10) Contract with a private entity to conduct an 75997
independent on-going evaluation of the Ohio works first program 75998
and the prevention, retention, and contingency program. The 75999
contract must require the private entity to do all of the 76000
following: 76001

(a) Examine issues of process, practice, impact, and 76002
outcomes; 76003

(b) Study former participants of Ohio works first who have 76004
not participated in Ohio works first for at least one year to 76005
determine whether they are employed, the type of employment in 76006
which they are engaged, the amount of compensation they are 76007
receiving, whether their employer provides health insurance, 76008
whether and how often they have received benefits or services 76009
under the prevention, retention, and contingency program, and 76010
whether they are successfully self sufficient; 76011

(c) Provide the department with reports at times the 76012

department specifies. 76013

(11) Not later than the last day of each January and July, 76014
prepare a report containing information on the following: 76015

(a) Individuals exhausting the time limits for 76016
participation in Ohio works first set forth in section 5107.18 76017
of the Revised Code. 76018

(b) Individuals who have been exempted from the time 76019
limits set forth in section 5107.18 of the Revised Code and the 76020
reasons for the exemption. 76021

(D) The department shall provide copies of the reports it 76022
receives under division (C) (10) of this section and prepares 76023
under division (C) (11) of this section to the governor, the 76024
president and minority leader of the senate, and the speaker and 76025
minority leader of the house of representatives. The department 76026
shall provide copies of the reports to any private or government 76027
entity on request. 76028

(E) An authorized representative of the department or a 76029
county family services agency or state agency administering a 76030
Title IV-A program shall have access to all records and 76031
information bearing thereon for the purposes of investigations 76032
conducted pursuant to this section. An authorized representative 76033
of a government entity or private, not-for-profit entity 76034
administering a project funded in whole or in part with funds 76035
provided under the Title IV-A demonstration program shall have 76036
access to all records and information bearing on the project for 76037
the purpose of investigations conducted pursuant to this 76038
section. 76039

Sec. 5101.801. (A) Except as otherwise provided by the law 76040
enacted by the general assembly or executive order issued by the 76041

governor establishing the Title IV-A program, a Title IV-A 76042
program identified under division (A)(4)(c), (d), (e), (f), (g), 76043
or (h) of section 5101.80 of the Revised Code shall provide 76044
benefits and services that are not "assistance" as defined in 45 76045
C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 76046
260.31(b) excludes from the definition of assistance. 76047

(B)(1) Except as otherwise provided by the law enacted by 76048
the general assembly or executive order issued by the governor 76049
establishing the Title IV-A program, the department of job and 76050
family services or the department of children and youth, as 76051
appropriate, shall do either of the following regarding a Title 76052
IV-A program identified under division (A)(4)(c), (d), (e), (f), 76053
(g), or (h) of section 5101.80 of the Revised Code: 76054

(a) Administer the program or supervise a county family 76055
services agency's administration of the program; 76056

(b) Enter into an interagency agreement with a state 76057
agency for the state agency to administer the program under the 76058
department's supervision. 76059

(2) The department of job and family services and the 76060
department of children and youth may enter into an agreement 76061
with a government entity and, to the extent permitted by federal 76062
law, a private, not-for-profit entity for the entity to receive 76063
funding for a project under the Title IV-A demonstration program 76064
created under section 5101.803 of the Revised Code. 76065

(3) To the extent permitted by federal law, the department 76066
of children and youth may enter into an agreement with a 76067
private, not-for-profit entity for the entity to receive funds 76068
under the Ohio parenting and pregnancy program created under 76069
section ~~5101.804~~5180.71 of the Revised Code. 76070

(4) To the extent permitted by federal law, the department
of children and youth may enter into an agreement with a
private, not-for-profit entity for the entity to receive funds
as recommended by the Ohio commission on fatherhood under
section ~~5101.805~~ 5180.704 of the Revised Code.

(C) The department of job and family services and the
department of children and youth, may adopt rules governing
Title IV-A programs identified under divisions (A) (4) (c), (d),
(e), (f), (g), and (h) of section 5101.80 of the Revised Code.
Rules governing financial and operational matters of either
department or between either department and county family
services agencies shall be adopted as internal management rules
adopted in accordance with section 111.15 of the Revised Code.
All other rules shall be adopted in accordance with Chapter 119.
of the Revised Code.

(D) If the department of job and family services or the
department of children and youth, enters into an agreement
regarding a Title IV-A program identified under division (A) (4)
(c), (e), (f), (g), or (h) of section 5101.80 of the Revised
Code pursuant to division (B) (1) (b) or (2) of this section, the
agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply
with the requirements for the program or project, including all
of the following requirements established by federal statutes
and regulations, state statutes and rules, the United States
office of management and budget, and the Title IV-A state plan
prepared under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;	76100
(d) Use of funds;	76101
(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;	76102 76103
(f) Audits.	76104
(2) A complete description of all of the following:	76105
(a) The benefits and services that the program or project is to provide;	76106 76107
(b) The methods of program or project administration;	76108
(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;	76109 76110 76111
(d) Other requirements that the department of job and family services or the department of children and youth, as applicable, requires be included.	76112 76113 76114
(3) Procedures for the department of job and family services or the department of children and youth, as applicable, to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;	76115 76116 76117 76118 76119
(4) Provisions regarding how the department of job and family services or the department of children and youth, as applicable, is to reimburse the state agency or entity for allowable expenditures under the program or project that the applicable department approves, including all of the following:	76120 76121 76122 76123 76124
(a) Limitations on administrative costs;	76125
(b) The department of job and family services or the	76126

department of children and youth, as applicable, at its 76127
discretion, doing either of the following: 76128

(i) Withholding no more than five per cent of the funds 76129
that the department of job and family services or the department 76130
of children and youth, as applicable, would otherwise provide to 76131
the state agency or entity for the program or project; 76132

(ii) Charging the state agency or entity for the costs to 76133
the department of job and family services or the department of 76134
children and youth, as applicable, of performing, or contracting 76135
for the performance of, audits and other administrative 76136
functions associated with the program or project. 76137

(5) If the state agency or entity arranges by contract, 76138
grant, or other agreement for another entity to perform a 76139
function the state agency or entity would otherwise perform 76140
regarding the program or project, the state agency or entity's 76141
responsibilities for both of the following: 76142

(a) Ensuring that the other entity complies with the 76143
agreement between the state agency or entity and the department 76144
of job and family services or the department of children and 76145
youth, as applicable and federal statutes and regulations and 76146
state statutes and rules governing the use of funds for the 76147
program or project; 76148

(b) Auditing the other entity in accordance with 76149
requirements established by the United States office of 76150
management and budget. 76151

(6) The state agency or entity's responsibilities 76152
regarding the prompt payment, including any interest assessed, 76153
of any adverse audit finding, final disallowance of federal 76154
funds, or other sanction or penalty imposed by the federal 76155

government, auditor of state, department of job and family 76156
services or the department of children and youth, as applicable, 76157
a court, or other entity regarding funds for the program or 76158
project; 76159

(7) Provisions for the department of job and family 76160
services or the department of children and youth, as applicable, 76161
to terminate the agreement or withhold reimbursement from the 76162
state agency or entity if either of the following occur: 76163

(a) The federal government disapproves the program or 76164
project or reduces federal funds for the program or project; 76165

(b) The state agency or entity fails to comply with the 76166
terms of the agreement. 76167

(8) Provisions for both of the following: 76168

(a) The department of job and family services or the 76169
department of children and youth, as applicable, and state 76170
agency or entity determining the performance outcomes expected 76171
for the program or project; 76172

(b) An evaluation of the program or project to determine 76173
its success in achieving the performance outcomes determined 76174
under division (D)(8)(a) of this section. 76175

(E) To the extent consistent with the law enacted by the 76176
general assembly or executive order issued by the governor 76177
establishing the Title IV-A program and subject to the approval 76178
of the director of budget and management, the director of job 76179
and family services or the director of children and youth, as 76180
applicable, may terminate a Title IV-A program identified under 76181
division (A)(4)(c), (d), (e), (f), (g), or (h) of section 76182
5101.80 of the Revised Code or reduce funding for the program if 76183
the applicable director determines that federal or state funds 76184

are insufficient to fund the program. If the director of budget 76185
and management approves the termination or reduction in funding 76186
for such a program, the director of job and family services or 76187
the department of children and youth, as applicable, shall issue 76188
instructions for the termination or funding reduction. If a 76189
Title IV-A administrative agency is administering the program, 76190
the agency is bound by the termination or funding reduction and 76191
shall comply with the applicable director's instructions. 76192

(F) The director of job and family services and the 76193
director of children and youth may adopt internal management 76194
rules in accordance with section 111.15 of the Revised Code as 76195
necessary to implement this section. The rules are binding on 76196
each Title IV-A administrative agency. 76197

Sec. 5101.89. As used in sections 5101.89 to 5101.899 of 76198
the Revised Code: 76199

(A) "Youth" means a person who is any of the following: 76200

(1) Less than eighteen years of age; 76201

(2) An emancipated young adult; 76202

(3) Is in the temporary or permanent custody of a public 76203
children services agency, a planned permanent living 76204
arrangement, or in the Title-IV-E-eligible care and placement 76205
responsibility of a juvenile court or other governmental agency 76206
that provides Title IV-E reimbursable placement services. 76207

(B) "Emancipated young adult" has the same meaning as in 76208
section ~~5101.141~~5180.42 of the Revised Code. 76209

Sec. 5101.891. (A) There is created a youth and family 76210
~~ombudsman~~ombudsmen office under the department of job and 76211
family services consisting of the following: 76212

(1) A family ombudsman, who shall be appointed by the 76213
governor, to investigate complaints made by adults; 76214

(2) A youth ombudsman, who shall be appointed by the 76215
governor with advice from the overcoming hurdles in Ohio youth 76216
advisory board, to investigate complaints made by youth and to 76217
advocate for the best interests of children involved in concerns 76218
investigated by the office; 76219

(3) Not fewer than two regional ombudsmen; 76220

(4) Any necessary support staff. 76221

(B) The office shall investigate and resolve concerns made 76222
by or on behalf of children and families involved with public 76223
children services agencies, Title IV-E agencies, or private 76224
provider agencies that administer or oversee foster care or 76225
placement services for the children services system. The office 76226
shall ensure the independent and impartial review of youth, 76227
family, and community complaints or concerns. 76228

Sec. 5101.892. The youth and family ~~ombudsman~~ ombudsmen 76229
office shall perform all of the following duties: 76230

(A) Receive, investigate, and attempt to resolve 76231
complaints from citizens, including children in the custody of a 76232
public children services agency or in the care and placement of 76233
a Title IV-E agency, related to government services regarding 76234
child protective services, foster care, and adoption; 76235

(B) Establish procedures for receiving, investigating, and 76236
resolving complaints, consistent with state and federal law; 76237

(C) Provide an annual report to the governor, speaker of 76238
the house of representatives, president of the senate, minority 76239
leadership of the house of representatives and senate, the 76240

director of job and family services, the director of children 76241
and youth, and representatives of the overcoming hurdles in Ohio 76242
youth advisory board. 76243

Sec. 5101.893. Not later than sixty days after release of 76244
the annual report described under section 5101.892 of the 76245
Revised Code, the overcoming hurdles in Ohio youth advisory 76246
board shall provide an evaluation of the report to the governor 76247
and the youth ombudsman of the youth and family ~~ombudsman~~ 76248
ombudsmen office. 76249

Sec. 5101.894. To the extent permitted by state or federal 76250
law, a representative of the youth and family ~~ombudsman~~ 76251
ombudsmen office may report to an appropriate authority any 76252
suspected violation of state law discovered during the course of 76253
a complaint review. 76254

Sec. 5101.895. The department of job and family services 76255
shall be responsible for all administrative undertakings for the 76256
youth and family ~~ombudsman~~ ombudsmen office, including the 76257
provision of offices, equipment, and supplies, as necessary. 76258

Sec. 5101.897. (A) No employee of the youth and family 76259
~~ombudsman~~ ombudsmen office shall do any of the following: 76260

- (1) Hold any office of trust or profit; 76261
- (2) Engage in any occupation or business interfering or 76262
inconsistent with the duties of the office; 76263
- (3) Serve on any committee of any political party; 76264
- (4) Have any interest that is, or may be, in conflict with 76265
the interests and concerns of the office. 76266

(B) As used in this section, "office of trust or profit" 76267
means any of the following: 76268

(1) A federal or state elective office or an elective office of a political subdivision of the state;

(2) A position on a board or commission of the state that is appointed by the governor;

(3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(4) An office of the government of the United States that is appointed by the president of the United States.

Sec. 5101.899. (A) The youth and family ~~ombudsman~~ ombudsmen office shall have access to ~~only~~ the records of the department of children and youth and the department of job and family services that are necessary for the administration of sections 5101.89 to 5101.899 of the Revised Code and in the performance of its official duties, including any records maintained in the uniform statewide automated child welfare information system under section ~~5101.13~~ 5180.40 of the Revised Code. The office has the right to request of the director of children and youth and the director of job and family services necessary information from any work unit of the department having information. The collection, compilation, analysis, and dissemination of information by the office shall be performed in a manner that protects complainants, individuals providing information about a complaint, public entities, and confidential records.

(B) The office shall have access to any necessary records in the control of a public children services agency, a Title IV-E agency, or a private provider agency that administers or oversees foster care or placement services for the children services system.

(C) Files of the office and any records contained in those 76298
files are not public records subject to inspection or copying 76299
under section 149.43 of the Revised Code. Information contained 76300
in investigative and other files maintained by the office shall 76301
be disclosed only at the discretion of the office or if 76302
disclosure is required by a court order. 76303

Sec. 5101.99. (A) Whoever violates division (A) of section 76304
5101.27 of the Revised Code is guilty of a misdemeanor of the 76305
first degree. 76306

(B) Whoever violates ~~section 5101.133,~~ division (A) of 76307
section 5101.63~~7~~, or division (C) (2) of section 5101.631 of the 76308
Revised Code is guilty of a misdemeanor of the fourth degree. 76309

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 76310
the Revised Code: 76311

(A) (1) "Association" or "institution" includes all of the 76312
following: 76313

(a) Any incorporated or unincorporated organization, 76314
society, association, or agency, public or private, that 76315
receives or cares for children for two or more consecutive 76316
weeks; 76317

(b) Any individual, including the operator of a foster 76318
home, who, for hire, gain, or reward, receives or cares for 76319
children for two or more consecutive weeks, unless the 76320
individual is related to them by blood or marriage; 76321

(c) Any individual not in the regular employ of a court, 76322
or of an institution or association certified in accordance with 76323
section 5103.03 of the Revised Code, who in any manner becomes a 76324
party to the placing of children in foster homes, unless the 76325
individual is related to such children by blood or marriage or 76326

is the appointed guardian of such children. 76327

(2) "Association" or "institution" does not include any of 76328
the following: 76329

(a) Any organization, society, association, school, 76330
agency, child guidance center, detention or rehabilitation 76331
facility, or children's clinic licensed, regulated, approved, 76332
operated under the direction of, or otherwise certified by the 76333
department of education and workforce, a local board of 76334
education, the department of youth services, the department of 76335
mental health and addiction services, or the department of 76336
developmental disabilities; 76337

(b) Any individual who provides care for only a single- 76338
family group, placed there by their parents or other relative 76339
having custody; 76340

(c) A private, nonprofit therapeutic wilderness camp; 76341

(d) A qualified organization as defined in section 2151.90 76342
of the Revised Code. 76343

(B) "Family foster home" means a foster home that is not a 76344
specialized foster home. 76345

(C) "Foster caregiver" means a person holding a valid 76346
foster home certificate issued under section 5103.03 of the 76347
Revised Code. 76348

(D) "Foster home" means a private residence in which 76349
children are received apart from their parents, guardian, or 76350
legal custodian, by an individual reimbursed for providing the 76351
children nonsecure care, supervision, or training twenty-four 76352
hours a day. "Foster home" does not include care provided for a 76353
child in the home of a person other than the child's parent, 76354

guardian, or legal custodian while the parent, guardian, or 76355
legal custodian is temporarily away. Family foster homes and 76356
specialized foster homes are types of foster homes. 76357

(E) "Kinship caregiver" has the same meaning as in section 76358
~~5101.85~~5180.50 of the Revised Code. 76359

(F) "Medically fragile foster home" means a foster home 76360
that provides specialized medical services designed to meet the 76361
needs of children with intensive health care needs who meet all 76362
of the following criteria: 76363

(1) Under rules adopted by the medicaid director governing 76364
medicaid payments for long-term care services, the children 76365
require a skilled level of care. 76366

(2) The children require the services of a doctor of 76367
medicine or osteopathic medicine at least once a week due to the 76368
instability of their medical conditions. 76369

(3) The children require the services of a registered 76370
nurse on a daily basis. 76371

(4) The children are at risk of institutionalization in a 76372
hospital, skilled nursing facility, or intermediate care 76373
facility for individuals with intellectual disabilities. 76374

(G) "Private, nonprofit therapeutic wilderness camp" means 76375
a structured, alternative residential setting for children who 76376
are experiencing emotional, behavioral, moral, social, or 76377
learning difficulties at home or school in which all of the 76378
following are the case: 76379

(1) The children spend the majority of their time, 76380
including overnight, either outdoors or in a primitive 76381
structure. 76382

(2) The children have been placed there by their parents 76383
or another relative having custody. 76384

(3) The camp accepts no public funds for use in its 76385
operations. 76386

(H) "Recommending agency" means a public children services 76387
agency, private child placing agency, or private noncustodial 76388
agency that recommends that the department of children and youth 76389
take any of the following actions under section 5103.03 of the 76390
Revised Code regarding a foster home: 76391

(1) Issue a certificate; 76392

(2) Deny a certificate; 76393

(3) Revoke a certificate. 76394

(I) "Resource caregiver" means a foster caregiver or a 76395
kinship caregiver. 76396

(J) "Resource family" means a foster home or the kinship 76397
caregiver family. 76398

(K) "Specialized foster home" means a medically fragile 76399
foster home or a treatment foster home. 76400

(L) "Treatment foster home" means a foster home that 76401
incorporates special rehabilitative services designed to treat 76402
the specific needs of the children received in the foster home 76403
and that receives and cares for children who are emotionally or 76404
behaviorally disturbed, who are chemically dependent, who have 76405
developmental disabilities, or who otherwise have exceptional 76406
needs. 76407

Sec. 5103.021. (A) As used in this section, a "scholars 76408
residential center" is a center that meets all of the following: 76409

(1) The center is a certified affiliate in good standing 76410
of a national organization with a mission to help underserved 76411
children in middle school and high school in a comprehensive 76412
manner that is academically focused and service-oriented and in 76413
a family-like setting. 76414

(2) The center is private and not-for-profit. 76415

(3) The center does not receive Title IV-E funding or any 76416
associated Title IV funds related to child welfare. 76417

(4) The center only accepts children placed by their 76418
parents or legal custodian. 76419

(5) The center is voluntary and uses a competitive 76420
selection process. 76421

(B) The director of ~~job and family services~~ children and 76422
youth shall adopt rules in accordance with Chapter 119. of the 76423
Revised Code to implement standards regarding a scholars 76424
residential center. The rules shall be substantially similar, as 76425
determined by the director, to other similarly situated 76426
providers of residential care for children, including rules 76427
provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative 76428
Code, except that the rules shall reflect all of the following: 76429

(1) A center is not subject to any policy that is not 76430
specific or relevant to the center. 76431

(2) A center is not required to provide discharge 76432
summaries. 76433

(3) A center is permitted to request agency waivers. 76434

(4) A center is not required to implement case plans or 76435
service plans. 76436

(5) Training requirements for center staff are limited to completion of all of the following:

(a) Orientation training;

(b) Current American red cross, American heart association, or equivalent first aid and cardiopulmonary resuscitation certification;

(c) One hour of annual trauma training.

(6) A center is not subject to existing rules regarding:

(a) Recreation and leisure activity requirements, provided that the center has a recreation area available and permits children to swim if a person who has completed life-saving or water safety training is present;

(b) Visiting and communications policies, provided that the center ensures that children have contact with their family;

(c) Qualified residential treatment program requirements;

(d) Treatment-focused requirements established for residential agencies.

(7) A center shall provide notification and documentation of critical incidents to parents and legal custodians.

(C) The director shall certify a scholars residential center that submits an application to the director, on a form prescribed by the director, that indicates to the director's satisfaction that the center meets the standards set forth in rules adopted under division (B) of this section.

Sec. 5103.039. (A) The department of children and youth may suspend, without a prior hearing, the certificate of an institution or association, as defined in section 5103.02 of the

Revised Code, which includes a foster caregiver, if any of the 76464
following occur: 76465

(1) A child dies or suffers a serious injury while placed 76466
or residing with the institution or association, including a 76467
foster home, as defined in section 5103.02 of the Revised Code. 76468

(2) A public children services agency receives a report 76469
pursuant to section 2151.421 of the Revised Code, and the person 76470
alleged to have inflicted abuse or neglect on the child who is 76471
the subject of the report is any of the following: 76472

(a) A principal of the institution or association; 76473

(b) An employee or volunteer of the institution or 76474
association who has not immediately been placed on 76475
administrative leave or released from employment; 76476

(c) Any person who resides in the foster home. 76477

(3) One of the following is charged by an indictment, 76478
information, or complaint with an offense relating to the death, 76479
injury, abuse, or neglect of a child: 76480

(a) A principal of the institution or association; 76481

(b) An employee or volunteer of the institution or 76482
association who has not immediately been placed on 76483
administrative leave or released from employment. 76484

(4) The department, the recommending agency, a public 76485
children services agency, or a county department of job and 76486
family services determines that a principal, employee, or 76487
volunteer of the institution or association, including a foster 76488
caregiver, or a person residing in the foster home, created a 76489
serious risk to the health or safety of a child placed therein 76490
that resulted in or could have resulted in a child's death or 76491

injury. 76492

(5) The department determines that the owner of the 76493
institution or association or the foster caregiver does not meet 76494
the requirements of section 2151.86, 5103.0310, or 5103.053 of 76495
the Revised Code. 76496

(B) In suspending a license under division (A) of this 76497
section, the department shall comply with section 119.07 of the 76498
Revised Code. A principal of an institution or association, 76499
including a foster caregiver, may request an adjudicatory 76500
hearing before the department pursuant to sections 119.06 and 76501
119.12 of the Revised Code. If a hearing is requested and the 76502
department does not issue its final adjudication order within 76503
one hundred twenty days after the suspension, the suspension is 76504
void on the one hundred twenty-first day after the suspension, 76505
unless the hearing on the suspension is continued on agreement 76506
by the parties or for good cause. 76507

(C) A summary suspension imposed under this section shall 76508
remain in effect until any of the following occurs: 76509

(1) The public children services agency completes its 76510
investigation of the report pursuant to section 2151.421 of the 76511
Revised Code and determines that all of the allegations are 76512
unsubstantiated. 76513

(2) All criminal charges are disposed of through dismissal 76514
or a finding of not guilty. 76515

(3) The department issues pursuant to Chapter 119. of the 76516
Revised Code a final order terminating the suspension. 76517

(D) An institution or association shall not have children 76518
placed in the institution or association while a summary 76519
suspension remains in effect. Upon the issuance of the order of 76520

suspension, the department shall place a hold on the certificate 76521
or indicate that the certificate is suspended in Ohio's 76522
statewide automated child welfare information system. 76523

(E) The director of children and youth may adopt rules in 76524
accordance with Chapter 119. of the Revised Code establishing 76525
standards and procedures for the summary suspension of 76526
certificates. 76527

(F) This section does not limit the authority of the 76528
department to revoke a certificate pursuant to section 5103.03 76529
of the Revised Code. 76530

(G) As used in this section, "principal" means any of the 76531
following: 76532

(1) The institution or association's administrator or 76533
director; 76534

(2) The institution or association's owners or partners; 76535

(3) Members of the institution or association's governing 76536
body; 76537

(4) A foster caregiver. 76538

Sec. 5103.0329. ~~(A)~~ A recommending agency may submit a 76539
request to the department of children and youth, on a case-by- 76540
case basis only, to waive any non-safety standards for a kinship 76541
caregiver seeking foster home certification. Non-safety 76542
standards include training hours and other requirements under 76543
sections 5103.031, 5103.032, and 5103.039 of the Revised Code 76544
and standards established by rules adopted under sections 76545
5103.03 and 5103.0316 of the Revised Code, in accordance with 42 76546
U.S.C. 671 (a) (10). 76547

~~(B) "Kinship caregiver" has the same meaning as in section~~ 76548

~~5101.85 of the Revised Code.~~

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Sec. 5103.09. (A) As used in this section, "Title IV-E
agency" has the same meaning as in section 5101.132 of the
Revised Code.

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(B) Upon receiving the care and placement of a child, a
Title IV-E agency shall determine if the child is eligible for
or receiving benefits administered by the United States social
security administration, the United States department of
veterans affairs, the Ohio public employee retirement system,
the Ohio police and fire pension fund, the state teachers
retirement system of Ohio, the school employees retirement
system of Ohio, or the Ohio highway patrol retirement system. If
the child is eligible for or receiving such benefits, the agency
shall not use the child's benefits to pay for or reimburse the
agency, county, or state for any cost of the child's care.

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(C) The director of children and youth may adopt rules in
accordance with section 111.15 of the Revised Code to implement
this section, including the establishment of new procedures
necessary to assist a Title IV-E agency in complying with this
section.

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Sec. 5103.15. (A) (1) The parents, guardian, or other
persons having the custody of a child may enter into an
agreement with any public children services agency or private
child placing agency, whereby the child is placed without the
approval of the juvenile court in the temporary custody of the
agency for a period of time of up to thirty days, except that an
agreement for temporary custody can be for a period of time of
up to sixty days without court approval if the agreement is
executed solely for the purpose of obtaining the adoption of a
child who is less than six months of age on the date of the

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execution of the agreement. 76579

(2) Except as provided in division (A) (3) of this section 76580
for agreements entered into to obtain the adoption of a child 76581
under the age of six months, any public children services agency 76582
or private child placing agency that obtains, without court 76583
approval, temporary custody of a child pursuant to an agreement 76584
executed in accordance with this division may request the 76585
juvenile court of the county in which the child has a residence 76586
or legal settlement for an original thirty-day extension of the 76587
temporary custody agreement. Upon the filing of a request for 76588
the extension of the temporary custody agreement, the juvenile 76589
court shall determine whether the extension is in the best 76590
interest of the child and may extend the temporary custody 76591
agreement for a period of thirty days beyond the initial thirty- 76592
day period for which court approval is not required by this 76593
division. The agency requesting the original extension shall 76594
file a case plan, prepared pursuant to section 2151.412 of the 76595
Revised Code, with the court at the same time that it files its 76596
request for an extension. 76597

At the expiration of the original thirty-day extension 76598
period, the agency may request the juvenile court to grant an 76599
additional thirty-day extension of the temporary custody 76600
agreement. Upon the filing of the request for the additional 76601
extension, the juvenile court may extend the temporary custody 76602
agreement for a period of thirty days beyond the original 76603
thirty-day extension period if it determines that the additional 76604
extension is in the best interest of the child. The agency shall 76605
file an updated version of the child's case plan at the same 76606
time that it files its request for an additional extension. 76607

At the expiration of an additional thirty-day extension 76608

period and at the expiration of the original thirty-day 76609
extension period if the agency does not request an additional 76610
thirty-day extension, the agency shall either return the child 76611
to the child's parents, guardian, or other person having custody 76612
of the child or file a complaint with the court pursuant to 76613
section 2151.27 of the Revised Code requesting temporary or 76614
permanent custody of the child. The complaint shall be 76615
accompanied by a case plan prepared in accordance with section 76616
2151.412 of the Revised Code. 76617

(3) Any public children services agency or private child 76618
placing agency that obtains, without court approval and solely 76619
for the purpose of obtaining the adoption of the child, 76620
temporary custody of a child who is under the age of six months 76621
pursuant to an agreement executed in accordance with this 76622
division may request the juvenile court in the county in which 76623
the child has a residence or legal settlement to grant a thirty 76624
day extension of the temporary custody agreement. Upon the 76625
filing of the request, the court shall determine whether the 76626
extension is in the best interest of the child and may extend 76627
the temporary custody agreement for a period of thirty days 76628
beyond the sixty day period for which the court approval is not 76629
required by this division. The agency requesting the extension 76630
shall file a case plan, prepared pursuant to section 2151.412 of 76631
the Revised Code, with the court at the same time that it files 76632
its request for an extension. 76633

At the expiration of the thirty day extension, the agency 76634
shall either return the child to the parents, guardian, or other 76635
person having custody of the child or file a complaint with the 76636
court pursuant to section 2151.27 of the Revised Code requesting 76637
temporary or permanent custody of the child. The complaint shall 76638
be accompanied by a case plan prepared in accordance with 76639

section 2151.412 of the Revised Code. 76640

(B) (1) Subject to juvenile court approval, the following 76641
may enter into an agreement with a public children services 76642
agency or private child placing agency surrendering the child 76643
into the permanent custody of that agency: 76644

(a) The parents, guardian, or other persons having custody 76645
of the child; 76646

(b) The parents of a child who is in the temporary custody 76647
of a public children services agency or private child placing 76648
agency. 76649

(2) An agency that enters into an agreement under division 76650
(B) (1) of this section may take and care for the child or place 76651
the child in a family home. 76652

(3) A private child placing agency or public children 76653
services agency that seeks permanent custody of a child pursuant 76654
to division (B) (1) of this section shall file a request with the 76655
juvenile court of the county in which the child has a residence 76656
or legal settlement for approval of the agency's permanent 76657
surrender agreement with the parents, guardian, or other persons 76658
having custody of the child. Not later than fourteen business 76659
days after the request is filed, the juvenile court shall 76660
determine whether the permanent surrender agreement is in the 76661
best interest of the child. The court may approve the permanent 76662
surrender agreement if it determines that the agreement is in 76663
the best interest of the child and, in the case of an agreement 76664
between a parent and an agency, the requirements of section 76665
5103.151 of the Revised Code are met. The agency requesting the 76666
approval of the permanent surrender agreement shall file with 76667
the court an original or amended case plan, prepared pursuant to 76668

section 2151.412 of the Revised Code, at the same time that it 76669
files its request for the approval of the permanent surrender 76670
agreement. 76671

(4) Notwithstanding division (B)(1) of this section, the 76672
parents of a child less than six months of age may enter into an 76673
agreement with a private child placing agency surrendering the 76674
child into the permanent custody of the agency without juvenile 76675
court approval if the agreement is executed solely for the 76676
purpose of obtaining the adoption of the child. The agency 76677
shall, not later than two business days after entering into the 76678
agreement, notify the juvenile court. The agency also shall 76679
notify the court not later than two business days after the 76680
agency places the child for adoption. The court shall journalize 76681
the notices it receives under division (B)(4) of this section. 76682

(C) The agreements provided for in this section shall be 76683
in writing, on forms prescribed and furnished by the department_ 76684
of children and youth, and may contain any proper and legal 76685
stipulations for proper care of the child, and may authorize the 76686
public children services agency or private child placing agency 76687
when such agreements are for permanent care and custody to 76688
appear in any proceeding for the legal adoption of the child, 76689
and consent to the child's adoption, as provided in section 76690
3107.06 of the Revised Code. If an agreement for permanent care 76691
and custody of a child is executed, social and medical histories 76692
shall be completed in relation to the child in accordance with 76693
section 3107.09 of the Revised Code. The adoption order of the 76694
probate court judge made upon the consent shall be binding upon 76695
the child and the child's parents, guardian, or other person, as 76696
if those persons were personally in court and consented to the 76697
order, whether made party to the proceeding or not. 76698

(D) An agreement entered into under this section by a 76699
parent under age eighteen is as valid as an agreement entered 76700
into by a parent age eighteen or older. 76701

Sec. 5103.155. As used in this section, "children with 76702
special needs" has the same meaning as in rules adopted under 76703
section 5153.163 of the Revised Code. 76704

If the department of ~~job and family services~~ children and 76705
youth determines that money in the putative father registry fund 76706
created under section 2101.16 of the Revised Code is more than 76707
is needed to perform its duties related to the putative father 76708
registry, the department may ~~transfer~~ use surplus moneys in the 76709
fund to ~~the department of children and youth to promote~~ adoption 76710
of children with special needs. 76711

Sec. 5103.18. (A) (1) Prior to certification as a foster 76712
home under section 5103.03 of the Revised Code, a recommending 76713
agency shall obtain a summary report of a search of the uniform 76714
statewide automated child welfare information system, 76715
established under section ~~5101.13~~ 5180.40 of the Revised Code, 76716
from an entity listed in section ~~5101.132~~ 5180.402 of the 76717
Revised Code. 76718

(2) Whenever a prospective foster parent or any other 76719
person eighteen years of age or older who resides with a 76720
prospective foster parent has resided in another state within 76721
the five-year period immediately prior to the date on which a 76722
criminal records check is requested for the person under 76723
division (A) of section 2151.86 of the Revised Code, the 76724
recommending agency shall request a check of the central 76725
registry of abuse and neglect of this state from the department 76726
of children and youth regarding the prospective foster parent or 76727
the person eighteen years of age or older who resides with the 76728

prospective foster parent to enable the agency to check any 76729
child abuse and neglect registry maintained by that other state. 76730
The recommending agency shall make the request and shall review 76731
the results of the check before the prospective foster parent 76732
may be finally approved for placement of a child. Information 76733
received pursuant to such a request shall be considered for 76734
purposes of this chapter as if it were a summary report required 76735
under division (A) of this section. The department of children 76736
and youth shall comply with any request to check the central 76737
registry that is similar to the request described in this 76738
division and that is received from any other state. 76739

(B) (1) The summary report required under division (A) of 76740
this section shall contain, if applicable, a chronological list 76741
of abuse and neglect determinations or allegations of which a 76742
person seeking to become a foster caregiver of a child is 76743
subject and in regards to which a public children services 76744
agency has done one of the following: 76745

(a) Determined that abuse or neglect occurred; 76746

(b) Initiated an investigation, and the investigation is 76747
ongoing; 76748

(c) Initiated an investigation, and the agency was unable 76749
to determine whether abuse or neglect occurred. 76750

(2) The summary report required under division (A) of this 76751
section shall not contain any of the following: 76752

(a) An abuse and neglect determination of which a person 76753
seeking to become a foster caregiver of a child is subject and 76754
in regards to which a public children services agency determined 76755
that abuse or neglect did not occur; 76756

(b) Information or reports the dissemination of which is 76757

prohibited by, or interferes with eligibility under, the "Child 76758
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 76759
U.S.C. 5101 et seq., as amended; 76760

(c) The name of the person who or entity that made, or 76761
participated in the making of, the report of abuse or neglect. 76762

(C) (1) A foster home certification may be denied based on 76763
a summary report containing the information described under 76764
division (B) (1) (a) of this section, when considered within the 76765
totality of the circumstances. 76766

(2) A foster home certification shall not be denied solely 76767
based on a summary report containing the information described 76768
under division (B) (1) (b) or (c) of this section. 76769

(D) The director of children and youth shall adopt rules 76770
in accordance with Chapter 119. of the Revised Code necessary 76771
for the implementation and execution of this section. 76772

Sec. 5103.30. The Ohio child welfare training program is 76773
hereby established in the department of children and youth as a 76774
statewide program. The program shall provide all of the 76775
following: 76776

(A) The training that section 3107.014 of the Revised Code 76777
requires an assessor to complete; 76778

(B) The preplacement training that sections 5103.031 and 76779
5103.033 of the Revised Code require a prospective foster 76780
caregiver to complete; 76781

(C) The continuing training that sections 5103.032 and 76782
5103.033 of the Revised Code require a foster caregiver to 76783
complete; 76784

(D) The training that section 5153.122 of the Revised Code 76785

requires a PCSA caseworker to complete; 76786

(E) The training that section 5153.123 of the Revised Code 76787
requires a PCSA caseworker supervisor to complete; 76788

(F) The training required under section ~~5101.1414~~ 76789
5180.4211 of the Revised Code for a case manager and supervisor. 76790

Sec. 5103.32. (A) As used in this section: 76791

(1) "Title IV-B" means Title IV-B of the "Social Security 76792
Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 76793

(2) "Title IV-E" means Title IV-E of the "Social Security 76794
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 76795

(3) "Title XX" has the same meaning as in section 5101.46 76796
of the Revised Code. 76797

(B) For purposes of adequately funding the Ohio child 76798
welfare training program, the department of children and youth 76799
may use any of the following: 76800

(1) The federal financial participation funds withheld 76801
pursuant to division (E) of section ~~5101.141~~ 5180.42 of the 76802
Revised Code in an amount determined by the department; 76803

(2) Funds available under Title XX, Title IV-B, and Title 76804
IV-E to pay for training costs; 76805

(3) Other available state or federal funds; 76806

(4) Funds that a person, including a foundation, makes 76807
available for the program. 76808

Sec. 5103.41. The department of ~~job and family~~ 76809
~~services~~ children and youth, in consultation with the Ohio child 76810
welfare training program steering committee, shall designate 76811
training regions in the state. The department ~~of children and~~ 76812

~~youth~~, at times it selects, shall review the composition of the 76813
training regions. The committee, at times it selects, shall also 76814
review the training regions' composition and provide the 76815
department recommendations on changes. The department ~~of~~ 76816
~~children and youth~~ may change the composition of the training 76817
regions as the department considers necessary. 76818

The department may make a grant to a public children 76819
services agency that establishes and maintains a regional 76820
training center under this section for the purpose of wholly or 76821
partially subsidizing the operation of the center. The 76822
department shall specify in the grant all of the center's 76823
duties, including the duties specified in section 5103.42 of the 76824
Revised Code. 76825

Sec. 5104.01. As used in this chapter: 76826

(A) "Administrator" means the person responsible for the 76827
daily operation of a center, type A home, or approved child day 76828
camp. The administrator and the owner may be the same person. 76829

(B) "Approved child day camp" means a child day camp 76830
approved pursuant to section 5104.22 of the Revised Code. 76831

(C) "Authorized representative" means an individual 76832
employed by a center, type A home, or approved child day camp 76833
that is owned by a person other than an individual and who is 76834
authorized by the owner to do all of the following: 76835

(1) Communicate on the owner's behalf; 76836

(2) Submit on the owner's behalf applications for 76837
licensure or approval; 76838

(3) Enter into on the owner's behalf provider agreements 76839
for publicly funded child care. 76840

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child care staff member or administrator that does both of the following:

(1) Uses a framework approved by the director of children and youth to document formal education, training, experience, and specialized credentials and certifications;

(2) Allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the director of education and workforce for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42

U.S.C. 9858, as amended. 76870

(J) "Child day camp" means a program in which only school- 76871
age children attend or participate, that operates for no more 76872
than twelve hours per day and no more than fifteen weeks during 76873
the summer. For purposes of this division, the maximum twelve 76874
hours of operation time does not include transportation time 76875
from a child's home to a child day camp and from a child day 76876
camp to a child's home. 76877

(K) "Child care" means all of the following: 76878

(1) Administering to the needs of infants, toddlers, 76879
preschool-age children, and school-age children outside of 76880
school hours; 76881

(2) By persons other than their parents, guardians, or 76882
custodians; 76883

(3) For part of the twenty-four-hour day; 76884

(4) In a place other than a child's own home, except that 76885
an in-home aide provides child care in the child's own home; 76886

(5) By a provider required by this chapter to be licensed 76887
or approved by the department of children and youth, certified 76888
by a county department of job and family services, or under 76889
contract with the department to provide publicly funded child 76890
care as described in section 5104.32 of the Revised Code. 76891

(L) "Child care center" and "center" mean any place that 76892
is not the permanent residence of the licensee or administrator 76893
in which child care or publicly funded child care is provided 76894
for seven or more children at one time. "Child care center" and 76895
"center" do not include any of the following: 76896

(1) A place located in and operated by a hospital, as 76897

defined in section 3727.01 of the Revised Code, in which the 76898
needs of children are administered to, if all the children whose 76899
needs are being administered to are monitored under the on-site 76900
supervision of a physician licensed under Chapter 4731. of the 76901
Revised Code or a registered nurse licensed under Chapter 4723. 76902
of the Revised Code, and the services are provided only for 76903
children who, in the opinion of the child's parent, guardian, or 76904
custodian, are exhibiting symptoms of a communicable disease or 76905
other illness or are injured; 76906

(2) A child day camp; 76907

(3) A place that provides care, if all of the following 76908
apply: 76909

(a) An organized religious body provides the care; 76910

(b) A parent, custodian, or guardian of at least one child 76911
receiving care is on the premises and readily accessible at all 76912
times; 76913

(c) The care is not provided for more than thirty days a 76914
year; 76915

(d) The care is provided only for preschool-age and 76916
school-age children. 76917

(M) "Child care resource and referral service 76918
organization" means a community-based nonprofit organization 76919
that provides child care resource and referral services but not 76920
child care. 76921

(N) "Child care resource and referral services" means all 76922
of the following services: 76923

(1) Maintenance of a uniform data base of all child care 76924
providers in the community that are in compliance with this 76925

chapter, including current occupancy and vacancy data;	76926
(2) Provision of individualized consumer education to	76927
families seeking child care;	76928
(3) Provision of timely referrals of available child care	76929
providers to families seeking child care;	76930
(4) Recruitment of child care providers;	76931
(5) Assistance in developing, conducting, and	76932
disseminating training for child care professionals and	76933
provision of technical assistance to current and potential child	76934
care providers, employers, and the community;	76935
(6) Collection and analysis of data on the supply of and	76936
demand for child care in the community;	76937
(7) Technical assistance concerning locally, state, and	76938
federally funded child care and early childhood education	76939
programs;	76940
(8) Stimulation of employer involvement in making child	76941
care more affordable, more available, safer, and of higher	76942
quality for their employees and for the community;	76943
(9) Provision of written educational materials to	76944
caretaker parents and informational resources to child care	76945
providers;	76946
(10) Coordination of services among child care resource	76947
and referral service organizations to assist in developing and	76948
maintaining a statewide system of child care resource and	76949
referral services if required by the department of children and	76950
youth;	76951
(11) Cooperation with the county department of job and	76952

family services in encouraging the establishment of parent 76953
cooperative child care centers and parent cooperative type A 76954
family child care homes. 76955

(O) "Child care staff member" means an employee of a child 76956
care center, type A family child care home, licensed type B 76957
family child care home, or approved child day camp who is 76958
primarily responsible for the care and supervision of children. 76959
The administrator, authorized representative, or owner may be a 76960
child care staff member when not involved in other duties. 76961

(P) "Drop-in child care center," "drop-in center," "drop- 76962
in type A family child care home," and "drop-in type A home" 76963
mean a center or type A home that provides child care or 76964
publicly funded child care for children on a temporary, 76965
irregular basis. 76966

(Q) "Early learning and development program" has the same 76967
meaning as "licensed child care program." 76968

(R) "Employee" means a person who either: 76969

(1) Receives compensation for duties performed in a child 76970
care center, type A family child care home, licensed type B 76971
family child care home, or approved child day camp; 76972

(2) Is assigned specific working hours or duties in a 76973
child care center, type A family child care home, licensed type 76974
B family child care home, or approved child day camp. 76975

~~(R)~~ (S) "Employer" means a person, firm, institution, 76976
organization, or agency that operates a child care center, type 76977
A family child care home, licensed type B family child care 76978
home, or approved child day camp subject to licensure or 76979
approval under this chapter. 76980

~~(S)~~ (T) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

~~(T)~~ (U) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

~~(U)~~ (V) "Home education" has the same meaning as in section 3321.042 of the Revised Code.

~~(V)~~ (W) "Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics:

(1) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided.

(2) The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age.

(3) At least one parent of any of the children

participating in the pod must be on the premises while the pod
is meeting.

~~(W)~~ (X) "Homeless child care" means child care provided to
a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C.
11434a;

(3) Resides temporarily with a caretaker in a facility
providing emergency shelter for homeless families or is
determined by a county department of job and family services to
be homeless.

~~(X)~~ (Y) "Income" means gross income, as defined in section
5107.10 of the Revised Code, less any amounts required by
federal statutes or regulations to be disregarded.

~~(Y)~~ (Z) "Indicator checklist" means an inspection tool,
used in conjunction with an instrument-based program monitoring
information system, that contains selected licensing
requirements that are statistically reliable indicators or
predictors of a child care center's, type A family child care
home's, or licensed type B family child care home's compliance
with licensing requirements.

~~(Z)~~ (AA) "Infant" means a child who is less than eighteen
months of age.

~~(AA)~~ (BB) "In-home aide" means a person who does not reside
with the child but provides care in the child's home and is
certified by a county director of job and family services
pursuant to section 5104.12 of the Revised Code to provide
publicly funded child care to a child in a child's own home

pursuant to this chapter and any rules adopted under it. 77037

~~(BB)~~ (CC) "Instrument-based program monitoring information 77038
system" means a method to assess compliance with licensing 77039
requirements for child care centers, type A family child care 77040
homes, and licensed type B family child care homes in which each 77041
licensing requirement is assigned a weight indicative of the 77042
relative importance of the requirement to the health, growth, 77043
and safety of the children that is used to develop an indicator 77044
checklist. 77045

~~(CC)~~ (DD) "License capacity" means the maximum number in 77046
each age category of children who may be cared for in a child 77047
care center, type A family child care home, or licensed type B 77048
family child care home at one time as determined by the director 77049
of children and youth considering building occupancy limits 77050
established by the department of commerce, amount of available 77051
indoor floor space and outdoor play space, and amount of 77052
available play equipment, materials, and supplies. 77053

~~(DD)~~ (EE) "Licensed child care program" means any of the 77054
following: 77055

(1) A child care center licensed by the department of 77056
children and youth pursuant to this chapter; 77057

(2) A type A family child care home or type B family child 77058
care home licensed by the department of children and youth 77059
pursuant to this chapter; 77060

(3) A licensed preschool program or licensed school child 77061
program. 77062

~~(EE)~~ (FF) "Licensed preschool program" or "licensed school 77063
child program" means a preschool program or school child 77064
program, as defined in section 3301.52 of the Revised Code, that 77065

is licensed by the department of children and youth pursuant to 77066
sections 3301.52 to 3301.59 of the Revised Code. 77067

~~(FF)~~(GG) "Licensed type B family child care home" and 77068
"licensed type B home" mean a type B family child care home for 77069
which there is a valid license issued by the director of 77070
children and youth pursuant to section 5104.03 of the Revised 77071
Code. 77072

~~(GG)~~(HH) "Licensee" means the owner of a child care 77073
center, type A family child care home, or type B family child 77074
care home that is licensed pursuant to this chapter and who is 77075
responsible for ensuring compliance with this chapter and rules 77076
adopted pursuant to this chapter. 77077

~~(HH)~~(II) "Operate a child day camp" means to operate, 77078
establish, manage, conduct, or maintain a child day camp. 77079

~~(II)~~(JJ) "Owner" includes a person, as defined in section 77080
1.59 of the Revised Code, or government entity. 77081

~~(JJ)~~(KK) "Parent cooperative child care center," "parent 77082
cooperative center," "parent cooperative type A family child 77083
care home," and "parent cooperative type A home" mean a 77084
corporation or association organized for providing educational 77085
services to the children of members of the corporation or 77086
association, without gain to the corporation or association as 77087
an entity, in which the services of the corporation or 77088
association are provided only to children of the members of the 77089
corporation or association, ownership and control of the 77090
corporation or association rests solely with the members of the 77091
corporation or association, and at least one parent-member of 77092
the corporation or association is on the premises of the center 77093
or type A home during its hours of operation. 77094

~~(KK)~~ (LL) "Part-time child care center," "part-time center," "part-time type A family child care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

~~(LL)~~ (MM) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

~~(MM)~~ (NN) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

~~(NN)~~ (OO) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

~~(OO)~~ (PP) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of children and youth.

~~(PP)~~ (QQ) "Religious activities" means any of the 77124
following: worship or other religious services; religious 77125
instruction; Sunday school classes or other religious classes 77126
conducted during or prior to worship or other religious 77127
services; youth or adult fellowship activities; choir or other 77128
musical group practices or programs; meals; festivals; or 77129
meetings conducted by an organized religious group. 77130

~~(QQ)~~ (RR) "School-age child" means a child who is enrolled 77131
in or is eligible to be enrolled in a grade of kindergarten or 77132
above but is less than fifteen years old or, in the case of a 77133
child who is receiving special needs child care, is less than 77134
eighteen years old. 77135

~~(RR)~~ (SS) "Serious risk noncompliance" means a licensure or 77136
certification rule violation that leads to a great risk of harm 77137
to, or death of, a child, and is observable, not inferable. 77138

~~(SS)~~ (TT) "Special needs child care" means child care 77139
provided to a child who is less than eighteen years of age and 77140
either has one or more chronic health conditions or does not 77141
meet age appropriate expectations in one or more areas of 77142
development, including social, emotional, cognitive, 77143
communicative, perceptual, motor, physical, and behavioral 77144
development and that may include on a regular basis such 77145
services, adaptations, modifications, or adjustments needed to 77146
assist in the child's function or development. 77147

~~(TT)~~ (UU) "Title IV-A" means Title IV-A of the "Social 77148
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 77149

~~(UU)~~ (VV) "Title XX" means Title XX of the "Social Security 77150
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 77151

~~(VV)~~ (WW) "Toddler" means a child who is at least eighteen 77152

months of age but less than three years of age. 77153

~~(WW)~~ (XX) "Type A family child care home" and "type A home" 77154
mean the permanent residence of the administrator in which child 77155
care or publicly funded child care is provided for seven to 77156
twelve children at one time or a permanent residence of the 77157
administrator in which child care is provided for four to twelve 77158
children at one time if four or more children at one time are 77159
under two years of age. In counting children for the purposes of 77160
this division, any children under six years of age who are 77161
related to a licensee, administrator, or employee and who are on 77162
the premises of the type A home shall be counted. "Type A family 77163
child care home" and "type A home" do not include any child day 77164
camp. 77165

~~(XX)~~ (YY) "Type B family child care home" and "type B home" 77166
mean a permanent residence of the provider in which care is 77167
provided for one to six children at one time and in which no 77168
more than three children are under two years of age at one time. 77169
In counting children for the purposes of this division, any 77170
children under six years of age who are related to the provider 77171
and who are on the premises of the type B home shall be counted. 77172
"Type B family child care home" and "type B home" do not include 77173
any child day camp. 77174

Sec. 5104.12. (A) (1) A county director of job and family 77175
services may certify in-home aides to provide publicly funded 77176
child care pursuant to this chapter and any rules adopted under 77177
it. Any in-home aide who receives a certificate pursuant to this 77178
section to provide publicly funded child care is an independent 77179
contractor and is not an employee of the county department of 77180
job and family services that issues the certificate. 77181

(2) Every person desiring to receive certification as an 77182

in-home aide shall apply for certification to a county director 77183
of job and family services on such forms as the director of 77184
children and youth prescribes. A county director shall provide 77185
at no charge to each applicant a copy of rules for certifying 77186
in-home aides adopted pursuant to this chapter. 77187

(B) To be eligible for certification as an in-home aide, a 77188
person shall not be either of the following: 77189

(1) The owner of a center or home whose license was 77190
revoked pursuant to section 5104.04 of the Revised Code within 77191
the previous five years; 77192

(2) An in-home aide whose certificate was revoked under 77193
division (C) (2) of this section within the previous five years. 77194

(C) (1) If the county director of job and family services 77195
determines that the applicant complies with this chapter and any 77196
rules adopted under it, the county director shall certify the 77197
person as an in-home aide and issue the person a certificate to 77198
provide publicly funded child care ~~for twenty-four months~~. The 77199
county director shall furnish a copy of the certificate to the 77200
parent, custodian, or guardian. The certificate shall state the 77201
name and address of the in-home aide, ~~the expiration date of the~~ 77202
~~certification~~, and the name and telephone number of the county 77203
director who issued the certificate. 77204

(2) The county director may revoke the certificate in 77205
either of the following circumstances: 77206

(a) The county director determines, pursuant to rules 77207
adopted under Chapter 119. of the Revised Code, that revocation 77208
is necessary; 77209

(b) The in-home aide does not comply with division (C) (2) 77210
of section 5104.32 of the Revised Code. 77211

(D) (1) The county director of job and family services 77212
shall inspect every home of a child who is receiving publicly 77213
funded child care in the child's own home while the in-home aide 77214
is providing the services. Inspections may be unannounced. Upon 77215
receipt of a complaint, the county director shall investigate 77216
the in-home aide, shall investigate the home of a child who is 77217
receiving publicly funded child care in the child's own home, 77218
and division (D) (2) of this section applies regarding the 77219
complaint. The caretaker parent shall permit the county director 77220
to inspect any part of the child's home. The county director 77221
shall prepare a written inspection report and furnish one copy 77222
each to the in-home aide and the caretaker parent within a 77223
reasonable time after the inspection. 77224

(2) Upon receipt of a complaint as described in division 77225
(D) (1) of this section, in addition to the investigations that 77226
are required under that division, both of the following apply: 77227

(a) If the complaint alleges that a child suffered 77228
physical harm while receiving publicly funded child care in the 77229
child's own home from an in-home aide or that the noncompliance 77230
with law or act alleged in the complaint involved, resulted in, 77231
or poses a substantial risk of physical harm to a child 77232
receiving publicly funded child care in the child's own home 77233
from an in-home aide, the county director shall inspect the home 77234
of the child. 77235

(b) If division (D) (2) (a) of this section does not apply 77236
regarding the complaint, the county director may inspect the 77237
home of the child. 77238

(3) Division (D) (2) of this section does not limit, 77239
restrict, or negate any duty of the county director to inspect a 77240
home of a child who is receiving publicly funded child care from 77241

an in-home aide that otherwise is imposed under this section, or 77242
any authority of the county director to inspect such a home that 77243
otherwise is granted under this section when the county director 77244
believes the inspection is necessary and it is permitted under 77245
the grant. 77246

Sec. 5104.29. (A) ~~As used in this section, "early learning~~ 77247
~~and development program" has the same meaning as "licensed child~~ 77248
~~care program" as defined in section 5104.01 of the Revised Code.~~ 77249

~~(B)~~ There is hereby created in the department of children 77250
and youth the step up to quality program, under which the 77251
department of children and youth, in cooperation with the 77252
department of education and workforce, shall develop a tiered 77253
quality rating and improvement system for all early learning and 77254
development programs in this state. The step up to quality 77255
program shall include all of the following components: 77256

(1) Quality program standards for early learning and 77257
development programs; 77258

(2) Accountability measures that include tiered ratings 77259
representing each program's level of quality; 77260

(3) Program and provider outreach and support to help 77261
programs meet higher standards and promote participation in the 77262
step up to quality program; 77263

(4) Financial incentives for early learning and 77264
development programs that provide publicly funded child care and 77265
are linked to achieving and maintaining quality standards; 77266

(5) Parent and consumer education to help parents learn 77267
about program quality and ratings so they can make informed 77268
choices on behalf of their children. 77269

~~(C)~~ (B) The step up to quality program shall have the 77270
following goals: 77271

(1) Increasing the number of low-income children, special 77272
needs children, and children with limited English proficiency 77273
participating in quality early learning and development 77274
programs; 77275

(2) Providing families with an easy-to-use tool for 77276
evaluating the quality of early learning and development 77277
programs; 77278

(3) Recognizing and supporting early learning and 77279
development programs that achieve higher levels of quality; 77280

(4) Providing incentives and supports to help early 77281
learning and development programs implement continuous quality 77282
improvement systems. 77283

~~(D)~~ (C) Under the step up to quality program, participating 77284
early learning and development programs may be eligible for 77285
grants, technical assistance, training, and other assistance. 77286
Programs that maintain a quality rating may be eligible for 77287
unrestricted monetary awards. 77288

~~(E)~~ (D) The tiered ratings developed pursuant to this 77289
section shall be based on an early learning and development 77290
program's performance in meeting program standards in the 77291
following four domains: 77292

(1) Learning and development; 77293

(2) Administration and leadership practices; 77294

(3) Staff quality and professional development; 77295

(4) Family and community partnerships. 77296

The ratings developed under this section shall not take 77297
into consideration whether an administrator or employee of an 77298
early learning and development program holds or obtains a 77299
bachelor's, master's, or doctoral degree. 77300

~~(F)~~ (E) The director of children and youth, in 77301
collaboration with the director of education and workforce, 77302
shall adopt rules in accordance with Chapter 119. of the Revised 77303
Code to implement the step up to quality program described in 77304
this section. 77305

Sec. 5104.30. (A) The department of children and youth is 77306
hereby designated as the state agency responsible for 77307
administration and coordination of federal and state funding for 77308
publicly funded child care in this state. Publicly funded child 77309
care shall be provided to the following: 77310

(1) Recipients of transitional child care as provided 77311
under section 5104.34 of the Revised Code; 77312

(2) Participants in the Ohio works first program 77313
established under Chapter 5107. of the Revised Code; 77314

(3) Individuals who would be participating in the Ohio 77315
works first program if not for a sanction under section 5107.16 77316
of the Revised Code and who continue to participate in a work 77317
activity, developmental activity, or alternative work activity 77318
pursuant to an assignment under section 5107.42 of the Revised 77319
Code; 77320

(4) A family receiving publicly funded child care on 77321
October 1, 1997, until the family's income reaches one hundred 77322
fifty per cent of the federal poverty line; 77323

(5) Subject to available funds, other individuals 77324
determined eligible in accordance with rules adopted under 77325

section 5104.38 of the Revised Code. 77326

The department shall apply to the United States department 77327
of health and human services for authority to operate a 77328
coordinated program for publicly funded child care, if the 77329
director of children and youth determines that the application 77330
is necessary. For purposes of this section, the department of 77331
children and youth may enter into agreements with other state 77332
agencies that are involved in regulation or funding of child 77333
care. The department shall consider the special needs of migrant 77334
workers when it administers and coordinates publicly funded 77335
child care and shall develop appropriate procedures for 77336
accommodating the needs of migrant workers for publicly funded 77337
child care. 77338

(B) The department of children and youth shall distribute 77339
state and federal funds for publicly funded child care, 77340
including appropriations of state funds for publicly funded 77341
child care and appropriations of federal funds available under 77342
the child care block grant act, Title IV-A, and Title XX. The 77343
department may use any state funds appropriated for publicly 77344
funded child care as the state share required to match any 77345
federal funds appropriated for publicly funded child care. 77346

(C) In the use of federal funds available under the child 77347
care block grant act, all of the following apply: 77348

(1) The department may use the federal funds to hire staff 77349
to prepare any rules required under this chapter and to 77350
administer and coordinate federal and state funding for publicly 77351
funded child care. 77352

(2) Not more than five per cent of the aggregate amount of 77353
the federal funds received for a fiscal year may be expended for 77354

administrative costs. 77355

(3) The department shall allocate and use at least four 77356
per cent of the federal funds for the following: 77357

(a) Activities designed to provide comprehensive consumer 77358
education to parents and the public; 77359

(b) Activities that increase parental choice; 77360

(c) Activities, including child care resource and referral 77361
services, designed to improve the quality, and increase the 77362
supply, of child care; 77363

(d) Establishing the step up to quality program pursuant 77364
to section 5104.29 of the Revised Code. 77365

(4) The department shall ensure that the federal funds 77366
will be used only to supplement, and will not be used to 77367
supplant, federal, state, and local funds available on the 77368
effective date of the child care block grant act for publicly 77369
funded child care and related programs. If authorized by rules 77370
adopted by the department pursuant to section 5104.42 of the 77371
Revised Code, county departments of job and family services may 77372
purchase child care from funds obtained through any other means. 77373

(D) The department shall encourage the development of 77374
suitable child care throughout the state, especially in areas 77375
with high concentrations of recipients of public assistance and 77376
families with low incomes. The department shall encourage the 77377
development of suitable child care designed to accommodate the 77378
special needs of migrant workers. On request, the department, 77379
through its employees or contracts with state or community child 77380
care resource and referral service organizations, shall provide 77381
consultation to groups and individuals interested in developing 77382
child care. The department of children and youth may enter into 77383

interagency agreements with the department of education and 77384
workforce, the chancellor of higher education, the department of 77385
development, and other state agencies and entities whenever the 77386
cooperative efforts of the other state agencies and entities are 77387
necessary for the department of children and youth to fulfill 77388
its duties and responsibilities under this chapter. 77389

The department shall develop and maintain a registry of 77390
persons providing child care. The director shall adopt rules in 77391
accordance with Chapter 119. of the Revised Code establishing 77392
procedures and requirements for the registry's administration. 77393

(E) (1) The director shall adopt rules in accordance with 77394
Chapter 119. of the Revised Code establishing both of the 77395
following: 77396

(a) ~~Reimbursement~~ Payment rates for providers of publicly 77397
funded child care not later than the first day of July in each 77398
odd-numbered year; 77399

(b) A procedure for ~~reimbursing and~~ paying providers of 77400
publicly funded child care. 77401

(2) In establishing ~~reimbursement~~ payment rates under 77402
division (E) (1) (a) of this section, the director shall do all of 77403
the following: 77404

(a) Use the information obtained from the market rate 77405
survey or alternative methodology developed and conducted in 77406
accordance with 45 C.F.R. 98.45; 77407

(b) Establish an enhanced ~~reimbursement~~ payment rate for 77408
providers who provide child care for caretaker parents who work 77409
nontraditional hours; 77410

(c) With regard to the step up to quality program 77411

established pursuant to section 5104.29 of the Revised Code, 77412
establish enhanced ~~reimbursement~~ payment rates for child care 77413
providers that participate in the program. 77414

(3) In establishing ~~reimbursement~~ payment rates under 77415
division (E)(1)(a) of this section, the director may establish 77416
different ~~reimbursement~~ payment rates based on any of the 77417
following: 77418

- (a) Geographic location of the provider; 77419
- (b) Type of care provided; 77420
- (c) Age of the child served; 77421
- (d) Special needs of the child served; 77422
- (e) Whether the expanded hours of service are provided; 77423
- (f) Whether weekend service is provided; 77424
- (g) Whether the provider has exceeded the minimum 77425
requirements of state statutes and rules governing child care; 77426
- (h) Any other factors the director considers appropriate. 77427

Sec. 5104.302. (A) In addition to establishing payment 77428
rates for publicly funded child care providers in each odd- 77429
numbered year, as required by section 5104.30 of the Revised 77430
Code, the director of children and youth shall contract with a 77431
third-party entity to analyze information regarding the prices 77432
charged for child care for the subsequent even-numbered year. 77433

(B) Based on the information analyzed by the third-party 77434
entity, the director may adjust for the even-numbered year the 77435
payment rates established for the previous odd-numbered year. To 77436
make such an adjustment, the director shall adopt rules in 77437
accordance with Chapter 119. of the Revised Code. 77438

(C) When analyzing information regarding the prices 77439
charged for child care for an even-numbered year, a third-party 77440
entity under contract with the director may consider the most 77441
recent market rate survey or alternative methodology developed 77442
and conducted as described in division (E) of section 5104.30 of 77443
the Revised Code. 77444

Sec. 5104.32. (A) All purchases of publicly funded child 77445
care shall be made under a contract entered into by a licensed 77446
child care center, licensed type A family child care home, 77447
licensed type B family child care home, certified in-home aide, 77448
approved child day camp, licensed preschool program, licensed 77449
school child program, or border state child care provider and 77450
the department of children and youth. All contracts for publicly 77451
funded child care shall be contingent upon the availability of 77452
state and federal funds. The department shall prescribe a 77453
standard form to be used for all contracts for the purchase of 77454
publicly funded child care, regardless of the source of public 77455
funds used to purchase the child care. To the extent permitted 77456
by federal law and notwithstanding any other provision of the 77457
Revised Code that regulates state contracts or contracts 77458
involving the expenditure of state or federal funds, all 77459
contracts for publicly funded child care shall be entered into 77460
in accordance with the provisions of this chapter and are exempt 77461
from any other provision of the Revised Code that regulates 77462
state contracts or contracts involving the expenditure of state 77463
or federal funds. 77464

(B) Each contract for publicly funded child care shall 77465
specify at least the following: 77466

(1) That the provider of publicly funded child care agrees 77467
to be paid for rendering services at the ~~lower of the rate~~ 77468

~~customarily charged by the provider for children enrolled for~~ 77469
~~child care or the reimbursement rate of payment established~~ 77470
pursuant to section 5104.30 of the Revised Code; 77471

~~(2) That, if a provider provides child care to an~~ 77472
~~individual potentially eligible for publicly funded child care~~ 77473
~~who is subsequently determined to be eligible, the department~~ 77474
~~agrees to pay for all child care provided between the date the~~ 77475
~~county department of job and family services receives the~~ 77476
~~individual's completed application and the date the individual's~~ 77477
~~eligibility is determined;~~ 77478

~~(3)~~ Whether the county department of job and family 77479
services, the provider, or a child care resource and referral 77480
service organization will make eligibility determinations, 77481
whether the provider or a child care resource and referral 77482
service organization will be required to collect information to 77483
be used by the county department to make eligibility 77484
determinations, and the time period within which the provider or 77485
child care resource and referral service organization is 77486
required to complete required eligibility determinations or to 77487
transmit to the county department any information collected for 77488
the purpose of making eligibility determinations; 77489

~~(4)~~ (3) That the provider, other than a border state child 77490
care provider, shall continue to be licensed, approved, or 77491
certified pursuant to this chapter and shall comply with all 77492
standards and other requirements in this chapter and in rules 77493
adopted pursuant to this chapter for maintaining the provider's 77494
license, approval, or certification; 77495

~~(5)~~ (4) That, in the case of a border state child care 77496
provider, the provider shall continue to be licensed, certified, 77497
or otherwise approved by the state in which the provider is 77498

located and shall comply with all standards and other 77499
requirements established by that state for maintaining the 77500
provider's license, certificate, or other approval; 77501

~~(6)~~ (5) Whether the provider will be paid by the 77502
department of children and youth or in some other manner as 77503
prescribed by rules adopted under section 5104.42 of the Revised 77504
Code; 77505

~~(7)~~ (6) That the contract is subject to the availability 77506
of state and federal funds. 77507

(C) (1) The department shall establish an automated child 77508
care system to track attendance and calculate payments for 77509
publicly funded child care. 77510

(2) Each eligible provider that provides publicly funded 77511
child care shall participate in the automated child care system. 77512
A provider participating in the system shall not do any of the 77513
following: 77514

(a) Use or have possession of a personal identification 77515
number or password issued to a caretaker parent under the 77516
automated child care system; 77517

(b) Falsify attendance records; 77518

(c) Knowingly seek or accept payment for publicly funded 77519
child care that was not provided or for which the provider was 77520
not eligible; 77521

(d) Knowingly seek or accept payment for child care 77522
provided to a child who resides in the provider's own home. 77523

(D) The department may withhold any money due under this 77524
chapter and may recover through any appropriate method any money 77525
erroneously paid under this chapter if evidence demonstrates 77526

that a provider of publicly funded child care failed to comply 77527
with either of the following: 77528

(1) The terms of the contract entered into under this 77529
section; 77530

(2) This chapter or any rules adopted under it. 77531

(E) If the department has evidence that a provider has 77532
employed an individual who is ineligible for employment under 77533
section 5104.013 of the Revised Code and the provider has not 77534
released the individual from employment upon notice that the 77535
individual is ineligible, the department may terminate 77536
immediately the contract entered into under this section to 77537
provide publicly funded child care. 77538

(F) Any decision by the department concerning publicly 77539
funded child care, including the recovery of funds, overpayment 77540
determinations, and contract terminations is final and is not 77541
subject to appeal, hearing, or further review under Chapter 119. 77542
of the Revised Code. 77543

Sec. 5104.34. (A) (1) Each county department of job and 77544
family services shall implement procedures for making 77545
determinations of eligibility for publicly funded child care. 77546
Under those procedures, the eligibility determination for each 77547
applicant shall be made no later than thirty calendar days from 77548
the date the county department receives a completed application 77549
for publicly funded child care. Each applicant shall be notified 77550
promptly of the results of the eligibility determination. An 77551
applicant aggrieved by a decision or delay in making an 77552
eligibility determination may appeal the decision or delay to 77553
the department of children and youth in accordance with section 77554
5101.35 of the Revised Code. The due process rights of 77555

applicants shall be protected.

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To the extent permitted by federal law, the county
department may make all determinations of eligibility for
publicly funded child care, may contract with child care
providers or child care resource and referral service
organizations for the providers or resource and referral service
organizations to make all or any part of the determinations, and
may contract with child care providers or child care resource
and referral service organizations for the providers or resource
and referral service organizations to collect specified
information for use by the county department in making
determinations. If a county department contracts with a child
care provider or a child care resource and referral service
organization for eligibility determinations or for the
collection of information, the contract shall require the
provider or resource and referral service organization to make
each eligibility determination no later than thirty calendar
days from the date the provider or resource and referral
organization receives a completed application that is the basis
of the determination and to collect and transmit all necessary
information to the county department within a period of time
that enables the county department to make each eligibility
determination no later than thirty days after the filing of the
application that is the basis of the determination.

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The county department may station employees of the
department in various locations throughout the county to collect
information relevant to applications for publicly funded child
care and to make eligibility determinations. The county
department, child care provider, and child care resource and
referral service organization shall make each determination of
eligibility for publicly funded child care no later than thirty

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days after the filing of the application that is the basis of 77587
the determination, shall make each determination in accordance 77588
with any relevant rules adopted pursuant to section 5104.38 of 77589
the Revised Code, and shall notify promptly each applicant for 77590
publicly funded child care of the results of the determination 77591
of the applicant's eligibility. 77592

The director of children and youth shall adopt rules in 77593
accordance with Chapter 119. of the Revised Code for monitoring 77594
the eligibility determination process. In accordance with those 77595
rules, the state department shall monitor eligibility 77596
determinations made by county departments of job and family 77597
services and shall direct any entity that is not in compliance 77598
with this division or any rule adopted under this division to 77599
implement corrective action specified by the department. 77600

(2) (a) All eligibility determinations for publicly funded 77601
child care shall be made in accordance with rules adopted 77602
pursuant to division (A) of section 5104.38 of the Revised Code. 77603
Except as otherwise provided in this section, all of the 77604
following apply: 77605

(i) Publicly funded child care may be provided only to 77606
eligible infants, toddlers, preschool-age children, school-age 77607
children under age thirteen, or children receiving special needs 77608
child care. 77609

(ii) For an applicant to be eligible for publicly funded 77610
child care, the caretaker parent must be employed or 77611
participating in a program of education or training for an 77612
amount of time reasonably related to the time that the parent's 77613
children are receiving publicly funded child care. This 77614
restriction does not apply to families whose children are 77615
eligible for protective child care. 77616

(iii) The eligibility period for publicly funded child care shall be at least twelve months. 77617
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~~(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the child care provider shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.~~ 77619
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~~(e)~~ If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A) (2) (a) (ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of at least three but not more than four months not to extend beyond the caretaker parent's eligibility period. 77631
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~~(d)~~ (c) If a child turns thirteen, or if a child receiving special needs child care turns eighteen, during the eligibility period, the caretaker parent may continue to receive publicly funded child care until the end of that eligibility period. 77638
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Subject to available funds, the department of children and youth shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless 77642
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the family is receiving child care pursuant to division (A) (1), 77647
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 77648
department must limit eligibility due to lack of available 77649
funds, it shall give first priority for publicly funded child 77650
care to an assistance group whose income is not more than the 77651
maximum income eligibility limit that received transitional 77652
child care in the previous month but is no longer eligible 77653
because the eligibility period has expired. Such an assistance 77654
group shall continue to receive priority for publicly funded 77655
child care until its income exceeds the maximum income 77656
eligibility limit. 77657

(3) An assistance group that ceases to participate in the 77658
Ohio works first program established under Chapter 5107. of the 77659
Revised Code is eligible for transitional child care at any time 77660
during the immediately following twelve-month period that both 77661
of the following apply: 77662

(a) The assistance group requires child care due to 77663
employment; 77664

(b) The assistance group's income is not more than one 77665
hundred fifty per cent of the federal poverty line. 77666

An assistance group ineligible to participate in the Ohio 77667
works first program pursuant to section 5101.83 or section 77668
5107.16 of the Revised Code is not eligible for transitional 77669
child care. 77670

(B) To the extent permitted by federal law, the department 77671
of children and youth may require a caretaker parent determined 77672
to be eligible for publicly funded child care to pay a fee 77673
according to the schedule of fees established in rules adopted 77674
under section 5104.38 of the Revised Code. The department shall 77675

make protective child care services and homeless child care 77676
services available to children without regard to the income or 77677
assets of the caretaker parent of the child. 77678

(C) A caretaker parent receiving publicly funded child 77679
care shall report to the entity that determined eligibility any 77680
changes in status with respect to employment or participation in 77681
a program of education or training not later than ten calendar 77682
days after the change occurs. 77683

(D) If the department of children and youth determines 77684
that available resources are not sufficient to provide publicly 77685
funded child care to all eligible families who request it, the 77686
department may establish a waiting list. The department may 77687
establish separate waiting lists within the waiting list based 77688
on income. 77689

(E) A caretaker parent shall not receive publicly funded 77690
child care from more than one child care provider per child 77691
during a week, unless a county department grants the family an 77692
exemption for one of the following reasons: 77693

(1) The child needs additional care during non-traditional 77694
hours; 77695

(2) The child needs to change providers in the middle of 77696
the week and the hours of care provided by the providers do not 77697
overlap; 77698

(3) The child's provider is closed on scheduled school 77699
days off or on calamity days. 77700

(F) As used in this section, "maximum income eligibility 77701
limit" means the amount of income specified in rules adopted 77702
under division (A) of section 5104.38 of the Revised Code. 77703

Sec. 5104.37. (A) In addition to the duties described in 77704
division (D) of section 5104.30 of the Revised Code, the 77705
director of ~~job and family services~~ children and youth shall 77706
engage in activities to do the following: 77707

(1) Encourage the establishment and licensure of family 77708
~~day-care~~ child care homes in this state, especially in areas 77709
with the greatest need for child care; 77710

(2) Connect families and caretaker parents in need of 77711
child care with family ~~day-care~~ child care homes not meeting the 77712
license capacity specified on their licenses, as described in 77713
division (E) of section 5104.03 of the Revised Code. 77714

(B) The director may contract with one or more third-party 77715
entities to assist the director in performing the duties 77716
described in division (A) of this section. 77717

(C) Not later than May 30, 2023, and periodically 77718
thereafter, the director shall submit to the general assembly a 77719
report documenting any barriers that may prevent the 77720
establishment or licensure of family ~~day-care~~ child care homes. 77721
The director shall submit the required report in accordance with 77722
section 101.68 of the Revised Code. 77723

Sec. 5104.38. In addition to any other rules adopted under 77724
this chapter, the director of children and youth ~~services~~ shall 77725
adopt rules in accordance with Chapter 119. of the Revised Code 77726
governing financial and administrative requirements for publicly 77727
funded child care and establishing all of the following: 77728

(A) Procedures and criteria to be used in making 77729
determinations of eligibility for publicly funded child care 77730
that give priority to children of families with lower incomes 77731
and procedures and criteria for eligibility for publicly funded 77732

protective child care or homeless child care. The rules shall 77733
specify the maximum amount of income a family may have for 77734
initial and continued eligibility. The maximum amount shall not 77735
exceed three hundred per cent of the federal poverty line. The 77736
rules may specify exceptions to the eligibility requirements in 77737
the case of a family that previously received publicly funded 77738
child care and is seeking to have the child care reinstated 77739
after the family's eligibility was terminated. 77740

~~(B) Procedures under which an applicant for publicly-~~ 77741
~~funded child care may receive publicly funded child care while~~ 77742
~~the county department of job and family services determines~~ 77743
~~eligibility and under which a child care provider may appeal a~~ 77744
~~denial of payment under division (A) (2) (b) of section 5104.34 of~~ 77745
~~the Revised Code;~~ 77746

~~(C)~~ A schedule of fees requiring all eligible caretaker 77747
parents to pay a fee for publicly funded child care according to 77748
income and family size, which shall be uniform for all types of 77749
publicly funded child care, except as authorized by rule, and, 77750
to the extent permitted by federal law, shall permit the use of 77751
state and federal funds to pay the customary deposits and other 77752
advance payments that a provider charges all children who 77753
receive child care from that provider. 77754

~~(D)~~ (C) A formula for determining the amount of state and 77755
federal funds appropriated for publicly funded child care that 77756
may be allocated to a county department to use for 77757
administrative purposes; 77758

~~(E)~~ (D) Procedures to be followed by the department and 77759
county departments in recruiting individuals and groups to 77760
become providers of child care; 77761

~~(F)~~ (E) Procedures to be followed in establishing state or 77762
local programs designed to assist individuals who are eligible 77763
for publicly funded child care in identifying the resources 77764
available to them and to refer the individuals to appropriate 77765
sources to obtain child care; 77766

~~(G)~~ (F) Procedures to deal with fraud and abuse committed 77767
by either recipients or providers of publicly funded child care; 77768

~~(H)~~ (G) Procedures for establishing a child care grant or 77769
loan program in accordance with the child care block grant act; 77770

~~(I)~~ (H) Standards and procedures for applicants to apply 77771
for grants and loans, and for the department to make grants and 77772
loans; 77773

~~(J)~~ (I) A definition of "person who stands in loco 77774
parentis" for the purposes of division ~~(LL)~~ (3) ~~(MM)~~ (3) of section 77775
5104.01 of the Revised Code; 77776

~~(K)~~ (J) Procedures for a county department of job and 77777
family services to follow in making eligibility determinations 77778
and redeterminations for publicly funded child care available 77779
through telephone, computer, and other means at locations other 77780
than the county department; 77781

~~(L)~~ (K) If the director establishes a different 77782
~~reimbursement~~ payment rate under division (E) (3) (d) of section 77783
5104.30 of the Revised Code, standards and procedures for 77784
determining the amount of the higher payment that is to be 77785
issued to a child care provider based on the special needs of 77786
the child being served; 77787

~~(M)~~ (L) To the extent permitted by federal law, procedures 77788
for paying for up to thirty days of child care for a child whose 77789
caretaker parent is seeking employment, taking part in 77790

employment orientation activities, or taking part in activities 77791
in anticipation of enrolling in or attending an education or 77792
training program or activity, if the employment or the education 77793
or training program or activity is expected to begin within the 77794
thirty-day period; 77795

~~(N)~~ (M) Any other rules necessary to carry out sections 77796
5104.30 to 5104.43 of the Revised Code. 77797

Sec. 5104.39. (A) The director of children and youth shall 77798
adopt rules in accordance with Chapter 119. of the Revised Code 77799
establishing a procedure for monitoring the expenditures for 77800
publicly funded child care to ensure that expenditures do not 77801
exceed the available federal and state funds for publicly funded 77802
child care. The department of children and youth, with the 77803
assistance of the office of budget and management and the ~~child-~~ 77804
~~care-~~ children and youth advisory council created pursuant to 77805
section ~~5104.08~~ 5180.04 of the Revised Code, shall monitor the 77806
anticipated future expenditures for publicly funded child care 77807
and shall compare those anticipated future expenditures to 77808
available federal and state funds for publicly funded child 77809
care. Whenever the department determines that the anticipated 77810
future expenditures for publicly funded child care will exceed 77811
the available federal and state funds, the department shall 77812
promptly notify the county departments of job and family 77813
services and, before the available state and federal funds are 77814
used, the director shall issue and implement an administrative 77815
order that shall specify both of the following: 77816

(1) Priorities for expending the remaining available 77817
federal and state funds for publicly funded child care; 77818

(2) Instructions and procedures to be used by the county 77819
departments regarding eligibility determinations. 77820

- (B) The order may do any or all of the following: 77821
- (1) Suspend enrollment of all new participants in any 77822
program of publicly funded child care; 77823
- (2) Limit enrollment of new participants to those with 77824
incomes at or below a specified percentage of the federal 77825
poverty line; 77826
- (3) Disenroll existing participants with income above a 77827
specified percentage of the federal poverty line; 77828
- (4) Change the schedule of fees paid by eligible caretaker 77829
parents that has been established pursuant to section 5104.38 of 77830
the Revised Code; 77831
- (5) Change the rate of payment for providers of publicly 77832
funded child care that has been established pursuant to section 77833
5104.30 of the Revised Code. 77834
- (C) Each county department shall comply with the order no 77835
later than thirty days after it is issued. 77836
- (D) If after issuing an order under this section to 77837
suspend or limit enrollment of new participants or disenroll 77838
existing participants the department determines that available 77839
state and federal funds for publicly funded child care exceed 77840
the anticipated future expenditures for publicly funded child 77841
care, the director may issue and implement another 77842
administrative order increasing income eligibility levels to a 77843
specified percentage of the federal poverty line. The order 77844
shall include instructions and procedures to be used by the 77845
county departments. Each county department shall comply with the 77846
order not later than thirty days after it is issued. 77847
- (E) The department of children and youth shall do all of 77848

the following:

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(1) Conduct a quarterly evaluation of the program of
publicly funded child care that is operated pursuant to sections
5104.30 to 5104.43 of the Revised Code;

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(2) Prepare reports based upon the evaluations that
specify for each county the number of participants and amount of
expenditures;

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(3) Provide copies of the reports to both houses of the
general assembly and, on request, to interested parties.

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Sec. 5104.41. A child and the child's caretaker who are
otherwise ineligible for publicly funded child care are eligible
for homeless child care for ~~the lesser of the following:~~

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~~(A) Not more than ninety days;~~

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~~(B) The period of time they reside in a facility providing
emergency shelter for homeless families or the period of time in
which the county department determines they are homeless~~twelve
months.

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Sec. 5104.53. (A) As used in this section:

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(1) "IEP" has the same meaning as in section 3323.01 of
the Revised Code.

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(2) "Resource caregiver" has the same meaning as in
section 5103.02 of the Revised Code.

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(B) The early childhood education grant program is created
in the department of children and youth. Subject to available
funds, the program shall support and invest in early learning
and development programs operating in this state by awarding
grants to programs that meet the conditions of this section in

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an amount that corresponds to the number of eligible children 77876
served by the programs. 77877

(C) To be eligible for a grant under this section, an 77878
early learning and development program shall meet each of the 77879
following conditions: 77880

(1) The program is rated through the step up to quality 77881
program established under section 5104.29 of the Revised Code at 77882
the tiered rating specified by the department in rules adopted 77883
under this section. 77884

(2) The program provides early learning and development 77885
services to one or more preschool-age children described in 77886
division (D) of this section. 77887

(3) The program meets any other eligibility condition 77888
specified by the department in rules adopted under this section. 77889

(D) A preschool-age child who meets all of the following 77890
conditions, as determined by a county department of job and 77891
family services, is eligible to participate in the early 77892
childhood education grant program if a slot is available: 77893

(1) Either the amount of the child's family income does 77894
not exceed two hundred per cent of the federal poverty line or 77895
the child meets one of the following conditions: 77896

(a) An IEP has been developed for the child; 77897

(b) The child is placed with a resource caregiver as 77898
described in Chapter 5103. of the Revised Code, with such 77899
placement documented by either a family case plan or kinship 77900
permanency incentive payments; 77901

(c) The child is homeless as described in division (V) of 77902
section 5104.01 of the Revised Code. 77903

(2) The child is a citizen of the United States or a 77904
qualified alien. 77905

(3) The child meets any other eligibility condition 77906
specified by the department in rules adopted under this section. 77907

(E) Any funds appropriated to the department for purposes 77908
of the early childhood education grant program shall be used as 77909
follows: 77910

(1) In each fiscal year, not more than two per cent of 77911
appropriated funds shall be used for program support and 77912
technical assistance. 77913

(2) Appropriated funds other than those described in 77914
division (E) (1) of this section shall be distributed to grant 77915
recipients. 77916

(F) In accordance with Chapter 119. of the Revised Code, 77917
the director shall adopt rules to implement this section and 77918
administer the early childhood education grant program, 77919
including rules addressing all of the following topics: 77920

(1) Eligibility conditions and other requirements for 77921
participation in the grant program by early learning and 77922
development programs, including the tiered rating at which a 77923
program becomes eligible to participate; 77924

(2) Eligibility conditions for children participating in 77925
the early childhood education grant program if a slot is 77926
available; 77927

(3) Standards, procedures, and requirements to apply for 77928
and distribute funds to participating early learning and 77929
development programs; 77930

(4) In the event funds are distributed in error under the 77931

program, methods by which the department may recover those 77932
funds. 77933

Sec. 5104.60. (A) The director of children and youth shall 77934
contract with a third-party entity to develop a registry 77935
information system to provide, on an ongoing basis, training and 77936
professional development opportunities to the employees of early 77937
learning and development programs that receive funding under the 77938
child care block grant act. The registry information system 77939
shall be known as the Ohio professional registry. 77940

(B) In developing the registry information system, the 77941
third-party entity shall comply with requirements set forth in 77942
the child care block grant act and 45 C.F.R. Part 98. 77943

(C) In contracting with a third-party entity under this 77944
section, the director shall give primary consideration to the 77945
Ohio child care resource and referral association. If the 77946
director enters into a contract with the Ohio child care 77947
resource and referral association, the association may utilize 77948
the registry information system that the association established 77949
prior to the effective date of this section, but only if the 77950
director determines that the principal goals and mission of that 77951
system are consistent with the requirements described in 77952
division (B) of this section. 77953

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 77954
Revised Code shall be punished as follows: 77955

(1) For each offense, the offender shall be fined not less 77956
than one hundred dollars nor more than five hundred dollars 77957
multiplied by the number of children receiving child care at the 77958
child care center or type A family child care home that either 77959
exceeds the number of children to which a type B family ~~day-care~~ 77960

child care home may provide child care or, if the offender is a 77961
licensed type A family child care home that is operating as a 77962
child care center without being licensed as a center, exceeds 77963
the license capacity of the type A home. 77964

(2) In addition to the fine specified in division (A) (1) 77965
of this section, all of the following apply: 77966

(a) Except as provided in divisions (A) (2) (b), (c), and 77967
(d) of this section, the court shall order the offender to 77968
reduce the number of children to which it provides child care to 77969
a number that does not exceed either the number of children to 77970
which a type B family child care home may provide child care or, 77971
if the offender is a licensed type A family child care home that 77972
is operating as a child care center without being licensed as a 77973
center, the license capacity of the type A home. 77974

(b) If the offender previously has been convicted of or 77975
pleaded guilty to one violation of section 5104.02 of the 77976
Revised Code, the court shall order the offender to cease the 77977
provision of child care to any person until it obtains a child 77978
care center license or a type A family child care home license, 77979
as appropriate, under section 5104.03 of the Revised Code. 77980

(c) If the offender previously has been convicted of or 77981
pleaded guilty to two violations of section 5104.02 of the 77982
Revised Code, the offender is guilty of a misdemeanor of the 77983
first degree, and the court shall order the offender to cease 77984
the provision of child care to any person until it obtains a 77985
child care center license or a type A family child care home 77986
license, as appropriate, under section 5104.03 of the Revised 77987
Code. The court shall impose the fine specified in division (A) 77988
(1) of this section and may impose an additional fine provided 77989
that the total amount of the fines so imposed does not exceed 77990

the maximum fine authorized for a misdemeanor of the first 77991
degree under section 2929.28 of the Revised Code. 77992

(d) If the offender previously has been convicted of or 77993
pleaded guilty to three or more violations of section 5104.02 of 77994
the Revised Code, the offender is guilty of a felony of the 77995
fifth degree, and the court shall order the offender to cease 77996
the provision of child care to any person until it obtains a 77997
child care center license or a type A family child care home 77998
license, as appropriate, under section 5104.03 of the Revised 77999
Code. The court shall impose the fine specified in division (A) 78000
(1) of this section and may impose an additional fine provided 78001
that the total amount of the fines so imposed does not exceed 78002
the maximum fine authorized for a felony of the fifth degree 78003
under section 2929.18 of the Revised Code. 78004

(B) Whoever violates section 5104.09 of the Revised Code 78005
is guilty of a misdemeanor of the third degree. 78006

Sec. 5117.07. (A) On or before the first day of October, 78007
the director of development shall review all applications 78008
submitted under division (C) of section 5117.03 of the Revised 78009
Code and shall determine the eligibility of each applicant to 78010
receive a credit or payment. The total income and current total 78011
income amounts set forth in division (A) of this section are 78012
subject to adjustment under section 5117.071 of the Revised 78013
Code. 78014

(1) An applicant is eligible for a credit of thirty per 78015
cent if the applicant is a head of household, has a total income 78016
of five thousand dollars or less or a current total income of 78017
two thousand five hundred dollars or less, owns and occupies or 78018
rents and occupies a household receiving the source of energy 78019
for its primary heating system from an energy company and such 78020

energy is separately metered, and is either of the following: 78021

(a) Sixty-five years of age or older; 78022

(b) Permanently and totally disabled. 78023

(2) An applicant is eligible for a credit of twenty-five 78024
per cent if the applicant is a head of household, has a total 78025
income of more than five thousand dollars but not more than nine 78026
thousand dollars or a current total income of more than two 78027
thousand five hundred dollars but not more than four thousand 78028
five hundred dollars, is sixty-five years of age or older or 78029
permanently and totally disabled, and owns and occupies or rents 78030
and occupies a household receiving the source of energy for its 78031
primary heating system from an energy company and such energy is 78032
separately metered. 78033

(3) An applicant is eligible for a payment if either of 78034
the following applies to the applicant: 78035

(a) The applicant would be eligible for the credit under 78036
division (A) (1) or (2) of this section but for the fact that the 78037
source of energy for the primary heating system of the 78038
applicant's household is not separately metered; 78039

(b) The applicant is a head of household, has a total 78040
income of no more than nine thousand dollars or a current total 78041
income of no more than four thousand five hundred dollars, is 78042
sixty-five years of age or older or permanently and totally 78043
disabled, and owns and occupies or rents and occupies a 78044
household receiving the source of energy for its primary heating 78045
system from an energy dealer. 78046

(4) In the case of a multiple unit dwelling for which 78047
separate metering for the source of energy for its primary 78048
heating system is not provided, more than one applicant 78049

occupying such dwelling may be determined eligible for a payment 78050
under division (A) (3) (a) of this section. 78051

(B) Notwithstanding division (A) of this section: 78052

(1) No head of household who resides in public housing or 78053
receives a rent subsidy from a government agency is eligible for 78054
a credit or payment unless the person's rent subsidy does not 78055
reflect the costs of that person's household receiving the 78056
source of energy for its primary heating system; 78057

(2) A resident of a nursing home, hospital, or other 78058
extended health care facility is not eligible for a credit or 78059
payment for the costs of providing the source of energy for the 78060
primary heating system of the facility. 78061

(C) The director shall establish a procedure whereby the 78062
~~director-commissioner~~ can verify total income and current total 78063
income for the calendar year in which an applicant is determined 78064
eligible for a payment or credit. If a person receives a credit 78065
or payment that the person is ineligible to receive under 78066
division (A) of this section as determined by the director, that 78067
person shall refund to the director the credit or payment, or 78068
excess portion of a credit or payment, that person received. The 78069
sum refunded shall be deposited in the state treasury to the 78070
credit of the ~~universal service~~ electric partnership plan fund 78071
created in section 4928.51 of the Revised Code. 78072

(D) The director may request an additional certification 78073
of permanent and total disability for any applicant claiming 78074
such status on an application renewal form submitted under 78075
section 5117.03 of the Revised Code. Such certification shall be 78076
requested from the person or agency named on the form pursuant 78077
to division (B) (1) of section 5117.03 of the Revised Code. If 78078

such additional certification is refused due to a conclusion by 78079
the person or agency that the applicant is not permanently and 78080
totally disabled, the director shall determine the applicant 78081
ineligible for any credit or payment. If such additional 78082
certification is unavailable or refused for any other reason, 78083
the director may determine the applicant to be eligible for a 78084
credit or payment provided the director~~-tax commissioner~~ has good 78085
cause to believe the applicant is permanently and totally 78086
disabled. 78087

(E) On or before the first day of October, the director 78088
shall notify each applicant of the disposition of the 78089
applicant's application under divisions (A) and (B) of this 78090
section. At the same time, the director~~-tax commissioner~~ shall 78091
notify the applicant, regardless of whether the applicant's 78092
application is approved or disapproved, that the applicant may 78093
be eligible to participate in a state or federal weatherization 78094
program and should contact the applicant's community action 78095
agency for further information. If an application is 78096
disapproved, the applicant may appeal to the director for a 78097
hearing on the matter. A notice of disapproval shall include a 78098
detailed explanation of the applicant's right of appeal under 78099
this chapter. Any such appeal shall be on an appeal form 78100
prescribed by the director and shall be filed with the director 78101
within twenty days of the receipt of the notice of disapproval. 78102

Sec. 5119.01. (A) As used in this chapter: 78103

(1) "Addiction" means the chronic and habitual use of 78104
alcoholic beverages, the use of a drug of abuse as defined in 78105
section 3719.011 of the Revised Code, or the use of gambling by 78106
an individual to the extent that the individual no longer can 78107
control the individual's use of alcohol, the individual becomes 78108

physically or psychologically dependent on the drug, the 78109
individual's use of alcohol or drugs endangers the health, 78110
safety, or welfare of the individual or others, or the 78111
individual's gambling causes psychological, financial, 78112
emotional, marital, legal, or other difficulties endangering the 78113
health, safety, or welfare of the individual or others. 78114

(2) "Addiction services" means services, including 78115
intervention, for the treatment of persons with alcohol, drug, 78116
or gambling addictions, and for the prevention of such 78117
addictions. 78118

(3) "Alcohol and drug addiction services" means services, 78119
including intervention, for the treatment of persons with 78120
alcohol use disorder or persons who abuse drugs of abuse and for 78121
the prevention of alcohol use disorder and drug addiction. 78122

(4) "Alcohol use disorder" means a medical condition 78123
characterized by an individual's impaired ability to stop or 78124
control the individual's alcohol use despite adverse social, 78125
occupational, or health consequences. An alcohol use disorder 78126
may be classified as mild, moderate, or severe. 78127

(5) "Certifiable services and supports" means all of the 78128
following: 78129

(a) Alcohol and drug addiction services; 78130

(b) Mental health services; 78131

(c) The types of recovery supports that are specified in 78132
rules adopted under section 5119.36 of the Revised Code as 78133
requiring certification under that section. 78134

(6) "Community addiction services provider" means an 78135
agency, association, corporation or other legal entity, 78136

individual, or program that provides one or more of the 78137
following: 78138

(a) Alcohol and drug addiction services that are certified 78139
by the director of ~~mental-behavioral health and addiction~~ 78140
~~services~~ under section 5119.36 of the Revised Code; 78141

(b) Gambling addiction services; 78142

(c) Recovery supports that are related to alcohol and drug 78143
addiction services or gambling addiction services and paid for 78144
with federal, state, or local funds administered by the 78145
department of ~~mental-behavioral health and addiction services~~ or 78146
a board of alcohol, drug addiction, and mental health services. 78147

(7) "Community mental health services provider" means an 78148
agency, association, corporation, individual, or program that 78149
provides either of the following: 78150

(a) Mental health services that are certified by the 78151
director of ~~mental-behavioral health and addiction services~~ 78152
under section 5119.36 of the Revised Code; 78153

(b) Recovery supports that are related to mental health 78154
services and paid for with federal, state, or local funds 78155
administered by the department of ~~mental-behavioral health and~~ 78156
~~addiction services~~ or a board of alcohol, drug addiction, and 78157
mental health services. 78158

(8) "Drug addiction" means the use of a drug of abuse, as 78159
defined in section 3719.011 of the Revised Code, by an 78160
individual to the extent that the individual becomes physically 78161
or psychologically dependent on the drug or endangers the 78162
health, safety, or welfare of the individual or others. 78163

(9) "Gambling addiction" means the use of gambling by an 78164

individual to the extent that it causes psychological, 78165
financial, emotional, marital, legal, or other difficulties 78166
endangering the health, safety, or welfare of the individual or 78167
others. 78168

(10) "Gambling addiction services" means services for the 78169
treatment of persons who have a gambling addiction and for the 78170
prevention of gambling addiction. 78171

(11) "Hospital" means a hospital or inpatient unit 78172
licensed by the department of ~~mental-behavioral~~ health ~~and~~ 78173
~~addiction services~~ under section 5119.33 of the Revised Code, 78174
and any institution, hospital, or other place established, 78175
controlled, or supervised by the department under this chapter. 78176

(12) "Included opioid and co-occurring drug addiction 78177
services and recovery supports" means the addiction services and 78178
recovery supports that, pursuant to section 340.033 of the 78179
Revised Code, are included in the array of services and recovery 78180
supports for all levels of opioid and co-occurring drug 78181
addiction required to be included in the community-based 78182
continuum of care established under section 340.032 of the 78183
Revised Code. 78184

(13) "Medication-assisted treatment" has the same meaning 78185
as in section 340.01 of the Revised Code. 78186

(14) "Mental illness" means a substantial disorder of 78187
thought, mood, perception, orientation, or memory that grossly 78188
impairs judgment, behavior, capacity to recognize reality, or 78189
ability to meet the ordinary demands of life. 78190

(15) "Mental health services" means services for the 78191
assessment, care, or treatment of persons who have a mental 78192
illness and for the prevention of mental illness. 78193

(16) "Opioid treatment program" has the same meaning as in 78194
42 C.F.R. 8.2. 78195

(17) "Recovery housing residence" means a residence for 78196
individuals recovering from alcohol use disorder or drug 78197
addiction that provides an alcohol-free and drug-free living 78198
environment, peer support, assistance with obtaining alcohol and 78199
drug addiction services, and other recovery assistance for 78200
alcohol use disorder and drug addiction. 78201

(18) "Recovery supports" means assistance that is intended 78202
to help an individual with alcohol use disorder, drug addiction, 78203
or mental illness, or a member of such an individual's family, 78204
initiate and sustain the individual's recovery from alcohol use 78205
disorder, drug addiction, or mental illness. "Recovery supports" 78206
does not mean alcohol and drug addiction services or mental 78207
health services. 78208

(19)(a) "Residence," except when referring to a recovery 78209
housing residence or the meaning of "residence" in section 78210
5119.90 of the Revised Code, means a person's physical presence 78211
in a county with intent to remain there, except in either of the 78212
following circumstances: 78213

(i) If a person is receiving a mental health treatment 78214
service at a facility that includes nighttime sleeping 78215
accommodations, "residence" means that county in which the 78216
person maintained the person's primary place of residence at the 78217
time the person entered the facility; 78218

(ii) If a person is committed pursuant to section 2945.38, 78219
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 78220
"residence" means the county where the criminal charges were 78221
filed. 78222

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

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

Sec. 5119.011. (A) Whenever the term "~~department of mental~~
~~health," the term "Ohio department of mental health," the term~~
~~"department of alcohol and drug addiction services," or the term~~
~~"Ohio department of alcohol and drug addiction services"~~
"department of mental health and addiction services" is used,
referred to, or designated in any statute, rule, contract,
grant, or other document, the use, reference, or designation
shall be construed to mean the department of ~~mental~~ behavioral
~~health and addiction services.~~

(B) Whenever the term "~~director of mental health" or the~~
~~term "director of alcohol and drug addiction services"~~ "director
of mental health and addiction services" is used, referred to,
or designated in any statute, rule, contract, grant, or other
document, the use, reference, or designation shall be construed

to mean the director of ~~mental behavioral health and addiction~~ 78253
~~services.~~ 78254

Sec. 5119.04. The department of ~~mental behavioral health~~ 78255
~~and addiction services~~ and any institutions under its 78256
supervision or jurisdiction shall, where applicable, be in 78257
substantial compliance with standards set forth for psychiatric 78258
facilities by the joint commission or medical assistance 78259
standards under Title XIX of the "Social Security Act," 49 Stat. 78260
620 (1935), 42 U.S.C. 301, as amended, or other applicable 78261
standards. 78262

The requirements of this section are in addition to any 78263
other requirements established by the Revised Code and nothing 78264
in this section shall be construed to limit any rights, 78265
privileges, protections, or immunities which may exist under the 78266
constitution and laws of the United States or this state. 78267

Sec. 5119.05. Subject to the rules of the director of 78268
~~mental behavioral health and addiction services~~, each 78269
institution under the jurisdiction of the department shall be 78270
under the management and control of a managing officer to be 78271
known as a chief executive officer or by another appropriate 78272
title. Such managing officer shall be appointed by the director 78273
of ~~mental behavioral health and addiction services~~, and shall be 78274
in the unclassified service and serve at the pleasure of the 78275
director. Each managing officer shall be of good moral character 78276
and have skill, ability, and experience in the managing 78277
officer's profession. 78278

The managing officer, under the director, shall serve as 78279
the appointing authority of the institution to which such 78280
managing officer is appointed. Subject to civil service rules, 78281
the managing officer shall have the power to appoint and remove 78282

employees of the institution. On behalf of the institution, the 78283
managing officer has the authority and responsibility for 78284
entering into contracts and other agreements for the efficient 78285
operations of the institution. 78286

Sec. 5119.051. The department of ~~mental~~-behavioral health 78287
~~and addiction services~~ shall keep in its office a proper and 78288
complete set of books and accounts with each institution, which 78289
shall clearly show the nature and amount of every expenditure 78290
authorized and made at such institution, and which shall contain 78291
an account of all appropriations made by the general assembly 78292
and of all other funds, together with the disposition of such 78293
funds. 78294

The department shall prescribe the form of vouchers, 78295
records, and methods of keeping accounts at each of the 78296
institutions, which shall be as nearly uniform as possible. The 78297
department may examine the records of each institution at any 78298
time. 78299

The department may authorize any of its bookkeepers, 78300
accountants, or employees to examine and check the records, 78301
accounts, and vouchers or take an inventory of the property of 78302
any institution, or do whatever is necessary, and pay the actual 78303
and reasonable expenses incurred in such service when an 78304
itemized account is filed and approved. 78305

Sec. 5119.06. The department of ~~mental~~-behavioral health 78306
~~and addiction services~~ shall keep in its office, accessible only 78307
to its employees, except by the consent of the department or the 78308
order of the judge of a court of record, a record showing the 78309
name, residence, sex, age, nativity, occupation, condition, and 78310
date of entrance or commitment of every patient in the 78311
institutions governed by it, the date, cause, and terms of 78312

discharge and the condition of such person at the time of 78313
leaving, and also a record of all transfers from one institution 78314
to another, and, if such person dies while in the care or 78315
custody of the department, the date and cause of death. These 78316
and such other facts as the department requires shall be 78317
furnished by the managing officer of each institution within 78318
twenty-four hours after the commitment, entrance, death, or 78319
discharge of a patient. 78320

In case of an accident or injury or peculiar death of a 78321
patient the managing officer shall make a special report to the 78322
department within twenty-four hours thereafter, giving the 78323
circumstances as fully as possible. 78324

Sec. 5119.07. A person, firm, or corporation may file a 78325
petition in the court of common pleas of the county in which a 78326
benevolent institution of the department of ~~mental~~ behavioral 78327
~~health and addiction services~~ is located, in which petition the 78328
desire to erect or carry on at a less distance than that 78329
prescribed in section 3767.19 of the Revised Code shall be set 78330
forth, the business prohibited, the precise point of its 78331
establishment, and the reasons and circumstances, in its 78332
opinion, why the erection or carrying on of the business would 78333
not annoy or endanger the health, convenience, or recovery of 78334
the patients of such institution. The petitioner shall give 78335
notice in a newspaper of general circulation in the county of 78336
the pendency and prayer of the petition for at least six 78337
consecutive weeks before the day set for hearing the petition 78338
and serve a written notice upon the managing officer of the 78339
institution at least thirty days before the day set for hearing 78340
the petition. 78341

If, upon the hearing of the petition, it appears that the 78342

notice has been given as required and the court is of the 78343
opinion that no good reason exists why such establishment may 78344
not be erected or such business carried on and that by the 78345
erection or carrying on of the business at the point named, the 78346
institution will sustain no detriment, the court may issue an 78347
order granting the prayer of the petitioner. Thereafter the 78348
petitioner may locate such establishment or carry on such 78349
business at the point named in the petition. 78350

Sec. 5119.08. (A) As used in this section, "felony" has 78351
the same meaning as in section 109.511 of the Revised Code. 78352

(B) (1) Subject to division (C) of this section, upon the 78353
recommendation of the director of ~~mental-behavioral health-and-~~ 78354
~~addiction services~~, the managing officer of an institution under 78355
the jurisdiction of the department of ~~mental-behavioral health~~ 78356
~~and addiction services~~ may designate one or more employees to be 78357
special police officers of the department. The special police 78358
officers shall take an oath of office, wear the badge of office, 78359
and give bond for the proper and faithful discharge of their 78360
duties in an amount that the director requires. 78361

(2) In accordance with section 109.77 of the Revised Code, 78362
the special police officers shall be required to complete 78363
successfully a peace officer basic training program approved by 78364
the Ohio peace officer training commission and to be certified 78365
by the commission. The cost of the training shall be paid by the 78366
department of ~~mental-behavioral health-and-addiction services~~. 78367

(3) Special police officers, on the premises of 78368
institutions under the jurisdiction of the department of ~~mental-~~ 78369
~~behavioral health and addiction services~~ and subject to the 78370
rules of the department, shall protect the property of the 78371
institutions and the persons and property of patients in the 78372

institutions, suppress riots, disturbances, and breaches of the 78373
peace, and enforce the laws of the state and the rules of the 78374
department for the preservation of good order. They may arrest 78375
any person without a warrant and detain the person until a 78376
warrant can be obtained under the circumstances described in 78377
division (F) of section 2935.03 of the Revised Code. 78378

(C) (1) The managing officer of an institution under the 78379
jurisdiction of the department of ~~mental-behavioral health and~~ 78380
~~addiction services~~ shall not designate an employee as a special 78381
police officer of the department pursuant to division (B) (1) of 78382
this section on a permanent basis, on a temporary basis, for a 78383
probationary term, or on other than a permanent basis if the 78384
employee previously has been convicted of or has pleaded guilty 78385
to a felony. 78386

(2) (a) The managing officer of an institution under the 78387
jurisdiction of the department of ~~mental-behavioral health and~~ 78388
~~addiction services~~ shall terminate the employment as a special 78389
police officer of the department of an employee designated as a 78390
special police officer under division (B) (1) of this section if 78391
that employee does either of the following: 78392

(i) Pleads guilty to a felony; 78393

(ii) Pleads guilty to a misdemeanor pursuant to a 78394
negotiated plea agreement as provided in division (D) of section 78395
2929.43 of the Revised Code in which the employee agrees to 78396
surrender the certificate awarded to that employee under section 78397
109.77 of the Revised Code. 78398

(b) The managing officer shall suspend from employment as 78399
a special police officer of the department an employee 78400
designated as a special police officer under division (B) (1) of 78401

this section if that employee is convicted, after trial, of a 78402
felony. If the special police officer files an appeal from that 78403
conviction and the conviction is upheld by the highest court to 78404
which the appeal is taken or if the special police officer does 78405
not file a timely appeal, the managing officer shall terminate 78406
the employment of that special police officer. If the special 78407
police officer files an appeal that results in that special 78408
police officer's acquittal of the felony or conviction of a 78409
misdemeanor, or in the dismissal of the felony charge against 78410
that special police officer, the managing officer shall 78411
reinstate that special police officer. A special police officer 78412
of the department who is reinstated under division (C) (2) (b) of 78413
this section shall not receive any back pay unless that special 78414
police officer's conviction of the felony was reversed on 78415
appeal, or the felony charge was dismissed, because the court 78416
found insufficient evidence to convict the special police 78417
officer of the felony. 78418

(3) Division (C) of this section does not apply regarding 78419
an offense that was committed prior to January 1, 1997. 78420

(4) The suspension from employment, or the termination of 78421
the employment, of a special police officer under division (C) 78422
(2) of this section shall be in accordance with applicable 78423
collective bargaining agreements. 78424

Sec. 5119.091. The attorney general shall attend to all 78425
claims instituted on behalf of or against the department of 78426
~~mental-behavioral health and addiction services~~ or any 78427
institution under the jurisdiction of the department and the 78428
managing officer thereof, except such institutions as are 78429
privately owned or operated under a license from the department 78430
of ~~mental-behavioral health and addiction services~~, and shall 78431

represent the public hospital in proceedings under section 78432
5122.15 of the Revised Code. The department of ~~mental-behavioral~~ 78433
~~health and addiction services~~ shall reimburse the attorney 78434
general for the compensation of assistant attorneys general 78435
required to represent the public hospital in proceedings under 78436
section 5122.15 of the Revised ~~code~~Code and shall also pay the 78437
costs of litigation incurred by the attorney general under that 78438
section. 78439

If a writ of habeas corpus is applied for, the clerk of 78440
the court shall give notice of the time and place of hearing to 78441
the attorney general. 78442

Sec. 5119.10. (A) The director of ~~mental-behavioral~~ health 78443
~~and addiction services~~ is the chief executive and appointing 78444
authority of the department of ~~mental-behavioral~~ health-and- 78445
~~addiction services~~. The director may organize the department for 78446
its efficient operation, including creating divisions or offices 78447
as necessary. The director may establish procedures for the 78448
governance of the department, conduct of its employees and 78449
officers, performance of its business, and custody, use, and 78450
preservation of departmental records, papers, books, documents, 78451
and property. Whenever the Revised Code imposes a duty upon or 78452
requires an action of the department or any of its institutions, 78453
the director or the director's designee shall perform the action 78454
or duty in the name of the department, except that the medical 78455
director appointed pursuant to section 5119.11 of the Revised 78456
Code shall be responsible for decisions relating to medical 78457
diagnosis, treatment, rehabilitation, quality assurance, and the 78458
clinical aspects of the following: licensure of hospitals and 78459
residential facilities, research, community addiction and mental 78460
health plans, and certification and delivery of addiction 78461
services and mental health services. 78462

(B) The director shall: 78463

(1) Adopt rules for the proper execution of the powers and 78464
duties of the department with respect to the institutions under 78465
its control, and require the performance of additional duties by 78466
the officers of the institutions as necessary to fully meet the 78467
requirements, intents, and purposes of this chapter. In case of 78468
an apparent conflict between the powers conferred upon any 78469
managing officer and those conferred by such sections upon the 78470
department, the presumption shall be conclusive in favor of the 78471
department. 78472

(2) Adopt rules for the nonpartisan management of the 78473
institutions under the department's control. An officer or 78474
employee of the department or any officer or employee of any 78475
institution under its control who, by solicitation or otherwise, 78476
exerts influence directly or indirectly to induce any other 78477
officer or employee of the department or any of its institutions 78478
to adopt the exerting officer's or employee's political views or 78479
to favor any particular person, issue, or candidate for office 78480
shall be removed from the exerting officer's or employee's 78481
office or position, by the department in case of an officer or 78482
employee, and by the governor in case of the director. 78483

(3) Appoint such employees, including the medical 78484
director, as are necessary for the efficient conduct of the 78485
department, and prescribe their titles and duties; 78486

(4) Prescribe the forms of affidavits, applications, 78487
medical certificates, orders of hospitalization and release, and 78488
all other forms, reports, and records that are required in the 78489
hospitalization or admission and release of all persons to the 78490
institutions under the control of the department, or are 78491
otherwise required under this chapter or Chapter 5122. of the 78492

Revised Code; 78493

(5) Exercise the powers and perform the duties relating to 78494
addiction and mental health facilities, addiction services, 78495
mental health services, 9-8-8 suicide and crisis response, and 78496
recovery supports that are assigned to the director under this 78497
chapter and Chapter 340. of the Revised Code; 78498

(6) Develop and implement clinical evaluation and 78499
monitoring of services that are operated by the department; 78500

(7) Adopt rules establishing standards for the performance 78501
of evaluations by a forensic center or other psychiatric program 78502
or facility of the mental condition of defendants ordered by the 78503
court under section 2919.271, or 2945.371 of the Revised Code, 78504
and for the treatment of defendants who have been found 78505
incompetent to stand trial and ordered by the court under 78506
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 78507
Code to receive treatment in facilities; 78508

(8) On behalf of the department, have the authority and 78509
responsibility for entering into contracts and other agreements 78510
with providers, agencies, institutions, and other entities, both 78511
public and private, as necessary for the department to carry out 78512
its duties under this chapter and Chapters 340., 2919., 2945., 78513
and 5122. of the Revised Code. Chapter 125. of the Revised Code 78514
does not apply to contracts the director enters into under this 78515
section for addiction services, mental health services, or 78516
recovery supports provided to individuals who have an addiction 78517
or mental illness by providers, agencies, institutions, and 78518
other entities not owned or operated by the department. 78519

(9) Adopt rules in accordance with Chapter 119. of the 78520
Revised Code specifying the supplemental services that may be 78521

provided through a trust authorized by section 5815.28 of the 78522
Revised Code; 78523

(10) Adopt rules in accordance with Chapter 119. of the 78524
Revised Code establishing standards for the maintenance and 78525
distribution to a beneficiary of assets of a trust authorized by 78526
section 5815.28 of the Revised Code. 78527

(C) The director may contract with hospitals licensed by 78528
the department under section 5119.33 of the Revised Code for the 78529
care and treatment of patients with mental illnesses, or with 78530
persons, organizations, or agencies for the custody, evaluation, 78531
supervision, care, or treatment of persons with mental illnesses 78532
receiving services elsewhere than within the enclosure of a 78533
hospital operated under section 5119.14 of the Revised Code. 78534

Sec. 5119.11. (A) The director of ~~mental-behavioral~~ health 78535
~~and addiction services~~ shall appoint a medical director who is 78536
eligible or certified by the American board of psychiatry and 78537
neurology or the American osteopathic board of neurology and 78538
psychiatry, and has at least five years of clinical and two 78539
years of administrative experience. The medical director shall 78540
also have certification or substantial training and experience 78541
in the field of addiction medicine or addiction psychiatry. The 78542
medical director shall be responsible for decisions relating to 78543
medical diagnosis, treatment, prevention, rehabilitation, 78544
quality assurance, and the clinical aspects of addiction 78545
services and mental health services involving all of the 78546
following: 78547

(1) Licensure of hospitals, residential facilities, and 78548
outpatient facilities; 78549

(2) Research; 78550

(3) Community addiction and mental health plans; 78551

(4) Certification and delivery of addiction and mental 78552
health services. 78553

(B) The medical director shall also exercise clinical 78554
supervision of the chief clinical officers of hospitals and 78555
institutions under the jurisdiction of the department and shall 78556
review and approve decisions relating to the employment of the 78557
chief clinical officers. The medical director or the medical 78558
director's designee shall advise the director on matters 78559
relating to licensure, research, the certification and delivery 78560
of addiction services and mental health services, and community 78561
addiction and mental health plans. The medical director shall 78562
participate in the development of guidelines for community 78563
addiction and mental health plans. The director of ~~mental~~ 78564
behavioral health and addiction services may establish other 78565
duties of the medical director. 78566

Sec. 5119.14. (A) The department of ~~mental~~ behavioral 78567
health ~~and addiction services~~ shall maintain, operate, manage, 78568
and govern state institutions and other services for the care 78569
and treatment of persons with mental illnesses. 78570

(B) (1) The department of ~~mental~~ behavioral health ~~and~~ 78571
~~addiction services~~ may, with the approval of the governor, 78572
designate the name and purpose of any institutions under its 78573
jurisdiction and may change, with the approval of the governor, 78574
the designation and name when necessary. 78575

(2) The department shall divide the state into districts 78576
for the purpose of designating the institution in which persons 78577
with mental illnesses are hospitalized and may change the 78578
districts. 78579

~~(3)~~ (C) Subject to section 5139.08 and pursuant to Chapter 78580
5122. of the Revised Code and on the agreement of the 78581
~~departments~~ department of mental behavioral health and addiction 78582
~~services and department of youth services,~~ the department of 78583
mental behavioral health and addiction services may receive from 78584
the department of youth services for psychiatric observation, 78585
diagnosis, or treatment any person eighteen years of age or 78586
older in the custody of the department of youth services. The 78587
departments may enter into a written agreement specifying the 78588
procedures necessary to implement this division. 78589

~~(C)~~ (D) The department of ~~mental behavioral health and~~ 78590
~~addiction services~~ shall designate hospitals, facilities, and 78591
community mental health services providers for the custody, 78592
care, and special treatment of, and authorize payment for such 78593
custody, care, and special treatment provided to, persons who 78594
are charged with a crime and who are found incompetent to stand 78595
trial or not guilty by reason of insanity. 78596

~~(D)~~ (E) The department of ~~mental behavioral health and~~ 78597
~~addiction services~~ may do any of the following: 78598

(1) Require reports from the managing officer of any 78599
institution under the department's jurisdiction, relating to the 78600
admission, examination, comprehensive evaluation, diagnosis, 78601
release, or discharge of any patient; 78602

(2) Visit each institution regularly to review its 78603
operations and to investigate complaints made by any patient or 78604
by any person on behalf of a patient, provided these duties may 78605
be performed by a person designated by the director. 78606

~~(E)~~ (F) The department of ~~mental behavioral health and~~ 78607
~~addiction services~~ may provide or contract to provide addiction 78608

services for offenders incarcerated in the state prison system. 78609

~~(F)~~ (G) In addition to the powers expressly conferred on 78610
the department of behavioral health, the department of ~~mental~~ 78611
~~health and addiction services~~ shall have all other powers and 78612
authority necessary for the full and efficient exercise of the 78613
executive, administrative, and fiscal supervision over the state 78614
institutions described in this section. 78615

Sec. 5119.141. ~~The~~ In addition to the powers and duties 78616
expressly conferred on the department of behavioral health, the 78617
~~department of mental health and addiction services has all the~~ 78618
~~authority may take any other action it considers necessary to~~ 78619
~~carry out its powers and duties under the purposes of this~~ 78620
chapter and Chapters 340., 2919., 2945., and 5122. of the 78621
Revised Code, ~~including~~. Actions authorized by this section 78622
include the authority to adopt rules pursuant to Chapter 119. of 78623
the Revised Code that may be necessary to carry out the purposes 78624
of this chapter and Chapters 340., 2919., 2945., and 5122. of 78625
the Revised Code. 78626

Sec. 5119.15. The department of ~~mental~~ behavioral health 78627
~~and addiction services~~ may make such investigations as are 78628
necessary in the performance of its duties and to that end the 78629
director of ~~mental~~ behavioral health ~~and addiction services~~ 78630
shall have the same power as a judge of a county court to 78631
administer oaths and to enforce the attendance and testimony of 78632
witnesses and the production of books or papers. 78633

The department shall keep a record of such investigations 78634
stating the time, place, charges or subject, witnesses summoned 78635
and examined, and its conclusions. 78636

In matters involving the conduct of an officer, a 78637

stenographic report of the evidence shall be taken and a copy of 78638
such report, with all documents introduced, kept on file at the 78639
office of the department. 78640

The fees of witnesses for attendance and travel shall be 78641
the same as in the court of common pleas, but no officer or 78642
employee of the institution under investigation is entitled to 78643
such fees. 78644

Any judge of the probate court or of the court of common 78645
pleas, upon application of the department, may compel the 78646
attendance of witnesses, the production of books or papers, and 78647
the giving of testimony before the department, by a judgment for 78648
contempt or otherwise, in the same manner as in cases before 78649
such courts. 78650

The department of ~~mental-behavioral health and addiction-~~ 78651
~~services~~ may appoint and commission any competent agency or 78652
person, to serve without compensation, as a special agent, 78653
investigator, or representative to perform a designated duty for 78654
the department. Specific credentials shall be given by the 78655
department to each person so designated. Each credential shall 78656
state the: 78657

(A) Name of the agent, investigator, or representative; 78658

(B) Agency with which such person is connected; 78659

(C) Purpose of appointment; 78660

(D) Date of expiration of appointment; 78661

(E) Such information as the department considers proper. 78662

Sec. 5119.161. The department of ~~mental-behavioral health-~~ 78663
~~and addiction services~~, in conjunction with the department of 78664
job and family services, shall develop a joint state plan to 78665

improve the accessibility and timeliness of alcohol and drug 78666
addiction services for individuals identified by a public 78667
children services agency as in need of those services. The plan 78668
shall address the fact that Ohio works first participants may be 78669
among the persons receiving services under section 340.15 of the 78670
Revised Code and shall require the department of job and family 78671
services to seek federal funds available under Title IV-A of the 78672
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 78673
amended, for the provision of the services to Ohio works first 78674
participants who are receiving services under section 340.15 of 78675
the Revised Code. 78676

The departments shall review and amend the plan as 78677
necessary. 78678

Sec. 5119.17. (A) The department of ~~mental-behavioral~~ 78679
~~health and addiction services~~, in accordance with division (B) 78680
of this section, shall give priority to developing, and promptly 78681
shall develop, with available public and private resources a 78682
program that does all of the following: 78683

(1) Provides a manner of identifying the aggregate number 78684
of pregnant women in this state who are addicted to a drug of 78685
abuse; 78686

(2) Provides for an effective means of intervention to 78687
eliminate the addiction of pregnant women to drugs of abuse 78688
prior to the birth of their children; 78689

(3) Gives priority to the treatment of pregnant women 78690
addicted to drugs of abuse, including by requiring community 78691
addiction services providers that receive public funds to give 78692
priority to pregnant women referred for treatment; 78693

(4) Provides for the continued monitoring of women who 78694

were addicted to a drug of abuse during their pregnancies, after 78695
the birth of their children, and for the availability of 78696
treatment and rehabilitation for those women; 78697

(5) Provides a manner of determining the aggregate number 78698
of children who are born in this state to women who are 78699
addicted, at the time of birth, to a drug of abuse, and of 78700
children who are born in this state with an addiction to or a 78701
dependency on a drug of abuse; 78702

(6) Provides for the continued monitoring of children who 78703
are born in this state to women who are addicted, at the time of 78704
birth, to a drug of abuse, or who are born in this state with an 78705
addiction to or dependency on a drug of abuse, after their 78706
birth; 78707

(7) Provides for the treatment and rehabilitation of any 78708
child who is born to a woman who is addicted, at the time of 78709
birth, to a drug of abuse, and of any child who is born with an 78710
addiction to or dependency on a drug of abuse. 78711

(B) In developing the program described in division (A) of 78712
this section, the department may obtain information from the 78713
department of health and the department of job and family 78714
services, and those departments shall cooperate with the 78715
department of ~~mental-behavioral health and addiction services~~ in 78716
its development and implementation of the program. 78717

(C) Immediately upon its development of the program 78718
described in division (A) of this section, the department shall 78719
implement the program. 78720

(D) Any record or information that is obtained or 78721
maintained by the department in connection with the program 78722
described in division (A) of this section and could enable the 78723

identification of any woman or child described in division (A) 78724
(1) or (5) of this section is not a public record subject to 78725
inspection or copying under section 149.43 of the Revised Code. 78726

(E) A community addiction services provider that receives 78727
public funds shall not refuse to treat a person solely because 78728
the person is pregnant if appropriate treatment is offered by 78729
the provider. 78730

Sec. 5119.18. An appointing authority may appoint a person 78731
who holds a certified or permanent position in the classified 78732
service within the department of ~~mental-behavioral~~ health and 78733
~~addiction services~~ to a position in the unclassified service 78734
within the department. A person appointed pursuant to this 78735
section to a position in the unclassified service shall retain 78736
the right to resume the position and status held by the person 78737
in the classified service immediately prior to the person's 78738
appointment to the position in the unclassified service, 78739
pursuant to division (D) of section 124.11 of the Revised Code. 78740

A person who holds a position in the classified service 78741
and who is appointed to a position in the unclassified service 78742
on or after January 1, 2016, shall have the right to resume a 78743
position in the classified service under this section only 78744
within five years after the effective date of the person's 78745
appointment in the unclassified service. 78746

Sec. 5119.181. (A) No appointing officer shall appoint a 78747
person to fill a position in either the classified or 78748
unclassified service of the department of ~~mental-behavioral~~ 78749
~~health and addiction services~~ if the person has been convicted 78750
of or pleaded guilty to a violation of the following: 78751

(1) Any felony contained in the Revised Code, if the 78752

felony bears a direct and substantial relationship to the 78753
position being filled; 78754

(2) Any crime contained in the Revised Code constituting a 78755
misdemeanor of the first degree on the first offense and a 78756
felony on subsequent offenses, if the crime bears a direct and 78757
substantial relationship to the position being filled; 78758

(3) An existing or former law of this state, any other 78759
state, or the United States, if the law violated is 78760
substantially equivalent to any of the offenses described in 78761
division (A)(1) or (2) of this section. 78762

(B) The director of ~~mental-behavioral health and addiction~~ 78763
~~services~~ shall adopt rules, in accordance with Chapter 119. of 78764
the Revised Code, to implement this section. 78765

(C) The director or an appointing officer shall request 78766
the bureau of criminal identification and investigation created 78767
by section 109.51 of the Revised Code or, at the director's or 78768
appointing officer's discretion, any other state or federal 78769
agency, to supply the director or appointing officer with a 78770
written report regarding the criminal records of any applicant. 78771
For each investigation undertaken at the department's request 78772
under this section, the department shall pay a reasonable fee to 78773
the bureau or other state or federal agency conducting the 78774
investigation. The amount of the fee shall be determined by the 78775
bureau or other state or federal agency conducting the 78776
investigation and shall be sufficient to cover the costs of 78777
conducting the investigation. The report made by the bureau or 78778
other state or federal agency is not a public record for 78779
purposes of section 149.43 of the Revised Code and shall not be 78780
made available to any person, except the applicant, the 78781
director, the appointing officer or the appointing officer's 78782

designees, or any hearing officer involved in a case denying 78783
employment. 78784

(D) As used in this section, "applicant" means a person 78785
who is under final consideration for appointment to a position 78786
in the classified or unclassified service of the department of 78787
~~mental behavioral health and addiction services.~~ 78788

Sec. 5119.182. The department of ~~mental behavioral health~~ 78789
~~and addiction services~~ may require any of its employees and each 78790
officer and employee of every institution under its control who 78791
may be charged with custody or control of any money or property 78792
belonging to the state or who is required to give bond, to give 78793
a surety company bond, properly conditioned, in a sum to be 78794
fixed by the department which when approved by the department, 78795
shall be filed in the office of the secretary of state. The cost 78796
of such bonds, when approved by the department, shall be paid 78797
from funds available for the department. The bonds required or 78798
authorized by this section may, in the discretion of the 78799
director of ~~mental behavioral health and addiction services,~~ be 78800
individual, schedule, or blanket bonds. 78801

Sec. 5119.184. The department of ~~mental behavioral health~~ 78802
~~and addiction services~~ may provide educational grants or tuition 78803
reimbursements to upgrade the education, training, and 78804
professional achievement of its employees, whenever it 78805
determines that provision of such grants or reimbursements is 78806
essential to the achievement of its goals. The department may 78807
enter into agreements with its employees for the purposes of 78808
this section. The agreements may require, as a condition of each 78809
grant or reimbursement, that the employee continue employment 78810
with the department or with another federal, state, or local 78811
public agency designated by the department for a period of time 78812

stated in the agreement. If an employee does not fulfill the 78813
employment requirement stated in the agreement, the department 78814
may take action to recover the amount of all educational grants 78815
or tuition reimbursements paid to the employee under this 78816
section, plus interest at the rate of ten per cent per year 78817
calculated from the date of payment of each grant or 78818
reimbursement. 78819

Sec. 5119.185. (A) As used in this section: 78820

(1) "Advanced practice registered nurse" has the same 78821
meaning as in section 4723.01 of the Revised Code. 78822

(2) "Clinician" means any of the following: 78823

(a) An advanced practice registered nurse; 78824

(b) A physician; 78825

(c) A physician assistant. 78826

(3) "Physician" means an individual authorized under 78827
Chapter 4731. of the Revised Code to practice medicine and 78828
surgery or osteopathic medicine and surgery. 78829

(4) "Physician assistant" means an individual who holds a 78830
current, valid license to practice as a physician assistant 78831
issued under Chapter 4730. of the Revised Code. 78832

(B) The department of ~~mental-behavioral health and~~ 78833
~~addiction services~~ may establish a clinician recruitment program 78834
under which the department agrees to repay all or part of the 78835
principal and interest of a government or other educational loan 78836
incurred by a clinician who agrees to provide services to 78837
inpatients and outpatients of institutions under the 78838
department's administration. To be eligible to participate in 78839
the program, a clinician must have attended the following: 78840

(1) In the case of a physician, a school that was, at the 78841
time of attendance, a medical school or osteopathic medical 78842
school in this country accredited by the ~~liason~~-liaison 78843
committee on medical education or the American osteopathic 78844
association, or a medical school or osteopathic medical school 78845
located outside this country that was acknowledged by the world 78846
health organization and verified by a member state of that 78847
organization as operating within that state's jurisdiction; 78848

(2) In the case of a physician assistant, a school that 78849
was, at the time of attendance, accredited by the accreditation 78850
review commission on education for the physician assistant or a 78851
regional or specialized and professional accrediting agency 78852
recognized by the council for higher education accreditation; 78853

(3) In the case of an advanced practice registered nurse, 78854
a school that was, at the time of attendance, accredited by a 78855
national or regional accrediting organization. 78856

(C) The department shall enter into a contract with each 78857
clinician it recruits under this section. Each contract shall 78858
include at least the following terms: 78859

(1) The clinician agrees to provide a specified scope of 78860
health care services for a specified number of hours per week 78861
and a specified number of years to patients of one or more 78862
specified institutions administered by the department. 78863

(2) The department agrees to repay all or a specified 78864
portion of the principal and interest of a government or other 78865
educational loan taken by the clinician for the following 78866
expenses if the clinician meets the service obligation agreed to 78867
and the expenses were incurred while the clinician was enrolled 78868
in, for up to a maximum of four years, a school that qualifies 78869

the clinician to participate in the program: 78870

(a) Tuition; 78871

(b) Other educational expenses for specific purposes, 78872
including fees, books, and laboratory expenses, in amounts 78873
determined to be reasonable in accordance with rules adopted 78874
under division (D) of this section; 78875

(c) Room and board, in an amount determined to be 78876
reasonable in accordance with rules adopted under division (D) 78877
of this section. 78878

(3) The clinician agrees to pay the department a specified 78879
amount, which shall be not less than the amount already paid by 78880
the department pursuant to its agreement, as damages if the 78881
clinician fails to complete the service obligation agreed to or 78882
fails to comply with other specified terms of the contract. The 78883
contract may vary the amount of damages based on the portion of 78884
the clinician's service obligation that remains uncompleted as 78885
determined by the department. 78886

(4) Other terms agreed upon by the parties. 78887

(D) If the department elects to implement the clinician 78888
recruitment program, it shall adopt rules in accordance with 78889
Chapter 119. of the Revised Code that establish all of the 78890
following: 78891

(1) Criteria for designating institutions for which 78892
clinicians will be recruited; 78893

(2) Criteria for selecting clinicians for participation in 78894
the program; 78895

(3) Criteria for determining the portion of a clinician's 78896
loan that the department will agree to repay; 78897

(4) Criteria for determining reasonable amounts of the 78898
expenses described in divisions (C) (2) (b) and (c) of this 78899
section; 78900

(5) Procedures for monitoring compliance by clinicians 78901
with the terms of their contracts; 78902

(6) Any other criteria or procedures necessary to 78903
implement the program. 78904

Sec. 5119.186. (A) The director of ~~mental-behavioral~~ 78905
~~health and addiction services~~ or the managing officer of an 78906
institution of the department may enter into an agreement with 78907
boards of trustees or boards of directors of one or more 78908
institutions of higher education or hospitals licensed pursuant 78909
to section 5119.33 of the Revised Code to establish, manage, and 78910
conduct collaborative training efforts for students enrolled in 78911
courses of studies for occupations or professions that involve 78912
the care and treatment for persons receiving addiction or mental 78913
health services. 78914

(B) Such collaborative training efforts may include but 78915
are not limited to programs in psychiatry, psychology, nursing, 78916
social work, counseling professions, and others considered 78917
appropriate by the director of ~~mental-behavioral~~ health-and- 78918
~~addiction services~~. Any such program shall be approved or 78919
accredited by its respective professional organization or state 78920
board having jurisdiction over the profession. 78921

(1) The department shall require that the following be 78922
provided for in agreements between the department and 78923
institutions of higher education or hospitals licensed pursuant 78924
to section 5119.33 of the Revised Code: 78925

(a) Establishment of inter-disciplinary committees to 78926

advise persons responsible for training programs. Each committee 78927
shall have representation drawn from the geographical community 78928
the institution of higher education or hospital serves and shall 78929
include representatives of agencies, boards, targeted 78930
populations as determined by the department, racial and ethnic 78931
minority groups, and publicly funded programs; 78932

(b) Funding procedures; 78933

(c) Specific outcomes and accomplishments that are 78934
expected or required of a program under such agreement; 78935

(d) The types of services to be provided under such 78936
agreement. 78937

(2) The department may require that the following be 78938
provided for in agreements between the department and 78939
institutions of higher education or hospitals licensed pursuant 78940
to section 5119.33 of the Revised Code: 78941

(a) Special arrangements for individual residents or 78942
trainees to encourage their employment in publicly funded 78943
settings upon completion of their training; 78944

(b) Procedures for the selection of residents or trainees 78945
to promote the admission, retention, and graduation of women, 78946
minorities, and disabled persons; 78947

(c) Cross-cultural training and other subjects considered 78948
necessary to enhance training efforts and the care and treatment 78949
of patients and clients; 78950

(d) Funding of faculty positions oriented toward meeting 78951
the needs of publicly funded programs. 78952

Subject to appropriations by the general assembly, the 78953
director of ~~mental-behavioral health and addiction services~~ has 78954

final approval of the funding of these collaborative training 78955
efforts. 78956

Sec. 5119.187. The courses of study for the instruction 78957
and training of all persons in institutions under the control of 78958
the department of ~~mental-behavioral health and addiction-~~ 78959
~~services~~ shall be subject to the approval of the superintendent 78960
of public instruction. 78961

All teachers employed in institutions under the control of 78962
the department of ~~mental-behavioral health and addiction-~~ 78963
~~services~~ shall possess such educator licenses or have such 78964
qualifications and approval as the superintendent of public 78965
instruction, after consulting with the officers in charge of the 78966
institutions, prescribes for the various types of service in the 78967
institutions. 78968

Sec. 5119.188. (A) As used in this section, "state 78969
correctional institution" has the same meaning as in section 78970
2967.01 of the Revised Code. 78971

(B) The department of ~~mental-behavioral health and-~~ 78972
~~addiction services~~ shall develop a program that is designed to 78973
educate and train the employees of each state correctional 78974
institution, the employees of each department of youth services 78975
institution, and other persons associated by contract or 78976
otherwise with each state correctional institution or each 78977
department of youth services institution, who will be 78978
responsible for the conduct of, or otherwise providing treatment 78979
or rehabilitation services pursuant to, a substance abuse 78980
treatment or rehabilitation program offered in the institution 78981
to adult prisoners or juvenile offenders. Upon the development 78982
of the educational and training program, the department of 78983
~~mental-behavioral health and addiction services~~ promptly shall 78984

commence its implementation. The department of ~~mental-behavioral~~ 78985
~~health and addiction services~~ may charge to the department of 78986
rehabilitation and correction and to the department of youth 78987
services a reasonable annual fee that reflects the expenses 78988
incurred by it during the immediately preceding calendar year in 78989
preparing and offering the educational and training program 78990
during that year to the respective employees and other 78991
associated persons described in this division. 78992

The director of rehabilitation and correction and the 78993
director of youth services shall require the respective 78994
employees and other associated persons described in this 78995
division to attend and successfully complete the educational and 78996
training program developed pursuant to this division as a 78997
condition of their continuing to have responsibility for the 78998
conduct of, or their continuing to provide treatment or 78999
rehabilitation services pursuant to, any treatment or 79000
rehabilitation program that is offered in a state correctional 79001
institution or in a department of youth services institution to 79002
adult prisoners or juvenile offenders. If the department of 79003
~~mental-behavioral~~ health ~~and addiction services~~ charges a 79004
reasonable annual fee as described in this division, the 79005
director involved shall cause that fee to be paid from any 79006
available funds of the department of rehabilitation and 79007
correction or any available funds of the department of youth 79008
services. 79009

(C) The department of rehabilitation and correction and 79010
the department of ~~mental-behavioral~~ health ~~and addiction~~ 79011
~~services~~ jointly shall develop program specifications for the 79012
alcohol and drug addiction treatment programs offered in state 79013
correctional institutions. 79014

Sec. 5119.19. (A) As used in this section: 79015

(1) "Community-based correctional facility" has the same 79016
meaning as in section 2929.01 of the Revised Code. 79017

(2) "Drug used in medication-assisted treatment" means a 79018
drug approved by the United States food and drug administration 79019
for use in medication-assisted treatment, regardless of the 79020
method the drug is administered or the form in which it is 79021
dispensed, including an oral drug, an injectable drug, or a 79022
long-acting or extended-release drug. "Drug used in medication- 79023
assisted treatment" includes all of the following: 79024

(a) A full agonist; 79025

(b) A partial agonist; 79026

(c) An antagonist. 79027

(3) "Drug used in withdrawal management or detoxification" 79028
means a drug approved by the United States food and drug 79029
administration for use in, or a drug in standard use for, 79030
mitigating opioid or alcohol withdrawal symptoms or assisting 79031
with detoxification, regardless of the method the drug is 79032
administered or the form in which it is dispensed, including an 79033
oral drug, an injectable drug, or a long-acting or extended- 79034
release drug. "Drug used in withdrawal management or 79035
detoxification" includes all of the following: 79036

(a) A full agonist; 79037

(b) A partial agonist; 79038

(c) An antagonist; 79039

(d) An alpha-2 adrenergic agonist. 79040

(4) "Medication-assisted treatment" has the same meaning 79041

as in section 340.01 of the Revised Code. 79042

(5) "Prescribed drug" has the same meaning as in section 79043
5164.01 of the Revised Code. 79044

(6) (a) "Psychotropic drug" means, except as provided in 79045
division (A) (6) (b) of this section, a drug that has the 79046
capability of changing or controlling mental functioning or 79047
behavior through direct pharmacological action. "Psychotropic 79048
drug" includes all of the following: 79049

(i) Antipsychotic medications, including those 79050
administered or dispensed in a long-acting injectable form; 79051

(ii) Antidepressant medications; 79052

(iii) Anti-anxiety medications; 79053

(iv) Mood stabilizing medications. 79054

(b) "Psychotropic drug" excludes a stimulant prescribed 79055
for the treatment of attention deficit hyperactivity disorder. 79056

(7) "Withdrawal management or detoxification" means a set 79057
of medical interventions aimed at managing the acute physical 79058
symptoms of intoxication and withdrawal. Withdrawal management 79059
seeks to minimize the physical harm caused by the intoxication 79060
and withdrawal from a substance of abuse. Detoxification denotes 79061
a clearing of toxins from the body of the patient who is acutely 79062
intoxicated, dependent on a substance of abuse, or both. 79063

(B) There is hereby created a program to be known as the 79064
behavioral health drug reimbursement program. ~~The program, which~~ 79065
~~shall be administered by the department of mental behavioral~~ 79066
~~health and addiction services.~~ 79067

The purpose of the program is to provide state 79068

~~reimbursement~~ financial assistance to counties for the cost of 79069
the following drugs that are administered or dispensed to 79070
inmates of county jails in this state and individuals confined 79071
in community-based correctional facilities in this state: 79072
psychotropic drugs, drugs used in medication-assisted treatment, 79073
and drugs used in withdrawal management or detoxification. 79074

Each county shall ensure that inmates of county jails and 79075
individuals confined in community-based correctional facilities 79076
have access to all behavioral health drugs specified in this 79077
division that are prescribed drugs covered by the fee-for- 79078
service component of the medicaid program. 79079

(C) The department, based on factors it considers 79080
appropriate, shall allocate an amount to each county for 79081
~~reimbursement of drug costs~~ that have been or will be incurred 79082
by the county pursuant to this section. 79083

(D) The director of ~~mental behavioral health and addiction~~ 79084
~~services~~ may adopt rules as necessary to implement this section. 79085
The rules, if adopted, shall be adopted in accordance with 79086
Chapter 119. of the Revised Code. 79087

Sec. 5119.20. (A) As used in this section: 79088

"Electroencephalogram (EEG) combined transcranial magnetic 79089
stimulation" means treatment in which transcranial magnetic 79090
stimulation (TMS) frequency pulses are tuned to the patient's 79091
physiology and biometric data. 79092

"First responder" has the meaning defined in section 79093
2903.01 of the Revised Code. 79094

"Law enforcement officer" has the meaning defined in 79095
section 9.69 of the Revised Code. 79096

(B) The director of ~~mental-behavioral health and addiction~~
~~services~~ shall establish a program to make electroencephalogram
(EEG) combined transcranial magnetic stimulation available for
veterans, first responders, and law enforcement officers.
Eligible individuals must have substance use disorders, mental
illness, sleep disorders, traumatic brain injuries, sexual
trauma, post traumatic stress disorder and accompanying
comorbidities, concussions or other brain trauma, or other
issues identified by the individual's qualified medical
practitioner as issues that would warrant treatment under the
program. The program shall be operated in conjunction with a
supplier selected under this section.

(C) The director shall choose a location for the program
and for up to ten branch sites, and shall enter into a contract
for the purchase of services related to the program. Each branch
site may operate one or more portable units or EEG combined
neuromodulation portable units if the director determines that
portable units or EEG combined neuromodulation portable units
are necessary to expand access to care. The contract shall
include provisions requiring the supplier to create and conduct
a clinical trial, to establish and operate a clinical practice,
to evaluate outcomes of the clinical trial and the clinical
practice, to expend payments received from the state as needed
for purposes of the program, and to report quarterly regarding
the program to the president of the senate and to the standing
committee of the senate that generally considers legislation
regarding veterans affairs.

(D) There is the electroencephalogram (EEG) combined
transcranial magnetic stimulation fund in the state treasury. It
shall consist of moneys appropriated to it by the general
assembly. The director, with the approval of the controlling

board, may authorize a disbursement from the fund for services 79128
rendered under the contract. 79129

(E) The director shall adopt rules under Chapter 119. of 79130
the Revised Code as necessary to administer this section. 79131

(F) The supplier, in conducting the clinical trial and in 79132
operating the clinical practice, shall adhere to all of the 79133
following: 79134

(1) The United States food and drug administration 79135
regulations governing the conduct of clinical practice and 79136
clinical trials; 79137

(2) A peer-to-peer support network shall be made available 79138
by the supplier to any individual receiving treatment under the 79139
program. 79140

(3) The program protocol shall use adapted stimulation 79141
frequency and intensity modulation based on EEG and motor 79142
threshold testing as well as clinical symptoms and signs, and 79143
biometrics. 79144

(4) Each individual who receives treatment under the 79145
program also shall receive neurophysiological monitoring, 79146
monitoring for symptoms of substance use and mental health 79147
disorders, and access to counseling and wellness programming. 79148
Each individual also shall participate in the peer-to-peer 79149
support network established by the supplier. 79150

(5) Clinical protocols and outcomes of the clinical trial, 79151
and of any treatment provided by the clinical practice, shall be 79152
collected and reported quarterly in a report provided by the 79153
supplier to the director of mental-behavioral health and 79154
~~addiction services~~ and to the United States food and drug 79155
administration. 79156

(6) Any individual who receives treatment at the clinical 79157
practice shall be eligible for a minimum of two 79158
electroencephalograms, plus an additional electroencephalogram 79159
for every ten treatments, during the course of the individual's 79160
treatment. 79161

(7) The report required by this section shall include a 79162
thorough accounting of the use and expenditure of all funds 79163
received from the state under this section. 79164

(G) Contracts entered into under this section are subject 79165
to section 9.231 and Chapter 125. of the Revised Code. 79166

(H) Operation of the program established under this 79167
section is contingent upon an appropriation by the general 79168
assembly designated for that purpose. 79169

Sec. 5119.201. (A) The director of ~~mental-behavioral~~ 79170
~~health and addiction services~~ may acquire by purchase, lease, or 79171
otherwise such real and personal property rights in the name of 79172
the state as are necessary for the purposes of the department. 79173

(B) When it is necessary for a state institution under the 79174
jurisdiction of the department to acquire any real estate, 79175
right-of-way, or easement in real estate in order to accomplish 79176
the purposes for which it was organized or is being conducted, 79177
and the department is unable to agree with the owner of such 79178
property upon the price to be paid for the property, such 79179
property may be appropriated in the manner provided for the 79180
appropriation of property for other state purposes. 79181

(C) The director may work with the department of 79182
administrative services to sell, lease, or exchange portions of 79183
real and personal property of the department when the sale, 79184
lease, or exchange is advantageous to the state. Money received 79185

from such sales, leases, or exchanges shall be credited to the 79186
~~the department of mental-behavioral health and addiction-~~ 79187
~~services~~-trust fund, created in section 5119.46 of the Revised 79188
Code. 79189

(D) Any instrument by which real property is acquired 79190
pursuant to this section shall identify the agency of the state 79191
that has the use and benefit of the real property as specified 79192
in section 5301.012 of the Revised Code. 79193

Sec. 5119.21. (A) The department of ~~mental-behavioral~~ 79194
~~health and addiction services~~ shall: 79195

(1) To the extent the department has available resources 79196
and in consultation with boards of alcohol, drug addiction, and 79197
mental health services, support the community-based continuum of 79198
care that the boards are required by section 340.032 of the 79199
Revised Code to establish. The department shall provide the 79200
support on a district or multi-district basis. The department 79201
shall assist in identifying resources, and may prioritize 79202
support, for one or more of the elements of the community-based 79203
continuum of care. For the purpose of division (A) (10) of 79204
section 340.032 of the Revised Code and to the extent the 79205
department determines is necessary, the department shall define 79206
additional elements to be included in the community-based 79207
continuum of care. 79208

(2) Provide training, consultation, and technical 79209
assistance regarding addiction services, mental health services, 79210
recovery supports, and appropriate prevention, recovery, and 79211
mental health promotion activities, including those that are 79212
culturally competent, to employees of the department, community 79213
addiction services providers, community mental health services 79214
providers, and boards of alcohol, drug addiction, and mental 79215

health services; 79216

(3) To the extent the department has available resources, 79217
promote and support a full range of addiction services, mental 79218
health services, and recovery supports that are available and 79219
accessible to all residents of this state, especially for 79220
severely emotionally disturbed children and adolescents, adults 79221
with severe mental disabilities, pregnant women, parents, 79222
guardians or custodians of children at risk of abuse or neglect, 79223
and other special target populations, including racial and 79224
ethnic minorities, as determined by the department; 79225

(4) Develop standards and measures for both of the 79226
following: 79227

(a) Evaluating the effectiveness of addiction services, 79228
including opioid treatment programs, of mental health services, 79229
and of recovery supports; 79230

(b) Increasing the accountability of community addiction 79231
services providers and community mental health services 79232
providers. 79233

(5) Design and set criteria for the determination of 79234
priority populations; 79235

(6) Promote, direct, conduct, and coordinate scientific 79236
research, taking ethnic and racial differences into 79237
consideration, concerning all of the following: 79238

(a) The causes and prevention of mental illness and 79239
addiction; 79240

(b) Methods of providing effective addiction services, 79241
mental health services, and recovery supports; 79242

(c) Means of enhancing the mental health of and recovery 79243

from addiction of all residents of this state. 79244

(7) Foster the establishment and availability of 79245
vocational rehabilitation services and the creation of 79246
employment opportunities for individuals with addiction and 79247
mental health needs, including members of racial and ethnic 79248
minorities; 79249

(8) Establish a program to protect and promote the rights 79250
of persons receiving addiction services, mental health services, 79251
and recovery supports, including the issuance of guidelines on 79252
informed consent and other rights; 79253

(9) Promote the involvement of persons who are receiving 79254
or have received addiction services, mental health services, and 79255
recovery supports including families and other persons having a 79256
close relationship to a person receiving those services and 79257
supports, in the planning, evaluation, delivery, and operation 79258
of addiction services, mental health services, and recovery 79259
supports; 79260

(10) Notify and consult with the relevant constituencies 79261
that may be affected by rules, standards, and guidelines issued 79262
by the department of ~~mental-behavioral health-and-addiction-~~ 79263
~~services~~. These constituencies shall include consumers of 79264
addiction services, mental health services, and recovery 79265
supports and the families of such consumers. These 79266
constituencies may include public and private providers, 79267
employee organizations, and others when appropriate. Whenever 79268
the department proposes the adoption, amendment, or rescission 79269
of rules under Chapter 119. of the Revised Code, the 79270
notification and consultation required by this division shall 79271
occur prior to the commencement of proceedings under Chapter 79272
119. The department shall adopt rules under Chapter 119. of the 79273

Revised Code that establish procedures for the notification and 79274
consultation required by this division. 79275

(11) Provide consultation to the department of 79276
rehabilitation and correction concerning the delivery of 79277
addiction services and mental health services in state 79278
correctional institutions; 79279

(12) Promote and coordinate efforts in the provision of 79280
addiction services by other state agencies, as defined in 79281
section 1.60 of the Revised Code; courts; hospitals; clinics; 79282
physicians in private practice; public health authorities; 79283
boards of alcohol, drug addiction, and mental health services; 79284
community addiction services providers; law enforcement 79285
agencies; and related groups; 79286

(13) Provide to each court of record, and biennially 79287
update, a list of the treatment and education programs within 79288
that court's jurisdiction that the court may require an 79289
offender, sentenced pursuant to section 4511.19 of the Revised 79290
Code, to attend; 79291

(14) Make the warning sign described in sections 3313.752, 79292
3345.41, and 3707.50 of the Revised Code available on the 79293
department's internet web site; 79294

(15) Provide a program of gambling addiction services on 79295
behalf of the state lottery commission, pursuant to an agreement 79296
entered into with the director of the commission under division 79297
(K) of section 3770.02 of the Revised Code, and provide a 79298
program of gambling addiction services on behalf of the Ohio 79299
casino control commission, under an agreement entered into with 79300
the executive director of the commission under section 3772.062 79301
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 79302

Constitution, the department may enter into agreements with 79303
boards of alcohol, drug addiction, and mental health services, 79304
including boards with districts in which a casino facility is 79305
not located, and nonprofit organizations to provide addiction 79306
services, and with state institutions of higher education or 79307
private nonprofit institutions that possess a certificate of 79308
authorization issued under Chapter 1713. of the Revised Code to 79309
perform related research. 79310

(B) The department may accept and administer grants from 79311
public or private sources for carrying out any of the duties 79312
enumerated in this section. 79313

(C) The department may adopt rules in accordance with 79314
Chapter 119. of the Revised Code as necessary to implement the 79315
requirements of this chapter. 79316

Sec. 5119.211. The department of behavioral health may 79317
establish a process and standards for the state certification of 79318
certified community behavioral health clinics. The process and 79319
standards may be based on the provisions of section 223 of the 79320
"Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a 79321
note. 79322

If the department establishes a process and standards for 79323
the state certification of certified community behavioral health 79324
clinics, the department may coordinate with local, state, and 79325
federal government entities for the development and 79326
establishment of the clinics. 79327

The director of behavioral health may adopt rules as the 79328
director considers necessary to implement this section. If the 79329
director adopts rules, the rules shall be adopted in accordance 79330
with Chapter 119. of the Revised Code. 79331

Sec. 5119.22. The director of ~~mental-behavioral health-and~~ 79332
~~addiction services,~~ with respect to all mental health and 79333
addiction facilities, addiction services, mental health 79334
services, and recovery supports established and operated or 79335
provided under Chapter 340. of the Revised Code, shall do all of 79336
the following: 79337

(A) Adopt rules pursuant to Chapter 119. of the Revised 79338
Code that may be necessary to carry out the purposes of this 79339
chapter and Chapters 340. and 5122. of the Revised Code. 79340

(B) Review and evaluate the community-based continuum of 79341
care required by section 340.032 of the Revised Code to be 79342
established in each service district, taking into account the 79343
findings and recommendations of the board of alcohol, drug 79344
addiction, and mental health services of the district submitted 79345
under division (A) (4) of section 340.03 of the Revised Code and 79346
the priorities and plans of the department of ~~mental-behavioral~~ 79347
~~health-and-addiction services,~~ including the needs of residents 79348
of the district currently receiving services in state-operated 79349
hospitals, and make recommendations for needed improvements to 79350
boards of alcohol, drug addiction, and mental health services; 79351

(C) At the director's discretion, provide to boards of 79352
alcohol, drug addiction, and mental health services state or 79353
federal funds, in addition to those allocated under section 79354
5119.23 of the Revised Code, for special programs or projects 79355
the director considers necessary but for which local funds are 79356
not available; 79357

(D) Establish criteria by which each board of alcohol, 79358
drug addiction, and mental health services reviews and evaluates 79359
the quality, effectiveness, and efficiency of the facility 79360
services, addiction services, mental health services, and 79361

recovery supports for which it contracts under section 340.036 79362
of the Revised Code. The criteria shall include requirements 79363
ensuring appropriate utilization of the services and supports. 79364
The department shall assess each board's evaluation of the 79365
services and supports and the compliance of each board with this 79366
section, Chapter 340. of the Revised Code, and other state or 79367
federal law and regulations. The department, in cooperation with 79368
the board, periodically shall review and evaluate the quality, 79369
effectiveness, and efficiency of the facility services, 79370
addiction services, mental health services, and recovery 79371
supports for which each board contracts under section 340.036 of 79372
the Revised Code and the facilities, addiction services, and 79373
mental health services that each board operates or provides 79374
under section 340.037 of the Revised Code. The department shall 79375
collect information that is necessary to perform these 79376
functions. 79377

(E) To the extent the director determines necessary and 79378
after consulting with boards of alcohol, drug addiction, and 79379
mental health services, community addiction services providers, 79380
and community mental health services providers, develop and 79381
operate, or contract for the operation of, a community 79382
behavioral health information system or systems. The department 79383
shall specify the information that must be provided by the 79384
boards and providers for inclusion in the system or systems. 79385

Boards of alcohol, drug addiction, and mental health 79386
services, community addiction services providers, and community 79387
mental health services providers shall submit information 79388
requested by the department in the form and manner and in 79389
accordance with time frames prescribed by the department. 79390
Information collected by the department may include all of the 79391
following: 79392

(1) Information on addiction services, mental health services, and recovery supports provided; 79393
79394

(2) Financial information regarding expenditures of federal, state, or local funds; 79395
79396

(3) Information about persons served. 79397

The department shall not collect any personal information from the boards or providers except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight. 79398
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(F) In consultation with representatives of boards of alcohol, drug addiction, and mental health services and after consideration of recommendations made by the medical director appointed under section 5119.11 of the Revised Code, establish all of the following: 79403
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79405
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79407

(1) Guidelines, including a timetable, for the boards' development and submission of proposed community addiction and mental health plans, budgets, and lists of addiction services, mental health services, and recovery supports under sections 340.03 and 340.08 of the Revised Code; 79408
79409
79410
79411
79412

(2) Procedures, including a timetable, for the director's review and approval or disapproval of the plans, budgets, and lists; 79413
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79415

(3) Procedures for corrective action regarding the plans, budgets, and lists, including submission of revised or new plans, budgets, and lists; 79416
79417
79418

(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the 79419
79420

plans, budgets, and lists acceptable or in making proposed 79421
amendments to approved plans, budgets, and lists meet criteria 79422
for approval; 79423

(5) Procedures for issuing time-limited waivers under 79424
section 5119.221 of the Revised Code. 79425

(G) Review each board's proposed community addiction and 79426
mental health plan, budget, and list of addiction services, 79427
mental health services, and recovery supports submitted pursuant 79428
to sections 340.03 and 340.08 of the Revised Code and approve or 79429
disapprove the plan, the budget, and the list in whole or in 79430
part. The director shall disapprove a board's proposed budget in 79431
whole or in part if the proposed budget would not make available 79432
in the board's service district the essential elements of the 79433
community-based continuum of care required by section 340.032 of 79434
the Revised Code, including, except as otherwise authorized by a 79435
time-limited waiver issued under section 5119.221 of the Revised 79436
Code, an array of addiction services and recovery supports for 79437
all levels of opioid and co-occurring drug addiction. 79438

Prior to a final decision to disapprove a plan, budget, or 79439
list in whole or in part, a representative of the director shall 79440
meet with the board and discuss the reason for the action the 79441
director proposes to take and any corrective action that should 79442
be taken to make the plan, budget, or list acceptable to the 79443
director. In addition, the director shall offer technical 79444
assistance to the board to assist it to make the plan, budget, 79445
or list acceptable. The director shall give the board a 79446
reasonable time in which to revise the plan, budget, or list. 79447
The board thereafter shall submit a revised plan, budget, or 79448
list or a new plan, budget, or list. 79449

(H) Approve or disapprove all or part of proposed 79450

amendments that a board of alcohol, drug addiction, or mental 79451
health services submits under section 340.03 or 340.08 of the 79452
Revised Code to an approved community addiction and mental 79453
health plan, budget, or list of addiction services, mental 79454
health services, and recovery supports. 79455

If the director disapproves of all or part of any proposed 79456
amendment, the director shall provide the board an opportunity 79457
to present its position. The director shall inform the board of 79458
the reasons for the disapproval and of the criteria that must be 79459
met before the proposed amendment may be approved. The director 79460
shall give the board a reasonable time within which to meet the 79461
criteria and shall offer technical assistance to the board to 79462
help it meet the criteria. 79463

Sec. 5119.221. (A) The director of ~~mental-behavioral~~ 79464
~~health-and-addiction-services~~, in accordance with procedures 79465
established under division (F) (5) of section 5119.22 of the 79466
Revised Code, may issue to a board of alcohol, drug addiction, 79467
and mental health services a time-limited waiver of the 79468
requirement of section 340.033 of the Revised Code that 79469
ambulatory detoxification and medication-assisted treatment be 79470
made available within the borders of the board's service 79471
district if the director determines that both of the following 79472
apply: 79473

(1) The board seeking the waiver has made reasonable 79474
efforts to make ambulatory detoxification and medication- 79475
assisted treatment available within the borders of the board's 79476
service district; 79477

(2) Ambulatory detoxification and medication-assisted 79478
treatment can be made available through one or more contracts 79479
between the board seeking the waiver and community addiction 79480

services providers that are located not more than thirty miles 79481
beyond the borders of the board's service district. 79482

(B) Each waiver issued under this section shall specify 79483
the amount of time for which it is in effect and whether it 79484
applies to ambulatory detoxification, medication-assisted 79485
treatment, or both. 79486

Sec. 5119.23. (A) The department of ~~mental~~-behavioral 79487
~~health and addiction services~~ shall establish a methodology for 79488
allocating to boards of alcohol, drug addiction, and mental 79489
health services the funds appropriated by the general assembly 79490
to the department for the purpose of the community-based 79491
continuum of care that each board establishes under section 79492
340.032 of the Revised Code. The department shall establish the 79493
methodology after notifying and consulting with relevant 79494
constituencies as required by division (A)(10) of section 79495
5119.21 of the Revised Code. The methodology may provide for the 79496
funds to be allocated to boards on a district or multi-district 79497
basis. 79498

(B) Subject to section 5119.25 of the Revised Code, and to 79499
required submissions and approvals under sections 340.08 and 79500
5119.22 of the Revised Code, the department shall allocate the 79501
funds to the boards in a manner consistent with the methodology, 79502
this section, other state and federal laws, rules, and 79503
regulations. 79504

(C) In consultation with boards, community addiction 79505
services providers, community mental health services providers, 79506
and persons receiving addiction services, mental health 79507
services, and recovery supports, the department shall establish 79508
guidelines for the use of funds allocated under this section. 79509

Sec. 5119.24. (A) As used in this section, "administrative function" means a function related to one or more of the following:

(1) Continuous quality improvement;

(2) Utilization review;

(3) Resource development;

(4) Fiscal administration;

(5) General administration;

(6) Any other function related to administration that is required by Chapter 340. of the Revised Code.

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental-behavioral health and addiction services~~ specifying how the board used funds allocated to the board under section 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental-behavioral health and addiction services~~ shall establish the date by which the report must be submitted each year.

Sec. 5119.25. (A) The director of ~~mental-behavioral health and addiction services~~ may withhold funds, in whole or in part, that otherwise are to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The board fails to comply with Chapter 340. or 5119. of the Revised Code or rules of the department of ~~mental-behavioral health and addiction services~~;

(2) The board denies available service on the basis of

race, color, religion, ancestry, military status, sex, age, 79537
national origin, disability as defined in section 4112.01 of the 79538
Revised Code, or developmental disability. 79539

(B) The director shall withhold funds, in whole or in 79540
part, that otherwise are to be allocated to a board under 79541
section 5119.23 of the Revised Code if either of the following 79542
circumstances apply: 79543

(1) The director, under division (G) of section 5119.22 of 79544
the Revised Code, disapproves all or part of the board's 79545
proposed community addiction and mental health plan, budget, or 79546
list of addiction services, mental health services, and recovery 79547
supports; 79548

(2) The board's use of state and federal funds fails to 79549
comply with the board's approved budget, including approved 79550
amendments to the budget. 79551

(C) The director shall issue a notice identifying the 79552
areas of noncompliance and the action necessary to achieve 79553
compliance. The director may offer technical assistance to the 79554
board to achieve compliance. The board shall have thirty days 79555
from receipt of the notice of noncompliance to present its 79556
position that it is in compliance or to submit to the director 79557
evidence of corrective action the board took to achieve 79558
compliance. Before withholding funds, the director or the 79559
director's designee shall hold a hearing within thirty days of 79560
receipt of the board's position or evidence to determine if 79561
there are continuing violations and that either assistance is 79562
rejected or the board is unable, or has failed, to achieve 79563
compliance. The director may appoint a representative from 79564
another board of alcohol, drug addiction, and mental health 79565
services to serve as a mentor for the board in developing and 79566

executing a plan of corrective action to achieve compliance. Any 79567
such representative shall be from a board that is in compliance 79568
with Chapter 340. of the Revised Code, this chapter, and the 79569
department's rules. Subsequent to the hearing process, if it is 79570
determined that compliance has not been achieved, the director 79571
may allocate all or part of the withheld funds to one or more 79572
community mental health services providers or community 79573
addiction services providers to provide the mental health 79574
service, addiction service, or recovery support for which the 79575
board is not in compliance until the time that there is 79576
compliance. 79577

(D) The director shall adopt rules in accordance with 79578
Chapter 119. of the Revised Code to implement this section. 79579

Sec. 5119.27. (A) As used in this section: 79580

(1) "Community control sanction" has the same meaning as 79581
in section 2929.01 of the Revised Code. 79582

(2) "Federally assisted," "program," and "substance use 79583
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 79584
further described in 42 C.F.R. 2.12(b). 79585

(3) "Post-release control sanction" has the same meaning 79586
as in section 2967.01 of the Revised Code. 79587

(B) In accordance with 42 U.S.C. 290dd-2, records or 79588
information created or maintained by a federally assisted 79589
program for the treatment of substance use disorders shall be 79590
kept confidential and may be disclosed only for the purposes and 79591
under the circumstances expressly authorized under 42 C.F.R. 79592
Part 2. 79593

(C) When the person, with respect to whom any record or 79594
information referred to in division (B) of this section is 79595

maintained, gives consent in the form of a written release 79596
signed by the person, the content of the record or information 79597
may be disclosed if the written release conforms to all of the 79598
requirements set forth in 42 C.F.R. 2.31. 79599

(D) In accordance with 42 C.F.R. 2.35, a person who is 79600
subject to a community control sanction, a post-release control 79601
sanction, is on parole, or is ordered to intervention in lieu of 79602
conviction, and who has agreed to participate in a federally 79603
assisted program for the treatment of substance use disorders as 79604
a condition of the community control sanction, post-release 79605
control sanction, parole, or intervention order, shall consent 79606
to the release of records and information relating to the 79607
progress of treatment, frequency of treatment, adherence to 79608
treatment requirements, and probable outcome of treatment. 79609
Release of information and records under this division shall be 79610
limited to the court or governmental personnel having the 79611
responsibility for supervising the person's community control 79612
sanction, post-release control sanction, parole, or intervention 79613
order. A person, described in this division, who refuses to 79614
allow disclosure may be considered in violation of the 79615
conditions of the person's community control sanction, post- 79616
release control sanction, parole, or intervention order. 79617

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure 79618
of a person's record may be made without the person's consent to 79619
qualified personnel for the purpose of conducting scientific 79620
research, management, financial audits, or program evaluation, 79621
but these personnel may not identify, directly or indirectly, 79622
any particular person in any report of the research, audit, or 79623
evaluation, or otherwise disclose a person's identity in any 79624
manner. 79625

(F) In accordance with 42 C.F.R. 2.66, upon the request of 79626
a prosecuting attorney or the director of ~~mental-behavioral~~ 79627
~~health-and-addiction-services~~, a court of competent jurisdiction 79628
may order the disclosure of records or information referred to 79629
in division (B) of this section if the court has reason to 79630
believe that a federally assisted program for the treatment of 79631
substance use disorders is being operated or used in a manner 79632
contrary to law. The use of any information or record so 79633
disclosed shall be limited to the prosecution of persons who are 79634
or may be charged with any offense related to the illegal 79635
operation or use of the program, or to the decision to withdraw 79636
the authority of a the program to continue operation. For 79637
purposes of this division the court shall do all of the 79638
following: 79639

(1) Limit disclosure to those parts of the person's record 79640
considered essential to fulfill the objective for which the 79641
order was granted; 79642

(2) Require, where appropriate, that all information be 79643
disclosed in chambers; 79644

(3) Include any other appropriate measures to keep 79645
disclosure to a minimum, consistent with the protection of the 79646
persons seeking or receiving services, the provider-client 79647
relationship, and the administration of the program. 79648

Sec. 5119.28. (A) All records, and reports, other than 79649
court journal entries or court docket entries, identifying a 79650
person and pertaining to the person's mental health condition, 79651
assessment, provision of care, treatment, or recovery supports, 79652
or payment for assessment, care, treatment, or recovery supports 79653
that are maintained in connection with any services certified by 79654
the department of ~~mental-behavioral~~ health-and-addiction 79655

services, any recovery supports paid for with funds administered 79656
by the department or a board of alcohol, drug addiction, and 79657
mental health services, or any hospitals or facilities licensed 79658
or operated by the department, shall be kept confidential and 79659
shall not be disclosed by any person except: 79660

(1) If the person identified, or the person's legal 79661
guardian, if any, or if the person is a minor, the person's 79662
parent or legal guardian, consents; 79663

(2) When disclosure is provided for in this chapter or 79664
Chapter 340. or 5122. of the Revised Code or in accordance with 79665
other provisions of state or federal law authorizing such 79666
disclosure; 79667

(3) That hospitals, boards of alcohol, drug addiction, and 79668
mental health services, licensed facilities, and community 79669
mental health services providers may release necessary 79670
information to insurers and other third-party payers, including 79671
government entities responsible for processing and authorizing 79672
payment, to obtain payment for goods and services furnished to 79673
the person; 79674

(4) Pursuant to a court order signed by a judge; 79675

(5) That a person shall be granted access to the person's 79676
own psychiatric and medical records, unless access specifically 79677
is restricted in a person's treatment plan for clear treatment 79678
reasons; 79679

(6) That the department of ~~mental-behavioral~~ health and 79680
~~addiction services~~ may exchange psychiatric records and other 79681
pertinent information with community mental health services 79682
providers and boards of alcohol, drug addiction, and mental 79683
health services relating to the person's care or services. 79684

Records and information that may be exchanged pursuant to this 79685
division shall be limited to medication history, physical health 79686
status and history, financial status, summary of course of 79687
treatment, summary of treatment needs, and a discharge summary, 79688
if any. 79689

(7) That the department of ~~mental-behavioral health-and-~~ 79690
~~addiction-services~~, hospitals and community providers operated 79691
by the department, hospitals licensed by the department under 79692
section 5119.33 of the Revised Code, and community mental health 79693
services providers may exchange psychiatric records and other 79694
pertinent information with payers and other providers of 79695
treatment and health services if the purpose of the exchange is 79696
to facilitate continuity of care for the person or for the 79697
emergency treatment of the person; 79698

(8) That the department of ~~mental-behavioral health and-~~ 79699
~~addiction-services~~ and community mental health services 79700
providers may exchange psychiatric records and other pertinent 79701
information with boards of alcohol, drug addiction, and mental 79702
health services for purposes of any board function set forth in 79703
Chapter 340. of the Revised Code. Boards of alcohol, drug 79704
addiction, and mental health services shall not access any 79705
personal information from the department or providers except as 79706
required or permitted by this section, or Chapter 340. or 5122. 79707
of the Revised Code for purposes related to payment, care 79708
coordination, health care operations, program and service 79709
evaluation, reporting activities, research, system 79710
administration, oversight, or other authorized purposes. 79711

(9) That a person's family member who is involved in the 79712
provision, planning, and monitoring of services to the person 79713
may receive medication information, a summary of the person's 79714

diagnosis and prognosis, and a list of the services and 79715
personnel available to assist the person and the person's 79716
family, if the person's treatment provider determines that the 79717
disclosure would be in the best interests of the person. No such 79718
disclosure shall be made unless the person is notified first and 79719
receives the information and does not object to the disclosure. 79720

(10) That community mental health services providers may 79721
exchange psychiatric records and certain other information with 79722
the board of alcohol, drug addiction, and mental health services 79723
and other providers in order to provide services to a person 79724
involuntarily committed to a board. Release of records under 79725
this division shall be limited to medication history, physical 79726
health status and history, financial status, summary of course 79727
of treatment, summary of treatment needs, and discharge summary, 79728
if any. 79729

(11) That information may be disclosed to the executor or 79730
the administrator of an estate of a deceased person when the 79731
information is necessary to administer the estate; 79732

(12) That information may be disclosed to staff members of 79733
the appropriate board or to staff members designated by the 79734
director of mental-behavioral health and addiction services for 79735
the purpose of evaluating the quality, effectiveness, and 79736
efficiency of mental health services and recovery supports and 79737
determining if the services and supports meet minimum standards. 79738
Information obtained during such evaluations shall not be 79739
retained with the name of any person. 79740

(13) That records pertaining to the person's diagnosis, 79741
course of treatment, treatment needs, and prognosis shall be 79742
disclosed and released to the appropriate prosecuting attorney 79743
if the person was committed pursuant to section 2945.38, 79744

2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 79745
to the attorney designated by the board for proceedings pursuant 79746
to involuntary commitment under Chapter 5122. of the Revised 79747
Code; 79748

(14) That the department of ~~mental-behavioral health and~~ 79749
~~addiction services~~ may exchange psychiatric hospitalization 79750
records, other mental health treatment records, and other 79751
pertinent information with the department of rehabilitation and 79752
correction and with the department of youth services to ensure 79753
continuity of care for inmates and offenders who are receiving 79754
mental health services in an institution of the department of 79755
rehabilitation and correction or the department of youth 79756
services and may exchange psychiatric hospitalization records, 79757
other mental health treatment records, and other pertinent 79758
information with boards of alcohol, drug addiction, and mental 79759
health services and community mental health services providers 79760
to ensure continuity of care for inmates or offenders who are 79761
receiving mental health services in an institution and are 79762
scheduled for release within six months. The release of records 79763
under this division is limited to records regarding an inmate's 79764
or offender's medication history, physical health status and 79765
history, summary of course of treatment, summary of treatment 79766
needs, and a discharge summary, if any. 79767

(15) That a community mental health services provider that 79768
ceases to operate may transfer to either a community mental 79769
health services provider that assumes its caseload or to the 79770
board of alcohol, drug addiction, and mental health services of 79771
the service district in which the person resided at the time 79772
mental health services or recovery supports were most recently 79773
provided any records concerning the services or supports that 79774
have not been transferred elsewhere at the person's request; 79775

(16) That records and reports relating to a person who has 79776
been deceased for fifty years or more are no longer considered 79777
confidential. 79778

(B) Before records are disclosed pursuant to divisions (A) 79779
(3), (6), and (10) of this section, the custodian of the records 79780
shall attempt to obtain the person's consent for the disclosure. 79781

(C) No person shall reveal the content of a medical record 79782
of a person that is confidential pursuant to this section, 79783
except as authorized by law. 79784

Sec. 5119.29. The department of ~~mental-behavioral health-~~ 79785
~~and addiction services,~~ in conjunction with boards of alcohol, 79786
drug addiction, and mental health services and community mental 79787
health boards, shall develop a coordinated system for tracking 79788
and monitoring persons found not guilty by reason of insanity 79789
and committed pursuant to section 2945.40 of the Revised Code 79790
who have been granted a conditional release and persons found 79791
incompetent to stand trial and committed pursuant to section 79792
2945.39 of the Revised Code who have been granted a conditional 79793
release. The system shall do all of the following: 79794

(A) Centralize responsibility for the tracking of those 79795
persons; 79796

(B) Develop uniformity in monitoring those persons; 79797

(C) Develop a mechanism to allow prompt rehospitalization, 79798
reinstitutionalization, or detention when a violation of the 79799
conditional release or decompensation occurs. 79800

Sec. 5119.30. The department of ~~mental-behavioral health~~ 79801
~~and addiction services~~ promptly shall develop and maintain a 79802
program that continually provides the courts of this state with 79803
relevant information pertaining to addiction services and 79804

programs available both within their jurisdictions and statewide 79805
in order to facilitate the ability of the courts to utilize 79806
treatment and rehabilitation alternatives in addition to or in 79807
lieu of imposing sentences of imprisonment upon appropriate 79808
offenders. 79809

Sec. 5119.31. The department of administrative services 79810
shall purchase all supplies needed for the proper support and 79811
maintenance of the institutions under the control of the 79812
department of ~~mental-behavioral health and addiction services~~ in 79813
accordance with the competitive selection procedures of Chapter 79814
125. of the Revised Code and such rules as the department of 79815
administrative services adopts. All bids shall be publicly 79816
opened on the day and hour and at the place specified in the 79817
advertisement. 79818

Preference shall be given to bidders in localities wherein 79819
the institution is located, if the price is fair and reasonable 79820
and not greater than the usual price; but bids not meeting the 79821
specifications shall be rejected. 79822

The department of administrative services may require such 79823
security as it considers proper to accompany the bids and shall 79824
fix the security to be given by the contractor. 79825

The department of administrative services may reject any 79826
or all bids and secure new bids, if for any reason it is deemed 79827
for the best interest of the state to do so, and it may 79828
authorize the managing officer of any institution to purchase 79829
perishable goods and supplies for use in cases of emergency, in 79830
which cases such managing officer shall certify such fact in 79831
writing and the department of administrative services shall 79832
record the reasons for such purchase. 79833

Sec. 5119.311. The department of ~~mental-behavioral health~~ 79834
~~and addiction services~~ may examine into, with or without expert 79835
assistance, the question of the mental and physical condition of 79836
any person committed to or involuntarily confined in any 79837
hospital for persons with mental illnesses, or restrained of 79838
liberty at any place within this state by reason of alleged 79839
mental illness and may order and compel the discharge of any 79840
such person who is not a person with a mental illness subject to 79841
court order as defined in division (B) of section 5122.01 of the 79842
Revised Code and direct what disposition shall be made of the 79843
person. The order of discharge shall be signed by the director 79844
of ~~mental-behavioral health and addiction services~~. Upon receipt 79845
of such order by the superintendent or other person in charge of 79846
the building in which the person named in such order is 79847
confined, such person shall forthwith be discharged or otherwise 79848
disposed of according to the terms of said order, and any 79849
further or other detention of such person is unlawful. No such 79850
order shall be made in favor of any person committed and held 79851
for trial on a criminal charge, in confinement by an order of a 79852
judge or court made in a criminal proceeding, or in any case 79853
unless notice is given to the superintendent or other person 79854
having charge of the building in which the alleged person with a 79855
mental illness is detained, and a reasonable opportunity is 79856
allowed the person in charge to justify further detention of the 79857
person confined. 79858

Sec. 5119.32. The department of ~~mental-behavioral health~~ 79859
~~and addiction services~~ is hereby designated as the state 79860
administrative agency for the substance abuse prevention 79861
treatment block grant and the community mental health services 79862
block grant authorized by the "Public Health Services Act," 95 79863
Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, 79864

drug abuse, or mental health programs that are specified in an 79865
appropriations act. 79866

Sec. 5119.33. ~~(A)(1)~~ (A) The department of mental 79867
behavioral health and addiction services shall inspect and 79868
license all hospitals that receive persons with mental 79869
illnesses, except those hospitals managed by the department. No 79870
hospital may receive for care or treatment, either at public or 79871
private expense, any person who is or appears to have a mental 79872
illness, whether or not so adjudicated, unless the hospital has 79873
received a license from the department authorizing it to receive 79874
for care or treatment persons with mental illnesses or the 79875
hospital is managed by the department. 79876

~~(2) No such license shall be granted to a hospital for the 79877
treatment of persons with mental illnesses unless both of the 79878
following are the case:— 79879~~

~~(a) The department is satisfied, after investigation, that 79880
the hospital is managed and operated by qualified persons, is 79881
adequately staffed and equipped to operate, and has on its staff 79882
one or more qualified physicians responsible for the medical 79883
care of the patients confined there. At least one such physician 79884
shall be a psychiatrist.— 79885~~

~~(b) The department has not been notified under section 79886
5119.334 of the Revised Code or is not otherwise aware that the 79887
hospital, or any owner, sponsor, medical director, 79888
administrator, or principal of the hospital, has been the 79889
subject of an adverse action, as defined in that section, taken 79890
during the three-year period immediately preceding the date of 79891
application. 79892~~

(B) The department shall adopt rules under Chapter 119. of 79893

the Revised Code prescribing minimum standards for the operation 79894
of hospitals for the care and treatment of persons with mental 79895
illnesses and establishing standards and procedures for the 79896
issuance, renewal, or revocation of full, probationary, and 79897
interim licenses. No license shall be granted to any hospital 79898
established or used for the care of persons with mental 79899
illnesses unless such hospital is operating in accordance with 79900
this section and rules adopted pursuant to this section. A full 79901
license shall expire one year after the date of issuance, a 79902
probationary license shall expire at the time prescribed by rule 79903
adopted pursuant to Chapter 119. of the Revised Code by the 79904
director of ~~mental-behavioral health-and-addiction services~~, and 79905
an interim license shall expire ninety days after the date of 79906
issuance. A full, probationary, or interim license may be 79907
renewed, except that an interim license may be renewed only 79908
twice. The department may fix reasonable fees for licenses and 79909
for license renewals. Such hospitals are subject to inspection 79910
and on-site review by the department. 79911

(C) Except as otherwise provided in Chapter 5122. of the 79912
Revised Code, neither the director of ~~mental-behavioral health-~~ 79913
~~and-addiction services~~; an employee of the department; a board 79914
of alcohol, drug addiction, and mental health services or 79915
employee of a community mental health services provider; nor any 79916
other public official shall hospitalize any person with a mental 79917
illness for care or treatment in any hospital that is not 79918
licensed in accordance with this section. 79919

(D) (1) The department may issue an order suspending the 79920
admission of patients with mental illnesses to a hospital for 79921
care or treatment if it finds either of the following: 79922

(a) The hospital is not in compliance with rules adopted 79923

by the director pursuant to this section. 79924

(b) The hospital has been cited for more than one 79925
violation of statutes or rules during any previous period of 79926
time during which the hospital is licensed pursuant to this 79927
section. 79928

(2) (a) Except as provided in division (D) (2) (b) of this 79929
section, proceedings initiated to suspend the admission of 79930
patients are governed by Chapter 119. of the Revised Code. 79931

(b) If a suspension of admissions is proposed because the 79932
director has determined that the licensee has demonstrated a 79933
pattern of serious noncompliance or that a violation creates a 79934
substantial risk to the health and safety of patients, the 79935
director may issue an order imposing the suspension of 79936
admissions before providing an opportunity for an adjudication 79937
under Chapter 119. of the Revised Code. The director shall lift 79938
the order for the suspension of admissions if the director 79939
determines that the violation that formed the basis for the 79940
order has been corrected. 79941

(3) Appeals from proceedings initiated to order the 79942
suspension of admissions shall be conducted in accordance with 79943
Chapter 119. of the Revised Code, unless the order was issued 79944
before providing an opportunity for an adjudication, in which 79945
case all of the following apply: 79946

(a) The licensee may request a hearing not later than ten 79947
days after being served in accordance with sections 119.05 and 79948
119.07 of the Revised Code. 79949

(b) If a timely request for a hearing that includes the 79950
licensee's current address is made, the hearing shall commence 79951
not later than thirty days after the department receives the 79952

request. 79953

(c) After commencing, the hearing shall continue 79954
uninterrupted, except for Saturdays, Sundays, and legal 79955
holidays, unless other interruptions are agreed to by the 79956
licensee and the director. 79957

(d) If the hearing is conducted by a hearing examiner, the 79958
hearing examiner shall file a report and recommendations with 79959
the department not later than ten days after the last of the 79960
following: 79961

(i) The close of the hearing; 79962

(ii) If a transcript of the proceedings is ordered, the 79963
hearing examiner receives the transcript; 79964

(iii) If post-hearing briefs are timely filed, the hearing 79965
examiner receives the briefs. 79966

(e) The hearing examiner shall send a written copy of the 79967
report and recommendations, by certified mail, to the licensee, 79968
or the licensee's attorney, if applicable, not later than five 79969
days after the report is filed with the department. 79970

(f) Not later than five days after receiving the report 79971
and recommendations, the licensee may file objections with the 79972
department. 79973

(g) Not later than fifteen days after the hearing examiner 79974
files the report and recommendations, the department shall issue 79975
an order approving, modifying, or disapproving the report and 79976
recommendations. 79977

(h) Notwithstanding the pendency of the hearing, the 79978
department shall lift the order for the suspension of admissions 79979
if the department determines the violation that formed the basis 79980

for the order has been corrected. 79981

(E) (1) ~~Any license issued by the department under this~~ 79982
~~section may be revoked or not renewed by the department~~ The 79983
department may deny, refuse to renew, or revoke a license for 79984
any of the following reasons: 79985

(a) The hospital is ~~no longer~~ not a suitable place for the 79986
care or treatment of persons with mental illnesses. 79987

(b) The hospital refuses to be subject to inspection or 79988
on-site review by the department. 79989

(c) The hospital ~~has failed~~ fails to furnish humane, kind, 79990
and adequate treatment and care. 79991

(d) The hospital fails to comply with the licensure rules 79992
of the department. 79993

(e) The department finds that the hospital is not managed 79994
and operated by qualified persons, is not adequately staffed and 79995
equipped to operate, or does not have on its staff one or more 79996
qualified physicians, including at least one psychiatrist, who 79997
is responsible for the care of the patients in the hospital. 79998

(f) The department has been notified under section 79999
5119.334 of the Revised Code or otherwise becomes aware that the 80000
hospital, any owner, sponsor, medical director, administrator, 80001
or principal of the hospital, or any subsidiary of the hospital, 80002
owner, or sponsor has been the subject of an adverse action, as 80003
defined in that section, taken during the three-year period 80004
immediately preceding the date of notification or date of 80005
becoming aware of the adverse action. 80006

(2) Proceedings initiated to deny applications for full or 80007
probationary licenses, to refuse to renew full or probationary 80008

licenses, or to revoke full or probationary licenses are 80009
governed by Chapter 119. of the Revised Code. If an order has 80010
been issued suspending the admission of patients, the order 80011
remains in effect during the pendency of those proceedings. 80012

(F) (1) In a proceeding initiated to suspend the admission 80013
of patients, to deny an application for a full or probationary 80014
license, to refuse to renew a full or probationary license, or 80015
to revoke a full or probationary license, the department may 80016
order the suspension, denial, refusal, or revocation regardless 80017
of whether some or all of the deficiencies that prompted the 80018
proceedings have been corrected at the time of the hearing. 80019

(2) When the department issues an order suspending the 80020
admission of patients, denies an application for a full or 80021
probationary license, refuses to renew a full or probationary 80022
license, or revokes a full or probationary license, the 80023
department shall not grant an opportunity for submitting a plan 80024
of correction. 80025

(G) The department may inspect, conduct an on-site review, 80026
and review the records of any hospital that the department has 80027
reason to believe is operating without a license. 80028

Sec. 5119.331. If the department of ~~mental-behavioral~~ 80029
~~health and addiction services~~ determines that a hospital not 80030
licensed by the department is receiving for care or treatment 80031
any person who is or appears to have a mental illness, the 80032
department may request in writing that the attorney general 80033
petition the court of common pleas in the county where the 80034
hospital is located to enjoin the hospital from continued 80035
operation in violation of section 5119.33 of the Revised Code. 80036

Sec. 5119.332. No third-party payer shall directly or 80037

indirectly reimburse, nor shall any person be obligated to pay 80038
any hospital for psychiatric services for which a license is 80039
required under section 5119.33 of the Revised Code unless the 80040
hospital is licensed by the department of ~~mental-behavioral~~ 80041
~~health-and-addiction services.~~ 80042

As used in this section, "third-party payer" means a 80043
health insuring corporation licensed under Chapter 1751. of the 80044
Revised Code, an insurance company that issues sickness and 80045
accident insurance in conformity with Chapter 3923. of the 80046
Revised Code, a state-financed health insurance program under 80047
Chapter 3701., 4123., or 5101. of the Revised Code, or any self- 80048
insurance plan. 80049

Sec. 5119.333. No person shall keep or maintain a hospital 80050
for the care or treatment of persons with mental illnesses 80051
unless it is licensed by the department of ~~mental-behavioral~~ 80052
~~health-and-addiction services,~~ as provided by section 5119.33 of 80053
the Revised Code. 80054

Sec. 5119.334. (A) As used in this section, "adverse 80055
action" means an action by a state, provincial, federal, or 80056
other licensing or regulatory authority other than the 80057
department of behavioral health to deny, revoke, suspend, place 80058
on probation, or otherwise restrict a license, certificate, or 80059
other approval to operate a hospital or practice a health care 80060
profession. 80061

(B) (1) When submitting an application for initial or 80062
renewed licensure of a hospital under section 5119.33 of the 80063
Revised Code, the applicant shall notify the department of 80064
~~mental-behavioral health and addiction services~~ of any adverse 80065
action taken against any of the following during the three-year 80066
period immediately preceding the date of application: 80067

<u>(a) The hospital or the hospital's;</u>	80068
<u>(b) Any owner, sponsor, medical director, administrator,</u>	80069
<u>or any of its principals within principal of the three-year</u>	80070
<u>period immediately preceding the date of applicationhospital;</u>	80071
<u>(c) Any subsidiary of the hospital, owner, or sponsor.</u>	80072
(2) Not later than seven days after receiving a notice of	80073
adverse action from a licensing or regulatory authority that is	80074
other than the department of mental health and addiction	80075
services, the holder of a hospital license issued under section	80076
5119.33 of the Revised Code shall notify the department of the	80077
action.	80078
(C) To notify the department as required by this section,	80079
a copy of the notice of adverse action shall be provided to the	80080
department.	80081
Sec. 5119.34. (A) As used in this section and sections	80082
5119.341 to 5119.343 <u>5119.344</u> of the Revised Code:	80083
(1) "Accommodations" means housing, daily meal	80084
preparation, laundry, housekeeping, arranging for	80085
transportation, social and recreational activities, maintenance,	80086
security, and other services that do not constitute personal	80087
care services or skilled nursing care.	80088
(2) "ADAMHS board" means a board of alcohol, drug	80089
addiction, and mental health services.	80090
(3) "Adult" means a person who is eighteen years of age or	80091
older, other than a person described in division (A) (4) of this	80092
section who is between eighteen and twenty-one years of age.	80093
(4) "Child" means a person who is under eighteen years of	80094
age or a person with a mental disability who is under twenty-one	80095

years of age. 80096

~~(5) "Community mental health services provider" means a~~ 80097
~~community mental health services provider as defined in section~~ 80098
~~5119.01 of the Revised Code.~~ 80099

~~(6) "Community mental health services" means any mental~~ 80100
~~health services certified by the department pursuant to section~~ 80101
~~5119.36 of the Revised Code.~~ 80102

~~(7)~~ "Operator" means the person or persons, firm, 80103
partnership, agency, governing body, association, corporation, 80104
or other entity that is responsible for the administration and 80105
management of a residential facility and that is the applicant 80106
for a residential facility license. 80107

~~(8)~~ (6) "Personal care services" means services including, 80108
but not limited to, the following: 80109

(a) Assisting residents with activities of daily living; 80110

(b) Assisting residents with self-administration of 80111
medication in accordance with rules adopted under this section; 80112

(c) Preparing special diets, other than complex 80113
therapeutic diets, for residents pursuant to the instructions of 80114
a physician or a licensed dietitian, in accordance with rules 80115
adopted under this section. 80116

"Personal care services" does not include "skilled nursing 80117
care" as defined in section 3721.01 of the Revised Code. A 80118
facility need not provide more than one of the services listed 80119
in division ~~(A)~~ ~~(8)~~ (A) (6) of this section to be considered to be 80120
providing personal care services. 80121

~~(9)~~ (7) "Room and board" means the provision of sleeping 80122
and living space, meals or meal preparation, laundry services, 80123

housekeeping services, or any combination thereof. 80124

~~(10)~~ (8) "Residential state supplement program" means the 80125
program established under section 5119.41 of the Revised Code. 80126

~~(11)~~ (9) "Supervision" means any of the following: 80127

(a) Observing a resident to ensure the resident's health, 80128
safety, and welfare while the resident engages in activities of 80129
daily living or other activities; 80130

(b) Reminding a resident to perform or complete an 80131
activity, such as reminding a resident to engage in personal 80132
hygiene or other self-care activities; 80133

(c) Assisting a resident in making or keeping an 80134
appointment. 80135

~~(12)~~ (10) "Unrelated" means that a resident is not related 80136
to the owner or operator of a residential facility or to the 80137
owner's or operator's spouse as a parent, grandparent, child, 80138
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 80139
uncle, or as the child of an aunt or uncle. 80140

(B) (1) A "residential facility" is a publicly or privately 80141
operated home or facility that falls into one of the following 80142
categories: 80143

(a) Class one facilities provide accommodations, 80144
supervision, personal care services, and mental health services 80145
for one or more unrelated adults with mental illness or one or 80146
more unrelated children or adolescents with severe emotional 80147
disturbances; 80148

(b) Class two facilities provide accommodations, 80149
supervision, and personal care services to any of the following: 80150

(i) One or two unrelated persons with mental illness;	80151
(ii) One or two unrelated adults who are receiving	80152
payments under the residential state supplement program;	80153
(iii) Three to sixteen unrelated adults.	80154
(c) Class three facilities provide room and board for five	80155
or more unrelated adults with mental illness.	80156
(2) "Residential facility" does not include any of the	80157
following:	80158
(a) A hospital subject to licensure under section 5119.33	80159
of the Revised Code or an institution maintained, operated,	80160
managed, and governed by the department of mental-behavioral	80161
health and addiction services for the hospitalization of persons	80162
with mental illnesses pursuant to section 5119.14 of the Revised	80163
Code;	80164
(b) A residential facility licensed under section 5123.19	80165
of the Revised Code or otherwise regulated by the department of	80166
developmental disabilities;	80167
(c) An institution or association subject to certification	80168
under section 5103.03 of the Revised Code;	80169
(d) A facility operated by a hospice care program licensed	80170
under section 3712.04 of the Revised Code that is used	80171
exclusively for care of hospice patients;	80172
(e) A nursing home, residential care facility, or home for	80173
the aging as defined in section 3721.02 of the Revised Code;	80174
(f) A facility licensed under section 5119.37 of the	80175
Revised Code to operate an opioid treatment program;	80176
(g) Any facility that receives funding for operating costs	80177

from the department of development under any program established 80178
to provide emergency shelter housing or transitional housing for 80179
the homeless; 80180

(h) A terminal care facility for the homeless that has 80181
entered into an agreement with a hospice care program under 80182
section 3712.07 of the Revised Code; 80183

(i) A facility approved by the veterans administration 80184
under section 104(a) of the "Veterans Health Care Amendments of 80185
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 80186
exclusively for the placement and care of veterans; 80187

(j) The residence of a relative or guardian of a person 80188
with mental illness. 80189

(C) Nothing in division (B) of this section shall be 80190
construed to permit personal care services to be imposed on a 80191
resident who is capable of performing the activity in question 80192
without assistance. 80193

(D) Except in the case of a residential facility described 80194
in division (B)(1)(a) of this section, members of the staff of a 80195
residential facility shall not administer medication to the 80196
facility's residents, but may do any of the following: 80197

(1) Remind a resident when to take medication and watch to 80198
ensure that the resident follows the directions on the 80199
container; 80200

(2) Assist a resident in the self-administration of 80201
medication by taking the medication from the locked area where 80202
it is stored, in accordance with rules adopted pursuant to this 80203
section, and handing it to the resident. If the resident is 80204
physically unable to open the container, a staff member may open 80205
the container for the resident. 80206

(3) Assist a resident who is physically impaired but 80207
mentally alert, such as a resident with arthritis, cerebral 80208
palsy, or Parkinson's disease, in removing oral or topical 80209
medication from containers and in consuming or applying the 80210
medication, upon request by or with the consent of the resident. 80211
If a resident is physically unable to place a dose of medicine 80212
to the resident's mouth without spilling it, a staff member may 80213
place the dose in a container and place the container to the 80214
mouth of the resident. 80215

(E) A person operating or seeking to operate a residential 80216
facility shall apply for licensure of the facility to the 80217
department of ~~mental-behavioral health-and-addiction services~~. 80218
The application shall be submitted by the operator. When 80219
applying for the license, the applicant shall pay to the 80220
department the application fee specified in rules adopted under 80221
division (N) of this section. The fee is nonrefundable. 80222

The department shall send a copy of an application to the 80223
ADAMHS board serving the county in which the person operates or 80224
seeks to operate the facility. The ADAMHS board shall review the 80225
application and provide to the department any information about 80226
the applicant or the facility that the board would like the 80227
department to consider in reviewing the application. 80228

(F) The department of ~~mental-behavioral health and-~~ 80229
~~addiction services~~ shall inspect and license the operation of 80230
residential facilities. ~~The department may issue a license to-~~ 80231
~~operate a residential facility only if all of the following are-~~ 80232
~~the case:-~~ 80233

~~(1) The department is satisfied, after investigation, that~~ 80234
~~the facility is managed and operated by qualified persons and is~~ 80235
~~adequately staffed and equipped to operate.-~~ 80236

~~(2) The department has not been notified under section 5119.343 of the Revised Code or is not otherwise aware that the residential facility or any owner, operator, or manager of the residential facility has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of application.~~

~~(3) The department has not been notified or is not otherwise aware that the residential facility or any owner, operator, or manager of the facility has been the subject of an adverse action, as defined in that section, taken at any time based on an act or omission that violated the right of a residential facility resident to be free from abuse, neglect, or exploitation.~~

The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of ~~mental behavioral health and addiction services~~ under division (N) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in accordance with rules adopted by the director under division (N) of this section. The renewal application shall be submitted by the operator. When applying for renewal of a license, the applicant shall pay to the department the renewal fee specified in rules adopted under division (N) of this section. The fee is nonrefundable.

(G) (1) If the department finds any of the following with respect to a residential facility, the department may issue an order suspending the admission of residents to the facility, refuse to issue or renew a license for the facility, or revoke

the facility's license: 80267

(a) The facility is not in compliance with rules adopted 80268
by the director pursuant to division (N) of this section; 80269

(b) Any facility operated by the applicant or licensee has 80270
been cited for a pattern of serious noncompliance or repeated 80271
violations of statutes or rules during the period of current or 80272
previous licenses; 80273

(c) The applicant or licensee submits false or misleading 80274
information as part of a license application, renewal, or 80275
investigation. 80276

(d) The facility is not managed and operated by qualified 80277
persons or adequately staffed and equipped to operate. 80278

(e) The department has been notified under section 80279
5119.343 of the Revised Code or otherwise becomes aware that the 80280
facility, any owner, operator, or manager of the facility, or 80281
any subsidiary of the facility, owner, or operator has been the 80282
subject of an adverse action, as defined in that section, taken 80283
during the three-year period immediately preceding the date of 80284
notification or date of becoming aware of the adverse action. 80285

(f) The department has been notified under section 80286
5119.343 of the Revised Code or otherwise becomes aware that the 80287
facility, any owner, operator, or manager of the facility, or 80288
any subsidiary of the facility, owner, or operator has been the 80289
subject of an adverse action, as defined in that section, taken 80290
at any time based on an act or omission that violated the right 80291
of a residential facility resident to be free from abuse, 80292
neglect, or exploitation. 80293

(2) Proceedings initiated to deny applications for full or 80294
probationary licenses, to refuse to renew full or probationary 80295

licenses, or to revoke full or probationary licenses are 80296
governed by Chapter 119. of the Revised Code. If an order has 80297
been issued suspending the admission of residents to the 80298
facility, the order remains in effect during the pendency of 80299
those proceedings. 80300

Proceedings initiated to suspend the admission of 80301
residents to a facility are governed by Chapter 119. of the 80302
Revised Code, except as provided in division (H) of this 80303
section. 80304

(3) In a proceeding initiated to suspend the admission of 80305
residents to a facility, to deny an application for a full or 80306
probationary license, to refuse to renew a full or probationary 80307
license, or to revoke a full or probationary license, the 80308
department may order the suspension, denial, refusal, or 80309
revocation regardless of whether some or all of the deficiencies 80310
that prompted the proceedings have been corrected at the time of 80311
the hearing. 80312

(4) When the department issues an order suspending the 80313
admission of residents to a facility, denies an application for 80314
a full or probationary license, refuses to renew a full or 80315
probationary license, or revokes a full or probationary license, 80316
the department shall not grant an opportunity for submitting a 80317
plan of correction. 80318

(H) (1) If a suspension of admissions of residents to a 80319
facility is proposed because the director has determined that 80320
the licensee has demonstrated a pattern of serious noncompliance 80321
or that a violation creates a substantial risk to the health and 80322
safety of residents, the director may issue an order imposing 80323
the suspension of admissions before providing an opportunity for 80324
an adjudication under Chapter 119. of the Revised Code. The 80325

director shall lift the order for the suspension of admissions 80326
if the director determines that the violation that formed the 80327
basis for the order has been corrected. 80328

(2) Appeals from proceedings initiated to order the 80329
suspension of admissions to a facility shall be conducted in 80330
accordance with Chapter 119. of the Revised Code, unless the 80331
order was issued before providing an opportunity for an 80332
adjudication, in which case all of the following apply: 80333

(a) The licensee may request a hearing not later than ten 80334
days after being served in accordance with sections 119.05 and 80335
119.07 of the Revised Code. 80336

(b) If a timely request for a hearing that includes the 80337
licensee's current address is made, the hearing shall commence 80338
not later than thirty days after the department receives the 80339
request. 80340

(c) After commencing, the hearing shall continue 80341
uninterrupted, except for Saturdays, Sundays, and legal 80342
holidays, unless other interruptions are agreed to by the 80343
licensee and the director. 80344

(d) If the hearing is conducted by a hearing examiner, the 80345
hearing examiner shall file a report and recommendations with 80346
the department not later than ten days after the last of the 80347
following: 80348

(i) The close of the hearing; 80349

(ii) If a transcript of the proceedings is ordered, the 80350
hearing examiner receives the transcript; 80351

(iii) If post-hearing briefs are timely filed, the hearing 80352
examiner receives the briefs. 80353

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

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

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

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

(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (N) of this section.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings

initiated to deny applications for or to revoke interim licenses 80383
under this division are not subject to Chapter 119. of the 80384
Revised Code. 80385

(J) (1) The department of ~~mental behavioral health and~~ 80386
~~addiction services~~ may conduct an inspection of a residential 80387
facility as follows: 80388

(a) Prior to issuance of a license for the facility; 80389

(b) Prior to renewal of the license; 80390

(c) To determine whether the facility has completed a plan 80391
of correction required pursuant to division (J) (2) of this 80392
section and corrected deficiencies to the satisfaction of the 80393
department and in compliance with this section and rules adopted 80394
pursuant to it; 80395

(d) Upon complaint by any individual or agency; 80396

(e) At any time the director considers an inspection to be 80397
necessary in order to determine whether the facility is in 80398
compliance with this section and rules adopted pursuant to this 80399
section. 80400

(2) In conducting inspections the department may conduct 80401
an on-site examination and evaluation of the residential 80402
facility and its personnel, activities, and services. The 80403
department shall have access to examine and copy all records, 80404
accounts, and any other documents relating to the operation of 80405
the residential facility, including records pertaining to 80406
residents, and shall have access to the facility in order to 80407
conduct interviews with the operator, staff, and residents. 80408
Following each inspection and review, the department shall 80409
complete a report listing any deficiencies, and including, when 80410
appropriate, a time table within which the operator shall 80411

correct the deficiencies. The department may require the 80412
operator to submit a plan of correction describing how the 80413
deficiencies will be corrected. 80414

(K) No person shall do any of the following: 80415

(1) Operate a residential facility unless the facility 80416
holds a valid license; 80417

(2) Violate any of the conditions of licensure after 80418
having been granted a license; 80419

(3) Interfere with a state or local official's inspection 80420
or investigation of a residential facility; 80421

(4) Violate any of the provisions of this section or any 80422
rules adopted pursuant to this section. 80423

(L) The following may enter a residential facility at any 80424
time: 80425

(1) Employees designated by the director of ~~mental~~ 80426
behavioral health and addiction services; 80427

(2) Employees of an ADAMHS board under either of the 80428
following circumstances: 80429

(a) When a resident of the facility is receiving services 80430
from a community mental health services provider under contract 80431
with that ADAMHS board or another ADAMHS board; 80432

(b) When authorized by section 340.05 of the Revised Code. 80433

(3) Employees of a community mental health services 80434
provider under either of the following circumstances: 80435

(a) When the provider has a person receiving services 80436
residing in the facility; 80437

(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.

(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.

The persons specified in division (L) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.

(M) Employees of the department of ~~mental-behavioral~~ health and ~~addiction services~~ may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.

(N) The director of behavioral health shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:

(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;

(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;

(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and

other non-resident occupants who may have direct access to 80467
facility residents; 80468

(4) The fee to be paid when applying for a new residential 80469
facility license or renewing the license; 80470

(5) Procedures for the operator of a residential facility 80471
to follow when notifying the ADAMHS board serving the county in 80472
which the facility is located when the facility is serving 80473
residents with mental illness or severe mental disability, 80474
including the circumstances under which the operator is required 80475
to make such a notification; 80476

(6) Procedures for the issuance and termination of orders 80477
of suspension of admission of residents to a residential 80478
facility; 80479

(7) Measures to be taken by residential facilities 80480
relative to residents' medication; 80481

(8) Requirements relating to preparation of special diets; 80482

(9) The maximum number of residents who may be served in a 80483
residential facility; 80484

(10) The rights of residents of residential facilities and 80485
procedures to protect such rights; 80486

(11) Standards and procedures under which the director may 80487
waive the requirements of any of the rules adopted. 80488

(0) (1) The department of behavioral health may withhold 80489
the source of any complaint reported as a violation of this 80490
section when the department determines that disclosure could be 80491
detrimental to the department's purposes or could jeopardize the 80492
investigation. The department may disclose the source of any 80493
complaint if the complainant agrees in writing to such 80494

disclosure and shall disclose the source upon order by a court 80495
of competent jurisdiction. 80496

(2) Any person who makes a complaint under division (O) (1) 80497
of this section, or any person who participates in an 80498
administrative or judicial proceeding resulting from such a 80499
complaint, is immune from civil liability and is not subject to 80500
criminal prosecution, other than for perjury, unless the person 80501
has acted in bad faith or with malicious purpose. 80502

(P) (1) The director of ~~mental-behavioral~~ health ~~and~~ 80503
~~addiction services~~ may petition the court of common pleas of the 80504
county in which a residential facility is located for an order 80505
enjoining any person from operating a residential facility 80506
without a license or from operating a licensed facility when, in 80507
the director's judgment, there is a present danger to the health 80508
or safety of any of the occupants of the facility. The court 80509
shall have jurisdiction to grant such injunctive relief upon a 80510
showing that the respondent named in the petition is operating a 80511
facility without a license or there is a present danger to the 80512
health or safety of any residents of the facility. 80513

(2) When the court grants injunctive relief in the case of 80514
a facility operating without a license, the court shall issue, 80515
at a minimum, an order enjoining the facility from admitting new 80516
residents to the facility and an order requiring the facility to 80517
assist with the safe and orderly relocation of the facility's 80518
residents. 80519

(3) If injunctive relief is granted against a facility for 80520
operating without a license and the facility continues to 80521
operate without a license, the director shall refer the case to 80522
the attorney general for further action. 80523

(Q) The director of behavioral health may fine a person 80524
for violating division (K) of this section. The fine shall be 80525
five hundred dollars for a first offense; for each subsequent 80526
offense, the fine shall be one thousand dollars. The director's 80527
actions in imposing a fine shall be taken in accordance with 80528
Chapter 119. of the Revised Code. 80529

Sec. 5119.342. (A) Upon petition by the director of ~~mental~~ 80530
behavioral health and addiction services, the court of common 80531
pleas or the probate court may appoint a receiver to take 80532
possession of and operate a residential facility licensed 80533
pursuant to section 5119.34 of the Revised Code, when conditions 80534
existing at the residential facility present a substantial risk 80535
of physical or mental harm to residents and no other remedies at 80536
law are adequate to protect the health, safety, and welfare of 80537
the residents. 80538

Petitions filed pursuant to this section shall include: 80539

(1) A description of the specific conditions existing at 80540
the residential facility which present a substantial risk of 80541
physical or mental harm to residents; 80542

(2) A statement of the absence of other adequate remedies 80543
at law; 80544

(3) The number of individuals residing at the facility; 80545

(4) A statement that the facts have been brought to the 80546
attention of the owner or licensee and that conditions have not 80547
been remedied within a reasonable period of time or that the 80548
conditions, though remedied periodically, habitually exist at 80549
the residential facility as a pattern or practice; and 80550

(5) The name and address of the person holding the license 80551
for the residential facility. 80552

(B) A court in which a petition is filed pursuant to this 80553
section shall notify the person holding the license for the 80554
facility of the filing. The department shall send notice of the 80555
filing to the following, as appropriate: the Ohio protection and 80556
advocacy system as defined in section 5123.60 of the Revised 80557
Code; facility owner; facility operator; board of alcohol, drug 80558
addiction, and mental health services; board of health; 80559
department of developmental disabilities; department of job and 80560
family services; facility residents; and residents' families and 80561
guardians. The court shall provide a hearing on the petition 80562
within five court days of the time it was filed, except that the 80563
court may appoint a receiver prior to that time if it determines 80564
that the circumstances necessitate such action. 80565

Following a hearing on the petition, and upon a 80566
determination that the appointment of a receiver is warranted, 80567
the court shall appoint a receiver and notify the department of 80568
~~mental-behavioral health and addiction services~~ and appropriate 80569
persons of this action. 80570

In setting forth the powers of the receiver, the court may 80571
generally authorize the receiver to do all that is prudent and 80572
necessary to safely and efficiently operate the residential 80573
facility within the requirements of state and federal law, but 80574
shall require the receiver to obtain court approval prior to 80575
making any single expenditure of more than five thousand dollars 80576
to correct deficiencies in the structure or furnishings of a 80577
facility. The court shall closely review the conduct of the 80578
receiver and shall require regular and detailed reports. 80579

(C) A receivership established pursuant to this section 80580
shall be terminated, following notification of the appropriate 80581
parties and a hearing, if the court determines either of the 80582

following: 80583

(1) The residential facility has been closed and the 80584
former residents have been relocated to an appropriate facility; 80585

(2) Circumstances no longer exist at the residential 80586
facility which present a substantial risk of physical or mental 80587
harm to residents, and there is no deficiency in the residential 80588
facility that is likely to create a future risk of harm. 80589

Notwithstanding division (C) (2) of this section, the court 80590
shall not terminate a receivership for a residential facility 80591
that has previously operated under another receivership unless 80592
the responsibility for the operation of the facility is 80593
transferred to an operator approved by the court and the 80594
department of ~~mental-behavioral health-and-addiction services~~. 80595

(D) Except for the department of ~~mental-behavioral health~~ 80596
~~and-addiction services~~ or appropriate board of alcohol, drug 80597
addiction, and mental health services, no party or person 80598
interested in an action shall be appointed a receiver pursuant 80599
to this section. 80600

To assist the court in identifying persons qualified to be 80601
named as receivers, the director of ~~mental-behavioral health and~~ 80602
~~addiction services~~ shall maintain a list of the names of such 80603
persons. The department of ~~mental-behavioral health-and-~~ 80604
~~addiction services~~, the department of job and family services, 80605
and the department of health shall provide technical assistance 80606
to any receiver appointed pursuant to this section. 80607

Before entering upon the duties of receiver, the receiver 80608
must be sworn to perform the duties faithfully, and, with surety 80609
approved by the court, judge, or clerk, execute a bond to such 80610
person, and in such sum as the court or judge directs, to the 80611

effect that such receiver will faithfully discharge the duties 80612
of receiver in the action, and obey the orders of the court 80613
therein. 80614

(1) Under the control of the appointing court, a receiver 80615
may do the following: 80616

(a) Bring and defend actions in the appointee's name as 80617
receiver; 80618

(b) Take and keep possession of property. 80619

(2) The court shall authorize the receiver to do the 80620
following: 80621

(a) Collect payment for all goods and services provided to 80622
the residents or others during the period of the receivership at 80623
the same rate as was charged by the licensee at the time the 80624
petition for receivership was filed, unless a different rate is 80625
set by the court; 80626

(b) Honor all leases, mortgages, and secured transactions 80627
governing all buildings, goods, and fixtures of which the 80628
receiver has taken possession, but, in the case of a rental 80629
agreement only to the extent of payments that are for the use of 80630
the property during the period of the receivership, or, in the 80631
case of a purchase agreement, only to the extent that payments 80632
come due during the period of the receivership; 80633

(c) If transfer of residents is necessary, provide for the 80634
orderly transfer of residents by: 80635

(i) Cooperating with all appropriate state and local 80636
agencies in carrying out the transfer of residents to 80637
alternative community placements; 80638

(ii) Providing for the transportation of residents' 80639

belongings and records; 80640

(iii) Helping to locate alternative placements and develop 80641
plans for transfer; 80642

(iv) Encouraging residents or guardians to participate in 80643
transfer planning except when an emergency exists and immediate 80644
transfer is necessary. 80645

(d) Make periodic reports on the status of the residential 80646
facility to the court; the appropriate state agencies; and the 80647
board of alcohol, drug addiction, and mental health services. 80648
Each report shall be made available to residents, their 80649
guardians, and families. 80650

(e) Compromise demands or claims; and 80651

(f) Generally do such acts respecting the residential 80652
facility as the court authorizes. 80653

Notwithstanding any other provision of law, contracts 80654
which are necessary to carry out the powers and duties of the 80655
receiver need not be competitively bid. 80656

Sec. 5119.343. (A) As used in this section, "adverse 80657
action" means an action by a state, provincial, federal, or 80658
other licensing or regulatory authority other than the 80659
department of behavioral health to deny, revoke, suspend, place 80660
on probation, or otherwise restrict a license, certificate, or 80661
other approval to operate a residential facility or practice a 80662
health care profession. 80663

(B) (1) When submitting an application for initial or 80664
renewed licensure of a residential facility under section 80665
5119.34 of the Revised Code, the applicant shall notify the 80666
department of ~~mental-behavioral health and addiction services of~~ 80667

any adverse action taken against any of the following during the 80668
three-year period immediately preceding the date of application: 80669

(a) The residential facility or the facility's; 80670

(b) Any owner, operator, or manager within of the three- 80671
year period immediately preceding the date of 80672
application facility; 80673

(c) Any subsidiary of the facility, owner, or operator. 80674

(2) Not later than seven days after receiving a notice of 80675
adverse action ~~from a licensing or regulatory authority that is~~ 80676
~~other than the department of mental health and addiction-~~ 80677
~~services,~~ the holder of a residential facility license issued 80678
under section 5119.34 of the Revised Code shall notify the 80679
department of the action. 80680

(3) To notify the department as required by this section, 80681
a copy of the notice of adverse action shall be provided to the 80682
department. 80683

Sec. 5119.344. (A) As used in this section, "principal" 80684
means an owner, operator, or manager of a class one residential 80685
facility. 80686

(B) The department of mental health and addiction services 80687
may suspend, without a prior hearing, the license of a class one 80688
residential facility that serves children if any of the 80689
following occurs: 80690

(1) A child suffers a serious injury or dies while 80691
residing in the residential facility. 80692

(2) The department, a public children services agency, or 80693
a county department of job and family services determines that a 80694
principal, employee, volunteer, or nonresident occupant of the 80695

residential facility created a serious risk to the health or 80696
safety of a child residing in the facility that resulted in or 80697
could have resulted in a child's death or injury. 80698

(3) A principal, employee, resident, volunteer, or 80699
nonresident occupant of the facility was charged by an 80700
indictment, information, or complaint with an offense relating 80701
to the death, injury, or sexual assault of another person that 80702
occurred on the premises of the facility. 80703

(4) A principal, employee, volunteer, or nonresident 80704
occupant of the facility was charged by an indictment, 80705
information, or complaint with an offense relating to the death, 80706
injury, or sexual assault of a child residing in the facility. 80707

(5) A public children services agency receives a report 80708
pursuant to section 2151.421 of the Revised Code, and the person 80709
alleged to have inflicted abuse or neglect on the child, who is 80710
the subject of the report, is either of the following: 80711

(a) A principal of the residential facility; 80712

(b) An employee of the residential facility who has not 80713
been immediately placed on administrative leave or released from 80714
employment. 80715

(6) The residential facility is not in compliance with the 80716
rule, adopted under section 5119.34 of the Revised Code, 80717
pertaining to background investigations for owners, operators, 80718
employees, and other specified individuals. 80719

(C) In suspending a license under division (B) of this 80720
section, the department shall comply with section 119.07 of the 80721
Revised Code. The owner of a class one residential facility may 80722
request an adjudicatory hearing before the department pursuant 80723
to sections 119.06 and 119.12 of the Revised Code. If a hearing 80724

is requested and the department does not issue its final 80725
adjudication order within one hundred twenty days after the 80726
suspension, the suspension is void on the one hundred twenty- 80727
first day after the suspension, unless the hearing on the 80728
suspension is continued on agreement by the parties or for good 80729
cause. 80730

(D) Any summary suspension imposed under this section 80731
shall remain in effect until any of the following occurs: 80732

(1) The public children services agency completes its 80733
investigation of the report pursuant to section 2151.421 of the 80734
Revised Code and determines that all of the allegations are 80735
unsubstantiated. 80736

(2) All criminal charges are disposed of through dismissal 80737
or a finding of not guilty. 80738

(3) The department issues, pursuant to Chapter 119. of the 80739
Revised Code, a final order terminating the suspension. 80740

(E) A class one residential facility serving children 80741
shall not have children placed in the facility while a summary 80742
suspension remains in effect. Upon the issuance of the order of 80743
suspension, the department shall place a hold on the license or 80744
indicate that the license is suspended in Ohio's statewide 80745
automated child welfare information system. 80746

(F) The director of mental health and addiction services 80747
may adopt rules in accordance with Chapter 119. of the Revised 80748
Code establishing standards and procedures for the summary 80749
suspension of licenses. 80750

(G) This section does not limit the authority of the 80751
department to take other action, such as issuing an order 80752
suspending the admission of residents to a residential facility, 80753

refusing to issue or renew a license for a facility, or revoking 80754
a facility's license under section 5119.34 of the Revised Code. 80755

Sec. 5119.35. (A) Except as provided in division (B) of 80756
this section, if a mental health service or alcohol and drug 80757
addiction service has been specified in rules adopted under this 80758
section as a service that is required to be certified, no person 80759
or government entity shall provide that service unless it has 80760
been certified under section 5119.36 of the Revised Code. 80761

(B) Division (A) of this section does not apply to either 80762
of the following: 80763

(1) An individual who holds a valid license, certificate, 80764
or registration issued by this state authorizing the practice of 80765
a health care profession that includes the performance of any 80766
service that is required to be certified as described in this 80767
section, regardless of whether the service is performed as part 80768
of a sole proprietorship, partnership, or group practice; 80769

(2) An individual who provides any service that is 80770
required to be certified as described in this section as part of 80771
an employment or contractual relationship with a hospital 80772
outpatient clinic that is accredited by an accreditation agency 80773
or organization approved by the director of mental-behavioral 80774
~~health and addiction services~~. 80775

(C) (1) If the director of mental-behavioral health ~~and~~ 80776
~~addiction services~~ determines that a person or government entity 80777
is violating division (A) of this section, the director may 80778
request, in writing, that the attorney general petition the 80779
court of common pleas in the county where the person or 80780
government entity is located or providing the services to enjoin 80781
the person or government entity from engaging in the conduct 80782

that violates division (A) of this section. 80783

(2) No person or government entity that is subject to this 80784
section is eligible to receive, for a service that is subject to 80785
this section, any federal funds, state funds, or funds 80786
administered by a board of alcohol, drug addiction, and mental 80787
health services, unless that service has been certified under 80788
section 5119.36 of the Revised Code. This limitation is in 80789
addition to the injunction that may be sought under division (C) 80790
(1) of this section for a violation of division (A) of this 80791
section. 80792

(D) The director may adopt rules in accordance with 80793
Chapter 119. of the Revised Code to specify mental health 80794
services and alcohol and drug addiction services that are 80795
required to be certified under section 5119.36 of the Revised 80796
Code. 80797

Sec. 5119.36. (A) A person or government entity that seeks 80798
initial certification of one or more certifiable services and 80799
supports, or that seeks to renew certification of one or more 80800
certifiable services and supports, shall submit an application 80801
to the director of ~~mental-behavioral health-and-addiction-~~ 80802
~~services~~. On receipt of the application, the director shall 80803
determine whether the standards established by ~~divisions-~~ 80804
division (B) ~~and (C)~~ of this section and any rules adopted under 80805
this section are satisfied or continue to be satisfied by the 80806
applicant. As part of the determination the director may conduct 80807
an on-site review of the applicant. In doing so, the director 80808
may conduct the review in cooperation with a board of alcohol, 80809
drug addiction, and mental health services that seeks to 80810
contract or has a contract with the applicant under section 80811
340.036 of the Revised Code. 80812

Not later than fourteen days after receipt of an ~~initial-~~ 80813
~~or renewal~~ application for initial or renewed certification, the 80814
director shall inform the board of alcohol, drug addiction, and 80815
mental health services serving the alcohol, drug addiction, and 80816
mental health service district in which the applicant's 80817
certifiable services and supports will be provided of the 80818
receipt of the application. On the board's request, the director 80819
shall provide the board with a copy of the application. 80820

Not later than thirty days after a provider's 80821
certification ceases to be valid for any reason, including the 80822
provider's failure to renew the certification prior to 80823
expiration, the director's acceptance of the provider's 80824
surrender of the certification, or the issuance of a final order 80825
for disciplinary action under division ~~(G)~~(F) or ~~(M)~~(L) of this 80826
section, the director shall provide notice to the applicable 80827
board of alcohol, drug addiction, and mental health services of 80828
the reason the certification ceased to be valid and the date it 80829
became invalid. 80830

(B) (1) Except as provided in division (B) (4) of this 80831
section, beginning on ~~the effective date of this amendment~~ 80832
October 3, 2023, an applicant seeking initial certification of 80833
certifiable services and supports shall be accredited by one or 80834
more national accrediting organizations specified in division 80835
(B) (3) of this section for certifiable services and supports for 80836
which national accreditation exists for such services and 80837
supports or equivalent services and supports. 80838

(2) Except as provided in division (B) (4) of this section, 80839
beginning October 1, 2025, an applicant seeking to renew 80840
certification of certifiable services and supports shall be 80841
accredited by one or more national accrediting organizations 80842

specified in division (B) (3) of this section for certifiable 80843
services and supports for which national accreditation exists 80844
for such services and supports or equivalent services and 80845
supports. 80846

(3) For purposes of divisions (B) (1) and (2) of this 80847
section, the director shall accept appropriate accreditation of 80848
an applicant's certifiable services and supports from any of the 80849
following national accrediting organizations: 80850

(a) The joint commission; 80851

(b) The commission on accreditation of rehabilitation 80852
facilities; 80853

(c) The council on accreditation; 80854

(d) Any other national accrediting organization the 80855
director considers appropriate. 80856

(4) The accreditation requirements of divisions (B) (1) and 80857
(2) of this section do not apply to an applicant seeking an 80858
initial or renewed certification to provide prevention services, 80859
as that term is defined in rules adopted under this section. For 80860
such applicants, accreditation is optional. 80861

~~(C) In addition to meeting the accreditation standard set 80862
forth in division (B) of this section, an applicant seeking 80863
initial or renewed certification of one or more certifiable 80864
services and supports is eligible to receive the certification 80865
only if both of the following are the case, as determined by the 80866
director:— 80867~~

~~(1) The applicant has adequate staff and equipment to 80868
provide the certifiable services and supports;— 80869~~

~~(2) The department has not been notified under section— 80870~~

~~5119.367 of the Revised Code or is not otherwise aware that the~~ 80871
~~applicant, or any owner or principal of the applicant, has been~~ 80872
~~the subject of an adverse action, as defined in that section,~~ 80873
~~taken during the three-year period immediately preceding the~~ 80874
~~date of application.~~ 80875

~~(D) (1) (C) (1)~~ Except as provided in division ~~(D) (2) (C) (2)~~ 80876
of this section, if the director determines that an applicant 80877
has paid any required certification fee, that the applicant's 80878
accreditation of certifiable services and supports is current 80879
and appropriate for the services and supports for which the 80880
applicant is seeking initial or renewed certification, ~~that the~~ 80881
~~applicant meets the requirements of division (C) of this~~ 80882
~~section,~~ and that the applicant meets any other requirements 80883
established by this section or rules adopted under it, the 80884
director shall certify the services and supports or renew the 80885
certification of the services and supports, as applicable. 80886
Except as provided in division ~~(J) (I)~~ of this section, the 80887
director shall issue or renew the certification without further 80888
evaluation of the services and supports. 80889

(2) Prior to October 1, 2025, if an applicant that seeks 80890
to renew certification of certifiable services and supports is 80891
not accredited to provide those services and supports by one or 80892
more national accrediting organizations specified in division 80893
(B) (3) of this section, the director shall conduct an evaluation 80894
of the applicant to determine whether the applicant's 80895
certifiable services and supports satisfy the standards for 80896
certification. The evaluation is in addition to any on-site 80897
review conducted under division (A) of this section and shall be 80898
performed in cooperation with a board of alcohol, drug 80899
addiction, and mental health services that seeks to contract or 80900
has a contract with the applicant under section 340.036 of the 80901

Revised Code. If the director determines that an applicant has
paid any required certification fee, that the applicant's
certifiable services and supports satisfy the standards for
renewed certification, ~~that the applicant meets the requirements~~
~~of division (C) of this section~~, and that the applicant meets
any other requirements established by this section or the rules
adopted under it, the director shall certify the certifiable
services and supports.

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

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

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

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

~~(G)~~ (F) The director may refuse to certify certifiable

services and supports, refuse to renew certification, or revoke 80931
certification if any of the following apply to an applicant for 80932
certification or the holder of the certification: 80933

(1) The applicant or holder is not in compliance with 80934
rules adopted under this section. 80935

(2) The applicant or holder has been cited for a pattern 80936
of serious noncompliance or repeated violations of statutes or 80937
rules during the current certification period or any previous 80938
certification period. 80939

(3) The applicant or holder has been found to be in 80940
violation of section 5119.396 of the Revised Code; 80941

(4) The applicant or holder submits false or misleading 80942
information as part of a certification application, renewal, or 80943
investigation. 80944

(5) The applicant does not have adequate staff and 80945
equipment to provide the certifiable services and supports. 80946

(6) The department has been notified under section 80947
5119.367 of the Revised Code or is otherwise aware that the 80948
applicant, any owner or principal of the applicant, or any 80949
subsidiary of the applicant or owner has been the subject of an 80950
adverse action, as defined in that section, taken during the 80951
three-year period immediately preceding the date of notification 80952
or date of becoming aware of the adverse action. 80953

~~(H)~~ (G) Proceedings initiated to deny applications to 80954
certify certifiable services and supports, to refuse to renew 80955
certification, or to revoke certification are governed by 80956
Chapter 119. of the Revised Code. If an order has been issued 80957
suspending admissions to a community addiction services 80958
provider, as provided in division ~~(M)~~ (L) of this section, the 80959

order remains in effect during the pendency of those 80960
proceedings. 80961

~~(I)~~ (H) The director may conduct an on-site review or 80962
otherwise evaluate a community mental health services provider 80963
or a community addiction services provider at any time based on 80964
cause, including complaints made by or on behalf of persons 80965
receiving mental health services or alcohol and drug addiction 80966
services and confirmed or alleged deficiencies brought to the 80967
attention of the director. This authority does not affect the 80968
director's duty to conduct the inspections required by section 80969
5119.37 of the Revised Code. 80970

In conducting an on-site review under this division, the 80971
director may do so in cooperation with a board of alcohol, drug 80972
addiction, and mental health services that seeks to contract or 80973
has a contract with the applicant under section 340.036 of the 80974
Revised Code. In conducting any other evaluation under this 80975
division, the director shall do so in cooperation with such a 80976
board. 80977

~~(J)~~ (I) If the director proposes to take action under 80978
division ~~(G)~~ (F) of this section, the director shall notify the 80979
board of alcohol, drug addiction, and mental health services 80980
serving the alcohol, drug addiction, and mental health service 80981
district in which the certifiable services and supports will be 80982
or were provided, and provide the board opportunity to respond 80983
as specified in division (A) of this section with respect to 80984
initial or renewal applications. 80985

When a final order is issued by the director under 80986
division ~~(G)~~ (F) of this section, the director may request that 80987
the appropriate board of alcohol, drug addiction, and mental 80988
health services reallocate any funds for the certifiable 80989

services and supports the applicant was to provide to a 80990
community mental health services provider or community addiction 80991
services provider whose certifiable services and supports 80992
satisfy the standards. If the board does not reallocate such 80993
funds in a reasonable period of time, the director may withhold 80994
state and federal funds for the certifiable services and 80995
supports and allocate those funds directly to a community mental 80996
health services provider or community addiction services 80997
provider whose certifiable services and supports satisfy the 80998
standards. 80999

~~(K)~~ (J) Each applicant seeking initial or renewed 81000
certification of its certifiable services and supports shall pay 81001
a fee for the certification required by this section, unless the 81002
applicant is exempt under rules adopted under this section. Fees 81003
shall be paid into the state treasury to the credit of the sale 81004
of goods and services fund created pursuant to section 5119.45 81005
of the Revised Code. 81006

~~(L)~~ (K) The director shall adopt rules in accordance with 81007
Chapter 119. of the Revised Code to implement this section. The 81008
rules shall do all of the following: 81009

(1) Subject to section 340.034 of the Revised Code, 81010
specify the types of recovery supports that are required to be 81011
certified under this section; 81012

(2) Establish certification standards for certifiable 81013
services and supports that are consistent with nationally 81014
recognized applicable standards and facilitate participation in 81015
federal assistance programs. The rules shall include as 81016
certification standards only requirements that improve the 81017
quality of certifiable services and supports or the health and 81018
safety of persons receiving certifiable services and supports. 81019

The standards shall address at a minimum all of the following: 81020

(a) Reporting major unusual incidents to the director; 81021

(b) Procedures for applicants for and persons receiving 81022
certifiable services and supports to file grievances and 81023
complaints; 81024

(c) Seclusion; 81025

(d) Restraint; 81026

(e) Requirements regarding the physical facilities in 81027
which certifiable services and supports are provided; 81028

(f) Requirements with regard to health, safety, adequacy, 81029
and cultural specificity and sensitivity; 81030

(g) Standards for evaluating certifiable services and 81031
supports; 81032

(h) Standards and procedures for granting full, 81033
probationary, and interim certification of the certifiable 81034
services and supports of an applicant; 81035

(i) Standards and procedures for revoking the 81036
certification of a community mental health services provider's 81037
or community addiction services provider's certifiable services 81038
and supports that do not continue to meet the minimum standards 81039
established pursuant to this section; 81040

(j) The limitations to be placed on a provider whose 81041
certifiable services and supports are granted probationary or 81042
interim certification; 81043

(k) Development of written policies addressing the rights 81044
of persons receiving certifiable services and supports, 81045
including all of the following: 81046

- (i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;
- (ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;
- (iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;
- (iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.
- (l) Documentation that must be submitted as evidence of holding appropriate accreditation;
- (m) A process by which the director may review the accreditation standards and process used by the national accrediting organizations specified in division (B) (3) of this section.
- (3) Establish the process for certification of certifiable services and supports;
- (4) Set the amount of initial and renewal certification fees and any reasons for which applicants may be exempt from the fees;
- (5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds;
- (6) Establish a process by which the director, based on

deficiencies identified as a result of conducting an on-site 81075
review or otherwise evaluating a community mental health 81076
services provider or community addiction services provider under 81077
division ~~(I)~~ (H) of this section, may take any range of 81078
correction actions, including revocation of the provider's 81079
certification. 81080

~~(M) (1)~~ (L) (1) The director may issue an order suspending 81081
admissions to a community addiction services provider that 81082
provides overnight accommodations if the director finds either 81083
of the following: 81084

(a) The provider's certifiable services and supports are 81085
not in compliance with rules adopted under this section; 81086

(b) The provider has been cited for more than one 81087
violation of statutes or rules during any previous certification 81088
period of the provider. 81089

(2) (a) Except as provided in division ~~(M) (2) (b)~~ (L) (2) (b) 81090
of this section, proceedings initiated to suspend admissions to 81091
a community addiction services provider that provides overnight 81092
accommodations are governed by Chapter 119. of the Revised Code. 81093

(b) If a suspension of admissions is proposed because the 81094
director has determined that the provider has demonstrated a 81095
pattern of serious noncompliance or that a violation creates a 81096
substantial risk to the health and safety of patients, the 81097
director may issue an order suspending admissions before 81098
providing an opportunity for an adjudication under Chapter 119. 81099
of the Revised Code. The director shall lift the order for the 81100
suspension of admissions if the director determines that the 81101
violation that formed the basis for the order has been 81102
corrected. 81103

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

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

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

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

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

(i) The close of the hearing;

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

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

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

days after the report is filed with the department. 81132

(f) Not later than five days after receiving the report 81133
and recommendations, the provider may file objections with the 81134
department. 81135

(g) Not later than fifteen days after the hearing examiner 81136
files the report and recommendations, the department shall issue 81137
an order approving, modifying, or disapproving the report and 81138
recommendations. 81139

(h) Notwithstanding the pendency of the hearing, the 81140
department shall lift the order for the suspension of admissions 81141
if the department determines the violation that formed the basis 81142
for the order has been corrected. 81143

~~(N)~~ (1) (M) (1) In a proceeding initiated to suspend 81144
admissions to a community addiction services provider that 81145
provides overnight accommodations, to deny an application for 81146
certification of certifiable services and supports, to refuse to 81147
renew certification, or to revoke certification, the department 81148
may order the suspension, denial, refusal, or revocation 81149
regardless of whether some or all of the deficiencies that 81150
prompted the proceedings have been corrected at the time of the 81151
hearing. 81152

(2) When the department issues an order suspending 81153
admissions to a community addiction services provider that 81154
provides overnight accommodations, denies an application for 81155
certification of certifiable services and supports, refuses to 81156
renew certification, or revokes a certification, the department 81157
shall not grant an opportunity for submitting a plan of 81158
correction. 81159

~~(O)~~ (N) The department of ~~mental~~ behavioral health and 81160

~~addiction services~~ shall maintain a current list of community 81161
addiction services providers and shall provide a copy of the 81162
list to a judge of a court of common pleas who requests a copy 81163
for the use of the judge under division (H) of section 2925.03 81164
of the Revised Code. The list shall identify each provider by 81165
its name, its address, and the county in which it is located. 81166

~~(P)~~ (O) No person shall represent in any manner that a 81167
community mental health services provider's or community 81168
addiction services provider's certifiable services and supports 81169
are certified by the director if the certifiable services and 81170
supports are not so certified at the time the representation is 81171
made. 81172

~~(Q)~~ (P) If a board of alcohol, drug addiction, and mental 81173
health services requests the department of ~~mental behavioral~~ 81174
~~health and addiction services~~ to investigate a community mental 81175
health services provider or community addiction services 81176
provider pursuant to this section, the department shall initiate 81177
the investigation not later than ten business days after receipt 81178
of the request. If the department initiates an investigation of 81179
a community mental health services provider or community 81180
addiction services provider under this section for any other 81181
reason, the department shall notify the board of alcohol, drug 81182
addiction, and mental health services serving the applicable 81183
alcohol, drug addiction, and mental health service district of 81184
the investigation and the reason for the investigation not later 81185
than three business days after the investigation begins. On the 81186
board's request, the department shall provide the board with 81187
information specifying the status of the investigation and the 81188
final disposition of the investigation. 81189

Sec. 5119.362. (A) In accordance with rules adopted under 81190

section 5119.363 of the Revised Code, each community addiction 81191
services provider shall do all of the following: 81192

(1) Maintain a waiting list for the provider's included 81193
opioid and co-occurring drug addiction services and recovery 81194
supports; 81195

(2) Notify an individual included on the provider's 81196
waiting list when the provider has a slot available for the 81197
individual and, if the individual does not contact the provider 81198
about the slot within a period of time specified in the rules, 81199
contact the individual to determine why the individual did not 81200
contact the provider and to assess whether the individual still 81201
needs the included opioid and co-occurring drug addiction 81202
services and recovery supports; 81203

(3) Remove an individual from the waiting list if either 81204
of the following applies: 81205

(a) The individual withdraws the individual's request for 81206
included opioid and co-occurring drug addiction services and 81207
recovery supports; 81208

(b) When the provider notifies the individual about an 81209
available slot, the individual does not contact the provider 81210
about the slot within the period of time specified in the rules 81211
or otherwise vacates the slot before beginning to receive the 81212
services and supports. 81213

(4) As part of the process of maintaining the waiting 81214
list, determine both of the following: 81215

(a) For each individual who seeks from the provider 81216
included opioid and co-occurring drug addiction services and 81217
recovery supports, the number of days that starts with the day 81218
the individual first contacts the provider about accessing the 81219

services and supports and ends on the following day: 81220

(i) If the individual is required to be assessed for the 81221
individual's clinical need for the services and supports, the 81222
day of the assessment; 81223

(ii) If the individual is not required to be assessed for 81224
the individual's clinical need for the services and supports, 81225
the first day of the individual's access to the services and 81226
supports. 81227

(b) For each such individual who is required to be 81228
assessed for the individual's clinical need for the services and 81229
supports, the number of days that starts with the day of the 81230
assessment and ends with the first day of the individual's 81231
access to the services and supports. 81232

(5) Using information the provider acquires by maintaining 81233
the waiting list, determine whether included opioid and co- 81234
occurring drug addiction services and recovery supports are 81235
insufficient to meet the needs of individuals on the waiting 81236
list; 81237

(6) Subject to division (B) of this section, report all of 81238
the following information not later than the last day of each 81239
month to the department of ~~mental behavioral health and~~ 81240
~~addiction services~~: 81241

(a) An unduplicated count of all individuals who were 81242
included on the provider's waiting list during the immediately 81243
preceding month and each type of included opioid and co- 81244
occurring drug addiction services and recovery supports for 81245
which they were waiting; 81246

(b) The total number of days each such individual had been 81247
on the provider's waiting list during the immediately preceding 81248

month; 81249

(c) The last known type of residential setting in which 81250
each such individual resided during the immediately preceding 81251
month; 81252

(d) The total number of individuals who did not contact 81253
the provider after receiving, during the immediately preceding 81254
month, the notices under division (A) (2) of this section about 81255
the provider having slots available for the individuals and, if 81256
known, the reasons the contacts were not made; 81257

(e) The total number of such individuals who withdrew, in 81258
the immediately preceding month, their requests for included 81259
opioid and co-occurring drug addiction services and recovery 81260
supports, each type of service and support that those 81261
individuals had requested or been assessed as having a clinical 81262
need for, and, if known, the reasons those individuals withdrew 81263
their requests; 81264

(f) An unduplicated count of all individuals who were 81265
referred to another community addiction services provider 81266
because the referring provider does not provide the type of 81267
included opioid and co-occurring drug addiction services and 81268
recovery supports that those individuals had requested or been 81269
assessed as having a clinical need for and each type of service 81270
and support for which those individuals were referred; 81271

(g) All other information specified in the rules. 81272

(B) Each report that a community addiction services 81273
provider provides to the department under this section shall do 81274
both of the following: 81275

(1) For the purposes of divisions (A) (6) (a) and (f) of 81276
this section, specify the counties of residence of the 81277

individuals in the unduplicated counts and include identifying 81278
information required by the rules adopted under section 5119.363 81279
of the Revised Code so that the department is able to identify 81280
any individuals who are inadvertently duplicated in the counts; 81281

(2) For the purpose of the information reported under 81282
division (A)(6)(c) of this section, identify the types of 81283
residential settings at least as either institutional or 81284
noninstitutional. 81285

Sec. 5119.363. The director of ~~mental-behavioral~~ health 81286
~~and addiction services~~ shall adopt rules governing the duties of 81287
community addiction services providers under section 5119.362 of 81288
the Revised Code. The rules shall be adopted in accordance with 81289
Chapter 119. of the Revised Code. 81290

The director shall adopt rules under this section that 81291
authorize the department of ~~mental-behavioral~~ health ~~and~~ 81292
~~addiction services~~ to determine an advanced practice registered 81293
nurse's, physician assistant's, or physician's compliance with 81294
section 3719.064 of the Revised Code if such practitioner works 81295
for a community addiction services provider. 81296

Sec. 5119.364. (A) The department of ~~mental-behavioral~~ 81297
health ~~and addiction services~~ shall do both of the following 81298
with the reports it receives from community addiction services 81299
providers under section 5119.362 of the Revised Code: 81300

(1) Subject to division (B) of this section, make the 81301
reports available on the department's internet web site; 81302

(2) Make the reports available in an electronic format to 81303
boards of alcohol, drug addiction, and mental health services in 81304
a manner that provides the information about an individual 81305
contained in a report to the board that serves the individual's 81306

county. 81307

(B) In making the reports available on the department's 81308
web site, the department shall present the information contained 81309
in the reports on both a statewide aggregate basis and county- 81310
level aggregate basis. The information on the web site shall be 81311
updated monthly after the community addiction services providers 81312
submit new reports to the department. 81313

Sec. 5119.365. The director of ~~mental-behavioral~~ health 81314
~~and addiction services~~ shall adopt rules in accordance with 81315
Chapter 119. of the Revised Code to do both of the following: 81316

(A) Streamline the intake procedures used by a community 81317
addiction services provider accepting and beginning to serve a 81318
new individual, including procedures regarding intake forms and 81319
questionnaires; 81320

(B) Enable a community addiction services provider to 81321
retain an individual as an active patient even though the 81322
patient last received services from the provider more than 81323
thirty days before resumption of services so that the individual 81324
and provider do not have to repeat the intake procedures. 81325

Sec. 5119.366. The director of ~~mental-behavioral~~ health 81326
~~and addiction services~~ shall require that each board of alcohol, 81327
drug addiction, and mental health services ensure that each 81328
community mental health services provider and community 81329
addiction services provider with which it contracts under 81330
section 340.036 of the Revised Code to provide certifiable 81331
services and supports establish grievance procedures consistent 81332
with rules adopted under section 5119.36 of the Revised Code 81333
that are available to all persons seeking or receiving 81334
certifiable services and supports from a community mental health 81335

services provider or community addiction services provider. 81336

Sec. 5119.367. (A) As used in this section, "adverse 81337
action" means an action by a state, provincial, federal, or 81338
other licensing or regulatory authority other than the 81339
department of behavioral health to deny, revoke, suspend, place 81340
on probation, or otherwise restrict a license, certification, or 81341
other approval to provide certifiable services and supports or 81342
an equivalent to certifiable services and supports. 81343

(B) (1) When submitting an application for initial or 81344
renewed certification of one or more certifiable services and 81345
supports, the applicant shall notify the department of ~~mental-~~ 81346
~~behavioral health and addiction services~~ of any adverse action 81347
taken against the following during the three-year period 81348
immediately preceding the date of application: 81349

(a) The applicant ~~or any;~~ 81350

(b) Any owner or principal of the applicant ~~within;~~ 81351

(c) Any subsidiary of the ~~three-year period immediately~~ 81352
~~preceding the date of application~~ applicant or owner. 81353

(2) Not later than seven days after receiving a notice of 81354
adverse action ~~from a licensing or regulatory authority that is~~ 81355
~~other than the department of mental health and addiction~~ 81356
~~services, an applicant for initial or renewed certification or~~ 81357
the holder of a certification issued under section 5119.36 of 81358
the Revised Code shall notify the department of the action. 81359

(C) To notify the department as required by this section, 81360
a copy of the notice of adverse action shall be provided to the 81361
department. 81362

Sec. 5119.368. (A) As used in this section, "telehealth 81363

services" has the same meaning as in section 4743.09 of the Revised Code.

(B) Each community mental health services provider and community addiction services provider shall establish written policies and procedures describing how the provider will ensure that staff persons assisting clients with receiving telehealth services or providing telehealth services are fully trained in using equipment necessary for providing the services.

(C) Prior to providing telehealth services to a client, a provider shall describe to the client the potential risks associated with receiving treatment through telehealth services and shall document that the client was provided with the risks and agreed to assume those risks. The risks communicated to a client shall address the following:

(1) Clinical aspects of receiving treatment through telehealth services;

(2) Security considerations when receiving treatment through telehealth services;

(3) Confidentiality for individual and group counseling.

(D) It is the responsibility of the provider, to the extent possible, to ensure contractually that any entity or individuals involved in the transmission of information through telehealth mechanisms guarantee that the confidentiality of the information is protected.

(E) Every provider shall have a contingency plan for providing telehealth services to clients in the event that technical problems occur during the provision of those services.

(F) Providers shall maintain, at a minimum, the following

information pertaining to local resources: 81392

(1) The local suicide prevention telephone hotline, if 81393
available, or the national suicide prevention telephone hotline. 81394

(2) Contact information for the local police and fire 81395
departments. 81396

The provider shall provide the client written information 81397
on how to access assistance in a crisis, including one caused by 81398
equipment malfunction or failure. 81399

(G) It is the responsibility of the provider to ensure 81400
that equipment meets standards sufficient to do the following: 81401

(1) To the extent possible, ensure confidentiality of 81402
communication; 81403

(2) Provide for interactive communication between the 81404
provider and the client; 81405

(3) When providing telehealth services using synchronous 81406
technology, ensure that video or audio are sufficient to enable 81407
real-time interaction between the client and the provider and to 81408
ensure the quality of the service provided. 81409

(H) A mental health facility or unit that is serving as a 81410
client site shall be maintained in such a manner that 81411
appropriate staff persons are on hand at the facility or unit in 81412
the event of a malfunction with the equipment used to provide 81413
telehealth services. 81414

(I) (1) All telehealth services provided by interactive 81415
videoconferencing shall meet both of the following conditions: 81416

(a) Begin with the verification of the client through a 81417
name and password or personal identification number when 81418

treatment services are being provided; 81419

(b) Be provided in accordance with state and federal law. 81420

(2) When providing telehealth services in accordance with 81421
this section, a provider shall comply with all requirements 81422
under state and federal law regarding the protection of patient 81423
information. Each provider shall ensure that any username or 81424
password information and any electronic communications between 81425
the provider and a client are securely transmitted and stored. 81426

(J) The department of ~~mental-behavioral health and~~ 81427
~~addiction services~~ may adopt rules as it considers necessary to 81428
implement this section. The rules shall be adopted in accordance 81429
with Chapter 119. of the Revised Code. Any such rules adopted by 81430
the department are not subject to the requirements of division 81431
(F) of section 121.95 of the Revised Code. 81432

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 81433
(1) (b) of this section, no person or government entity shall 81434
operate an opioid treatment program requiring certification, as 81435
certification is defined in 42 C.F.R. 8.2, unless the person or 81436
government entity is a community addiction services provider and 81437
the program is licensed under this section. 81438

(b) Division (A) (1) (a) of this section does not apply to a 81439
program operated by the United States department of veterans 81440
affairs. 81441

(2) No community addiction services provider licensed 81442
under this section shall operate an opioid treatment program in 81443
a manner inconsistent with this section and the rules adopted 81444
under it. 81445

(B) A community addiction services provider seeking a 81446
license to operate an opioid treatment program shall apply to 81447

the department of ~~mental-behavioral health-and-addiction-~~ 81448
~~services~~. The department shall review all applications received. 81449

(C) The department may issue a license to operate an 81450
opioid treatment program to a community addiction services 81451
provider only if all of the following apply: 81452

(1) During the three-year period immediately preceding the 81453
date of application, the provider ~~or any owner, sponsor, medical~~ 81454
~~director, administrator, or principal of the provider has and~~ 81455
each of the following, as the case may be, have been in good 81456
standing to operate an opioid treatment program in all other 81457
locations where the provider or such other person has been 81458
operating a similar program, ~~as: an owner, sponsor, medical~~ 81459
director, administrator, or principal of the provider; a 81460
subsidiary of the provider; or a subsidiary of the provider's 81461
owner or sponsor. Good standing shall be evidenced by both of 81462
the following: 81463

(a) Not having been denied a license, certificate, or 81464
similar approval to operate an opioid treatment program by this 81465
state or another jurisdiction; 81466

(b) Not having been the subject of any of the following in 81467
this state or another jurisdiction: 81468

(i) An action that resulted in the suspension or 81469
revocation of the license, certificate, or similar approval of 81470
the provider or other person; 81471

(ii) A voluntary relinquishment, withdrawal, or other 81472
action taken by the provider or other person to avoid suspension 81473
or revocation of the license, certificate, or similar approval; 81474

(iii) A disciplinary action that was based, in whole or in 81475
part, on the provider or other person engaging in the 81476

inappropriate prescribing, dispensing, administering, personally 81477
furnishing, diverting, storing, supplying, compounding, or 81478
selling of a controlled substance or other dangerous drug. 81479

(2) It affirmatively appears to the department that the 81480
provider is adequately staffed and equipped to operate an opioid 81481
treatment program. 81482

(3) It affirmatively appears to the department that the 81483
provider will operate an opioid treatment program in strict 81484
compliance with all laws relating to drug abuse and the rules 81485
adopted by the department. 81486

(4) Except as provided in division (D) of this section and 81487
section 5119.371 of the Revised Code, if the provider is seeking 81488
an initial license for a particular location, the proposed 81489
opioid treatment program is not located on a parcel of real 81490
estate that is within a radius of five hundred linear feet of 81491
the boundaries of a parcel of real estate having situated on it 81492
a public or private school, child care center licensed under 81493
Chapter 5104. of the Revised Code, or child-serving agency 81494
regulated by the department under this chapter. 81495

(5) The provider meets any additional requirements 81496
established by the department in rules adopted under division 81497
(F) of this section. 81498

(D) The department may waive the requirement of division 81499
(C) (4) of this section if it receives, from each public or 81500
private school, child care center, or child-serving agency that 81501
is within the five hundred linear feet radius described in that 81502
division, a letter of support for the location. The department 81503
shall determine whether a letter of support is satisfactory for 81504
purposes of waiving the requirement. 81505

(E) (1) Except as provided in division (E) (2) of this section, a license to operate an opioid treatment program shall expire two years from the date of issuance. Licenses may be renewed.

(2) In circumstances in which the director of ~~mental-behavioral health and addiction services~~ has concerns regarding compliance of a community addiction services provider licensed as an opioid treatment program, the department shall notify the provider of those concerns and stipulate that the provider's license expires annually on a date determined by the department.

(F) The department shall establish procedures and adopt rules for licensing, inspection, and supervision of community addiction services providers that operate an opioid treatment program. The rules shall establish standards for the control, storage, furnishing, use, dispensing, and administering of medications used in medication-assisted treatment; prescribe minimum standards for the operation of the opioid treatment program component of the provider's operations; and comply with federal laws and regulations.

All rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. All actions taken by the department regarding the licensing of providers to operate opioid treatment programs shall be conducted in accordance with Chapter 119. of the Revised Code, except as provided in division (L) of this section.

(G) (1) The department shall inspect all community addiction services providers licensed to operate an opioid treatment program. Inspections shall be conducted at least biennially and may be conducted more frequently.

In addition, the department may inspect any provider or 81535
other person that it reasonably believes to be operating an 81536
opioid treatment program without a license issued under this 81537
section. 81538

(2) When conducting an inspection, the department may do 81539
both of the following: 81540

(a) Examine and copy all records, accounts, and other 81541
documents relating to the provider's or other person's 81542
operations, including records pertaining to patients or clients; 81543

(b) Conduct interviews with any individual employed by or 81544
contracted or otherwise associated with the provider or person, 81545
including an administrator, staff person, patient, or client. 81546

(3) No person or government entity shall interfere with a 81547
state or local government official acting on behalf of the 81548
department while conducting an inspection. 81549

(H) A community addiction services provider shall not 81550
administer or dispense methadone in a tablet, powder, or 81551
intravenous form. Methadone shall be administered or dispensed 81552
only in a liquid form intended for ingestion. 81553

A community addiction services provider shall not 81554
administer or dispense a medication used in medication-assisted 81555
treatment for pain or other medical reasons. 81556

(I) As used in this division, "program sponsor" means a 81557
person who assumes responsibility for the operation and 81558
employees of the opioid treatment program component of a 81559
community addiction services provider's operations. 81560

A provider shall not permit an individual to act as a 81561
program sponsor, medical director, or director of the provider 81562

if the individual is receiving a medication used in medication- 81563
assisted treatment from any community addiction services 81564
provider. 81565

(J) The department may issue orders to ensure compliance 81566
with all laws relating to drug abuse and the rules adopted under 81567
this section. Subject to section 5119.27 of the Revised Code, 81568
the department may hold hearings, require the production of 81569
relevant matter, compel testimony, issue subpoenas, and make 81570
adjudications. Upon failure of a person without lawful excuse to 81571
obey a subpoena or to produce relevant matter, the department 81572
may apply to a court of common pleas for an order compelling 81573
compliance. 81574

(K) The department may refuse to issue, or may withdraw or 81575
revoke, a license to operate an opioid treatment program. A 81576
license may be refused if a community addiction services 81577
provider does not meet the requirements of division (C) of this 81578
section. A license may be withdrawn at any time the department 81579
determines that the provider no longer meets the requirements 81580
for receiving the license. A license may be revoked in 81581
accordance with division (L) of this section. 81582

Once a license is issued under this section, the 81583
department shall not consider the requirement of division (C) (4) 81584
of this section in determining whether to renew, withdraw, or 81585
revoke the license or whether to reissue the license as a result 81586
of a change in ownership. 81587

(L) If the department finds reasonable cause to believe 81588
that a community addiction services provider licensed under this 81589
section is in violation of any state or federal law or rule 81590
relating to drug abuse, the department may issue an order 81591
immediately revoking the license, subject to division (M) of 81592

this section. The department shall set a date not more than 81593
fifteen days later than the date of the order of revocation for 81594
a hearing on the continuation or cancellation of the revocation. 81595
For good cause, the department may continue the hearing on 81596
application of any interested party. In conducting hearings, the 81597
department has all the authority and power set forth in division 81598
(J) of this section. Following the hearing, the department shall 81599
either confirm or cancel the revocation. The hearing shall be 81600
conducted in accordance with Chapter 119. of the Revised Code, 81601
except that the provider shall not be permitted to operate an 81602
opioid treatment program pending the hearing or pending any 81603
appeal from an adjudication made as a result of the hearing. 81604
Notwithstanding any provision of Chapter 119. of the Revised 81605
Code to the contrary, a court shall not stay or suspend any 81606
order of revocation issued by the department under this division 81607
pending judicial appeal. 81608

(M) The department shall not revoke a license to operate 81609
an opioid treatment program unless all clients receiving 81610
medication used in medication-assisted treatment from the 81611
community addiction services provider are provided adequate 81612
substitute medication or treatment. For purposes of this 81613
division, the department may transfer the clients to other 81614
providers licensed to operate opioid treatment programs or 81615
replace any or all of the administrators and staff of the 81616
provider with representatives of the department who shall 81617
continue on a provisional basis the opioid treatment component 81618
of the provider's operations. 81619

(N) Each time the department receives an application from 81620
a community addiction services provider for a license to operate 81621
an opioid treatment program, issues or refuses to issue a 81622
license, or withdraws or revokes a license, the department shall 81623

notify the board of alcohol, drug addiction, and mental health 81624
services of each alcohol, drug addiction, and mental health 81625
service district in which the provider operates. 81626

(O) Whenever it appears to the department from files, upon 81627
complaint, or otherwise, that a community addiction services 81628
provider has engaged in any practice declared to be illegal or 81629
prohibited by section 3719.61 of the Revised Code, or any other 81630
state or federal laws or regulations relating to drug abuse, or 81631
when the department believes it to be in the best interest of 81632
the public and necessary for the protection of the citizens of 81633
the state, the department may request criminal proceedings by 81634
laying before the prosecuting attorney of the proper county any 81635
evidence of criminality which may come to its knowledge. 81636

(P) The department shall maintain a current list of 81637
community addiction services providers licensed by the 81638
department under this section and shall provide a copy of the 81639
current list to a judge of a court of common pleas who requests 81640
a copy for the use of the judge under division (H) of section 81641
2925.03 of the Revised Code and to a board of alcohol, drug 81642
addiction, and mental health services that requests a copy for 81643
purposes of division (I) (3) of section 340.08 of the Revised 81644
Code. The list of licensed community addiction services 81645
providers shall identify each licensed provider by its name, its 81646
address, and the county in which it is located. 81647

Sec. 5119.371. (A) On application by a community addiction 81648
services provider that has purchased or leased real property to 81649
be used as the location of an opioid treatment program subject 81650
to licensure under section 5119.37 of the Revised Code, the 81651
department of ~~mental-behavioral health and addiction services~~ 81652
shall determine whether the location of the proposed program 81653

complies with the requirements of division (C) (4) of section 81654
5119.37 of the Revised Code by not being located on a parcel of 81655
real estate that is within a radius of five hundred linear feet 81656
of the boundaries of a parcel of real estate having situated on 81657
it a public or private school, child care center licensed under 81658
Chapter 5104. of the Revised Code, or child-serving agency 81659
regulated by the department under this chapter. 81660

If the department determines that the location is in 81661
compliance with division (C) (4) of section 5119.37 of the 81662
Revised Code, the department shall issue a declaration stating 81663
that the location is in compliance. The declaration is valid for 81664
two years from the date of issuance. 81665

The department shall provide to the provider either a copy 81666
of the declaration or a notice that the department has 81667
determined that the location is not in compliance with division 81668
(C) (4) of section 5119.37 of the Revised Code. 81669

If, before expiration of the declaration, a community 81670
addiction services provider applies for a license to operate an 81671
opioid treatment program, the department shall not consider the 81672
requirement of division (C) (4) of section 5119.37 of the Revised 81673
Code in determining whether to issue the license. 81674

(B) A community addiction services provider seeking to 81675
relocate an opioid treatment program licensed under section 81676
5119.37 of the Revised Code may apply for and be granted a 81677
declaration under division (A) of this section. If, before 81678
expiration of the declaration, the provider applies for issuance 81679
of a license due to relocation, the department shall not 81680
consider the requirement of division (C) (4) of section 5119.37 81681
of the Revised Code in determining whether to reissue the 81682
license due to relocation. 81683

Sec. 5119.38. A drivers' intervention program may be used 81684
as an alternative to a term of imprisonment for an offender 81685
sentenced pursuant to division (G)(1)(a) of section 4511.19 of 81686
the Revised Code, if it is certified by the director of ~~mental-~~ 81687
behavioral health and addiction services pursuant to this 81688
section. No drivers' intervention program shall be used as an 81689
alternative to a term of imprisonment that is imposed pursuant 81690
to division (G)(1)(b), (c), (d), or (e) of section 4511.19 of 81691
the Revised Code. 81692

To qualify for certification by the director and to 81693
receive funds from the statewide treatment and prevention fund 81694
created by section 4301.30 of the Revised Code in any amounts 81695
and at any times that the director determines are appropriate, a 81696
drivers' intervention program shall meet state minimum standards 81697
that the director shall establish by rule. The rules shall 81698
include, but are not limited to, standards governing program 81699
course hours and content, qualifications of program personnel, 81700
methods of identifying and testing participants to isolate 81701
participants with alcohol and drug abuse problems, referral of 81702
such persons to community addiction services providers, the 81703
prompt notification of courts by program operators of the 81704
completion of the programs by persons required by courts to 81705
attend them, and record keeping, including methods of tracking 81706
participants for a reasonable time after they have left the 81707
program. 81708

The director shall issue a certificate to any qualified 81709
drivers' intervention program. The certificate is valid for 81710
three years. 81711

Sec. 5119.39. (A) The department of ~~mental-~~ behavioral 81712
~~health and addiction services~~ shall monitor the operation of 81713

recovery housing in this state by doing either of the following: 81714

(1) Certifying recovery housing residences through a 81715
process established by the department; 81716

(2) Accepting accreditation, or its equivalent for 81717
recovery housing, from one or more of the following: 81718

(a) The Ohio affiliate of the national alliance for 81719
recovery residences; 81720

(b) Oxford house, inc.; 81721

(c) Any other organization that is designated by the 81722
department for purposes of this section. 81723

(B) If the department certifies recovery housing 81724
residences, the department shall, in rules adopted under section 81725
5119.397 of the Revised Code, establish requirements for initial 81726
certification and renewal certification, as well as grounds and 81727
procedures for disciplinary action against operators of recovery 81728
housing residences. 81729

Sec. 5119.391. (A) The department of ~~mental-behavioral~~ 81730
~~health and addiction services~~ shall monitor the establishment of 81731
recovery housing residences in this state. 81732

(B) For purposes of division (A) of this section, and 81733
within the timeframe specified in division (C) of this section, 81734
each person or government entity that will operate a recovery 81735
housing residence on or after ~~the effective date of this section~~ 81736
October 3, 2023, including any recovery housing that was 81737
established and in operation prior to ~~the effective date of this~~ 81738
~~section~~ October 3, 2023, shall file with the department, on a 81739
form prescribed by the department, all of the following 81740
information: 81741

(1) The name of the recovery housing residence and any	81742
other name under which the residence does business;	81743
(2) The address of the recovery housing residence;	81744
(3) The name of the person or government entity operating	81745
the residence;	81746
(4) The primary telephone number and electronic mail	81747
address for the recovery housing operator;	81748
(5) The date the recovery housing residence was first	81749
occupied, or will be occupied, by its first resident;	81750
(6) Information related to any existing accreditation or	81751
its equivalent that the recovery housing residence has obtained	81752
or is in the process of obtaining;	81753
(7) Any other information the department considers	81754
appropriate.	81755
(C) The form required by division (B) of this section	81756
shall be filed with the department as follows:	81757
(1) For a recovery housing residence that began operating	81758
before the effective date of this section, not later than thirty	81759
days after the effective date of this section <u>October 3, 2023</u> ;	81760
(2) For a recovery housing residence that will begin	81761
operating on or after the effective date of this section <u>October</u>	81762
<u>3, 2023</u> , not later than thirty days after the first resident	81763
begins occupying the residence.	81764
(D) If the department accepts accreditation or its	81765
equivalent from an organization specified in section 5119.39 of	81766
the Revised Code, the department may provide copies of forms	81767
filed in accordance with this section to any such organization.	81768

Sec. 5119.392. (A) Beginning January 1, 2025, no person or 81769
government entity shall operate a recovery housing residence 81770
unless either of the following applies: 81771

(1) (a) If the department of ~~mental-behavioral~~ health and 81772
~~addiction services~~ certifies recovery housing residences, the 81773
recovery housing residence is certified by the department. 81774

(b) If the department accepts accreditation or its 81775
equivalent from an organization specified in section 5119.39 of 81776
the Revised Code, the residence is accredited by such an 81777
organization. 81778

(2) The recovery housing residence has been operating for 81779
not more than eighteen months and is actively engaged in efforts 81780
to obtain certification or accreditation, as applicable. For 81781
purposes of identifying this eighteen-month timeframe, a 81782
recovery housing residence is considered to begin operating on 81783
the date that the first resident occupies the residence, as 81784
specified on the form filed in accordance with section 5119.391 81785
of the Revised Code. 81786

(B) If the director of ~~mental-behavioral~~ health and 81787
~~addiction services~~ determines that a recovery housing residence 81788
is operating in violation of this section, the director may 81789
request, in writing, that the attorney general petition the 81790
court of common pleas of the county in which the recovery 81791
housing residence is located for an order enjoining operation of 81792
the recovery housing residence. 81793

Sec. 5119.393. (A) The department of ~~mental-behavioral~~ 81794
health and ~~addiction services~~ shall establish a procedure to 81795
receive and investigate complaints from residents, staff, and 81796
the public regarding recovery housing residences. The department 81797

may contract with one or more of the organizations specified in 81798
section 5119.39 of the Revised Code to fulfill some or all of 81799
the functions associated with receiving and investigating 81800
complaints. 81801

(B) Any organization under contract with the department to 81802
receive and investigate complaints shall make reports to the 81803
department as follows: 81804

(1) Not less than monthly, the contractor shall report the 81805
status of each pending investigation and shall report the 81806
outcome of each investigation that has been completed since the 81807
last report was made; 81808

(2) As soon as practicable, but not later than ten days 81809
after making an adverse decision, if a contractor's 81810
accreditation or its equivalent is accepted by the department 81811
for purposes of section 5119.39 of the Revised Code, the 81812
contractor shall report that decision to the department in a 81813
manner prescribed by the department. 81814

(C) (1) With respect to complaints received by the 81815
department or a contractor of the department, information and 81816
records received, collected, or generated by the department or a 81817
contractor pursuant to an investigation, and reports that are 81818
made under division (B) of this section, all of the following 81819
apply to those items, subject to division (C) (2) of this 81820
section: 81821

(a) The items are confidential and not public records 81822
under section 149.43 of the Revised Code. 81823

(b) The items are exempt from the provisions of Chapter 81824
1347. of the Revised Code. 81825

(c) The items are not subject to discovery in any civil 81826

action. 81827

(2) (a) The items described in division (C) (1) of this 81828
section shall be disclosed if required by law. 81829

(b) The items described in division (C) (1) of this section 81830
may be disclosed to any federal, state, or local law 81831
enforcement, prosecutorial, or regulatory agency or its officers 81832
or agents. 81833

(c) The items described in division (C) (1) of this section 81834
may be admitted into evidence in a criminal trial in accordance 81835
with the Rules of Evidence, or in an administrative hearing 81836
conducted by an agency, but the court or agency shall require 81837
that appropriate measures be taken to ensure that 81838
confidentiality is maintained with respect to any part thereof 81839
that contains names or other identifying information about 81840
residents, complainants, or others whose confidentiality was 81841
protected by the department or its contractor when the items 81842
were in the possession of the department or contractor. Measures 81843
to ensure confidentiality that may be taken by the court or 81844
agency include sealing its records or redacting specific 81845
information from its records. 81846

(d) The items described in division (C) (1) of this section 81847
may be included in the registry established and maintained under 81848
section 5119.394 of the Revised Code, but the department shall 81849
make its best effort to do so in a manner that protects the 81850
confidentiality of complainants, individuals or organizations 81851
providing information about a complaint, and recovery housing 81852
residents. The department may refer to any of the foregoing in 81853
the registry as long as it removes personally identifying 81854
information or uses any other technique it considers appropriate 81855
to maintain confidentiality. 81856

Sec. 5119.394. (A) The department of ~~mental-behavioral~~ 81857
~~health and addiction services~~ shall establish and maintain a 81858
registry of recovery housing residences that meet the criteria 81859
described in division (A) (1) or (2) of section 5119.392 of the 81860
Revised Code. ~~For~~ 81861

(B) For each residence, the registry shall include all of 81862
the following, subject to the confidentiality requirements of 81863
division (C) of section 5119.393 of the Revised Code: 81864

(1) Any information from the form required by division (B) 81865
of section 5119.391 of the Revised Code that the department 81866
chooses to include in the registry; 81867

(2) If a complaint received under section 5119.393 of the 81868
Revised Code has been investigated and substantiated, a 81869
description of the complaint, the date the complaint was 81870
submitted to the department or its contractor, and the outcome 81871
of the investigation; 81872

(3) Any other information the department considers 81873
appropriate. 81874

~~(B)~~ (C) The department shall immediately remove from the 81875
registry a recovery housing residence that ceases to meet the 81876
criteria described in division (A) (1) or (2) of section 5119.392 81877
of the Revised Code, including if the criteria described in 81878
those divisions ceases to be met because the residence has had 81879
its certification or accreditation, as applicable, revoked or 81880
not renewed. 81881

~~(C)~~ (D) The department shall make the registry available to 81882
the public on the department's web site. 81883

Sec. 5119.395. (A) Beginning January 1, 2025, no person or 81884
government entity shall advertise or represent any residence or 81885

other building to be a recovery housing residence, sober living 81886
home, or any other alcohol and drug free housing for persons 81887
recovering from alcohol use disorder or drug addiction unless 81888
the residence or building meets either of the following 81889
conditions: 81890

(1) The residence or building is on the registry 81891
established and maintained under section 5119.394 of the Revised 81892
Code; 81893

(2) The residence or building is regulated by the 81894
department of rehabilitation and correction under section 81895
2967.14 of the Revised Code. 81896

(B) If the director of ~~mental-behavioral health and~~ 81897
~~addiction services~~ determines that a person or government entity 81898
is violating division (A) of this section, the director may 81899
request, in writing, that the attorney general petition the 81900
court of common pleas of the county where the person or 81901
government entity is operating the residence or other building 81902
to enjoin that person or government entity from engaging in the 81903
conduct that violates division (A) of this section. 81904

Sec. 5119.397. The director of ~~mental-behavioral health~~ 81905
~~and addiction services~~ may adopt rules in accordance with 81906
Chapter 119. of the Revised Code to implement sections 5119.39 81907
to 5119.396 of the Revised Code. 81908

Sec. 5119.40. (A) As used in this section, "individual 81909
with a mental illness" and "specialized services" have the same 81910
meanings as in section 5165.03 of the Revised Code. 81911

(B) (1) Except as provided in division (B) (2) of this 81912
section and rules adopted under division (E) (3) of this section, 81913
for purposes of section 5165.03 of the Revised Code, the 81914

department of ~~mental-behavioral health and addiction services~~ 81915
shall determine in accordance with the "Social Security Act," 81916
section 1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations 81917
adopted under section 1919(f) (8) (A) of that act, 42 U.S.C. 81918
1396r(f) (8) (A), whether, because of the individual's physical 81919
and mental condition, an individual with a mental illness 81920
seeking admission to a nursing facility requires the level of 81921
services provided by a nursing facility and, if the individual 81922
requires that level of services, whether the individual requires 81923
specialized services for mental illness. The determination 81924
required by this division shall be based on an independent 81925
physical and mental evaluation performed by a person or entity 81926
other than the department. 81927

(2) Except as provided in division (B) (3) of this section, 81928
a determination under division (B) (1) of this section is not 81929
required for any of the following: 81930

(a) An individual seeking readmission to a nursing 81931
facility after having been transferred from a nursing facility 81932
to a hospital for care; 81933

(b) An individual who meets all of the following 81934
conditions: 81935

(i) The individual is admitted to the nursing facility 81936
directly from a hospital after receiving inpatient care at the 81937
hospital; 81938

(ii) The individual requires nursing facility services for 81939
the condition for which care in the hospital was received; 81940

(iii) The individual's attending physician has certified, 81941
before admission to the nursing facility, that the individual is 81942
likely to require less than thirty days of nursing facility 81943

services. 81944

(c) An individual transferred from one nursing facility to 81945
another nursing facility, with or without an intervening 81946
hospital stay. 81947

(3) A determination under division (B) (1) of this section 81948
is required for an individual described in division (B) (2) (a) or 81949
(b) of this section if the hospital from which the individual is 81950
transferred or directly admitted to a nursing facility is either 81951
of the following: 81952

(a) A hospital that the department maintains, operates, 81953
manages, and governs under section 5119.14 of the Revised Code 81954
for the care and treatment of persons with mental illnesses; 81955

(b) A free-standing hospital, or unit of a hospital, 81956
licensed by the department under section 5119.33 of the Revised 81957
Code. 81958

(C) Except as provided in rules adopted under division (E) 81959
(3) of this section, the department of ~~mental-behavioral~~ health 81960
~~and addiction services~~ shall review and determine for each 81961
resident of a nursing facility who has a mental illness, whether 81962
the resident, because of the resident's physical and mental 81963
condition, requires the level of services provided by a nursing 81964
facility and whether the resident requires specialized services 81965
for mental illness. The review and determination shall be 81966
conducted in accordance with section 1919(e) (7) of the "Social 81967
Security Act" and the regulations adopted under section 1919(f) 81968
(8) (A) of the act and based on an independent physical and 81969
mental evaluation performed by a person or entity other than the 81970
department. The review and determination shall be completed 81971
promptly after a nursing facility has notified the department 81972

that there has been a significant change in the resident's 81973
mental or physical condition. 81974

(D) (1) In the case of a nursing facility resident who has 81975
continuously resided in a nursing facility for at least thirty 81976
months before the date of a review and determination under 81977
division (C) of this section, if the resident is determined not 81978
to require the level of services provided by a nursing facility, 81979
but is determined to require specialized services for mental 81980
illness, the department, in consultation with the resident's 81981
family or legal representative and care givers, shall do all of 81982
the following: 81983

(a) Inform the resident of the institutional and 81984
noninstitutional alternatives covered under the state plan for 81985
medical assistance; 81986

(b) Offer the resident the choice of remaining in the 81987
nursing facility or receiving covered services in an alternative 81988
institutional or noninstitutional setting; 81989

(c) Clarify the effect on eligibility for services under 81990
the state plan for medical assistance if the resident chooses to 81991
leave the facility, including its effect on readmission to the 81992
facility; 81993

(d) Provide for or arrange for the provision of 81994
specialized services for the resident's mental illness in the 81995
setting chosen by the resident. 81996

(2) In the case of a nursing facility resident who has 81997
continuously resided in a nursing facility for less than thirty 81998
months before the date of the review and determination under 81999
division (C) of this section, if the resident is determined not 82000
to require the level of services provided by a nursing facility, 82001

but is determined to require specialized services for mental 82002
illness, or if the resident is determined to require neither the 82003
level of services provided by a nursing facility nor specialized 82004
services for mental illness, the department shall act in 82005
accordance with its alternative disposition plan approved by the 82006
United States department of health and human services under 82007
section 1919(e) (7) (E) of the "Social Security Act." 82008

(3) In the case of an individual who is determined under 82009
division (B) or (C) of this section to require both the level of 82010
services provided by a nursing facility and specialized services 82011
for mental illness, the department of ~~mental-behavioral~~ health 82012
~~and addiction services~~ shall provide or arrange for the 82013
provision of the specialized services needed by the individual 82014
or resident while residing in a nursing facility. 82015

(E) The department of ~~mental-behavioral~~ health ~~and~~ 82016
~~addiction services~~ shall adopt rules in accordance with Chapter 82017
119. of the Revised Code that do all of the following: 82018

(1) Establish criteria to be used in making the 82019
determinations required by divisions (B) and (C) of this 82020
section. The criteria shall not exceed the criteria established 82021
by regulations adopted by the United States department of health 82022
and human services under section 1919(f) (8) (A) of the "Social 82023
Security Act." 82024

(2) Specify information to be provided by the individual 82025
or nursing facility resident being assessed; 82026

(3) Specify any circumstances, in addition to 82027
circumstances listed in division (B) of this section, under 82028
which determinations under divisions (B) and (C) of this section 82029
are not required to be made. 82030

Sec. 5119.41. (A) The department of ~~mental-behavioral~~
~~health and addiction services~~ shall implement the residential
state supplement program under which the state supplements the
amounts received by aged, blind, or disabled adults as
supplemental security income payments under Title XVI of the
"Social Security Act," 42 U.S.C. 1381 et seq., or as social
security benefits or social security disability insurance
benefits under Title II of the "Social Security Act," 42 U.S.C.
401 et seq. Residential state supplement payments shall be used
for the provision of accommodations, supervision, and personal
care services to recipients of supplemental security income
payments, social security benefits, and social security
disability insurance benefits who the department determines are
at risk of needing institutional care.

In implementing the program, the department may designate
one or more entities to be responsible for providing
administrative services regarding the program. The department
may designate an entity either by entering into a contract with
the entity to ~~provided~~ provide the services or by otherwise
delegating to the entity the responsibility to provide the
services.

(B) To be eligible for residential state supplement
payments, an individual must satisfy all eligibility
requirements established by rules adopted under this section.

(C) The director of ~~mental-behavioral health and addiction~~
~~services~~ and the medicaid director shall adopt rules as
necessary to implement the residential state supplement program,
including the requirements that an individual must satisfy to be
eligible for payments under the program. The rules shall be
adopted in accordance with Chapter 119. of the Revised Code.

The rules adopted by the director of ~~mental-behavioral~~
~~health and addiction services~~ may establish the method to be
used to determine the payment an eligible individual will
receive under the program. The amount the general assembly
appropriates for the program may be a factor included in the
method that director establishes.

To the extent permitted by Title XVI of the "Social
Security Act" and any other provision of federal law, the rules
adopted by the medicaid director may establish standards for
adjusting the eligibility requirements concerning the level of
impairment an individual must have so that the amount
appropriated for the program by the general assembly is adequate
for the number of eligible individuals. The rules shall not
limit the eligibility of individuals who are disabled solely on
a basis classifying disabilities as physical or mental.

(D) The county department of job and family services of
the county in which an applicant for the residential state
supplement program resides or the department of medicaid shall
determine whether the applicant meets income and resource
requirements for the program.

The county department of job and family services or the
department of medicaid shall notify each individual who is
denied approval for payments under the program of the
individual's right to a hearing. On request, the hearing shall
be provided in accordance with section 5101.35 of the Revised
Code.

(E) An individual in a licensed or certified living
arrangement receiving state supplementation on November 15,
1990, under former section 5101.531 of the Revised Code shall
not become ineligible for payments under this program solely by

reason of the individual's living arrangement as long as the 82091
individual remains in the living arrangement in which the 82092
individual resided on November 15, 1990. 82093

Sec. 5119.42. (A) As used in this section, "private, 82094
nonprofit organization" means a private association, 82095
organization, corporation, or other entity that is tax exempt 82096
under section 501(a) and described in section 501(c) of the 82097
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 82098

(B) To the extent funds are available and on application 82099
by boards of alcohol, drug addiction, and mental health 82100
services, the director of ~~mental-behavioral health and addiction~~ 82101
~~services~~ may approve state reimbursement of, or state grants 82102
for, community construction programs including residential 82103
housing for persons with severe mental disabilities and persons 82104
with substance use disorders. The director may also approve an 82105
application for reimbursement or a grant for such programs 82106
submitted by other governmental entities or by private, 82107
nonprofit organizations, after the application has been reviewed 82108
and recommended for approval or disapproval by the board of 82109
alcohol, drug addiction, and mental health services for the 82110
district from which the application came, and the application is 82111
consistent with the board's approved community addiction and 82112
mental health plan submitted under division (A) of section 82113
340.03 of the Revised Code and the board's approved budget and 82114
list of addiction services, mental health services, and recovery 82115
supports submitted under divisions (A) and (B) of section 340.08 82116
of the Revised Code. 82117

(C) (1) The director of ~~mental-behavioral health and~~ 82118
~~addiction services~~ shall adopt rules in accordance with Chapter 82119
119. of the Revised Code that specify procedures for applying 82120

for state reimbursement of and state grants for community 82121
construction programs, including residential housing for persons 82122
with severe mental disabilities and persons with substance use 82123
disorders and procedures and criteria for approval of such 82124
reimbursement and grants. 82125

(2) The director of ~~mental-behavioral health and addiction~~ 82126
~~services~~ shall not approve state reimbursement or a state grant 82127
unless all of the following conditions are met: 82128

(a) The applicant includes with the application a plan 82129
specifying the services, in addition to housing, that will be 82130
provided to persons who will reside in the residential housing. 82131
Services specified may include any of the services described in 82132
section 340.09 of the Revised Code. 82133

(b) The director is satisfied that the residential housing 82134
for persons with severe mental disabilities will be developed to 82135
promote the maximum practical integration of persons with severe 82136
mental disabilities with persons at the same site who do not 82137
have severe mental disabilities. 82138

(c) The use of any funds distributed pursuant to the 82139
reimbursement or grant will not subject any obligation from 82140
which the funds are derived to federal income taxation. 82141

(3) The director may enter into an agreement establishing 82142
terms for any reimbursement or grant approved under this 82143
division with the organization, board, or other government 82144
entity that is the recipient of the reimbursement or grant. Any 82145
such agreement is subject to any covenant or agreement 82146
pertaining to any obligation issued to provide funds for the 82147
reimbursement or grant. 82148

Sec. 5119.421. (A) This section applies to a board of 82149

alcohol, drug addiction, and mental health services, another 82150
governmental entity, or a private, nonprofit organization that 82151
received a grant or reimbursement under section 5119.42 of the 82152
Revised Code for a facility on which the department of ~~mental-~~ 82153
behavioral health and addiction services holds a security 82154
interest. 82155

(B) A board of alcohol, drug addiction, and mental health 82156
services, another governmental entity, or a private, nonprofit 82157
organization to which this section applies may apply to the 82158
director of ~~mental-~~behavioral health and addiction services for 82159
approval to sell its facility and acquire, construct, or 82160
renovate a replacement facility pursuant to this section. The 82161
director shall prescribe the form of the application. Before 82162
submitting an application to the director, a governmental entity 82163
or private, nonprofit organization must obtain approval of the 82164
application from the board of alcohol, drug addiction, and 82165
mental health services with jurisdiction over the service 82166
district in which the existing facility is located. The director 82167
shall approve an application for a replacement project upon 82168
determining that the project provides for the continuation of 82169
appropriate mental health and addiction services to the 82170
population served by the board, entity, or organization. 82171

(C) A board, entity, or organization that obtains approval 82172
for a project under division (B) of this section shall pay the 82173
proceeds of the sale of its facility to the director of ~~mental-~~ 82174
behavioral health and addiction services. The director shall 82175
deposit the proceeds to the credit of the community capital 82176
replacement facilities fund. 82177

(D) When a board, entity, or organization that has sold 82178
its facility notifies the director of ~~mental-~~behavioral health 82179

~~and addiction services~~ that it is ready to acquire, construct, 82180
or renovate a replacement facility, the director shall do one of 82181
the following: 82182

(1) If the replacement facility is located in the same 82183
alcohol, drug addiction, and mental health service district as 82184
the original facility, and if the purposes for which the 82185
replacement facility will be used are the same as or similar to 82186
those for the original facility, the director shall pay to the 82187
board, entity, or organization from the community capital 82188
replacement facilities fund an amount equal to the lesser of an 82189
amount equal to the proceeds of the sale of the original 82190
facility or the amount of the state's agreed-upon participation 82191
(as a per cent of the total cost) in the cost of the replacement 82192
facility. If the amount of the state's agreed-upon participation 82193
in the cost of the replacement facility is less than the value 82194
of the state's security interest in the original facility, the 82195
difference between the state's agreed-upon participation in the 82196
cost of the replacement facility and the value of the state's 82197
security interest in the original facility shall be retained in 82198
the community capital replacement facilities fund, and any 82199
excess proceeds shall be paid to the board, entity, or 82200
organization. 82201

(2) If the replacement facility is located in a different 82202
alcohol, drug addiction, and mental health service district than 82203
the original facility, or if the purposes for which the 82204
replacement facility will be used are not the same as or similar 82205
to those for the original facility, the director shall request 82206
controlling board approval for release of funds for the project. 82207
If the controlling board so approves, the director shall pay to 82208
the board, entity, or organization from the community capital 82209
replacement facilities fund the lesser of an amount equal to the 82210

proceeds of the sale of the original facility or the amount of 82211
the state's agreed-upon participation (as a per cent of the 82212
total cost) in the cost of the replacement facility. If the 82213
amount of the state's agreed-upon participation in the cost of 82214
the replacement facility is less than the value of the state's 82215
security interest in the original facility, the difference 82216
between the state's agreed-upon participation in the cost of the 82217
replacement facility and the value of the state's security 82218
interest in the original facility shall be retained in the 82219
community capital replacement facilities fund, and any excess 82220
proceeds shall be paid to the board, entity, or organization. 82221

(E) The director of ~~mental-behavioral health and addiction~~ 82222
~~services~~ and a board, entity, or organization shall enter into 82223
an agreement specifying the terms of any payment made to the 82224
board, entity, or organization under division (D) of this 82225
section. The terms may include provision for the department of 82226
~~mental-behavioral health and addiction services~~ to hold a 82227
security interest in the facility. 82228

(F) (1) When approving an application under division (B) of 82229
this section, the director of ~~mental-behavioral health and~~ 82230
~~addiction services~~ shall establish a deadline by which the 82231
board, entity, or organization must notify the director that it 82232
is ready to acquire, construct, or renovate a replacement 82233
facility. If the board, entity, or organization does not notify 82234
the director on or before the deadline, the director may cancel 82235
the project. Upon canceling the project, the director shall pay 82236
to the board, entity, or organization from the community capital 82237
replacement facilities fund an amount equal to the portion of 82238
the proceeds of the sale of the original facility that exceeds 82239
the value of the state's security interest in the facility. 82240

(2) Notwithstanding the deadline established under 82241
division (F)(1) of this section, if at any time a board, entity, 82242
or organization notifies the director that it does not intend to 82243
acquire, construct, or renovate a replacement facility under 82244
this section, the director shall cancel the replacement project 82245
and pay to the board, entity, or organization from the community 82246
capital replacement facilities fund an amount equal to the 82247
portion of the proceeds of the sale of the original facility 82248
that exceeds the value of the state's security interest in the 82249
facility. 82250

(G) If a replacement project is canceled after the sale of 82251
the original facility, the director of ~~mental-behavioral~~ health 82252
~~and addiction services~~ shall use funds equal to the value of the 82253
state's security interest in the original facility for 82254
additional grants or reimbursements under section 5119.42 of the 82255
Revised Code. The director shall obtain the approval of the 82256
controlling board before releasing the additional grants or 82257
reimbursements. 82258

(H) The community capital replacement facilities fund is 82259
hereby created in the state treasury. The director of ~~mental-~~ 82260
~~behavioral health and addiction services~~ shall use the fund for 82261
the purposes of this section. 82262

Sec. 5119.43. (A) The director of ~~mental-behavioral~~ health 82263
~~and addiction services~~ may enter into agreements with any 82264
person, political subdivision, or state agency for the sale or 82265
lease of land or facilities under the jurisdiction of the 82266
director of ~~mental-behavioral~~ health ~~and addiction services~~ in 82267
the following manner: 82268

(1) The director of ~~mental-behavioral~~ health ~~and addiction~~ 82269
~~services~~ shall designate lands and facilities that are not 82270

needed by the department of ~~mental-behavioral health and-~~ 82271
~~addiction services~~ and are under the jurisdiction of the 82272
department. 82273

(2) The director of ~~mental-behavioral health and addiction~~ 82274
~~services~~ shall have a preliminary appraisal made of any lands or 82275
facilities designated under division (A) (1) of this section by a 82276
disinterested professional appraiser from the department of 82277
administrative services. The appraiser shall deliver to the 82278
director of ~~mental-behavioral health and addiction services~~ a 82279
signed certificate of the probable market value of the lands and 82280
facilities as determined from the preliminary appraisal. 82281

(3) The director of ~~mental-behavioral health and addiction~~ 82282
~~services~~ shall certify to the clerk of the house of 82283
representatives and to the clerk of the senate a list of all 82284
lands and facilities which may be sold or leased, and shall 82285
include with the list the results of the preliminary appraisals 82286
of the lands and facilities, a general description of the land 82287
and facilities, and a description of the current use of the land 82288
and facilities. 82289

(4) Every list of lands and facilities certified by the 82290
director of ~~mental-behavioral health and addiction services~~ to 82291
the clerk of the house of representatives and to the clerk of 82292
the senate under division (A) (3) of this section, shall 82293
immediately be transmitted by the respective clerks to the 82294
committees in the house and the senate to which land conveyance 82295
bills are usually referred. If either committee files in its 82296
clerk's office, within sixty calendar days of the original 82297
certification of the lands and facilities by the director of 82298
~~mental-behavioral health and addiction services~~, a report 82299
disapproving the sale or lease of any lands or facilities, the 82300

sale or lease of the lands or facilities disapproved in the 82301
report shall not be made under this section. With respect to a 82302
sale or lease of lands and facilities that has not been 82303
disapproved under this division, the director of ~~mental-~~ 82304
behavioral health and addiction services shall certify those 82305
lands and facilities to the director of administrative services. 82306

(5) After certification to the director of administrative 82307
services under division (A) (4) of this section, the director of 82308
~~mental-behavioral health and addiction services~~ shall have a 82309
formal appraisal made of the lands and facilities by a 82310
disinterested professional appraiser from the department of 82311
administrative services. The director of ~~mental-behavioral~~ 82312
health and addiction services may accept the formal appraisal or 82313
may reject it and order a new formal appraisal by a 82314
disinterested professional appraiser who shall not be from the 82315
department of administrative services. The director of ~~mental-~~ 82316
behavioral health and addiction services may then sell or lease 82317
the lands or facilities in accordance with this division and 82318
department of administrative services procedures as set forth in 82319
Chapter 123. of the Revised Code. Any such deed or lease shall 82320
be prepared and recorded pursuant to section 5301.13 of the 82321
Revised Code. The department of administrative services shall be 82322
the sole agent for the state and shall complete the sale or 82323
lease of the lands or facilities, up to and including the 82324
closing thereof, after the director of ~~mental-behavioral health~~ 82325
and addiction services approves the sale price. The director of 82326
~~mental-behavioral health and addiction services~~ and the director 82327
of administrative services may, if it is determined to be in the 82328
best interests of the state, agree to sell surplus land for an 82329
amount less than the formal appraised value but shall not sell 82330
any land for less than two-thirds of the formal appraised value. 82331

(B) Coincident with the certification made under division 82332
(A) (3) of this section concerning lands which may be sold, the 82333
director of ~~mental behavioral health and addiction services~~ 82334
shall give written notice of intention to sell the lands by 82335
certified mail to the executive officer of each county, 82336
township, municipal corporation, and school district within 82337
which the lands are situated. In each notice, the director of 82338
~~mental behavioral health and addiction services~~ shall specify 82339
the conditions under which the lands shall be sold, including 82340
whether the lands will be sold as a single unit or sold in 82341
specific parcels that the director designates, and shall solicit 82342
from the subdivision offers to purchase the lands in accordance 82343
with the conditions the director of ~~mental behavioral health and~~ 82344
~~addiction services~~ has specified and at a price equal to the 82345
preliminary appraised value determined pursuant to division (A) 82346
(2) of this section. If, within thirty days of having certified 82347
the lands to the director of administrative services under 82348
division (A) (4) of this section, the director of ~~mental~~ 82349
~~behavioral health and addiction services~~ receives from the 82350
executive officer of a subdivision a written offer to purchase 82351
the lands at or above the price specified in the original notice 82352
from the director of ~~mental behavioral health and addiction~~ 82353
~~services~~ to the officer, provided such offer otherwise complies 82354
with the conditions of purchase specified in the original notice 82355
from the director of ~~mental behavioral health and addiction~~ 82356
~~services~~, the director of ~~mental behavioral health and addiction~~ 82357
~~services~~ shall forthwith enter into an agreement to sell the 82358
lands to the subdivision. The agreement shall incorporate any 82359
and all terms that are acceptable to both parties and that are 82360
consistent with the terms specified in the original notice from 82361
the director of ~~mental behavioral health and addiction services~~. 82362
If no offer to purchase is received by the director of ~~mental~~ 82363

~~behavioral health and addiction services~~ within the thirty-day 82364
period provided in this division, the original notice from the 82365
director of ~~mental behavioral health and addiction services~~ 82366
shall be considered withdrawn and the director of ~~mental~~ 82367
~~behavioral health and addiction services~~ shall be under no 82368
obligation to sell any of the lands specified in the notice to 82369
the subdivision. If two or more offers to purchase the same 82370
parcels of land are received by the director of ~~mental~~ 82371
~~behavioral health and addiction services~~ within the required 82372
time period from the executive officers of two or more 82373
subdivisions, the director of ~~mental behavioral health and~~ 82374
~~addiction services~~ shall accept the offer or offers to purchase 82375
that the director considers to be in the best interests of the 82376
state and of the department of ~~mental behavioral health and~~ 82377
~~addiction services~~ and shall proceed to enter into agreements of 82378
sale pursuant to this division. If all of the original notices 82379
from the director of ~~mental behavioral health and addiction~~ 82380
~~services~~ relating to a given parcel of land become withdrawn, 82381
the director of ~~mental behavioral health and addiction services~~ 82382
may thereupon proceed to sell the parcel as otherwise provided 82383
in this section. No subdivision may commence an action to 82384
enforce the provisions of this division, or to seek any other 82385
legal or equitable remedy relative to this division, with 82386
respect to any lands certified to the director of administrative 82387
services under division (A) (4) of this section, except within 82388
sixty days of the date on which the lands were so certified. 82389

(C) Any agreement under this section shall be at such 82390
terms as will be in the best interests of the state and the 82391
department of ~~mental behavioral health and addiction services~~. 82392
However, the terms of any agreement for sale shall include a 82393
provision that the purchaser will abide by any comprehensive 82394

plan for the area that has been adopted by the local government 82395
in which the property is located before the parties enter into 82396
the agreement. No lease shall be of a duration greater than 82397
fifteen years. No agreement, except an agreement entered into 82398
under division (B) of this section, shall be entered into before 82399
the proposal to sell or lease the land or facilities has been 82400
advertised once each week for four weeks in a newspaper of 82401
general circulation in every county in which the lands or 82402
facilities are located and if the preliminary appraised value of 82403
the land to be sold or leased is more than one hundred thousand 82404
dollars, advertisement shall be made once each week for four 82405
weeks in at least two newspapers in the state having a daily 82406
circulation of one hundred thousand or more. If a city in this 82407
state is served by more than one newspaper having a circulation 82408
of one hundred thousand or more, advertisement may be made in 82409
only one of the newspapers serving the city. 82410

(D) Each deed or lease prepared and recorded pursuant to 82411
this section shall contain a recital stating that all provisions 82412
of this section have been complied with. The recital shall be 82413
considered binding and conclusive against all subdivisions of 82414
the state provided no action has been commenced pursuant to 82415
division (B) of this section. Any deed or lease containing such 82416
a recital shall be conclusively presumed to have been executed 82417
in compliance with this section insofar as title or other 82418
interest of any bona fide purchasers, lessees, or transferees of 82419
the property is concerned. 82420

(E) Nothing in this section shall be construed as 82421
establishing a precedent for the disposal of state lands and 82422
facilities by other departments of the state. 82423

Sec. 5119.431. When it is necessary for a state 82424

institution under the jurisdiction of the department of ~~mental-~~ 82425
behavioral health and addiction services to acquire any real 82426
estate, right of way, or easement in real estate in order to 82427
accomplish the purposes for which it was organized or is being 82428
conducted, and the department is unable to agree with the owner 82429
of such property upon the price to be paid therefor, such 82430
property may be appropriated in the manner provided for the 82431
appropriation of property for other state purposes. 82432

Any instrument by which real property is acquired pursuant 82433
to this section shall identify the agency of the state that has 82434
the use and benefit of the real property as specified in section 82435
5301.012 of the Revised Code. 82436

Sec. 5119.44. As used in this section, "free clinic" has 82437
the same meaning as in section 2305.2341 of the Revised Code. 82438

(A) The department of ~~mental-behavioral~~ health and 82439
~~addiction services~~ may provide certain goods and services for 82440
the department of ~~mental-behavioral~~ health and ~~addiction~~ 82441
~~services~~, the department of developmental disabilities, the 82442
department of rehabilitation and correction, the department of 82443
youth services, and other state, county, or municipal agencies 82444
requesting such goods and services when the department of ~~mental~~ 82445
behavioral health and addiction services determines that it is 82446
in the public interest, and considers it advisable, to provide 82447
these goods and services. The department of ~~mental-behavioral~~ 82448
health and ~~addiction services~~ also may provide goods and 82449
services to agencies operated by the United States government 82450
and to public or private nonprofit agencies, other than free 82451
clinics, that are funded in whole or in part by the state if the 82452
public or private nonprofit agencies are designated for 82453
participation in this program by the director of ~~mental-~~ 82454

behavioral health and addiction services for community addiction 82455
services providers and community mental health services 82456
providers, the director of developmental disabilities for 82457
community developmental disabilities agencies, the director of 82458
rehabilitation and correction for community rehabilitation and 82459
correction agencies, or the director of youth services for 82460
community youth services agencies. 82461

Designated community agencies or services providers shall 82462
receive goods and services through the department of ~~mental~~ 82463
behavioral health and addiction services only in those cases 82464
where the designating state agency certifies that providing such 82465
goods and services to the agency or services provider will 82466
conserve public resources to the benefit of the public and where 82467
the provision of such goods and services is considered feasible 82468
by the department of ~~mental~~ behavioral health and addiction 82469
~~services~~. 82470

(B) The department of ~~mental~~ behavioral health and 82471
~~addiction services~~ may permit free clinics to purchase certain 82472
goods and services to the extent the purchases fall within the 82473
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 82474
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 82475
amended. 82476

(C) The goods and services that may be provided by the 82477
department of ~~mental~~ behavioral health and ~~addiction services~~ 82478
under divisions (A) and (B) of this section may include: 82479

(1) Procurement, storage, processing, and distribution of 82480
food and professional consultation on food operations; 82481

(2) Procurement, storage, and distribution of medical and 82482
laboratory supplies, dental supplies, medical records, forms, 82483

optical supplies, and sundries; 82484

(3) Procurement, storage, repackaging, distribution, and 82485
dispensing of drugs, the provision of professional pharmacy 82486
consultation, and drug information services; 82487

(4) Other goods and services. 82488

(D) The department of ~~mental-behavioral~~ health and 82489
~~addiction services~~ may provide the goods and services designated 82490
in division (C) of this section to its institutions and to 82491
state-operated community-based mental health or addiction 82492
services providers. 82493

(E) After consultation with and advice from the director 82494
of developmental disabilities, the director of rehabilitation 82495
and correction, and the director of youth services, the 82496
department of ~~mental-behavioral~~ health and ~~addiction services~~ 82497
may provide the goods and services designated in division (C) of 82498
this section to the department of developmental disabilities, 82499
the department of rehabilitation and correction, and the 82500
department of youth services. 82501

(F) The cost of administration of this section shall be 82502
determined by the department of ~~mental-behavioral~~ health and 82503
~~addiction services~~ and paid by the agencies, services providers, 82504
or free clinics receiving the goods and services to the 82505
department for deposit in the state treasury to the credit of 82506
the Ohio pharmacy services fund, which is hereby created. The 82507
fund shall be used to pay the cost of administration of this 82508
section to the department. 82509

(G) Whenever a state agency fails to make a payment for 82510
goods and services provided under this section within thirty-one 82511
days after the date the payment was due, the office of budget 82512

and management may transfer moneys from the state agency to the 82513
department of ~~mental-behavioral health and addiction services~~. 82514
The amount transferred shall not exceed the amount of overdue 82515
payments. Prior to making a transfer under this division, the 82516
office of budget and management shall apply any credits the 82517
state agency has accumulated in payments for goods and services 82518
provided under this section. 82519

(H) Purchases of goods and services under this section are 82520
not subject to section 307.86 of the Revised Code. 82521

Sec. 5119.45. Unless otherwise specifically provided by 82522
law, all moneys received by the department of ~~mental-behavioral~~ 82523
~~health and addiction services~~ from the sale of goods and 82524
services, including, but not limited to, shared service 82525
agreements with other governmental entities and nongovernmental 82526
entities, employee housing and cafeteria receipts, fees for 82527
copying services, and sales of other tangible personal property 82528
under the department's control, shall be paid into the state 82529
treasury to the credit of the sale of goods and services fund, 82530
which is hereby created. Moneys received by the department 82531
pursuant to section 5119.44 of the Revised Code shall not be 82532
paid into the fund. The department shall use the moneys in the 82533
fund for paying operating expenses of the department. 82534

Sec. 5119.46. There is hereby created in the state 82535
treasury the department of ~~mental-behavioral health and~~ 82536
~~addiction services~~ trust fund. Not later than the first day of 82537
September of each year, the director of ~~mental-behavioral health~~ 82538
~~and addiction services~~ shall certify to the director of budget 82539
and management the amount of all of the unexpended, unencumbered 82540
balances of general revenue fund appropriations made to the 82541
department of ~~mental-behavioral health and addiction services~~ 82542

for the previous fiscal year, excluding funds appropriated for 82543
rental payments to the Ohio public facilities commission. On 82544
receipt of the certification, the director of budget and 82545
management shall transfer cash to the trust fund in an amount up 82546
to, but not exceeding, the total of the amounts certified by the 82547
director of ~~mental-behavioral health-and-addiction services~~. 82548

In addition, the trust fund shall receive all amounts, 82549
subject to any provisions in bond documents, received from the 82550
sale or lease of lands and facilities by the department. 82551

All moneys in the trust fund shall be used by the 82552
department of ~~mental-behavioral health and addiction services~~ to 82553
pay for expenditures the department incurs in performing any of 82554
its duties under this chapter. The use of moneys in the trust 82555
fund pursuant to this section does not represent an ongoing 82556
commitment to the continuation of the trust fund or to the use 82557
of moneys in the trust fund. 82558

Sec. 5119.47. The director of ~~mental-behavioral health and~~ 82559
~~addiction services~~ shall administer the problem casino gambling 82560
and addictions fund. The director shall use the money in the 82561
fund to support gambling addiction services, alcohol and drug 82562
addiction services, other services that relate to gambling 82563
addiction and substance abuse, and research that relates to 82564
gambling addiction and substance abuse. Treatment and prevention 82565
services supported by money in the fund under this section shall 82566
be services that are certified by the department of ~~mental-~~ 82567
~~behavioral health-and-addiction services~~. 82568

The director shall prepare an annual report describing the 82569
use of the fund for these purposes. The director shall submit 82570
the report to the Ohio casino control commission, the speaker 82571
and minority leader of the house of representatives, the 82572

president and minority leader of the senate, and the governor. 82573

Sec. 5119.48. (A) The department of ~~mental-behavioral~~ 82574
~~health and addiction services~~ shall create the all roads lead to 82575
home program. The program shall include all of the following 82576
initiatives: 82577

(1) A media campaign. As part of the campaign, the 82578
department shall develop public service announcements and shall 82579
make the announcements available to television and radio media 82580
outlets. The announcements shall be made available beginning on 82581
January 1, 2018,~~and~~. Thereafter, the announcements shall be 82582
made at least twice annually, once between January and March of 82583
each year, and once in September of each year as part of 82584
national recovery month. 82585

(2) A web site ~~as~~ that meets the requirements described in 82586
division (C) of this section; 82587

(3) A twenty-four-hour hotline, that is operated by a call 82588
center, for the purpose of helping individuals access addiction 82589
services. 82590

(B) The media campaign described in division (A) (1) of 82591
this section shall do all of the following: 82592

(1) Include messages to reduce the stigma associated with 82593
seeking help for drug addiction; 82594

(2) Provide directions for people who are in need of drug 82595
addiction assistance to a web-based location that includes all 82596
of the following: 82597

(a) Information on where to find help for drug addiction; 82598

(b) Information on intervention and referral options; 82599

(c) Contact information for ~~county board~~ boards of 82600
alcohol, drug addiction-assistance authorities, and mental 82601
health services. 82602

(3) Prioritize its efforts in media markets that have the 82603
highest rates of drug overdose deaths in this state; 82604

(4) Utilize television and radio public service 82605
announcements provided to media outlets, as well as internet 82606
advertising models such as low-cost social media outlets. 82607

(C) Before January 1, 2018, for purposes of division (A) 82608
(2) of this section, the department shall create a web site ~~as-~~ 82609
~~described in division (A) (2) of this section~~ that is interactive 82610
and offers all of the following components: 82611

(1) If reasonably available for use, an evidence-based 82612
self-reporting screening tool approved by the department's 82613
medical director; 82614

(2) Community detoxification and withdrawal management 82615
options and community treatment options; 82616

(3) A searchable database of certified substance abuse 82617
providers organized by zip code; 82618

(4) Information on recovery supports, including recovery 82619
housing residences; 82620

(5) Clinical information regarding what a person may 82621
expect during detoxification, withdrawal, and treatment. 82622

(D) The department may contract with private vendors for 82623
the creation and maintenance of the ~~interactive~~ web site 82624
described in division (C) of this section. 82625

Sec. 5119.49. (A) The director of ~~mental~~ behavioral health 82626

~~and addiction services~~ shall collaborate with the state board of 82627
pharmacy and attorney general in the establishment and 82628
administration of a drug take-back program, as provided under 82629
section 4729.69 of the Revised Code. 82630

(B) The department may accept grants, gifts, or donations 82631
for purposes of the program. Money received under this division 82632
shall be deposited into the drug take-back program fund 82633
established under section 109.90 of the Revised Code. 82634

Sec. 5119.50. The director of ~~mental-behavioral health and~~ 82635
~~addiction services~~ may accept, hold, and administer in trust on 82636
behalf of the state, if it is for the public interest, any 82637
grant, gift, devise, or bequest of money or property made to the 82638
state for the use or benefit of any institution described in 82639
section 5119.14 of the Revised Code or for the use and benefit 82640
of persons with mental illnesses under its control. If the trust 82641
so provides, the money or property may be used for any work 82642
which the department of ~~mental-behavioral health and addiction~~ 82643
~~services~~ is authorized to undertake. 82644

The department shall keep such gift, grant, devise, or 82645
bequest as a distinct property or fund and, if it is in money, 82646
shall invest it in the manner provided by law. The department 82647
may deposit in a proper trust company or savings bank any money 82648
left in trust during a specified life or lives and shall adopt 82649
rules governing the deposit, transfer, withdrawal, or investment 82650
of such money and the income thereof. 82651

The department shall, in the manner prescribed by the 82652
director of budget and management pursuant to section 126.21 of 82653
the Revised Code, account for all money or property received or 82654
expended under this section. The records, together with a 82655
statement certified by the depository showing the funds 82656

deposited there to the credit of the trust, shall be open to 82657
public inspection. The director of budget and management may 82658
require the department to file a report with the director on any 82659
particular portion, or the whole, of any trust property received 82660
or expended by it. 82661

The department shall, upon the expiration of any trust 82662
according to its terms, dispose of the funds or property held 82663
thereunder in the manner provided in the instrument creating the 82664
trust. If the instrument creating the trust failed to make any 82665
terms of disposition, or if no trust was in evidence, then the 82666
decedent patient's money, saving or commercial deposits, 82667
dividends or distributions, bonds, or any other interest-bearing 82668
debt certificate or stamp issued by the United States government 82669
shall escheat to the state. All such unclaimed intangible 82670
personal property of a former patient shall be retained by the 82671
managing officer in such institution for the period of one year, 82672
during which time every possible effort shall be made to find 82673
such former patient or the former patient's legal 82674
representative. 82675

If, after a period of one year from the time the patient 82676
has left the institution or has died, the managing officer has 82677
been unable to locate such person or the person's legal 82678
representative, then upon proper notice of such fact the 82679
director shall at that time formulate in writing a method of 82680
disposition on the minutes of the department authorizing the 82681
managing officer to convert such intangible personal property to 82682
cash to be paid into the state treasury to the credit of the 82683
general revenue fund. 82684

The department shall include in its annual report a 82685
statement of all money and property and the terms and conditions 82686

relating thereto. 82687

Sec. 5119.51. (A) As used in this section, "supplemental 82688
services" has the same meaning as in section 5815.28 of the 82689
Revised Code. 82690

(B) There is hereby created in the state treasury the 82691
services fund for individuals with mental illness. On the death 82692
of the beneficiary of a trust created pursuant to section 82693
5815.28 of the Revised Code, the portion of the remaining assets 82694
of the trust specified in the trust instrument shall be 82695
deposited to the credit of the fund. Money credited to the fund 82696
shall be used for individuals with mental illness. 82697

Supplemental services may be provided through the 82698
department or boards of alcohol, drug addiction, and mental 82699
health services. In accordance with Chapter 119. of the Revised 82700
Code, the department of ~~mental behavioral health and addiction~~ 82701
~~services~~ may adopt any rules necessary to implement this 82702
section. 82703

Sec. 5119.52. Each managing officer of an institution 82704
under the jurisdiction of the department of ~~mental behavioral~~ 82705
~~health and addiction services~~ as described in section 5119.14 of 82706
the Revised Code, with the approval of the director of ~~mental~~ 82707
~~behavioral health and addiction services~~, may establish local 82708
institution funds designated as follows: 82709

(A) Industrial and entertainment fund created and 82710
maintained for the entertainment and welfare of the patients of 82711
the institution. The director shall establish rules for the 82712
operation of the industrial and entertainment fund. 82713

(B) Commissary fund created and maintained for the benefit 82714
of patients in the institution. Commissary revenue over and 82715

above operating costs and reserve shall be considered profits. 82716
All profits from the commissary fund operations shall be paid 82717
into the industrial and entertainment fund and used only for the 82718
entertainment and welfare of patients. The director shall 82719
establish rules for the operation of the commissary fund. 82720

Sec. 5119.54. The treasurer of state shall have charge of 82721
all funds under the jurisdiction of the department of ~~mental-~~ 82722
behavioral health and addiction services and shall pay out the 82723
same only in accordance with this chapter. 82724

The department shall cause to be furnished a contract of 82725
indemnity to cover all funds received by it or by its managing 82726
officers, employees, or agents while the funds are in the 82727
possession of such managing officers, employees or agents. Such 82728
funds are designated as follows: 82729

(A) Funds which are due and payable to the treasurer of 82730
state as provided by Chapter 131. of the Revised Code; 82731

(B) Those funds which are held in trust by the managing 82732
officers, employees, or agents of the institution as local funds 82733
or accounts under the jurisdiction of the department. 82734

Such contract of indemnity shall be made payable to the 82735
state and the premium for such contract of indemnity may be paid 82736
from any of the moneys received for the use of the department 82737
under this chapter and Chapters 5121. and 5122. of the Revised 82738
Code. 82739

Funds collected from various sources, such as the sale of 82740
goods, and all miscellaneous articles, shall be transmitted on 82741
or before Monday of each week to the treasurer of state and a 82742
detailed statement of such collections shall be made to the 82743
department. 82744

Sec. 5119.55. The department of ~~mental-behavioral~~ health 82745
~~and addiction services~~ may pay an amount for personal use to 82746
each individual residing in a state institution as described in 82747
section 5119.14 of the Revised Code who would be eligible for 82748
supplemental security income benefits at the reduced rate 82749
established by Title XVI of the "Social Security Act," 42 U.S.C. 82750
1381 et seq., if the medicaid program covers services provided 82751
in such institutions. The amount paid by the department shall 82752
not exceed the reduced supplemental security income benefit rate 82753
established by Title XVI of the "Social Security Act." 82754

Sec. 5119.56. Money or property deposited with managing 82755
officers of institutions under the jurisdiction of the 82756
department of ~~mental-behavioral~~ health ~~and addiction services~~ by 82757
any patient under the department's control or by relatives, 82758
guardians, conservators, and others for the special benefit of 82759
such patient, as well as all other funds and all other income 82760
paid to the patient, the patient's estate, or on the patient's 82761
behalf, or paid to the managing officer or to the institution as 82762
representative payee or otherwise paid on the patient's behalf, 82763
shall remain in the hands of such officers in appropriate 82764
accounts for use accordingly. The managing officer shall keep 82765
itemized book accounts of the receipt and disposition of such 82766
money and property, which book shall be open at all times to the 82767
inspection of the department. The director of ~~mental-behavioral~~ 82768
~~health and addiction services~~ shall adopt rules governing the 82769
deposit, transfer, withdrawal, or investment of the funds and 82770
the income thereof, as well as rules under which such funds and 82771
income shall be paid by managing officers for the support of the 82772
patients pursuant to Chapter 5121. of the Revised Code, or for 82773
their other needs. 82774

Whenever any patient confined in any state institution 82775

subject to the jurisdiction of the department dies, escapes, or 82776
is discharged from such institution, and any personal funds of 82777
such person remain in the hands of the managing officer thereof 82778
and no demand for such funds is made upon such managing officer 82779
by the owner of the funds or the owner's legally appointed 82780
representative, the managing officer shall hold the funds in the 82781
personal deposit fund for a period of at least one year during 82782
which time the managing officer shall make every effort possible 82783
to locate the owner or the owner's legally appointed 82784
representative. 82785

If at the end of this period no demand has been made for 82786
the funds, the managing officer shall dispose of the funds as 82787
follows: 82788

(A) All money in a personal deposit fund in excess of ten 82789
dollars due for the support of a patient shall be paid in 82790
accordance with the provisions of Chapter 5121. of the Revised 82791
Code. 82792

(B) All money in a personal deposit fund in excess of ten 82793
dollars not due for the support of a patient shall be placed to 82794
the credit of the institution's local account designated as the 82795
"industrial and entertainment" fund. 82796

(C) The first ten dollars to the credit of a patient shall 82797
be placed to the credit of the institution's local account 82798
designated as the "industrial and entertainment" fund. 82799

Whenever any patient in any state institution subject to 82800
the jurisdiction of the department dies, escapes, or is 82801
discharged from such institution, and any personal effects of 82802
such person remain in the hands of the managing officer thereof, 82803
and no demand is made upon such managing officer by the owner of 82804

the property or the owner's legally appointed representative, 82805
the managing officer shall hold and dispose of such property in 82806
the following manner. 82807

All the miscellaneous personal effects shall be held for a 82808
period of at least one year, during which time the managing 82809
officer shall make every effort possible to locate the owner or 82810
the owner's legal representative. If at the end of this period, 82811
no demand has been made by the owner of the property or the 82812
owner's legal representative, the managing officer shall file 82813
with the county recorder of the county of commitment of such 82814
owner, all deeds, wills, contract mortgages, or assignments. The 82815
balance of the personal effects shall be sold at public auction 82816
after being duly advertised, and the funds turned over to the 82817
treasurer of state for credit to the general revenue fund. If 82818
any of the property is not of a type to be filed with the county 82819
recorder and is not salable at public auction, then the managing 82820
officer of the institution shall destroy such property. 82821

Sec. 5119.60. The department of ~~mental-behavioral~~ health 82822
~~and addiction services~~ shall submit an annual report to the 82823
governor that shall describe the services the department offers 82824
and how appropriated funds have been spent. The report shall 82825
include all of the following: 82826

(A) The utilization of state hospitals by each alcohol, 82827
drug addiction, and mental health service district; 82828

(B) The number of persons served by community addiction 82829
services providers that receive funds distributed by the 82830
department, with a breakdown into categories including age, sex, 82831
race, the type of drug to which the person is addicted, and any 82832
other categories the director of ~~mental-behavioral~~ health and 82833
~~addiction services~~ considers significant; 82834

(C) The number of persons with severe mental disabilities 82835
served in each district; 82836

(D) The number and types of addiction services, mental 82837
health services, and recovery supports provided to persons with 82838
severe mental disabilities through state-operated services, 82839
community addiction services providers, and community mental 82840
health services providers; 82841

(E) A report measuring the success of community addiction 82842
services providers, based on the measures for accountability 82843
developed by the department, including the percentage of persons 82844
served by such community addiction services providers who have 82845
not relapsed; 82846

(F) Any other information that the director considers 82847
significant or is requested by the governor. 82848

Sec. 5119.61. (A) The department of ~~mental-behavioral~~ 82849
~~health and addiction services~~ shall collect and compile 82850
statistics and other information on the care and treatment of 82851
persons with mental disabilities, and the care, treatment, and 82852
rehabilitation of persons with alcohol use disorder, persons 82853
with drug dependencies, persons in danger of drug dependence, 82854
and persons with or in danger of developing a gambling addiction 82855
in this state. The information shall include, without 82856
limitation, information on the number of such persons, the type 82857
of drug involved, if any, the type of care, treatment, or 82858
rehabilitation prescribed or undertaken, and the success or 82859
failure of the care, treatment, or rehabilitation. The 82860
department shall collect information about addiction services, 82861
mental health services, and recovery supports delivered and 82862
persons served as required for reporting and evaluation relating 82863
to state and federal funds expended for such purposes. 82864

(B) No community addiction services provider or community
mental health services provider shall fail to supply statistics
and other information within its knowledge and with respect to
its addiction services, mental health services, and recovery
supports upon request of the department.

(C) Communications by a person seeking aid in good faith
for alcohol use disorder or drug dependence are confidential,
and this section does not require the collection or permit the
disclosure of information which reveals or comprises the
identity of any person seeking aid.

(D) Based on the information collected and compiled under
division (A) of this section, the department shall develop a
project to assess the outcomes of persons served by community
addiction services providers and community mental health
services providers that receive funds distributed by the
department.

(E) The director of ~~mental behavioral health and addiction~~
~~services~~ may fine a community addiction services provider or
community mental health services provider for violating division
(B) of this section. In determining whether to impose a fine,
the director shall consider whether the provider has engaged in
a pattern of noncompliance. If a fine is imposed, it shall be
one thousand dollars for a first failure to comply with division
(B) of this section and two thousand dollars for each subsequent
failure. The director's actions in imposing a fine shall be
taken in accordance with Chapter 119. of the Revised Code.

All fines collected under this division shall be deposited
in the state treasury to the credit of the department's
statewide treatment and prevention fund created by section
4301.30 of the Revised Code.

Sec. 5119.71. Pursuant to Article X of the compact set forth in section 5119.70 of the Revised Code, the director of ~~mental-behavioral health and addiction services~~ and the director of developmental disabilities each shall designate an officer who shall be the compact administrator for the department and who, acting jointly with like officers of other party states, shall adopt rules to carry out more effectively the terms of the compact. The compact administrators of each department shall serve subject to the pleasure of the governor and shall cooperate with all departments, agencies, and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreements entered into by this state thereunder.

Sec. 5119.82. There is hereby established a 9-8-8 administrator within the department of ~~mental-behavioral health and addiction services~~ to oversee the administration of the 9-8-8 suicide prevention and mental health crisis hotline system statewide.

Sec. 5119.89. The director of ~~mental-behavioral health and addiction services~~ shall consult with the superintendent of insurance as required by section 3901.90 of the Revised Code to develop consumer and payer education on ~~mental-behavioral health and addiction services~~ insurance parity and establish and promote a consumer hotline to collect information and help consumers understand and access their insurance benefits.

The department of ~~mental-behavioral health and addiction services~~ and the department of insurance shall jointly report annually on the departments' efforts, which shall include information on consumer and payer outreach activities and identification of trends and barriers to access and coverage in

this state. The departments shall submit the report to the 82925
general assembly, the joint medicaid oversight committee, and 82926
the governor, not later than the thirtieth day of January of 82927
each year. 82928

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 82929
the Revised Code: 82930

(A) "Alcohol and other drug abuse" means alcohol use 82931
disorder or drug addiction. 82932

(B) "Another drug" means a controlled substance as defined 82933
in section 3719.01 of the Revised Code or a harmful intoxicant 82934
as defined in section 2925.01 of the Revised Code. 82935

(C) "Board of alcohol, drug addiction, and mental health 82936
services" means a board of alcohol, drug addiction, and mental 82937
health services established under section 340.02 or 340.021 of 82938
the Revised Code. 82939

(D) "Danger" or "threat of danger to self, family, or 82940
others" means substantial physical harm or threat of substantial 82941
physical harm upon self, family, or others. 82942

(E) "Hospital" has the same meaning as in section 3701.01 82943
or 3727.01 of the Revised Code but does not include either a 82944
hospital operated by the department of ~~mental-behavioral health~~ 82945
~~and addiction services~~ or an inpatient unit licensed by the 82946
department. 82947

(F) "Intoxicated" means being under the influence of 82948
alcohol, another drug, or both alcohol and another drug and, as 82949
a result, having a significantly impaired ability to function. 82950

(G) "Petitioner" means a person who institutes a 82951
proceeding under sections 5119.91 to 5119.98 of the Revised 82952

Code. 82953

(H) "Probate court" means the probate division of the 82954
court of common pleas. 82955

(I) "Qualified health professional" means a person that is 82956
properly credentialed or licensed to conduct a drug and alcohol 82957
assessment and diagnosis under Ohio law. 82958

(J) "Residence" means the legal residence of a person as 82959
determined by applicable principles governing conflicts of law. 82960

(K) "Respondent" means a person alleged in a petition 82961
filed or hearing under sections 5119.91 to 5119.98 of the 82962
Revised Code to be a person who is experiencing alcohol and 82963
other drug abuse and who may be ordered under those sections to 82964
undergo treatment. 82965

(L) "Treatment" means services and programs for the care 82966
and rehabilitation of intoxicated persons and persons 82967
experiencing alcohol and other drug abuse. "Treatment" includes 82968
residential treatment, a halfway house setting, and an intensive 82969
outpatient or outpatient level of care. 82970

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 82971
Revised Code is guilty of a misdemeanor of the first degree. 82972

(B) Whoever violates section 5119.27 or 5119.28, division 82973
~~(P)~~(O) of section 5119.36, or division (A)(1) or (2) of section 82974
5119.37 of the Revised Code is guilty of a felony of the fifth 82975
degree. 82976

Sec. 5120.16. (A) Persons sentenced to any institution, 82977
division, or place under the control of the department of 82978
rehabilitation and correction are committed to the control, 82979
care, and custody of the department. Subject to division ~~(B)~~(C) 82980

of this section, the director of rehabilitation and correction 82981
or the director's designee may direct that persons sentenced to 82982
the department, or to any institution or place within the 82983
department, shall be conveyed by the sheriff initially to an 82984
appropriate facility established and maintained by the 82985
department, or committed electronically in accordance with 82986
division (B) of this section, for reception, examination, 82987
observation, and classification of the persons so sentenced. 82988
Prior to removal of an individual on an out of jurisdiction 82989
detainer, the sheriff shall convey the sentenced person to the 82990
department of rehabilitation and correction or electronically 82991
commit the sentenced person in accordance with division (B) of 82992
this section. 82993

If a presentence investigation report was not prepared 82994
pursuant to section 2947.06 or 2951.03 of the Revised Code or 82995
Criminal Rule 32.2 regarding any person sentenced to the 82996
department or to any institution or place within the department, 82997
the director or the director's designee may order the 82998
department's field staff to conduct an offender background 82999
investigation and prepare an offender background investigation 83000
report regarding the person. The investigation and report shall 83001
be conducted in accordance with division (A) of section 2951.03 83002
of the Revised Code and the report shall contain the same 83003
information as a presentence investigation report prepared 83004
pursuant to that section. 83005

When the examination, observation, and classification of 83006
the person have been completed by the facility and a written 83007
report of the examination, observation, and classification is 83008
filed with the commitment papers, the director or the director's 83009
designee, subject to division (B) of this section, shall assign 83010
the person to a suitable state institution or place maintained 83011

by the state within the director's department or shall designate 83012
that the person is to be housed in a county, multicounty, 83013
municipal, municipal-county, or multicounty-municipal jail or 83014
workhouse, if authorized by section 5120.161 of the Revised 83015
Code, there to be confined, cared for, treated, trained, and 83016
rehabilitated until paroled, released in accordance with section 83017
2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or 83018
otherwise released under the order of the court that imposed the 83019
person's sentence. No person committed by a probate court, a 83020
trial court pursuant to section 2945.40, 2945.401, or 2945.402 83021
of the Revised Code subsequent to a finding of not guilty by 83022
reason of insanity, or a juvenile court shall be assigned to a 83023
state correctional institution. 83024

If a person is sentenced, committed, or assigned for the 83025
commission of a felony to any one of the institutions or places 83026
maintained by the department or to a county, multicounty, 83027
municipal, municipal-county, or multicounty-municipal jail or 83028
workhouse, the department, by order duly recorded and subject to 83029
division (B) of this section, may transfer the person to any 83030
other institution, or, if authorized by section 5120.161 of the 83031
Revised Code, to a county, multicounty, municipal, municipal- 83032
county, or multicounty-municipal jail or workhouse. 83033

(B) An agreement may be entered into between a court of 83034
common pleas and the department of rehabilitation and correction 83035
under which persons may be electronically committed to the 83036
department of rehabilitation and correction. 83037

(C) If the case of a child who is alleged to be a 83038
delinquent child is transferred for criminal prosecution to the 83039
appropriate court having jurisdiction of the offense pursuant to 83040
section 2152.12 of the Revised Code, if the child is convicted 83041

of or pleads guilty to a felony in that case, if the child is 83042
sentenced to a prison term, as defined in section 2901.01 of the 83043
Revised Code, and if the child is under eighteen years of age 83044
when delivered to the custody of the department of 83045
rehabilitation and correction, all of the following apply 83046
regarding the housing of the child: 83047

(1) Until the child attains eighteen years of age, subject 83048
to divisions ~~(B)(2)~~ (C)(2), (3), and (4) of this section, the 83049
department shall house the child in a housing unit in a state 83050
correctional institution separate from inmates who are eighteen 83051
years of age or older. 83052

(2) The department is not required to house the child in 83053
the manner described in division ~~(B)(1)~~ (C)(1) of this section if 83054
the child does not observe the rules and regulations of the 83055
institution or the child otherwise creates a security risk by 83056
being housed separately. 83057

(3) If the department receives too few inmates who are 83058
under eighteen years of age to fill a housing unit in a state 83059
correctional institution separate from inmates who are eighteen 83060
years of age or older, as described in division ~~(B)(1)~~ (C)(1) of 83061
this section, the department may house the child in a housing 83062
unit in a state correctional institution that includes both 83063
inmates who are under eighteen years of age and inmates who are 83064
eighteen years of age or older and under twenty-one years of 83065
age. 83066

(4) Upon the child's attainment of eighteen years of age, 83067
the department may house the child with the adult population of 83068
the state correctional institution. 83069

~~(C)~~ (D) The director or the director's designee shall 83070

develop a policy for dealing with problems related to infection 83071
with the human immunodeficiency virus. The policy shall include 83072
methods of identifying individuals committed to the custody of 83073
the department who are at high risk of infection with the virus 83074
and counseling those individuals. 83075

Arrangements for housing individuals diagnosed as having 83076
AIDS or an AIDS-related condition shall be made by the 83077
department based on security and medical considerations and in 83078
accordance with division ~~(B)~~ (C) of this section, if applicable. 83079

Sec. 5120.21. (A) The department of rehabilitation and 83080
correction shall keep in its office, accessible only to its 83081
employees, except by the consent of the department or the order 83082
of the judge of a court of record, and except as provided in 83083
division (C) of this section, a record showing the name, 83084
residence, sex, age, nativity, occupation, condition, and date 83085
of entrance or commitment of every inmate in the several 83086
institutions governed by it. The record also shall include the 83087
date, cause, and terms of discharge and the condition of such 83088
person at the time of leaving, a record of all transfers from 83089
one institution to another, and, if such inmate is dead, the 83090
date and cause of death. These and other facts that the 83091
department requires shall be furnished by the managing officer 83092
of each institution within ten days after the commitment, 83093
entrance, death, or discharge of an inmate. 83094

(B) In case of an accident or injury or peculiar death of 83095
an inmate, the managing officer shall make a special report to 83096
the department within twenty-four hours thereafter, giving the 83097
circumstances as fully as possible. 83098

(C) (1) As used in this division, "medical record" means 83099
any document or combination of documents that pertains to the 83100

medical history, diagnosis, prognosis, or medical condition of a 83101
patient and that is generated and maintained in the process of 83102
medical treatment. 83103

(2) A separate medical record of every inmate in an 83104
institution governed by the department shall be compiled, 83105
maintained, and kept apart from and independently of any other 83106
record pertaining to the inmate. Upon the signed written request 83107
of the inmate to whom the record pertains together with the 83108
written request of either a licensed attorney at law or a 83109
licensed physician designated by the inmate, the department 83110
shall make the inmate's medical record available to the 83111
designated attorney or physician. The record may be inspected or 83112
copied by the inmate's designated attorney or physician. The 83113
department may establish a reasonable fee for the copying of any 83114
medical record. If a physician concludes that presentation of 83115
all or any part of the medical record directly to the inmate 83116
will result in serious medical harm to the inmate, the physician 83117
shall so indicate on the medical record. An inmate's medical 83118
record shall be made available to a physician or to an attorney 83119
designated in writing by the inmate not more than once every 83120
twelve months. 83121

(D) ~~Except as otherwise provided by a~~ Notwithstanding any 83122
other law of this state or the United States to the contrary, 83123
the department and the officers of its institutions shall keep 83124
confidential and accessible only to its employees, except by the 83125
consent of the department or the order of a judge of a court of 83126
record, all of the following: 83127

(1) Architectural, engineering, or construction diagrams, 83128
drawings, or plans of a correctional institution; 83129

(2) Plans for hostage negotiation, for disturbance 83130

control, for the control and location of keys, and for dealing 83131
with escapes; 83132

(3) Statements made by inmate informants; 83133

(4) Records that are maintained by the department of youth 83134
services, that pertain to children in its custody, and that are 83135
released to the department of rehabilitation and correction by 83136
the department of youth services pursuant to section 5139.05 of 83137
the Revised Code; 83138

(5) Victim impact statements and information provided by 83139
victims of crimes that the department considers when determining 83140
the security level assignment, program participation, and 83141
release eligibility of inmates; 83142

(6) Information and data of any kind or medium pertaining 83143
to groups that pose a security threat; 83144

(7) Conversations recorded from the monitored inmate 83145
telephones that involve nonprivileged communications. 83146

(E) (1) Records regarding inmates committed to the 83147
department of rehabilitation and correction or records of 83148
persons under the supervision of the adult parole authority are 83149
not public records under section 149.43 of the Revised Code. 83150
Nothing in this division prohibits the disclosure of the 83151
following information related to inmates committed to the 83152
department of rehabilitation and correction: 83153

(a) Name; 83154

(b) Criminal convictions; 83155

(c) Photograph; 83156

(d) Supervision status, including current and past place 83157

of incarceration; 83158

(e) Disciplinary history. 83159

(2) Except as otherwise provided by a law of this state or 83160
the United States, the department of rehabilitation and 83161
correction may release inmate records to the department of youth 83162
services or a court of record, and the department of youth 83163
services or the court of record may use those records for the 83164
limited purpose of carrying out the duties of the department of 83165
youth services or the court of record. Inmate records released 83166
by the department of rehabilitation and correction to the 83167
department of youth services or a court of record shall remain 83168
confidential and shall not be considered public records as 83169
defined in section 149.43 of the Revised Code. 83170

~~(F) Except as otherwise provided in division (C) of this~~ 83171
~~section, records of inmates committed to the department of~~ 83172
~~rehabilitation and correction as well as records of persons~~ 83173
~~under the supervision of the adult parole authority shall not be~~ 83174
~~considered public records as defined in section 149.43 of the~~ 83175
~~Revised Code.~~ 83176

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of 83177
the Revised Code: 83178

(A) "Countable assets" means all of the following: 83179

(1) Cash; 83180

(2) Bank deposits; 83181

(3) Securities; 83182

(4) Individual retirement accounts; 83183

(5) Qualified employer plans, including 401(k) and Keogh 83184

plans; 83185

(6) Annuities; 83186

(7) Funds in a trust created under section 5815.28 of the Revised Code; 83187
83188

(8) Investment property and income; 83189

(9) The cash surrender values of life insurance policies; 83190

(10) Assets acquired by gift, bequest, devise, or inheritance; 83191
83192

(11) Any other asset determined by the department of mental health and addiction services to be equivalent to the assets enumerated in this division. 83193
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(B) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 83196
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(C) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 83203
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(D) "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of mental health and addiction services under Chapter 5119. of 83210
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the Revised Code, except when otherwise described only as a 83213
hospital operated by the department. 83214

(E) "Liable relative" means all of the following: 83215

(1) A patient's spouse; 83216

(2) A patient's mother or father, or both, if the patient 83217
is under eighteen years of age; 83218

(3) A patient's guardian. 83219

(F) "Patient" means a person admitted to a hospital for 83220
inpatient care or treatment, including a person transferred to a 83221
hospital from a state correctional institution or a person under 83222
indictment or conviction who has been transferred to a hospital. 83223

Sec. 5121.32. On an annual basis, the department of mental 83224
health and addiction services shall determine both of the 83225
following using generally accepted governmental accounting 83226
principles: 83227

(A) The ~~applicable~~-per diem charge for each hospital 83228
operated by the department; 83229

(B) The ancillary per diem rate for each hospital operated 83230
by the department. 83231

In determining a hospital's ~~applicable~~-per diem charge and 83232
ancillary per diem rate, the department shall consider the 83233
average actual per diem cost of maintaining and treating a 83234
patient at the hospital or, at the department's discretion, the 83235
average actual per diem cost of maintaining and treating a 83236
patient in a unit of the hospital. 83237

Sec. 5121.33. (A) Except as provided in sections 5121.35, 83238
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 83239

Code, the department of mental health and addiction services 83240
shall, for each billing cycle, charge a patient, patient's 83241
estate, or liable relative ~~an amount equal to the sum of the~~ 83242
~~following:~~ 83243

~~(A) The applicable per diem charge multiplied the amount~~ 83244
~~calculated under division (B) of this section for care and~~ 83245
~~treatment the patient receives in a hospital operated by the~~ 83246
~~department.~~ 83247

(B) The amount to be charged under division (A) of this 83248
section shall be calculated by multiplying the hospital's per 83249
diem charge or ancillary per diem rate determined under section 83250
5121.32 of the Revised Code, whichever the department determines 83251
applies, by the number of days the patient was admitted to the 83252
hospital. 83253

~~(B) An amount that was previously billed but not paid~~ 83254
~~during the period that is covered by the billing cycle.~~ 83255

Sec. 5121.34. (A) A patient, patient's estate, and 83256
patient's liable relatives shall be jointly and severally liable 83257
for amounts charged by the department of mental health and 83258
addiction services in accordance with section 5121.33 or 5121.35 83259
of the Revised Code. In no case shall any of the foregoing 83260
persons be liable for more than one hundred per cent of the full 83261
~~sum~~ amount charged under section 5121.33 of the Revised Code. 83262

(B) Collections of support payments shall be made by the 83263
department and, subject to meeting prior requirements for 83264
payment and crediting of such collections and other available 83265
receipts, in accordance with the bond proceedings applicable to 83266
obligations issued pursuant to section 154.20 of the Revised 83267
Code. The collections and other available receipts designated by 83268

the director of mental health and addiction services for deposit 83269
in the special accounts, together with insurance contract 83270
payments provided for in section 5121.43 of the Revised Code, 83271
shall be remitted to the treasurer of state for deposit in the 83272
state treasury to the credit of the mental health operating 83273
fund, which is hereby created, to be used for the general 83274
purposes of the department. The department shall make refunds of 83275
overpayment of support charges from the mental health operating 83276
fund. 83277

Sec. 5121.41. (A) If the assets of a patient, patient's 83278
estate, or liable relative do not exceed the countable asset 83279
limit in section 5121.40 of the Revised Code and the annual 83280
income of the patient, estate, or relative does not exceed four 83281
hundred per cent of the federal poverty level, the patient, 83282
estate, or relative shall be charged an amount discounted from 83283
the amount the department charges under section 5121.33 of the 83284
Revised Code for the first thirty days the patient is admitted 83285
as an inpatient in a hospital and for which the patient is 83286
liable for the cost of care. The amount of the discount shall be 83287
computed according to the following schedule: 83288

Annual Gross Income 83289

Expressed as a Percentage of FPL 83290

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	1	2	3	4	5	6	7
A Inpatient Days at	0 -	176 -	200 -	250 -	300 -	350 -	
a Hospital	175	199	249	299	349	400	

Percentage discount from charged amount 83292

83293

	1	2	3	4	5	6	7
A	1 - 14	100	90	70	50	30	10
B	15 - 30	100	95	75	55	35	15

(B) A patient, estate, or relative who is charged a 83294
discounted amount for the first thirty days the patient is 83295
admitted as an inpatient and who has an annual income not 83296
greater than one hundred seventy-five per cent of the federal 83297
poverty level shall not be charged for the days the patient is 83298
admitted beyond the thirtieth day. 83299

(C) A patient, estate, or relative who is charged a 83300
discounted amount for the first thirty days the patient is 83301
admitted as an inpatient and who has an annual income greater 83302
than one hundred seventy-five per cent of the federal poverty 83303
level shall be charged an amount equal to the sum of the 83304
following for the days the patient is admitted beyond the 83305
thirtieth day: 83306

(1) The ancillary per diem rate that applies to the 83307
hospital, as determined under section 5121.32 of the Revised 83308
Code, multiplied by the number of days the patient was admitted 83309
to the hospital; 83310

(2) An amount that was previously charged but not paid. 83311

Sec. 5121.43. (A) If a patient is covered by an insurance 83312
policy or other contract that provides for payment of expenses 83313
for care and treatment for mental illness at or from a hospital 83314
~~under the jurisdiction of operated by the department of mental~~ 83315
~~health and addiction services, sections 5121.33 to 5121.55 of~~ 83316
~~the Revised Code are inapplicable to the extent that the policy~~ 83317
~~or contract is in force. Any insurance carrier or other third~~ 83318

~~party payor providing coverage for such care and treatment shall~~ 83319
~~pay for the patient's support obligation in amounts equal to the~~ 83320
~~lesser of amounts charged by the department under section~~ 83321
~~5121.33 of the Revised Code or the benefits provided under the~~ 83322
~~policy or other contract. Whether or not an insured, owner of,~~ 83323
~~or other person having an interest in such policy or other~~ 83324
~~contract is liable for support payments, the all of the~~ 83325
following apply with respect to the amount owed to the 83326
department for such care and treatment: 83327

(1) The insured, policy owner, or other person having an 83328
interest in the policy or other contract shall assign payment 83329
directly to the department of all assignable benefits under the 83330
policy or other contract and shall pay to the department, within 83331
ten days of receipt, all insurance or other benefits received as 83332
reimbursement or payment for expenses incurred by the patient or 83333
for any other reason. ~~If the insured, policy owner, or other~~ 83334
~~person refuses to assign payment to the department or refuses to~~ 83335
~~pay received reimbursements or payments to the department within~~ 83336
~~ten days of receipt, the total liability of the insured, policy~~ 83337
~~owner, or other person for the services is an amount equal to~~ 83338
~~the per diem charge for the hospital where the patient was~~ 83339
~~admitted multiplied by the number of days the patient was~~ 83340
~~admitted.~~ 83341

(2) (a) Regardless of the coverage provided by the policy 83342
or other contract, the patient, patient's estate, or patient's 83343
liable relative is liable to the department for the actual cost 83344
of care and treatment calculated under section 5121.33 of the 83345
Revised Code. 83346

(b) If the amount the department receives through the 83347
assignment of benefits, as required by division (A) (1) of this 83348

section, is less than the actual cost of care and treatment that 83349
is calculated under section 5121.33 of the Revised Code, the 83350
department shall charge the patient, patient's estate, or liable 83351
relative the lesser of the following: 83352

(i) The amount calculated under section 5121.33 of the 83353
Revised Code that remains after subtracting the amount the 83354
department receives through the assignment of benefits; 83355

(ii) The amount calculated under section 5121.33 of the 83356
Revised Code that applies after the department takes into 83357
consideration the exceptions described in sections 5121.35, 83358
5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code. 83359

(3) In no event shall ~~this total~~ a patient, patient's 83360
estate, or liable relative have liability ~~exceed~~ under this 83361
section for an amount that exceeds either, as the case may be, 83362
the department's actual cost of providing care and treatment to 83363
a patient calculated under section 5121.33 of the Revised Code 83364
or the amount that is charged under division (A) (2) (b) of this 83365
section. 83366

(B) With respect to the requirements of division (A) (1) of 83367
this section, both of the following apply: 83368

(1) The department may disqualify patients and liable 83369
relatives who have failed to assign benefits in accordance with 83370
division (A) (1) of this section, and retained third party funds, 83371
from future discounts that otherwise may have been available. 83372

(2) The department may request that the attorney general 83373
petition a court of competent jurisdiction to compel ~~the~~ an 83374
insured, policy owner ~~of~~, or other person having an interest in 83375
the policy or other contract to comply with the assignment 83376
requirements ~~in~~ of division (A) (1) of this section. 83377

Sec. 5122.01. As used in this chapter and Chapter 5119. of	83378
the Revised Code:	83379
(A) "Mental illness" means a substantial disorder of	83380
thought, mood, perception, orientation, or memory that grossly	83381
impairs judgment, behavior, capacity to recognize reality, or	83382
ability to meet the ordinary demands of life.	83383
(B) "Person with a mental illness subject to court order"	83384
means a person with a mental illness who, because of the	83385
person's illness:	83386
(1) Represents a substantial risk of physical harm to self	83387
as manifested by evidence of threats of, or attempts at, suicide	83388
or serious self-inflicted bodily harm;	83389
(2) Represents a substantial risk of physical harm to	83390
others as manifested by evidence of recent homicidal or other	83391
violent behavior, evidence of recent threats that place another	83392
in reasonable fear of violent behavior and serious physical	83393
harm, or other evidence of present dangerousness;	83394
(3) Represents a substantial and immediate risk of serious	83395
physical impairment or injury to self as manifested by evidence	83396
that the person is unable to provide for and is not providing	83397
for the person's basic physical needs because of the person's	83398
mental illness and that appropriate provision for those needs	83399
cannot be made immediately available in the community;	83400
(4) Would benefit from treatment for the person's mental	83401
illness and is in need of such treatment as manifested by	83402
evidence of behavior that creates a grave and imminent risk to	83403
substantial rights of others or the person;	83404
(5) (a) Would benefit from treatment as manifested by	83405
evidence of behavior that indicates all of the following:	83406

(i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.

(ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:

(I) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the thirty-six-month period.

(II) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others, provided that the forty-eight-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the forty-eight-month period.

(iii) The person, as a result of the person's mental illness, is unlikely to voluntarily participate in necessary treatment.

(iv) In view of the person's treatment history and current behavior, the person is in need of treatment in order to prevent a relapse or deterioration that would be likely to result in

substantial risk of serious harm to the person or others. 83436

(b) An individual who meets only the criteria described in 83437
division (B) (5) (a) of this section is not subject to 83438
hospitalization. 83439

(C) (1) "Patient" means, subject to division (C) (2) of this 83440
section, a person who is admitted either voluntarily or 83441
involuntarily to a hospital or other place under section 83442
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 83443
subsequent to a finding of not guilty by reason of insanity or 83444
incompetence to stand trial or under this chapter, who is under 83445
observation or receiving treatment in such place. 83446

(2) "Patient" does not include a person admitted to a 83447
hospital or other place under section 2945.39, 2945.40, 83448
2945.401, or 2945.402 of the Revised Code to the extent that the 83449
reference in this chapter to patient, or the context in which 83450
the reference occurs, is in conflict with any provision of 83451
sections 2945.37 to 2945.402 of the Revised Code. 83452

(D) "Licensed physician" means a person licensed under the 83453
laws of this state to practice medicine or a medical officer of 83454
the government of the United States while in this state in the 83455
performance of the person's official duties. 83456

(E) "Psychiatrist" means a licensed physician who has 83457
satisfactorily completed a residency training program in 83458
psychiatry, as approved by the residency review committee of the 83459
American medical association, the committee on post-graduate 83460
education of the American osteopathic association, or the 83461
American osteopathic board of neurology and psychiatry, or who 83462
on July 1, 1989, has been recognized as a psychiatrist by the 83463
Ohio state medical association or the Ohio osteopathic 83464

association on the basis of formal training and five or more 83465
years of medical practice limited to psychiatry. 83466

(F) "Hospital" means a hospital or inpatient unit licensed 83467
by the department of ~~mental-behavioral health and addiction-~~ 83468
~~services~~ under section 5119.33 of the Revised Code, and any 83469
institution, hospital, or other place established, controlled, 83470
or supervised by the department under Chapter 5119. of the 83471
Revised Code. 83472

(G) "Public hospital" means a facility that is tax- 83473
supported and under the jurisdiction of the department of ~~mental-~~ 83474
~~behavioral health and addiction services.~~ 83475

(H) "Community mental health services provider" means an 83476
agency, association, corporation, individual, or program that 83477
provides community mental health services that are certified by 83478
the director of ~~mental-behavioral health and addiction services-~~ 83479
under section 5119.36 of the Revised Code. 83480

(I) "Licensed clinical psychologist" means a person who 83481
holds a current, valid psychologist license issued under section 83482
4732.12 of the Revised Code, and in addition, meets the 83483
educational requirements set forth in division (B) of section 83484
4732.10 of the Revised Code and has a minimum of two years' 83485
full-time professional experience, or the equivalent as 83486
determined by rule of the state board of psychology, at least 83487
one year of which shall be a predoctoral internship, in clinical 83488
psychological work in a public or private hospital or clinic or 83489
in private practice, diagnosing and treating problems of mental 83490
illness or intellectual disability under the supervision of a 83491
psychologist who is licensed or who holds a diploma issued by 83492
the American board of professional psychology, or whose 83493
qualifications are substantially similar to those required for 83494

licensure by the state board of psychology when the supervision 83495
has occurred prior to enactment of laws governing the practice 83496
of psychology. 83497

(J) "Health officer" means any public health physician; 83498
public health nurse; or other person authorized or designated by 83499
a city or general health district or a board of alcohol, drug 83500
addiction, and mental health services to perform the duties of a 83501
health officer under this chapter. 83502

(K) "Chief clinical officer" means the medical director of 83503
a hospital, community mental health services provider, or board 83504
of alcohol, drug addiction, and mental health services, or, if 83505
there is no medical director, the licensed physician responsible 83506
for the treatment provided by a hospital or community mental 83507
health services provider. The chief clinical officer may 83508
delegate to the attending physician responsible for a patient's 83509
care the duties imposed on the chief clinical officer by this 83510
chapter. In the case of a community mental health services 83511
provider, the chief clinical officer shall be designated by the 83512
governing body of the services provider and shall be a licensed 83513
physician or licensed clinical psychologist who supervises 83514
diagnostic and treatment services. A licensed physician or 83515
licensed clinical psychologist designated by the chief clinical 83516
officer may perform the duties and accept the responsibilities 83517
of the chief clinical officer in the chief clinical officer's 83518
absence. 83519

(L) "Working day" or "court day" means Monday, Tuesday, 83520
Wednesday, Thursday, and Friday, except when such day is a 83521
holiday. 83522

(M) "Indigent" means unable without deprivation of 83523
satisfaction of basic needs to provide for the payment of an 83524

attorney and other necessary expenses of legal representation, 83525
including expert testimony. 83526

(N) "Respondent" means the person whose detention, 83527
commitment, hospitalization, continued hospitalization or 83528
commitment, or discharge is being sought in any proceeding under 83529
this chapter. 83530

(O) "Ohio protection and advocacy system" has the same 83531
meaning as in section 5123.60 of the Revised Code. 83532

(P) "Independent expert evaluation" means an evaluation 83533
conducted by a licensed clinical psychologist, psychiatrist, or 83534
licensed physician who has been selected by the respondent or 83535
the respondent's counsel and who consents to conducting the 83536
evaluation. 83537

(Q) "Court" means the probate division of the court of 83538
common pleas. 83539

(R) "Expunge" means: 83540

(1) The removal and destruction of court files and 83541
records, originals and copies, and the deletion of all index 83542
references; 83543

(2) The reporting to the person of the nature and extent 83544
of any information about the person transmitted to any other 83545
person by the court; 83546

(3) Otherwise insuring that any examination of court files 83547
and records in question shall show no record whatever with 83548
respect to the person; 83549

(4) That all rights and privileges are restored, and that 83550
the person, the court, and any other person may properly reply 83551
that no such record exists, as to any matter expunged. 83552

(S) "Residence" means a person's physical presence in a 83553
county with intent to remain there, except that: 83554

(1) If a person is receiving a mental health service at a 83555
facility that includes nighttime sleeping accommodations, 83556
residence means that county in which the person maintained the 83557
person's primary place of residence at the time the person 83558
entered the facility; 83559

(2) If a person is committed pursuant to section 2945.38, 83560
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 83561
residence means the county where the criminal charges were 83562
filed. 83563

When the residence of a person is disputed, the matter of 83564
residence shall be referred to the department of ~~mental~~ 83565
behavioral health and addiction services for investigation and 83566
determination. Residence shall not be a basis for a board of 83567
alcohol, drug addiction, and mental health services to deny 83568
services to any person present in the board's service district, 83569
and the board shall provide services for a person whose 83570
residence is in dispute while residence is being determined and 83571
for a person in an emergency situation. 83572

(T) "Admission" to a hospital or other place means that a 83573
patient is accepted for and stays at least one night at the 83574
hospital or other place. 83575

(U) "Prosecutor" means the prosecuting attorney, village 83576
solicitor, city director of law, or similar chief legal officer 83577
who prosecuted a criminal case in which a person was found not 83578
guilty by reason of insanity, who would have had the authority 83579
to prosecute a criminal case against a person if the person had 83580
not been found incompetent to stand trial, or who prosecuted a 83581

case in which a person was found guilty. 83582

(V) (1) "Treatment plan" means a written statement of 83583
reasonable objectives and goals for an individual established by 83584
the treatment team, with specific criteria to evaluate progress 83585
towards achieving those objectives. 83586

(2) The active participation of the patient in 83587
establishing the objectives and goals shall be documented. The 83588
treatment plan shall be based on patient needs and include 83589
services to be provided to the patient while the patient is 83590
hospitalized, after the patient is discharged, or in an 83591
outpatient setting. The treatment plan shall address services to 83592
be provided. In the establishment of the treatment plan, 83593
consideration should be given to the availability of services, 83594
which may include but are not limited to all of the following: 83595

(a) Community psychiatric supportive treatment; 83596

(b) Assertive community treatment; 83597

(c) Medications; 83598

(d) Individual or group therapy; 83599

(e) Peer support services; 83600

(f) Financial services; 83601

(g) Housing or supervised living services; 83602

(h) Alcohol or substance abuse treatment; 83603

(i) Any other services prescribed to treat the patient's 83604
mental illness and to either assist the patient in living and 83605
functioning in the community or to help prevent a relapse or a 83606
deterioration of the patient's current condition. 83607

(3) If the person subject to the treatment plan has 83608

executed an advance directive for mental health treatment, the 83609
treatment team shall consider any directions included in such 83610
advance directive in developing the treatment plan. 83611

(W) "Community control sanction" has the same meaning as 83612
in section 2929.01 of the Revised Code. 83613

(X) "Post-release control sanction" has the same meaning 83614
as in section 2967.01 of the Revised Code. 83615

(Y) "Local correctional facility" has the same meaning as 83616
in section 2903.13 of the Revised Code. 83617

(Z) "Clinical nurse specialist" and "certified nurse 83618
practitioner" have the same meanings as in section 4723.01 of 83619
the Revised Code. 83620

Sec. 5122.03. A patient admitted under section 5122.02 of 83621
the Revised Code who requests release in writing, or whose 83622
release is requested in writing by the patient's counsel, legal 83623
guardian, parent, spouse, or adult next of kin shall be released 83624
forthwith, except when any of the following is the case: 83625

(A) The patient was admitted on the patient's own 83626
application and the request for release is made by a person 83627
other than the patient, release may be conditional upon the 83628
agreement of the patient. 83629

(B) The patient was, within the past twelve months, a 83630
defendant described in division (B)(1)(a)(v)(I) of section 83631
2945.38 of the Revised Code and the chief clinical officer of 83632
the hospital decides not to file or cause to be filed an 83633
affidavit under section 5122.11 of the Revised Code as described 83634
in division (C) of this section. In that circumstance, the chief 83635
clinical officer shall immediately notify the trial court or 83636
prosecutor described in division (B)(1)(a)(v)(I) of section 83637

2945.38 of the Revised Code of the chief clinical officer's 83638
decision and intent to release the patient. Not later than three 83639
court days after being notified of the intent to release, the 83640
trial court or prosecutor may file or cause to be filed with the 83641
court of the county where the patient is hospitalized, or the 83642
court of the county where the patient resides, an affidavit 83643
under section 5122.11 of the Revised Code. If such an affidavit 83644
is filed, the patient's release must be postponed until a 83645
hearing under section 5122.141 of the Revised Code is held. 83646

(C) The chief clinical officer of the hospital, within 83647
three court days from the receipt of the request for release, 83648
files or causes to be filed with the court of the county where 83649
the patient is hospitalized or of the county where the patient 83650
is a resident, an affidavit under section 5122.11 of the Revised 83651
Code. Release may be postponed until the hearing held under 83652
section 5122.141 of the Revised Code. A telephone communication 83653
within three court days from the receipt of the request for 83654
release from the chief clinical officer to the court, indicating 83655
that the required affidavit has been mailed, is sufficient 83656
compliance with the time limit for filing such affidavit. 83657

Unless the patient is released within three days from the 83658
receipt of the request by the chief clinical officer, the 83659
request shall serve as a request for an initial hearing under 83660
section 5122.141 of the Revised Code. If the court finds that 83661
the patient is a person with a mental illness subject to court 83662
order, all provisions of this chapter with respect to 83663
involuntary hospitalization apply to such person. 83664

Judicial proceedings for hospitalization shall not be 83665
commenced with respect to a voluntary patient except pursuant to 83666
this section. 83667

Sections 5121.30 to 5121.56 of the Revised Code apply to persons received in a hospital operated by the department of ~~mental-behavioral health and addiction services~~ on a voluntary application.

The chief clinical officer of the hospital shall provide reasonable means and arrangements for informing patients of their rights to release as provided in this section and for assisting them in making and presenting requests for release or for a hearing under section 5122.141 of the Revised Code.

Before a patient is released from a public hospital, the chief clinical officer shall, when possible, ~~notify~~ provide notice of the patient's pending release to the board of alcohol, drug addiction, and mental health services serving the patient's county of residence of the patient's pending release after. Before the notice is given, the chief clinical officer ~~has informed~~ shall inform the patient that the board will be so notified.

Sec. 5122.10. (A) (1) Any of the following who has reason to believe that a person is a person with a mental illness subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination may take the person into custody and may immediately transport the person to a hospital or, notwithstanding section 5119.33 of the Revised Code, to a general hospital not licensed by the department of ~~mental-behavioral health and addiction services~~ where the person may be held for the period prescribed in this section:

(a) A psychiatrist;

(b) A licensed physician;

(c) A licensed clinical psychologist; 83697

(d) A clinical nurse specialist who is certified as a 83698
psychiatric-mental health CNS by the American nurses 83699
credentialing center; 83700

(e) A certified nurse practitioner who is certified as a 83701
psychiatric-mental health NP by the American nurses 83702
credentialing center; 83703

(f) A health officer; 83704

(g) A parole officer; 83705

(h) A police officer; 83706

(i) A sheriff. 83707

(2) If the chief of the adult parole authority or a parole 83708
or probation officer with the approval of the chief of the 83709
authority has reason to believe that a parolee, an offender 83710
under a community control sanction or post-release control 83711
sanction, or an offender under transitional control is a person 83712
with a mental illness subject to court order and represents a 83713
substantial risk of physical harm to self or others if allowed 83714
to remain at liberty pending examination, the chief or officer 83715
may take the parolee or offender into custody and may 83716
immediately transport the parolee or offender to a hospital or, 83717
notwithstanding section 5119.33 of the Revised Code, to a 83718
general hospital not licensed by the department of ~~mental-~~ 83719
behavioral health and addiction services where the parolee or 83720
offender may be held for the period prescribed in this section. 83721

(B) A written statement shall be given to the hospital by 83722
the individual authorized under division (A) (1) or (2) of this 83723
section to transport the person. The statement shall specify the 83724

circumstances under which such person was taken into custody and 83725
the reasons for the belief that the person is a person with a 83726
mental illness subject to court order and represents a 83727
substantial risk of physical harm to self or others if allowed 83728
to remain at liberty pending examination. This statement shall 83729
be made available to the respondent or the respondent's attorney 83730
upon request of either. 83731

(C) Every reasonable and appropriate effort shall be made 83732
to take persons into custody in the least conspicuous manner 83733
possible. A person taking the respondent into custody pursuant 83734
to this section shall explain to the respondent: the name and 83735
professional designation and affiliation of the person taking 83736
the respondent into custody; that the custody-taking is not a 83737
criminal arrest; and that the person is being taken for 83738
examination by mental health professionals at a specified mental 83739
health facility identified by name. 83740

(D) If a person taken into custody under this section is 83741
transported to a general hospital, the general hospital may 83742
admit the person, or provide care and treatment for the person, 83743
or both, notwithstanding section 5119.33 of the Revised Code, 83744
but by the end of twenty-four hours after arrival at the general 83745
hospital, the person shall be transferred to a hospital as 83746
defined in section 5122.01 of the Revised Code. 83747

(E) A person transported or transferred to a hospital or 83748
community mental health services provider under this section 83749
shall be examined by the staff of the hospital or services 83750
provider within twenty-four hours after arrival at the hospital 83751
or services provider. If to conduct the examination requires 83752
that the person remain overnight, the hospital or services 83753
provider shall admit the person in an unclassified status until 83754

making a disposition under this section. After the examination, 83755
if the chief clinical officer of the hospital or services 83756
provider believes that the person is not a person with a mental 83757
illness subject to court order, the chief clinical officer shall 83758
release or discharge the person immediately unless a court has 83759
issued a temporary order of detention applicable to the person 83760
under section 5122.11 of the Revised Code. After the 83761
examination, if the chief clinical officer believes that the 83762
person is a person with a mental illness subject to court order, 83763
the chief clinical officer may detain the person for not more 83764
than three court days following the day of the examination and 83765
during such period admit the person as a voluntary patient under 83766
section 5122.02 of the Revised Code or file an affidavit under 83767
section 5122.11 of the Revised Code. If neither action is taken 83768
and a court has not otherwise issued a temporary order of 83769
detention applicable to the person under section 5122.11 of the 83770
Revised Code, the chief clinical officer shall discharge the 83771
person at the end of the three-day period unless the person has 83772
been sentenced to the department of rehabilitation and 83773
correction and has not been released from the person's sentence, 83774
in which case the person shall be returned to that department. 83775

Sec. 5122.15. (A) Full hearings shall be conducted in a 83776
manner consistent with this chapter and with due process of law. 83777
The hearings shall be conducted by a judge of the probate court 83778
or a referee designated by a judge of the probate court and may 83779
be conducted in or out of the county in which the respondent is 83780
held. Any referee designated under this division shall be an 83781
attorney. 83782

(1) With the consent of the respondent, the following 83783
shall be made available to counsel for the respondent: 83784

(a) All relevant documents, information, and evidence in 83785
the custody or control of the state or prosecutor; 83786

(b) All relevant documents, information, and evidence in 83787
the custody or control of the hospital in which the respondent 83788
currently is held, or in which the respondent has been held 83789
pursuant to this chapter; 83790

(c) All relevant documents, information, and evidence in 83791
the custody or control of any hospital, facility, or person not 83792
included in division (A)(1)(a) or (b) of this section. 83793

(2) The respondent has the right to attend the hearing and 83794
to be represented by counsel of the respondent's choice. The 83795
right to attend the hearing may be waived only by the respondent 83796
or counsel for the respondent after consultation with the 83797
respondent. 83798

(3) If the respondent is not represented by counsel, is 83799
absent from the hearing, and has not validly waived the right to 83800
counsel, the court shall appoint counsel immediately to 83801
represent the respondent at the hearing, reserving the right to 83802
tax costs of appointed counsel to the respondent, unless it is 83803
shown that the respondent is indigent. If the court appoints 83804
counsel, or if the court determines that the evidence relevant 83805
to the respondent's absence does not justify the absence, the 83806
court shall continue the case. 83807

(4) The respondent shall be informed that the respondent 83808
may retain counsel and have independent expert evaluation. If 83809
the respondent is unable to obtain an attorney, the respondent 83810
shall be represented by court-appointed counsel. If the 83811
respondent is indigent, court-appointed counsel and independent 83812
expert evaluation shall be provided as an expense under section 83813

5122.43 of the Revised Code. 83814

(5) The hearing shall be closed to the public, unless 83815
counsel for the respondent, with the permission of the 83816
respondent, requests that the hearing be open to the public. 83817

(6) If the hearing is closed to the public, the court, for 83818
good cause shown, may admit persons who have a legitimate 83819
interest in the proceedings. If the respondent, the respondent's 83820
counsel, or the designee of the director or of the chief 83821
clinical officer objects to the admission of any person, the 83822
court shall hear the objection and any opposing argument and 83823
shall rule upon the admission of the person to the hearing. 83824

(7) The affiant under section 5122.11 of the Revised Code 83825
shall be subject to subpoena by either party. 83826

(8) The court shall examine the sufficiency of all 83827
documents filed and shall inform the respondent, if present, and 83828
the respondent's counsel of the nature and content of the 83829
documents and the reason for which the respondent is being 83830
detained, or for which the respondent's placement is being 83831
sought. 83832

(9) The court shall receive only reliable, competent, and 83833
material evidence. 83834

(10) Unless proceedings are initiated pursuant to section 83835
5120.17 or 5139.08 of the Revised Code, an attorney that the 83836
board designates shall present the case demonstrating that the 83837
respondent is a person with a mental illness subject to court 83838
order. The attorney shall offer evidence of the diagnosis, 83839
prognosis, record of treatment, if any, and less restrictive 83840
treatment plans, if any. In proceedings pursuant to section 83841
5120.17 or 5139.08 of the Revised Code, the attorney general 83842

shall designate an attorney who shall present the case 83843
demonstrating that the respondent is a person with a mental 83844
illness subject to court order. The attorney shall offer 83845
evidence of the diagnosis, prognosis, record of treatment, if 83846
any, and less restrictive treatment plans, if any. 83847

(11) The respondent or the respondent's counsel has the 83848
right to subpoena witnesses and documents and to examine and 83849
cross-examine witnesses. 83850

(12) The respondent has the right, but shall not be 83851
compelled, to testify, and shall be so advised by the court. 83852

(13) On motion of the respondent or the respondent's 83853
counsel for good cause shown, or on the court's own motion, the 83854
court may order a continuance of the hearing. 83855

(14) If the respondent is represented by counsel and the 83856
respondent's counsel requests a transcript and record, or if the 83857
respondent is not represented by counsel, the court shall make 83858
and maintain a full transcript and record of the proceeding. If 83859
the respondent is indigent and the transcript and record is 83860
made, a copy shall be provided to the respondent upon request 83861
and be treated as an expense under section 5122.43 of the 83862
Revised Code. 83863

(15) To the extent not inconsistent with this chapter, the 83864
Rules of Civil Procedure are applicable. 83865

(B) Unless, upon completion of the hearing the court finds 83866
by clear and convincing evidence that the respondent is a person 83867
with a mental illness subject to court order, it shall order the 83868
respondent's discharge immediately. 83869

(C) If, upon completion of the hearing, the court finds by 83870
clear and convincing evidence that the respondent is a person 83871

with a mental illness subject to court order, the court shall 83872
order the respondent for a period not to exceed ninety days to 83873
any of the following: 83874

(1) A hospital operated by the department of ~~mental~~ 83875
behavioral health ~~and addiction services~~ if the respondent is 83876
committed pursuant to section 5139.08 of the Revised Code; 83877

(2) A nonpublic hospital; 83878

(3) The veterans' administration or other agency of the 83879
United States government; 83880

(4) A board of alcohol, drug addiction, and mental health 83881
services or services provider the board designates; 83882

(5) Receive private psychiatric or psychological care and 83883
treatment; 83884

(6) Any other suitable facility or person consistent with 83885
the diagnosis, prognosis, and treatment needs of the respondent. 83886
A jail or other local correctional facility is not a suitable 83887
facility. 83888

(D) Any order made pursuant to division (C) (2), (3), (5), 83889
or (6) of this section shall be conditioned upon the receipt by 83890
the court of consent by the hospital, facility, agency, or 83891
person to accept the respondent and may include a requirement 83892
that a person or entity described in division (C) (2), (3), (5), 83893
or (6) of this section inform the board of alcohol, drug 83894
addiction, and mental health services or community mental health 83895
services provider the board designates about the progress of the 83896
respondent with the treatment plan. 83897

(E) In determining the entity or person to which the 83898
respondent is to be committed under division (C) of this 83899

section, the court shall consider all of the following: 83900

(1) The respondent's diagnosis and prognosis made by a 83901
psychiatrist, licensed clinical psychologist, clinical nurse 83902
specialist who is certified as a psychiatric-mental health 83903
clinical nurse specialist by the American nurses credentialing 83904
center, or certified nurse practitioner who is certified as a 83905
psychiatric-mental health nurse practitioner by the American 83906
nurses credentialing center; 83907

(2) The respondent's preferences; 83908

(3) The respondent's projected treatment plan. 83909

The court shall order the implementation of the least 83910
restrictive alternative available and consistent with treatment 83911
goals. If the court determines that the least restrictive 83912
alternative available that is consistent with treatment goals is 83913
inpatient hospitalization, the court's order shall so state. 83914

(F) During the ninety-day period the entity or person 83915
shall examine and treat the respondent. If the respondent is 83916
receiving treatment in an outpatient setting, or receives 83917
treatment in an outpatient setting during a subsequent period of 83918
continued commitment under division (H) of this section, the 83919
entity or person to whom the respondent is committed shall 83920
determine the appropriate outpatient treatment for the 83921
respondent. If, at any time prior to the expiration of the 83922
ninety-day period, it is determined by the entity or person that 83923
the respondent's treatment needs could be equally well met in an 83924
available and appropriate less restrictive setting, both of the 83925
following apply: 83926

(1) The respondent shall be released from the care of the 83927
entity or person immediately and shall be referred to the court 83928

together with a report of the findings and recommendations of 83929
the entity or person; 83930

(2) The entity or person shall notify the respondent's 83931
counsel or the attorney designated by a board of alcohol, drug 83932
addiction, and mental health services or, if the respondent was 83933
committed to a board or a services provider designated by the 83934
board, it shall place the respondent in the least restrictive 83935
setting available consistent with treatment goals and notify the 83936
court and the respondent's counsel of the placement. 83937

The court shall dismiss the case or order placement in the 83938
least restrictive setting. 83939

(G) (1) Except as provided in division (G) (2) of this 83940
section, any person for whom proceedings for treatment have been 83941
commenced pursuant to section 5122.11 of the Revised Code, may 83942
apply at any time for voluntary admission or treatment to the 83943
entity or person to which the person was committed. Upon 83944
admission as a voluntary patient the chief clinical officer of 83945
the entity or the person immediately shall notify the court, the 83946
patient's counsel, and the attorney designated by the board, if 83947
the attorney has entered the proceedings, in writing of that 83948
fact, and, upon receipt of the notice, the court shall dismiss 83949
the case. 83950

(2) A person who is found incompetent to stand trial or 83951
not guilty by reason of insanity and who is committed pursuant 83952
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 83953
Revised Code shall not voluntarily commit the person pursuant to 83954
this section until after the final termination of the 83955
commitment, as described in division (J) of section 2945.401 of 83956
the Revised Code. 83957

(H) If, at the end of the first ninety-day period or any subsequent period of continued commitment, there has been no disposition of the case, either by discharge or voluntary admission or treatment, the entity or person shall discharge the patient immediately, unless at least ten days before the expiration of the period the attorney the board designates or the prosecutor files with the court an application for continued commitment. The application of the attorney or the prosecutor shall include a written report containing the diagnosis, prognosis, past treatment, a list of alternative treatment settings and plans, and identification of the treatment setting that is the least restrictive consistent with treatment needs. The attorney the board designates or the prosecutor shall file the written report at least three days prior to the full hearing. A copy of the application and written report shall be provided to the respondent's counsel immediately.

The court shall hold a full hearing on applications for continued commitment at the expiration of the first ninety-day period and at least every two years after the expiration of the first ninety-day period.

Hearings following any application for continued commitment are mandatory and may not be waived.

For a respondent who is ordered to receive treatment in an outpatient setting, if at any time after the first ninety-day period the entity or person to whom the respondent was ordered determines that the respondent has demonstrated voluntary consent for treatment, that entity or person shall immediately notify the respondent, the respondent's counsel, the attorney designated by the board, and the court. The entity or person shall submit to the court a report of the findings and

recommendations. The court may dismiss the case upon review of 83988
the facts. 83989

Upon request of a person who is involuntarily committed 83990
under this section, or the person's counsel, that is made more 83991
than one hundred eighty days after the person's last full 83992
hearing, mandatory or requested, the court shall hold a full 83993
hearing on the person's continued commitment. Upon the 83994
application of a person involuntarily committed under this 83995
section, supported by an affidavit of a psychiatrist or licensed 83996
clinical psychologist, alleging that the person no longer is a 83997
person with a mental illness subject to court order, the court 83998
for good cause shown may hold a full hearing on the person's 83999
continued commitment prior to the expiration of one hundred 84000
eighty days after the person's last full hearing. Section 84001
5122.12 of the Revised Code applies to all hearings on continued 84002
commitment. 84003

If the court, after a hearing for continued commitment 84004
finds by clear and convincing evidence that the respondent is a 84005
person with a mental illness subject to court order, the court 84006
may order continued commitment at places or to persons specified 84007
in division (C) of this section. 84008

(I) Unless the admission is pursuant to section 5120.17 or 84009
5139.08 of the Revised Code, the chief clinical officer of the 84010
entity admitting a respondent pursuant to a judicial proceeding, 84011
within ten working days of the admission, shall make a report of 84012
the admission to the board of alcohol, drug addiction, and 84013
mental health services serving the respondent's county of 84014
residence. 84015

(J) A referee appointed by the court may make all orders 84016
that a judge may make under this section and sections 5122.11 84017

and 5122.141 of the Revised Code, except an order of contempt of 84018
court. The orders of a referee take effect immediately. Within 84019
fourteen days of the making of an order by a referee, a party 84020
may file written objections to the order with the court. The 84021
filed objections shall be considered a motion, shall be 84022
specific, and shall state their grounds with particularity. 84023
Within ten days of the filing of the objections, a judge of the 84024
court shall hold a hearing on the objections and may hear and 84025
consider any testimony or other evidence relating to the 84026
respondent's mental condition. At the conclusion of the hearing, 84027
the judge may ratify, rescind, or modify the referee's order. 84028

(K) An order of the court under division (C), (H), or (J) 84029
of this section is a final order. 84030

(L) Before a board, or a services provider the board 84031
designates, may place an unconsenting respondent in an inpatient 84032
setting from a less restrictive placement, the board or services 84033
provider shall do all of the following: 84034

(1) Determine that the respondent is in immediate need of 84035
treatment in an inpatient setting because the respondent 84036
represents a substantial risk of physical harm to the respondent 84037
or others if allowed to remain in a less restrictive setting; 84038

(2) On the day of placement in the inpatient setting or on 84039
the next court day, file with the court a motion for transfer to 84040
an inpatient setting or communicate to the court by telephone 84041
that the required motion has been mailed; 84042

(3) Ensure that every reasonable and appropriate effort is 84043
made to take the respondent to the inpatient setting in the 84044
least conspicuous manner possible; 84045

(4) Immediately notify the board's designated attorney and 84046

the respondent's attorney. 84047

At the respondent's request, the court shall hold a 84048
hearing on the motion and make a determination pursuant to 84049
division (E) of this section within five days of the placement. 84050

(M) Before a board, or a services provider the board 84051
designates, may move a respondent from one residential placement 84052
to another, the board or services provider shall consult with 84053
the respondent about the placement. If the respondent objects to 84054
the placement, the proposed placement and the need for it shall 84055
be reviewed by a qualified mental health professional who 84056
otherwise is not involved in the treatment of the respondent. 84057

(N) The entity or person to whom the respondent was 84058
ordered for treatment in an outpatient setting may submit a 84059
report to the court indicating that the respondent has either 84060
failed to comply with the treatment plan or begun to demonstrate 84061
signs of decompensation that may be grounds for hospitalization. 84062
On receipt of the report, the court shall promptly schedule a 84063
hearing to review the case. The court shall conduct the hearing 84064
in a manner consistent with this chapter and due process of law. 84065
The board shall receive notice of the hearing and the board and 84066
entity or person treating the respondent shall submit a report 84067
to the court with a plan for appropriate alternative treatment, 84068
if any, or recommend that the court discontinue the court- 84069
ordered treatment. The court shall consider available and 84070
appropriate alternative placements but shall not impose criminal 84071
sanctions that result in confinement in a jail or other local 84072
correctional facility based on the respondent's failure to 84073
comply with the treatment plan. The court may not order the 84074
respondent to a more restrictive placement unless the criteria 84075
specified in division (L) of this section are met and may not 84076

order the respondent to an inpatient setting unless the court 84077
determines by clear and convincing evidence presented by the 84078
board that the respondent meets the criteria specified in 84079
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 84080
the Revised Code. 84081

Sec. 5122.20. The director of ~~mental-behavioral health and~~ 84082
~~addiction services~~ or the director's designee may transfer, or 84083
authorize the transfer of, an involuntary patient, or a 84084
consenting voluntary patient hospitalized pursuant to section 84085
5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from 84086
one public hospital to another, or to a hospital, community 84087
mental health services provider, or other facility offering 84088
treatment or other services for mental illness, if the medical 84089
director of the department of ~~mental-behavioral health and~~ 84090
~~addiction services~~ determines that it would be consistent with 84091
the medical needs of the patient to do so. If such a transfer is 84092
made to a private facility, the transfer shall be conditioned 84093
upon the consent of the facility. 84094

Before an involuntary patient may be transferred to a more 84095
restrictive setting, the chief clinical officer shall file a 84096
motion with the court requesting the court to amend its order of 84097
placement issued under section 5122.15 of the Revised Code. At 84098
the patient's request, the court shall hold a hearing on the 84099
motion at which the patient has the same rights as at a full 84100
hearing under section 5122.15 of the Revised Code. The hearing 84101
shall be held within ten days after the date on which the 84102
respondent was transferred to the more restrictive setting or on 84103
which the motion was filed, whichever is earlier. On the motion 84104
of the respondent, the respondent's counsel, or the chief 84105
clinical officer, or on its own motion, and for good cause 84106
shown, the court may order a continuance of the hearing for up 84107

to ten days. 84108

Whenever an involuntary patient is transferred, written 84109
notice of the transfer shall be given to the patient's legal 84110
guardian, parents, spouse, and counsel, or, if none is known, to 84111
the patient's nearest known relative or friend. If the patient 84112
is a minor, the department, before making such a transfer, shall 84113
make a minute of the order for the transfer and the reason for 84114
it upon its record and shall send a certified copy at least 84115
seven days prior to the transfer to the person shown by its 84116
record to have had the care or custody of the minor immediately 84117
prior to the minor's commitment. Whenever a consenting voluntary 84118
patient is transferred, the notification shall be given only at 84119
the patient's request. The chief clinical officer shall advise a 84120
voluntary patient who is being transferred that the patient may 84121
decide if the notification shall be given. In all such 84122
transfers, due consideration shall be given to the wishes of the 84123
patient, and the relationship of the patient to the patient's 84124
family, legal guardian, or friends, so as to maintain the 84125
relationship and encourage visits beneficial to the patient. 84126

When a voluntary patient whose medical or psychological 84127
needs are found by the chief clinical officer to warrant a 84128
transfer refuses to be transferred to an alternate facility, the 84129
chief clinical officer may file an affidavit for a hearing under 84130
section 5122.11 of the Revised Code. 84131

Sec. 5122.21. (A) The chief clinical officer shall as 84132
frequently as practicable, and at least once every thirty days, 84133
examine or cause to be examined every patient, and, whenever the 84134
chief clinical officer determines that the conditions justifying 84135
involuntary hospitalization or commitment no longer obtain, 84136
shall discharge the patient not under indictment or conviction 84137

for crime and immediately make a report of the discharge to the 84138
department of ~~mental-behavioral health-and-addiction services~~. 84139
The chief clinical officer may discharge a patient who is under 84140
an indictment, a sentence of imprisonment, a community control 84141
sanction, or a post-release control sanction or on parole ten 84142
days after written notice of intent to discharge the patient has 84143
been given by personal service or certified mail, return receipt 84144
requested, to the court having criminal jurisdiction over the 84145
patient. Except when the patient was found not guilty by reason 84146
of insanity and the defendant's commitment is pursuant to 84147
section 2945.40 of the Revised Code, the chief clinical officer 84148
has final authority to discharge a patient who is under an 84149
indictment, a sentence of imprisonment, a community control 84150
sanction, or a post-release control sanction or on parole. 84151

(B) After a finding pursuant to section 5122.15 of the 84152
Revised Code that a person is a person with a mental illness 84153
subject to court order, the chief clinical officer of the 84154
hospital or community mental health services provider to which 84155
the person is ordered or to which the person is transferred 84156
under section 5122.20 of the Revised Code, may grant a discharge 84157
without the consent or authorization of any court. 84158

Upon discharge, the chief clinical officer shall notify 84159
the court that caused the judicial hospitalization of the 84160
discharge from the hospital. 84161

Sec. 5122.23. The chief clinical officer of a public 84162
hospital shall immediately report to the department of ~~mental-~~ 84163
~~behavioral health and addiction services~~ and the board of 84164
alcohol, drug addiction, and mental health services serving the 84165
patient's county of residence the removal, death, escape, 84166
discharge, or trial visit of any patient hospitalized under 84167

section 5122.15 of the Revised Code, or the return of such an 84168
escaped or visiting patient to the department, the probate judge 84169
of the county from which such patient was hospitalized, and the 84170
probate judge of the county of residence of such patient. In 84171
case of death, the chief clinical officer also shall notify one 84172
or more of the nearest relatives of the deceased patient, if 84173
known to the chief clinical officer, by letter, telegram, or 84174
telephone. If the place of residence of such relative is unknown 84175
to the chief clinical officer, immediately upon receiving 84176
notification the probate judge shall in the speediest manner 84177
possible notify such relatives, if known to the probate judge. 84178

The chief clinical officer of a public hospital, upon the 84179
request of the probate judge of the county from which a patient 84180
was hospitalized or the probate judge of the county of residence 84181
of such a patient, shall make a report to the judge of the 84182
condition of any patient under the care, treatment, custody, or 84183
control of the chief clinical officer. 84184

Sec. 5122.26. (A) If a patient is absent without leave, on 84185
a verbal or written order issued within five days of the time of 84186
the unauthorized absence by the department of ~~mental-behavioral~~ 84187
~~health-and-addiction-services~~, the chief clinical officer of the 84188
hospital from which the patient is absent without leave, or the 84189
court of either the county from which the patient was committed 84190
or in which the patient is found, any health or police officer 84191
or sheriff may take the patient into custody and transport the 84192
patient to the hospital in which the patient was hospitalized or 84193
to a place that is designated in the order. The officer 84194
immediately shall report such fact to the entity that issued the 84195
order. 84196

The chief clinical officer of a hospital may discharge a 84197

patient who is under an indictment, a sentence of imprisonment, 84198
a community control sanction, or a post-release control sanction 84199
or on parole and who has been absent without leave for more than 84200
thirty days but shall give written notice of the discharge to 84201
the court with criminal jurisdiction over the patient. The chief 84202
clinical officer of a hospital may discharge any other patient 84203
who has been absent without leave for more than fourteen days. 84204

The chief clinical officer shall take all proper measures 84205
for the apprehension of an escaped patient. The expense of the 84206
return of an escaped patient shall be borne by the hospital 84207
where the patient is hospitalized. 84208

(B) (1) Subject to division (B) (2) of this section, no 84209
patient hospitalized under Chapter 5122. of the Revised Code 84210
whose absence without leave was caused or contributed to by the 84211
patient's mental illness shall be subject to a charge of escape. 84212

(2) Division (B) (1) of this section does not apply to any 84213
person who was hospitalized, institutionalized, or confined in a 84214
facility under an order made pursuant to or under authority of 84215
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 84216
or 2945.402 of the Revised Code and who escapes from the 84217
facility, from confinement in a vehicle for transportation to or 84218
from the facility, or from supervision by an employee of the 84219
facility that is incidental to hospitalization, 84220
institutionalization, or confinement in the facility and that 84221
occurs outside the facility, in violation of section 2921.34 of 84222
the Revised Code. 84223

Sec. 5122.27. The chief clinical officer of the hospital 84224
or the chief clinical officer's designee shall assure that all 84225
patients hospitalized or committed pursuant to this chapter 84226
shall: 84227

(A) Receive, within twenty days of their admission 84228
sufficient professional care to assure that an evaluation of 84229
current status, differential diagnosis, probable prognosis, and 84230
description of the current treatment plan is stated on the 84231
official chart; 84232

(B) Have a written treatment plan consistent with the 84233
evaluation, diagnosis, prognosis, and goals which shall be 84234
provided, upon request of the patient or patient's counsel, to 84235
the patient's counsel and to any private physician or licensed 84236
clinical psychologist designated by the patient or the patient's 84237
counsel or to the Ohio protection and advocacy system; 84238

(C) Receive treatment consistent with the treatment plan. 84239
The department of ~~mental-behavioral health and addiction-~~ 84240
~~services~~ shall set standards for treatment provided to such 84241
patients, consistent wherever possible with standards set by the 84242
joint commission. 84243

(D) Receive periodic reevaluations of the treatment plan 84244
by the professional staff at intervals not to exceed ninety 84245
days; 84246

(E) Be provided with adequate medical treatment for 84247
physical disease or injury; 84248

(F) Receive humane care and treatment, including without 84249
limitation, the following: 84250

(1) The least restrictive environment consistent with the 84251
treatment plan; 84252

(2) The necessary facilities and personnel required by the 84253
treatment plan; 84254

(3) A humane psychological and physical environment; 84255

(4) The right to obtain current information concerning the 84256
patient's treatment program and expectations in terms that the 84257
patient can reasonably understand; 84258

(5) Participation in programs designed to afford the 84259
patient substantial opportunity to acquire skills to facilitate 84260
return to the community or to terminate an involuntary 84261
commitment; 84262

(6) The right to be free from unnecessary or excessive 84263
medication; 84264

(7) Freedom from restraints or isolation unless it is 84265
stated in a written order by the chief clinical officer or the 84266
chief clinical officer's designee, or the patient's individual 84267
physician or psychologist in a private or general hospital. 84268

If the chief clinical officer of the hospital is unable to 84269
provide the treatment required by divisions (C), (E), and (F) of 84270
this section for any patient hospitalized pursuant to Chapter 84271
5122. of the Revised Code, the chief clinical officer shall 84272
immediately notify the patient, the court, the Ohio protection 84273
and advocacy system, the director of ~~mental~~ behavioral health- 84274
~~and addiction services~~, and the patient's counsel and legal 84275
guardian, if known. If within ten days after receipt of such 84276
notification by the director, the director is unable to effect a 84277
transfer of the patient, pursuant to section 5122.20 of the 84278
Revised Code, to a hospital, community mental health services 84279
provider, or other medical facility where treatment is 84280
available, or has not received an order of the court to the 84281
contrary, the involuntary commitment of any patient hospitalized 84282
pursuant to Chapter 5122. of the Revised Code and defined as a 84283
person with a mental illness subject to court order under 84284
division (B) (4) of section 5122.01 of the Revised Code shall 84285

automatically be terminated. 84286

Sec. 5122.31. (A) All certificates, applications, records, 84287
and reports made for the purpose of this chapter and sections 84288
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 84289
Code, other than court journal entries or court docket entries, 84290
and directly or indirectly identifying a patient or former 84291
patient or person whose hospitalization or commitment has been 84292
sought under this chapter, shall be kept confidential and shall 84293
not be disclosed by any person except: 84294

(1) If the person identified, or the person's legal 84295
guardian, if any, or if the person is a minor, the person's 84296
parent or legal guardian, consents, and if the disclosure is in 84297
the best interests of the person, as may be determined by the 84298
court for judicial records and by the chief clinical officer for 84299
medical records; 84300

(2) When disclosure is provided for in this chapter or 84301
Chapters 340. or 5119. of the Revised Code or in accordance with 84302
other provisions of state or federal law authorizing such 84303
disclosure; 84304

(3) That hospitals, boards of alcohol, drug addiction, and 84305
mental health services, and community mental health services 84306
providers may release necessary medical information to insurers 84307
and other third-party payers, including government entities 84308
responsible for processing and authorizing payment, to obtain 84309
payment for goods and services furnished to the patient; 84310

(4) Pursuant to a court order signed by a judge; 84311

(5) That a patient shall be granted access to the 84312
patient's own psychiatric and medical records, unless access 84313
specifically is restricted in a patient's treatment plan for 84314

clear treatment reasons; 84315

(6) That hospitals and other institutions and facilities 84316
within the department of ~~mental behavioral health and addiction~~ 84317
~~services~~ may exchange psychiatric records and other pertinent 84318
information with other hospitals, institutions, and facilities 84319
of the department, and with community mental health services 84320
providers and boards of alcohol, drug addiction, and mental 84321
health services with which the department has a current 84322
agreement for patient care or services. Records and information 84323
that may be released pursuant to this division shall be limited 84324
to medication history, physical health status and history, 84325
financial status, summary of course of treatment in the 84326
hospital, summary of treatment needs, and a discharge summary, 84327
if any. 84328

(7) That hospitals within the department and other 84329
institutions and facilities within the department may exchange 84330
psychiatric records and other pertinent information with payers 84331
and other providers of treatment, health services, and recovery 84332
supports if the purpose of the exchange is to facilitate 84333
continuity of care for a patient or for the emergency treatment 84334
of an individual; 84335

(8) That a patient's family member who is involved in the 84336
provision, planning, and monitoring of services to the patient 84337
may receive medication information, a summary of the patient's 84338
diagnosis and prognosis, and a list of the services and 84339
personnel available to assist the patient and the patient's 84340
family, if the patient's treating physician determines that the 84341
disclosure would be in the best interests of the patient. No 84342
such disclosure shall be made unless the patient is notified 84343
first and receives the information and does not object to the 84344

disclosure. 84345

(9) That community mental health services providers may 84346
exchange psychiatric records and certain other information with 84347
the board of alcohol, drug addiction, and mental health services 84348
and other services providers in order to provide services to a 84349
person involuntarily committed to a board. Release of records 84350
under this division shall be limited to medication history, 84351
physical health status and history, financial status, summary of 84352
course of treatment, summary of treatment needs, and discharge 84353
summary, if any. 84354

(10) That information may be disclosed to the executor or 84355
the administrator of an estate of a deceased patient when the 84356
information is necessary to administer the estate; 84357

(11) That records in the possession of the Ohio history 84358
connection may be released to the closest living relative of a 84359
deceased patient upon request of that relative; 84360

(12) That records pertaining to the patient's diagnosis, 84361
course of treatment, treatment needs, and prognosis shall be 84362
disclosed and released to the appropriate prosecuting attorney 84363
if the patient was committed pursuant to section 2945.38, 84364
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 84365
to the attorney designated by the board for proceedings pursuant 84366
to involuntary commitment under this chapter. 84367

(13) That the department of ~~mental-behavioral health and~~ 84368
~~addiction services~~ may exchange psychiatric hospitalization 84369
records, other mental health treatment records, and other 84370
pertinent information with the department of rehabilitation and 84371
correction and with the department of youth services to ensure 84372
continuity of care for inmates or offenders who are receiving 84373

mental health services in an institution of the department of 84374
rehabilitation and correction or the department of youth 84375
services and may exchange psychiatric hospitalization records, 84376
other mental health treatment records, and other pertinent 84377
information with boards of alcohol, drug addiction, and mental 84378
health services and community mental health services providers 84379
to ensure continuity of care for inmates or offenders who are 84380
receiving mental health services in an institution and are 84381
scheduled for release within six months. The release of records 84382
under this division is limited to records regarding an inmate's 84383
or offender's medication history, physical health status and 84384
history, summary of course of treatment, summary of treatment 84385
needs, and a discharge summary, if any; 84386

(14) That records and reports relating to a person who has 84387
been deceased for fifty years or more are no longer considered 84388
confidential. 84389

(B) Before records are disclosed pursuant to divisions (A) 84390
(3), (6), and (9) of this section, the custodian of the records 84391
shall attempt to obtain the patient's consent for the 84392
disclosure. No person shall reveal the contents of a medical 84393
record of a patient except as authorized by law. 84394

(C) The managing officer of a hospital who releases 84395
necessary medical information under division (A) (3) of this 84396
section to allow an insurance carrier or other third party payor 84397
to comply with section 5121.43 of the Revised Code shall neither 84398
be subject to criminal nor civil liability. 84399

Sec. 5122.32. (A) As used in this section: 84400

(1) "Quality assurance committee" means a committee that 84401
is appointed in the central office of the department of ~~mental~~ 84402

~~behavioral health and addiction services~~ by the director of 84403
~~mental behavioral health and addiction services~~, a committee of 84404
a hospital or community setting program, or a duly authorized 84405
subcommittee of a committee of that nature and that is 84406
designated to carry out quality assurance program activities. 84407

(2) "Quality assurance program" means a comprehensive 84408
program within the department of ~~mental behavioral health and~~ 84409
~~addiction services~~ to systematically review and improve the 84410
quality of medical and mental health services within the 84411
department and its hospitals and community setting programs, the 84412
safety and security of persons receiving or administering 84413
medical and mental health services within the department and its 84414
hospitals and community setting programs, and the efficiency and 84415
effectiveness of the utilization of staff and resources in the 84416
delivery of medical and mental health services within the 84417
department and its hospitals and community setting programs. 84418
"Quality assurance program" includes the central office quality 84419
assurance committees, morbidity and mortality review committees, 84420
quality assurance programs of community setting programs, 84421
quality assurance committees of hospitals operated by the 84422
department of ~~mental behavioral health and addiction services~~, 84423
and the office of licensure and certification of the department. 84424

(3) "Quality assurance program activities" include 84425
collecting or compiling information and reports required by a 84426
quality assurance committee, receiving, reviewing, or 84427
implementing the recommendations made by a quality assurance 84428
committee, and credentialing, privileging, infection control, 84429
tissue review, peer review, utilization review including access 84430
to patient care records, patient care assessment records, and 84431
medical and mental health records, medical and mental health 84432
resource management, mortality and morbidity review, and 84433

identification and prevention of medical or mental health 84434
incidents and risks, whether performed by a quality assurance 84435
committee or by persons who are directed by a quality assurance 84436
committee. 84437

(4) "Quality assurance records" means the proceedings, 84438
discussion, records, findings, recommendations, evaluations, 84439
opinions, minutes, reports, and other documents or actions that 84440
emanate from quality assurance committees, quality assurance 84441
programs, or quality assurance program activities. "Quality 84442
assurance records" does not include aggregate statistical 84443
information that does not disclose the identity of persons 84444
receiving or providing medical or mental health services in 84445
department of ~~mental-behavioral health and addiction services~~ 84446
hospitals or community setting programs. 84447

(B) (1) Except as provided in division (E) of this section, 84448
quality assurance records are confidential and are not public 84449
records under section 149.43 of the Revised Code, and shall be 84450
used only in the course of the proper functions of a quality 84451
assurance program. 84452

(2) Except as provided in division (E) of this section, no 84453
person who possesses or has access to quality assurance records 84454
and who knows that the records are quality assurance records 84455
shall willfully disclose the contents of the records to any 84456
person or entity. 84457

(C) (1) Except as provided in division (E) of this section, 84458
no quality assurance record shall be subject to discovery, and 84459
is not admissible in evidence, in any judicial or administrative 84460
proceeding. 84461

(2) Except as provided in division (E) of this section, no 84462

member of a quality assurance committee or a person who is 84463
performing a function that is part of a quality assurance 84464
program shall be permitted or required to testify in a judicial 84465
or administrative proceeding with respect to quality assurance 84466
records or with respect to any finding, recommendation, 84467
evaluation, opinion, or other action taken by the committee, 84468
member, or person. 84469

(3) Information, documents, or records otherwise available 84470
from original sources are not to be construed as being 84471
unavailable for discovery or admission in evidence in a judicial 84472
or administrative proceeding merely because they were presented 84473
to a quality assurance committee. No person testifying before a 84474
quality assurance committee or person who is a member of a 84475
quality assurance committee shall be prevented from testifying 84476
as to matters within the person's knowledge, but the witness 84477
cannot be asked about the witness' testimony before the quality 84478
assurance committee or about an opinion formed by the person as 84479
a result of the quality assurance committee proceedings. 84480

(D) (1) A person who, without malice and in the reasonable 84481
belief that the information is warranted by the facts known to 84482
the person, provides information to a person engaged in quality 84483
assurance program activities is not liable for damages in a 84484
civil action for injury, death, or loss to person or property to 84485
any person as a result of providing the information. 84486

(2) A member of a quality assurance committee, a person 84487
engaged in quality assurance program activities, and an employee 84488
of the department of ~~mental-behavioral health and addiction-~~ 84489
~~services~~ shall not be liable in damages in a civil action for 84490
injury, death, or loss to person or property to any person for 84491
any acts, omissions, decisions, or other conduct within the 84492

scope of the functions of the quality assurance program. 84493

(3) Nothing in this section shall relieve any institution 84494
or individual from liability arising from the treatment of a 84495
patient. 84496

(E) Quality assurance records may be disclosed, and 84497
testimony may be provided concerning quality assurance records, 84498
only to the following persons or entities: 84499

(1) Persons who are employed or retained by the department 84500
of ~~mental-behavioral health and addiction services~~ and who have 84501
authority to evaluate or implement the recommendations of a 84502
state-operated hospital, community setting program, or central 84503
office quality assurance committee; 84504

(2) Public or private agencies or organizations if needed 84505
to perform a licensing or accreditation function related to 84506
department of ~~mental-behavioral health and addiction services~~ 84507
hospitals or community setting programs, or to perform 84508
monitoring of a hospital or program of that nature as required 84509
by law. 84510

(F) A disclosure of quality assurance records pursuant to 84511
division (E) of this section does not otherwise waive the 84512
confidential and privileged status of the disclosed quality 84513
assurance records. 84514

(G) Nothing in this section shall limit the access of the 84515
Ohio protection and advocacy system to records or personnel as 84516
required under section 5123.601 of the Revised Code. Nothing in 84517
this section shall limit the admissibility of documentary or 84518
testimonial evidence in an action brought by the Ohio protection 84519
and advocacy system in its own name or on behalf of a client. 84520

Sec. 5122.33. The department of ~~mental-behavioral health~~ 84521

~~and addiction services~~ may prescribe the form of applications, 84522
reports, records, and medical certificates provided for under 84523
this chapter, and the information required to be contained 84524
therein; require reports from the chief clinical officer of any 84525
public hospital relating to the admission, examination, 84526
diagnosis, release, or discharge of any patient; visit each such 84527
hospital regularly to review the admission procedures of all new 84528
patients admitted between visits; investigate by personal visit 84529
complaints made by any patient or by any person on behalf of a 84530
patient; and adopt such rules as are reasonably necessary to 84531
effectuate the provisions of this chapter. 84532

Sec. 5122.341. (A) As used in this section: 84533

(1) "Facility or provider" means, in the context of a 84534
person committed to the department of ~~mental~~-behavioral health 84535
~~and addiction services~~ under sections 2945.37 to 2945.402 of the 84536
Revised Code, any entity in which the department of ~~mental~~- 84537
behavioral health ~~and addiction services~~ places such a person. 84538

(2) "Person committed to the department" means a person 84539
committed to the department of ~~mental~~-behavioral health ~~and~~ 84540
~~addiction services~~ under sections 2945.37 to 2945.402 of the 84541
Revised Code. 84542

(B) No member of a board of directors, or employee, of a 84543
facility or provider in which the department of ~~mental~~- 84544
behavioral health ~~and addiction services~~ places a person 84545
committed to the department is liable for injury or damages 84546
caused by any action or inaction taken within the scope of the 84547
board member's official duties or employee's employment relating 84548
to the commitment of, and services provided to, the person 84549
committed to the department, unless the action or inaction 84550
constitutes willful or wanton misconduct. A board member's or 84551

employee's action or inaction does not constitute willful or 84552
wanton misconduct if the board member or employee acted in good 84553
faith and reasonably under the circumstances and with the 84554
knowledge reasonably attributable to the board member or 84555
employee. 84556

The immunity from liability conferred by this section is 84557
in addition to and not in limitation of any immunity conferred 84558
by any other section of the Revised Code or by judicial 84559
precedent. 84560

Sec. 5122.36. If the legal residence of a person with a 84561
mental illness is in another county of the state, the necessary 84562
expense of the person's return is a proper charge against the 84563
county of legal residence. If an adjudication and order of 84564
hospitalization by the probate court of the county of temporary 84565
residence are required, the regular probate court fees and 84566
expenses incident to the order of hospitalization under this 84567
chapter and any other expense incurred on the person's behalf 84568
shall be charged to and paid by the county of the person's legal 84569
residence upon the approval and certification of the probate 84570
judge of the county of the person's legal residence. The 84571
ordering court shall send to the probate court of the person's 84572
county of legal residence a certified copy of the commitment 84573
order from the ordering court. The receiving court shall enter 84574
and record the commitment order. The certified commitment order 84575
is prima facie evidence of the residence of the person. When the 84576
residence of the person cannot be established as represented by 84577
the ordering court, the matter of residence shall be referred to 84578
the department of ~~mental-behavioral health and addiction-~~ 84579
~~services~~ for investigation and determination. 84580

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of 84581

the Revised Code: 84582

(A) "Compilation" means a written list of the following 84583
information, as the department of ~~mental-behavioral health and~~ 84584
~~addiction services~~ is able to reasonably ascertain, for every 84585
patient who was buried, entombed, or inurned prior to March 31, 84586
2005, in a cemetery located on the grounds of or adjacent to the 84587
grounds of a public hospital: 84588

(1) Name; 84589

(2) Date of birth; 84590

(3) Date of death or burial; 84591

(4) Specific physical location of the burial, entombment, 84592
or inurnment, including the plot or grave site number if 84593
available. 84594

(B) "Patient" means an individual who died while admitted 84595
to a public hospital that was under the control of the 84596
department of ~~mental-behavioral health and addiction services~~. 84597

(C) "Record" has the same meaning as in section 149.011 of 84598
the Revised Code. 84599

(D) "State agency" means every organized body, office, or 84600
agency established by the laws of the state for the exercise of 84601
any function of state government. 84602

Sec. 5122.45. The department of ~~mental-behavioral health~~ 84603
~~and addiction services~~ shall create a separate compilation for 84604
each cemetery located on the grounds of or adjacent to the 84605
grounds of a public hospital that is under the control of the 84606
department on March 31, 2005. The compilation shall be created 84607
within a reasonable time not exceeding three years after March 84608
31, 2005. The department shall use its best efforts to create 84609

the most complete compilations possible using records in the 84610
department's possession and records obtained in accordance with 84611
section 5122.46 of the Revised Code. 84612

Sec. 5122.46. The Ohio history connection and each state 84613
agency shall, at the request of the department of ~~mental-~~ 84614
behavioral health-and-addiction-services, provide the department 84615
access to records and information in the possession of the Ohio 84616
history connection or state agency for purposes of creating 84617
compilations. 84618

Sec. 5122.47. The department of ~~mental-behavioral health~~ 84619
~~and-addiction-services~~ shall deposit a copy of each compilation 84620
with the Ohio history connection and the state library as soon 84621
as a compilation is completed. The department shall not disclose 84622
any record or information used to create a compilation except as 84623
provided in sections 149.43 and 5122.31 of the Revised Code. 84624

Sec. 5123.081. (A) As used in this section: 84625

(1) (a) "Applicant" means any of the following: 84626

(i) A person who is under final consideration for 84627
appointment to or employment with the department of 84628
developmental disabilities or a county board of developmental 84629
disabilities; 84630

(ii) A person who is being transferred to the department 84631
or a county board; 84632

(iii) An employee who is being recalled to or reemployed 84633
by the department or a county board after a layoff; 84634

(iv) A person under final consideration for a direct 84635
services position with a provider or subcontractor. 84636

(b) Neither of the following is an applicant: 84637

(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense;

(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code.

(5) (a) "Employee" means either of the following:

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person employed in a direct services position by a provider or subcontractor.

(b) "Employee" does not mean a person who provides only

respite care under a family support services program established 84666
under section 5126.11 of the Revised Code if a family member of 84667
the individual with a developmental disability who receives the 84668
respite care selected the person. 84669

(6) "Minor drug possession offense" has the same meaning 84670
as in section 2925.01 of the Revised Code. 84671

(7) "Provider" means a person that provides specialized 84672
services to individuals with developmental disabilities and 84673
employs one or more persons in direct services positions. 84674

(8) "Responsible entity" means the following: 84675

(a) The department of developmental disabilities in the 84676
case of either of the following: 84677

(i) A person who is an applicant because the person is 84678
under final consideration for appointment to or employment with 84679
the department, being transferred to the department, or being 84680
recalled to or reemployed by the department after a layoff; 84681

(ii) A person who is an employee because the person is 84682
appointed to or employed by the department. 84683

(b) A county board of developmental disabilities in the 84684
case of either of the following: 84685

(i) A person who is an applicant because the person is 84686
under final consideration for appointment to or employment with 84687
the county board, being transferred to the county board, or 84688
being recalled to or reemployed by the county board after a 84689
layoff; 84690

(ii) A person who is an employee because the person is 84691
appointed to or employed by the county board. 84692

- (c) A provider in the case of either of the following: 84693
- (i) A person who is an applicant because the person is 84694
under final consideration for a direct services position with 84695
the provider; 84696
- (ii) A person who is an employee because the person is 84697
employed in a direct services position by the provider. 84698
- (d) A subcontractor in the case of either of the 84699
following: 84700
- (i) A person who is an applicant because the person is 84701
under final consideration for a direct services position with 84702
the subcontractor; 84703
- (ii) A person who is an employee because the person is 84704
employed in a direct services position by the subcontractor. 84705
- (9) "Specialized services" means any program or service 84706
designed and operated to serve primarily individuals with 84707
developmental disabilities, including a program or service 84708
provided by an entity licensed or certified by the department of 84709
developmental disabilities. If there is a question as to whether 84710
a provider or subcontractor is providing specialized services, 84711
the provider or subcontractor may request that the director of 84712
developmental disabilities make a determination. The director's 84713
determination is final. 84714
- (10) "Subcontractor" means a person to which both of the 84715
following apply: 84716
- (a) The person has either of the following: 84717
- (i) A subcontract with a provider to provide specialized 84718
services included in the contract between the provider and the 84719
department of developmental disabilities or a county board of 84720

developmental disabilities; 84721

(ii) A subcontract with another subcontractor to provide 84722
specialized services included in a subcontract between the other 84723
subcontractor and a provider or other subcontractor. 84724

(b) The person employs one or more persons in direct 84725
services positions. 84726

(B) A responsible entity shall not employ an applicant or 84727
continue to employ an employee if either of the following 84728
applies: 84729

(1) The applicant or employee fails to comply with 84730
division (D) (3) of this section. 84731

(2) Except as provided in rules adopted under this 84732
section, the applicant or employee is found by a criminal 84733
records check required by this section to have been convicted 84734
of, pleaded guilty to, or been found eligible for intervention 84735
in lieu of conviction for a disqualifying offense. 84736

(C) Before employing an applicant in a position for which 84737
a criminal records check is required by this section, a 84738
responsible entity shall require the applicant to submit a 84739
statement with the applicant's signature attesting that the 84740
applicant has not been convicted of, pleaded guilty to, or been 84741
found eligible for intervention in lieu of conviction for a 84742
disqualifying offense. The responsible entity also shall require 84743
the applicant to sign an agreement under which the applicant 84744
agrees to notify the responsible entity within fourteen calendar 84745
days if, while employed by the responsible entity, the applicant 84746
is formally charged with, is convicted of, pleads guilty to, or 84747
is found eligible for intervention in lieu of conviction for a 84748
disqualifying offense. The agreement shall provide that the 84749

applicant's failure to provide the notification may result in 84750
termination of the applicant's employment. 84751

(D) (1) As a condition of employing any applicant in a 84752
position for which a criminal records check is required by this 84753
section, a responsible entity shall request the superintendent 84754
of the bureau of criminal identification and investigation to 84755
conduct a criminal records check of the applicant. If rules 84756
adopted under this section require an employee to undergo a 84757
criminal records check, a responsible entity shall request the 84758
superintendent to conduct a criminal records check of the 84759
employee at times specified in the rules as a condition of the 84760
responsible entity's continuing to employ the employee in a 84761
position for which a criminal records check is required by this 84762
section. If an applicant or employee does not present proof that 84763
the applicant or employee has been a resident of this state for 84764
the five-year period immediately prior to the date upon which 84765
the criminal records check is requested, the responsible entity 84766
shall request that the superintendent obtain information from 84767
the federal bureau of investigation as a part of the criminal 84768
records check. If the applicant or employee presents proof that 84769
the applicant or employee has been a resident of this state for 84770
that five-year period, the responsible entity may request that 84771
the superintendent include information from the federal bureau 84772
of investigation in the criminal records check. For purposes of 84773
this division, an applicant or employee may provide proof of 84774
residency in this state by presenting, with a ~~notarized~~ 84775
statement asserting that the applicant or employee has been a 84776
resident of this state for that five-year period, a valid 84777
driver's license, notification of registration as an elector, a 84778
copy of an officially filed federal or state tax form 84779
identifying the applicant's or employee's permanent residence, 84780

or any other document the responsible entity considers 84781
acceptable. 84782

(2) A responsible entity shall do all of the following: 84783

(a) Provide to each applicant and employee for whom a 84784
criminal records check is required by this section a copy of the 84785
form prescribed pursuant to division (C)(1) of section 109.572 84786
of the Revised Code and a standard impression sheet to obtain 84787
fingerprint impressions prescribed pursuant to division (C)(2) 84788
of section 109.572 of the Revised Code; 84789

(b) Obtain the completed form and standard impression 84790
sheet from the applicant or employee; 84791

(c) Forward the completed form and standard impression 84792
sheet to the superintendent at the time the criminal records 84793
check is requested. 84794

(3) Any applicant or employee who receives pursuant to 84795
this division a copy of the form prescribed pursuant to division 84796
(C)(1) of section 109.572 of the Revised Code and a copy of the 84797
standard impression sheet prescribed pursuant to division (C)(2) 84798
of that section and who is requested to complete the form and 84799
provide a set of the applicant's or employee's fingerprint 84800
impressions shall complete the form or provide all the 84801
information necessary to complete the form and shall provide the 84802
standard impression sheet with the impressions of the 84803
applicant's or employee's fingerprints. 84804

(4) A responsible entity shall pay to the bureau of 84805
criminal identification and investigation the fee prescribed 84806
pursuant to division (C)(3) of section 109.572 of the Revised 84807
Code for each criminal records check requested and conducted 84808
pursuant to this section. 84809

(E) A responsible entity may request any other state or 84810
federal agency to supply the responsible entity with a written 84811
report regarding the criminal record of an applicant or 84812
employee. If an employee holds an occupational or professional 84813
license or other credentials, the responsible entity may request 84814
that the state or federal agency that regulates the employee's 84815
occupation or profession supply the responsible entity with a 84816
written report of any information pertaining to the employee's 84817
criminal record that the agency obtains in the course of 84818
conducting an investigation or in the process of renewing the 84819
employee's license or other credentials. The responsible entity 84820
may consider the reports when determining whether to employ the 84821
applicant or to continue to employ the employee. 84822

(F) As a condition of employing an applicant in a position 84823
for which a criminal records check is required by this section 84824
and that involves transporting individuals with developmental 84825
disabilities or operating a responsible entity's vehicles for 84826
any purpose, the responsible entity shall obtain the applicant's 84827
driving record from the bureau of motor vehicles. If rules 84828
adopted under this section require a responsible entity to 84829
obtain an employee's driving record, the responsible entity 84830
shall obtain the employee's driving record from the bureau at 84831
times specified in the rules as a condition of continuing to 84832
employ the employee. The responsible entity may consider the 84833
applicant's or employee's driving record when determining 84834
whether to employ the applicant or to continue to employ the 84835
employee. 84836

(G) A responsible entity may employ an applicant 84837
conditionally pending receipt of a report regarding the 84838
applicant requested under this section. The responsible entity 84839
shall request the report before employing the applicant 84840

conditionally. The responsible entity shall terminate the 84841
applicant's employment if it is determined from a report that 84842
the applicant failed to inform the responsible entity that the 84843
applicant had been convicted of, pleaded guilty to, or been 84844
found eligible for intervention in lieu of conviction for a 84845
disqualifying offense. 84846

(H) A responsible entity may charge an applicant a fee for 84847
costs the responsible entity incurs in obtaining a report 84848
regarding the applicant under this section if the responsible 84849
entity notifies the applicant of the amount of the fee at the 84850
time of the applicant's initial application for employment and 84851
that, unless the fee is paid, the responsible entity will not 84852
consider the applicant for employment. The fee shall not exceed 84853
the amount of the fee, if any, the responsible entity pays for 84854
the report. 84855

(I) (1) Any report obtained pursuant to this section is not 84856
a public record for purposes of section 149.43 of the Revised 84857
Code and shall not be made available to any person, other than 84858
the following: 84859

(a) The applicant or employee who is the subject of the 84860
report or the applicant's or employee's representative; 84861

(b) The responsible entity that requested the report or 84862
its representative; 84863

(c) The department if a county board, provider, or 84864
subcontractor is the responsible entity that requested the 84865
report and the department requests the responsible entity to 84866
provide a copy of the report to the department; 84867

(d) A county board if a provider or subcontractor is the 84868
responsible entity that requested the report and the county 84869

board requests the responsible entity to provide a copy of the 84870
report to the county board; 84871

(e) Any court, hearing officer, or other necessary 84872
individual involved in a case dealing with any of the following: 84873

(i) The denial of employment to the applicant or employee; 84874

(ii) The denial, suspension, or revocation of a 84875
certificate under section 5123.166 or 5123.45 of the Revised 84876
Code; 84877

(iii) A civil or criminal action regarding the medicaid 84878
program or a program the department administers. 84879

(2) An applicant or employee for whom the responsible 84880
entity has obtained reports under this section may submit a 84881
written request to the responsible entity to have copies of the 84882
reports sent to any state agency, entity of local government, or 84883
private entity. The applicant or employee shall specify in the 84884
request the agencies or entities to which the copies are to be 84885
sent. On receiving the request, the responsible entity shall 84886
send copies of the reports to the agencies or entities 84887
specified. 84888

(3) A responsible entity may request that a state agency, 84889
entity of local government, or private entity send copies to the 84890
responsible entity of any report regarding a records check or 84891
criminal records check that the agency or entity possesses, if 84892
the responsible entity obtains the written consent of the 84893
individual who is the subject of the report. 84894

(4) A responsible entity shall provide each applicant and 84895
employee with a copy of any report obtained about the applicant 84896
or employee under this section. 84897

(J) The director of developmental disabilities shall adopt 84898
rules in accordance with Chapter 119. of the Revised Code to 84899
implement this section. 84900

(1) The rules may do the following: 84901

(a) Require employees to undergo criminal records checks 84902
under this section; 84903

(b) Require responsible entities to obtain the driving 84904
records of employees under this section; 84905

(c) If the rules require employees to undergo criminal 84906
records checks, require responsible entities to obtain the 84907
driving records of employees, or both, exempt one or more 84908
classes of employees from the requirements. 84909

(2) The rules shall do all of the following: 84910

(a) If the rules require employees to undergo criminal 84911
records checks, require responsible entities to obtain the 84912
driving records of employees, or both, specify the times at 84913
which the criminal records checks are to be conducted and the 84914
driving records are to be obtained; 84915

(b) Specify circumstances under which a responsible entity 84916
may employ an applicant or employee who is found by a criminal 84917
records check required by this section to have been convicted 84918
of, pleaded guilty to, or been found eligible for intervention 84919
in lieu of conviction for a disqualifying offense but meets 84920
standards in regard to rehabilitation set by the director; 84921

(c) Require a responsible entity to request a criminal 84922
records check under this section before employing an applicant 84923
conditionally as permitted under division (G) of this section. 84924

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1611~~ 84925

<u>5123.1613</u> of the Revised Code:	84926
(1) "Applicant" means any of the following:	84927
(a) The chief executive officer of a business that applies	84928
under section 5123.161 of the Revised Code for a certificate to	84929
provide supported living;	84930
(b) The chief executive officer of a business that seeks	84931
renewal of the business's supported living certificate under	84932
section 5123.164 of the Revised Code;	84933
(c) An individual who applies under section 5123.161 of	84934
the Revised Code for a certificate to provide supported living	84935
as an independent provider;	84936
(d) An independent provider who seeks renewal of the	84937
independent provider's supported living certificate under	84938
section 5123.164 of the Revised Code.	84939
(2) "Business" means an association, corporation,	84940
nonprofit organization, partnership, trust, or other group of	84941
persons. "Business" does not mean an independent provider.	84942
(3) "Criminal records check" has the same meaning as in	84943
section 109.572 of the Revised Code.	84944
(4) "Disqualifying offense" means any of the offenses	84945
listed or described in divisions (A) (3) (a) to (e) of section	84946
109.572 of the Revised Code.	84947
(5) "Independent provider" means a provider who provides	84948
supported living on a self-employed basis and does not employ,	84949
directly or through contract, another person to provide the	84950
supported living.	84951
(6) "Provider" means a person or government entity	84952

certified by the director of developmental disabilities to 84953
provide supported living. For the purpose of division (A) (8) of 84954
this section, "provider" includes a person or government entity 84955
that seeks or previously held a certificate to provide supported 84956
living. 84957

(7) "Minor drug possession offense" has the same meaning 84958
as in section 2925.01 of the Revised Code. 84959

(8) "Related party" means any of the following: 84960

(a) In the case of a provider who is an individual, any of 84961
the following: 84962

(i) The spouse of the provider; 84963

(ii) A parent or stepparent of the provider or provider's 84964
spouse; 84965

(iii) A child of the provider or provider's spouse; 84966

(iv) A sibling, half sibling, or stepsibling of the 84967
provider or provider's spouse; 84968

(v) A grandparent of the provider or provider's spouse; 84969

(vi) A grandchild of the provider or provider's spouse. 84970

(b) In the case of a provider that is a person other than 84971
an individual, any of the following: 84972

(i) Any person or government entity that directly or 84973
indirectly controls the provider's day-to-day operations 84974
(including as a general manager, business manager, financial 84975
manager, administrator, or director), regardless of whether the 84976
person or government entity exercises the control pursuant to a 84977
contract or other arrangement and regardless of whether the 84978
person or government entity is required to file an Internal 84979

Revenue Code form W-2 for the provider;	84980
(ii) An officer of the provider, including the chief	84981
executive officer, president, vice-president, secretary, and	84982
treasurer;	84983
(iii) A member of the provider's board of directors or	84984
trustees;	84985
(iv) A person owning a financial interest of five per cent	84986
or more in the provider, including a direct, indirect, security,	84987
or mortgage financial interest;	84988
(v) The spouse, parent, stepparent, child, sibling, half	84989
sibling, stepsibling, grandparent, or grandchild of any of the	84990
persons specified in divisions (A) (8) (b) (i) to (iv) of this	84991
section;	84992
(vi) A person over which the provider has control of the	84993
day-to-day operation;	84994
(vii) A corporation that has a subsidiary relationship	84995
with the provider.	84996
(c) In the case of a provider that is a government entity,	84997
any of the following:	84998
(i) Any person or government entity that directly or	84999
indirectly controls the provider's day-to-day operations	85000
(including as a general manager, financial manager,	85001
administrator, or director), regardless of whether the person or	85002
government entity exercises the control pursuant to a contract	85003
or other arrangement;	85004
(ii) An officer of the provider;	85005
(iii) A member of the provider's governing board;	85006

(iv) A person or government entity over which the provider 85007
has control of the day-to-day operation. 85008

(B) No person or government entity may provide supported 85009
living without a valid supported living certificate issued by 85010
the director of developmental disabilities. 85011

(C) A county board of developmental disabilities may 85012
provide supported living only to the extent permitted by rules 85013
adopted under section 5123.1611 of the Revised Code. 85014

Sec. 5123.166. (A) If good cause exists as specified in 85015
division (B) of this section and determined in accordance with 85016
procedures established in rules adopted under section 5123.1611 85017
of the Revised Code, the director of developmental disabilities 85018
may issue an adjudication order requiring that one or more of 85019
the following actions be taken against a person or government 85020
entity seeking or holding a supported living certificate: 85021

(1) Refusal to issue or renew a supported living 85022
certificate; 85023

(2) Revocation of a supported living certificate; 85024

(3) Suspension of a supported living certificate holder's 85025
authority to do any of the following: 85026

(a) Continue to provide supported living to one or more 85027
individuals who receive supported living from the certificate 85028
holder at the time the director takes the action; 85029

(b) Begin to provide supported living to one or more 85030
individuals who do not receive supported living from the 85031
certificate holder at the time the director takes the action; 85032

(c) Expand or add supported living services to one or more 85033
individuals who receive supported living from the certificate 85034

holder at the time the director takes action. 85035

(B) The following constitute good cause for taking action 85036
under division (A) of this section against a person or 85037
government entity seeking or holding a supported living 85038
certificate: 85039

(1) The person or government entity's failure to meet or 85040
continue to meet the applicable certification standards 85041
established in rules adopted under section 5123.1611 of the 85042
Revised Code; 85043

(2) The person or government entity violates section 85044
5123.165 of the Revised Code; 85045

(3) The person or government entity's failure to satisfy 85046
the requirements of section 5123.081 or 5123.52 of the Revised 85047
Code; 85048

(4) Misfeasance; 85049

(5) Malfeasance; 85050

(6) Nonfeasance; 85051

(7) Confirmed abuse or neglect; 85052

(8) Financial irresponsibility; 85053

(9) Other conduct the director determines is or would be 85054
injurious to individuals who receive or would receive supported 85055
living from the person or government entity. 85056

(C) Except as provided in division (D) of this section, 85057
the director shall issue an adjudication order under division 85058
(A) of this section in accordance with Chapter 119. of the 85059
Revised Code. 85060

(D) (1) The director may issue an order requiring that 85061

action specified in division (A) (3) of this section be taken 85062
before a provider is provided notice and an opportunity for a 85063
hearing if all of the following are the case: 85064

(a) The director determines such action is warranted by 85065
the provider's failure to continue to meet the applicable 85066
certification standards~~+~~. 85067

(b) The director determines that the failure either 85068
represents a pattern of serious noncompliance or creates a 85069
substantial risk to the health or safety of an individual who 85070
receives or would receive supported living from the provider. 85071

(c) If the order will suspend the provider's authority to 85072
continue to provide supported living to an individual who 85073
receives supported living from the provider at the time the 85074
director issues the order, both of the following are the case: 85075

(i) The director makes the individual, or the individual's 85076
guardian, aware of the director's determination under division 85077
(D) (1) (b) of this section and the individual or guardian does 85078
not select another provider. 85079

(ii) A county board of developmental disabilities has 85080
filed a complaint with a probate court under section 5126.33 of 85081
the Revised Code that includes facts describing the nature of 85082
abuse or neglect that the individual has suffered due to the 85083
provider's actions that are the basis for the director making 85084
the determination under division (D) (1) (b) of this section and 85085
the probate court does not issue an order authorizing the county 85086
board to arrange services for the individual pursuant to an 85087
individualized service plan developed for the individual under 85088
section 5126.31 of the Revised Code. 85089

(2) If the director issues an order under division (D) (1) 85090

of this section, sections 119.091 to 119.13 of the Revised Code 85091
and all of the following apply: 85092

(a) The director shall send the provider written notice of 85093
the order ~~by certified mail, return receipt requested,~~ not later 85094
than twenty-four hours after issuing the order and shall include 85095
in the notice the reasons for the order, the citation to the law 85096
or rule directly involved, and a statement that the provider 85097
will be afforded a hearing if the provider requests it in 85098
writing within ten days of the time of receiving the notice. 85099

(b) If the provider requests a hearing within the required 85100
time and the provider has provided the director the provider's 85101
current address, the director shall immediately set, and notify 85102
the provider of, the date, time, and place for the hearing. If 85103
the provider's written request for a hearing includes a request 85104
that the hearing be held not later than thirty days after the 85105
director receives the provider's timely request for the hearing, 85106
the date set for the hearing by the director shall be within 85107
thirty days. 85108

(c) The hearing shall be conducted in accordance with 85109
section 119.09 of the Revised Code, except for all of the 85110
following: 85111

(i) The hearing shall continue uninterrupted until its 85112
close, except for weekends, legal holidays, and other 85113
interruptions the provider and director agree to. 85114

(ii) If the director appoints a referee or examiner to 85115
conduct the hearing, the referee or examiner, not later than ten 85116
days after the date the referee or examiner receives a 85117
transcript of the testimony and evidence presented at the 85118
hearing or, if the referee or examiner does not receive the 85119

transcript or no such transcript is made, the date that the referee or examiner closes the record of the hearing, shall submit to the director a written report setting forth the referee or examiner's findings of fact and conclusions of law and a recommendation of the action the director should take.

(iii) The provider may, not later than five days after the date the director, in accordance with section 119.09 of the Revised Code, sends the provider or the provider's attorney or other representative of record a copy of the referee or examiner's report and recommendation, file with the director written objections to the report and recommendation.

(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record.

(3) The director may lift an order issued under division (D) (1) of this section even though a hearing regarding the order is occurring or pending if the director determines that the provider has taken action eliminating the good cause for issuing the order. The hearing shall proceed unless the provider withdraws the request for the hearing in a written letter to the director.

(4) The director shall lift an order issued under division (D) (1) of this section if both of the following are the case:

(a) The provider provides the director a plan of compliance the director determines is acceptable.

(b) The director determines that the provider has

implemented the plan of compliance correctly. 85149

Sec. 5123.168. The director of developmental disabilities 85150
~~may issue an adjudication order in accordance with Chapter 119.~~ 85151
~~of the Revised Code to shall~~ terminate a supported living 85152
certificate if the certificate holder has not billed for 85153
supported living for ~~twelve~~ twenty-four consecutive months. To 85154
terminate a supported living certificate under this section, the 85155
director shall send a notice by regular mail to the certificate 85156
holder at the address on file with the department of 85157
developmental disabilities explaining why the certificate is 85158
terminated. 85159

Sec. 5123.169. (A) The director of developmental 85160
disabilities shall not issue a supported living certificate to 85161
an applicant or renew an applicant's supported living 85162
certificate if either of the following applies: 85163

(1) The applicant fails to comply with division (C) (2) of 85164
this section; 85165

(2) Except as provided in rules adopted under section 85166
5123.1611 of the Revised Code, the applicant is found by a 85167
criminal records check required by this section to have been 85168
convicted of, pleaded guilty to, or been found eligible for 85169
intervention in lieu of conviction for a disqualifying offense. 85170

(B) Before issuing a supported living certificate to an 85171
applicant or renewing an applicant's supported living 85172
certificate, the director shall require the applicant to submit 85173
a statement with the applicant's signature attesting that the 85174
applicant has not been convicted of, pleaded guilty to, or been 85175
found eligible for intervention in lieu of conviction for a 85176
disqualifying offense. The director also shall require the 85177

applicant to sign an agreement under which the applicant agrees 85178
to notify the director within fourteen calendar days if, while 85179
holding a supported living certificate, the applicant is 85180
formally charged with, is convicted of, pleads guilty to, or is 85181
found eligible for intervention in lieu of conviction for a 85182
disqualifying offense. The agreement shall provide that the 85183
applicant's failure to provide the notification may result in 85184
action being taken by the director against the applicant under 85185
section 5123.166 of the Revised Code. 85186

(C) (1) As a condition of receiving a supported living 85187
certificate or having a supported living certificate renewed, an 85188
applicant shall request the superintendent of the bureau of 85189
criminal identification and investigation to conduct a criminal 85190
records check of the applicant. If an applicant does not present 85191
proof to the director that the applicant has been a resident of 85192
this state for the five-year period immediately prior to the 85193
date that the applicant applies for issuance or renewal of the 85194
supported living certificate, the director shall require the 85195
applicant to request that the superintendent obtain information 85196
from the federal bureau of investigation as a part of the 85197
criminal records check. If the applicant presents proof to the 85198
director that the applicant has been a resident of this state 85199
for that five-year period, the director may require the 85200
applicant to request that the superintendent include information 85201
from the federal bureau of investigation in the criminal records 85202
check. For purposes of this division, an applicant may provide 85203
proof of residency in this state by presenting, with a ~~notarized~~ 85204
statement asserting that the applicant has been a resident of 85205
this state for that five-year period, a valid driver's license, 85206
notification of registration as an elector, a copy of an 85207
officially filed federal or state tax form identifying the 85208

applicant's permanent residence, or any other document the 85209
director considers acceptable. 85210

(2) Each applicant shall do all of the following: 85211

(a) Obtain a copy of the form prescribed pursuant to 85212
division (C) (1) of section 109.572 of the Revised Code and a 85213
standard impression sheet prescribed pursuant to division (C) (2) 85214
of section 109.572 of the Revised Code; 85215

(b) Complete the form and provide the applicant's 85216
fingerprint impressions on the standard impression sheet; 85217

(c) Forward the completed form and standard impression 85218
sheet to the superintendent at the time the criminal records 85219
check is requested; 85220

(d) Instruct the superintendent to submit the completed 85221
report of the criminal records check directly to the director; 85222

(e) Pay to the bureau of criminal identification and 85223
investigation the fee prescribed pursuant to division (C) (3) of 85224
section 109.572 of the Revised Code for each criminal records 85225
check of the applicant requested and conducted pursuant to this 85226
section. 85227

(D) The director may request any other state or federal 85228
agency to supply the director with a written report regarding 85229
the criminal record of an applicant. The director may consider 85230
the reports when determining whether to issue a supported living 85231
certificate to the applicant or to renew an applicant's 85232
supported living certificate. 85233

(E) An applicant who seeks to be an independent provider 85234
or is an independent provider seeking renewal of the applicant's 85235
supported living certificate shall obtain the applicant's 85236

driving record from the bureau of motor vehicles and provide a 85237
copy of the record to the director if the supported living that 85238
the applicant will provide involves transporting individuals 85239
with developmental disabilities. The director may consider the 85240
applicant's driving record when determining whether to issue the 85241
applicant a supported living certificate or to renew the 85242
applicant's supported living certificate. 85243

(F) (1) A report obtained pursuant to this section is not a 85244
public record for purposes of section 149.43 of the Revised Code 85245
and shall not be made available to any person, other than the 85246
following: 85247

(a) The applicant who is the subject of the report or the 85248
applicant's representative; 85249

(b) The director or the director's representative; 85250

(c) Any court, hearing officer, or other necessary 85251
individual involved in a case dealing with any of the following: 85252

(i) The denial of a supported living certificate or 85253
refusal to renew a supported living certificate; 85254

(ii) The denial, suspension, or revocation of a 85255
certificate under section 5123.45 of the Revised Code; 85256

(iii) A civil or criminal action regarding the medicaid 85257
program. 85258

(2) An applicant for whom the director has obtained 85259
reports under this section may submit a written request to the 85260
director to have copies of the reports sent to any person or 85261
state or local government entity. The applicant shall specify in 85262
the request the person or entities to which the copies are to be 85263
sent. On receiving the request, the director shall send copies 85264

of the reports to the persons or entities specified. 85265

(3) The director may request that a person or state or 85266
local government entity send copies to the director of any 85267
report regarding a records check or criminal records check that 85268
the person or entity possesses, if the director obtains the 85269
written consent of the individual who is the subject of the 85270
report. 85271

(4) The director shall provide each applicant with a copy 85272
of any report obtained about the applicant under this section. 85273

Sec. 5123.1613. (A) A person who has been granted 85274
guardianship of an individual with a developmental disability 85275
shall not provide supported living to that individual either as 85276
an independent provider or as an employee or contractor of a 85277
supported living certificate holder unless there is a 85278
relationship by blood, adoption, or marriage between the 85279
guardian and the individual. 85280

(B) A supported living certificate holder owned or 85281
operated by a guardian of an individual with a developmental 85282
disability shall not provide supported living to that individual 85283
unless there is a relationship by blood, adoption, or marriage 85284
between the guardian and the individual. 85285

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 85286
of the Revised Code: 85287

(1) "Independent living arrangement" means an arrangement 85288
in which an individual with a developmental disability resides 85289
in an individualized setting chosen by the individual or the 85290
individual's guardian, which is not dedicated principally to the 85291
provision of residential services for individuals with 85292
developmental disabilities, and for which no financial support 85293

is received for rendering such service from any governmental 85294
agency by a provider of residential services. 85295

(2) "Licensee" means the person or government agency that 85296
has applied for a license to operate a residential facility and 85297
to which the license was issued under this section. 85298

(3) "Political subdivision" means a municipal corporation, 85299
county, or township. 85300

(4) "Related party" has the same meaning as in section 85301
5123.16 of the Revised Code except that "provider" as used in 85302
the definition of "related party" means a person or government 85303
entity that held or applied for a license to operate a 85304
residential facility, rather than a person or government entity 85305
certified to provide supported living. 85306

(5) (a) Except as provided in division (A) (5) (b) of this 85307
section, "residential facility" means a home or facility, 85308
including an ICF/IID, in which an individual with a 85309
developmental disability resides. 85310

(b) "Residential facility" does not mean any of the 85311
following: 85312

(i) The home of a relative or legal guardian in which an 85313
individual with a developmental disability resides; 85314

(ii) A respite care home certified under section 5126.05 85315
of the Revised Code; 85316

(iii) A county home or district home operated pursuant to 85317
Chapter 5155. of the Revised Code; 85318

(iv) A dwelling in which the only residents with 85319
developmental disabilities are in independent living 85320
arrangements or are being provided supported living; 85321

(v) A location registered as a pediatric transition care 85322
program under section 3712.042 of the Revised Code. 85323

(B) Every person or government agency desiring to operate 85324
a residential facility shall apply for licensure of the facility 85325
to the director of developmental disabilities unless the 85326
residential facility is subject to section 3721.02, 5103.03, 85327
5119.33, or division (B) (1) (b) of section 5119.34 of the Revised 85328
Code. 85329

(C) (1) Subject to section 5123.196 of the Revised Code, 85330
the director of developmental disabilities shall license the 85331
operation of residential facilities. An initial license shall be 85332
issued for a period that does not exceed one year, unless the 85333
director denies the license under division (D) of this section. 85334
A license shall be renewed for a period that does not exceed 85335
three years, unless the director refuses to renew the license 85336
under division (D) of this section. The director, when issuing 85337
or renewing a license, shall specify the period for which the 85338
license is being issued or renewed. A license remains valid for 85339
the length of the licensing period specified by the director, 85340
unless the license is terminated, revoked, or voluntarily 85341
surrendered. 85342

(2) Notwithstanding sections 5123.043, 5123.196, and 85343
5123.197 of the Revised Code and rules adopted under section 85344
5123.04 of the Revised Code, the director shall issue a new 85345
license for a residential facility if the facility meets the 85346
following conditions: 85347

(a) The residential facility will be certified as an 85348
ICF/IID; 85349

(b) The building in which the residential facility will be 85350

operated was operated as a residential facility under a lease 85351
for not fewer than twenty years before the date of application 85352
for a new license; 85353

(c) The former operator of the residential facility 85354
relocated the beds previously in the facility to another site 85355
that will be licensed as a residential facility; 85356

(d) The residential facility will be located in Preble, 85357
Clermont, or Warren county; 85358

(e) The residential facility will contain eight beds; 85359

(f) The licensee will make a good faith effort to serve 85360
multi-system youth or adults with severe behavioral challenges 85361
at the residential facility or at one or more other residential 85362
facilities for which licenses are issued under division (C) of 85363
this section. 85364

(3) The director shall issue not more than five licenses 85365
under division (C) (2) of this section. 85366

(D) If it is determined that an applicant or licensee is 85367
not in compliance with a provision of this chapter that applies 85368
to residential facilities or the rules adopted under such a 85369
provision, the director may deny issuance of a license, refuse 85370
to renew a license, terminate a license, revoke a license, issue 85371
an order for the suspension of admissions to a facility, issue 85372
an order for the placement of a monitor at a facility, issue an 85373
order for the immediate removal of residents, or take any other 85374
action the director considers necessary consistent with the 85375
director's authority under this chapter regarding residential 85376
facilities. In the director's selection and administration of 85377
the sanction to be imposed, all of the following apply: 85378

(1) The director may deny, refuse to renew, or revoke a 85379

license, if the director determines that the applicant or 85380
licensee has demonstrated a pattern of serious noncompliance or 85381
that a violation creates a substantial risk to the health and 85382
safety of residents of a residential facility. 85383

(2) The director may terminate a license if more than 85384
twelve consecutive months have elapsed since the residential 85385
facility was last occupied by a resident or a notice required by 85386
division (J) of this section is not given. 85387

(3) The director may issue an order for the suspension of 85388
admissions to a facility for any violation that may result in 85389
sanctions under division (D) (1) of this section and for any 85390
other violation specified in rules adopted under division (G) (2) 85391
of this section. If the suspension of admissions is imposed for 85392
a violation that may result in sanctions under division (D) (1) 85393
of this section, the director may impose the suspension before 85394
providing an opportunity for an adjudication under Chapter 119. 85395
of the Revised Code. The director shall lift an order for the 85396
suspension of admissions when the director determines that the 85397
violation that formed the basis for the order has been 85398
corrected. 85399

(4) The director may order the placement of a monitor at a 85400
residential facility for any violation specified in rules 85401
adopted under division (G) (2) of this section. The director 85402
shall lift the order when the director determines that the 85403
violation that formed the basis for the order has been 85404
corrected. 85405

(5) When the director initiates license revocation 85406
proceedings, no opportunity for submitting a plan of correction 85407
shall be given. The director shall notify the licensee by letter 85408
of the initiation of the proceedings. The letter shall list the 85409

deficiencies of the residential facility and inform the licensee 85410
that no plan of correction will be accepted. The director shall 85411
also send a copy of the letter to the county board of 85412
developmental disabilities. Except in the case of a licensee 85413
that is an ICF/IID, the county board shall send a copy of the 85414
letter to each of the following: 85415

(a) Each resident who receives services from the licensee; 85416

(b) The guardian of each resident who receives services 85417
from the licensee if the resident has a guardian; 85418

(c) The parent or guardian of each resident who receives 85419
services from the licensee if the resident is a minor. 85420

(6) Pursuant to rules which shall be adopted in accordance 85421
with Chapter 119. of the Revised Code, the director may order 85422
the immediate removal of residents from a residential facility 85423
whenever conditions at the facility present an immediate danger 85424
of physical or psychological harm to the residents. 85425

(7) In determining whether a residential facility is being 85426
operated in compliance with a provision of this chapter that 85427
applies to residential facilities or the rules adopted under 85428
such a provision, or whether conditions at a residential 85429
facility present an immediate danger of physical or 85430
psychological harm to the residents, the director may rely on 85431
information obtained by a county board of developmental 85432
disabilities or other governmental agencies. 85433

(8) In proceedings initiated to deny, refuse to renew, or 85434
revoke licenses, the director may deny, refuse to renew, or 85435
revoke a license regardless of whether some or all of the 85436
deficiencies that prompted the proceedings have been corrected 85437
at the time of the hearing. 85438

(E) (1) Except as provided in division (E) (2) of this 85439
section, appeals from proceedings initiated to impose a sanction 85440
under division (D) of this section shall be conducted in 85441
accordance with Chapter 119. of the Revised Code. 85442

(2) Appeals from proceedings initiated to order the 85443
suspension of admissions to a facility shall be conducted in 85444
accordance with Chapter 119. of the Revised Code, unless the 85445
order was issued before providing an opportunity for an 85446
adjudication, in which case all of the following apply: 85447

(a) The licensee may request a hearing not later than ten 85448
days after being served in accordance with sections 119.05 and 85449
119.07 of the Revised Code. 85450

(b) If a timely request for a hearing that includes the 85451
licensee's current address is made, the hearing shall commence 85452
not later than thirty days after the department receives the 85453
request. 85454

(c) After commencing, the hearing shall continue 85455
uninterrupted, except for Saturdays, Sundays, and legal 85456
holidays, unless other interruptions are agreed to by the 85457
licensee and the director. 85458

(d) If the hearing is conducted by a hearing examiner, the 85459
hearing examiner shall file a report and recommendations not 85460
later than ten days after the last of the following: 85461

(i) The close of the hearing; 85462

(ii) If a transcript of the proceedings is ordered, the 85463
hearing examiner receives the transcript; 85464

(iii) If post-hearing briefs are timely filed, the hearing 85465
examiner receives the briefs. 85466

(e) A copy of the written report and recommendation of the hearing examiner shall be ~~sent, by certified mail,~~provided to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

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

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

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities.

The rules shall establish and specify the following: 85496

(1) Procedures and criteria for issuing and renewing 85497
licenses, including procedures and criteria for determining the 85498
length of the licensing period that the director must specify 85499
for each license when it is issued or renewed; 85500

(2) Procedures and criteria for denying, refusing to 85501
renew, terminating, and revoking licenses and for ordering the 85502
suspension of admissions to a facility, placement of a monitor 85503
at a facility, and the immediate removal of residents from a 85504
facility; 85505

(3) Fees for issuing and renewing licenses, which shall be 85506
deposited into the program fee fund created under section 85507
5123.033 of the Revised Code; 85508

(4) Procedures for surveying residential facilities; 85509

(5) Classifications for the various types of residential 85510
facilities; 85511

(6) The maximum number of individuals who may be served in 85512
a particular type of residential facility; 85513

(7) Uniform procedures for admission of individuals to and 85514
transfers and discharges of individuals from residential 85515
facilities; 85516

(8) Other standards for the operation of residential 85517
facilities and the services provided at residential facilities; 85518

(9) Procedures for waiving any provision of any rule 85519
adopted under this section. 85520

(H) (1) Before issuing a license, the director shall 85521
conduct a survey of the residential facility for which 85522

application is made. The director shall conduct a survey of each 85523
licensed residential facility at least once during the period 85524
the license is valid and may conduct additional inspections as 85525
needed. A survey includes but is not limited to an on-site 85526
examination and evaluation of the residential facility, its 85527
personnel, and the services provided there. The director may 85528
assign to a county board of developmental disabilities or the 85529
department of health the responsibility to conduct any survey or 85530
inspection under this section. 85531

(2) In conducting surveys, the director shall be given 85532
access to the residential facility; all records, accounts, and 85533
any other documents related to the operation of the facility; 85534
the licensee; the residents of the facility; and all persons 85535
acting on behalf of, under the control of, or in connection with 85536
the licensee. The licensee and all persons on behalf of, under 85537
the control of, or in connection with the licensee shall 85538
cooperate with the director in conducting the survey. 85539

(3) Following each survey, the director shall provide the 85540
licensee with a report listing the date of the survey, any 85541
citations issued as a result of the survey, and the statutes or 85542
rules that purportedly have been violated and are the bases of 85543
the citations. The director shall also do both of the following: 85544

(a) Specify a date by which the licensee may appeal any of 85545
the citations; 85546

(b) When appropriate, specify a timetable within which the 85547
licensee must submit a plan of correction describing how the 85548
problems specified in the citations will be corrected and, the 85549
date by which the licensee anticipates the problems will be 85550
corrected. 85551

(4) If the director initiates a proceeding to revoke a license, the director shall include the report required by division (H) (3) of this section with the notice of the proposed revocation the director sends to the licensee. In this circumstance, the licensee may not submit a plan of correction.

(5) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity who requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the license, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(6) The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(I) In addition to any other information which may be required of applicants for a license pursuant to this section, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license or to an applicant for an initial or modified license who meets the requirements of section 5123.197 of the Revised Code.

(J) (1) A licensee shall notify the owner of the building

in which the licensee's residential facility is located of any 85582
significant change in the identity of the licensee or management 85583
contractor before the effective date of the change if the 85584
licensee is not the owner of the building. 85585

(2) Pursuant to rules, which shall be adopted in 85586
accordance with Chapter 119. of the Revised Code, the director 85587
may require notification to the department of any significant 85588
change in the ownership of a residential facility or in the 85589
identity of the licensee or management contractor. If the 85590
director determines that a significant change of ownership is 85591
proposed, the director shall consider the proposed change to be 85592
an application for development by a new operator pursuant to 85593
section 5123.042 of the Revised Code and shall advise the 85594
applicant within sixty days of the notification that the current 85595
license shall continue in effect or a new license will be 85596
required pursuant to this section. If the director requires a 85597
new license, the director shall permit the facility to continue 85598
to operate under the current license until the new license is 85599
issued, unless the current license is revoked, refused to be 85600
renewed, or terminated in accordance with Chapter 119. of the 85601
Revised Code. 85602

(3) A licensee shall transfer to the new licensee or 85603
management contractor all records related to the residents of 85604
the facility following any significant change in the identity of 85605
the licensee or management contractor. 85606

(K) A county board of developmental disabilities and any 85607
interested person may file complaints alleging violations of 85608
statute or department rule relating to residential facilities 85609
with the department. All complaints shall state the facts 85610
constituting the basis of the allegation. The department shall 85611

not reveal the source of any complaint unless the complainant 85612
agrees in writing to waive the right to confidentiality or until 85613
so ordered by a court of competent jurisdiction. 85614

The department shall adopt rules in accordance with 85615
Chapter 119. of the Revised Code establishing procedures for the 85616
receipt, referral, investigation, and disposition of complaints 85617
filed with the department under this division. 85618

(L) Before issuing a license under this section to a 85619
residential facility that will accommodate at any time more than 85620
one individual with a developmental disability, the director 85621
shall, by first class mail, notify the following: 85622

(1) If the facility will be located in a municipal 85623
corporation, the clerk of the legislative authority of the 85624
municipal corporation; 85625

(2) If the facility will be located in unincorporated 85626
territory, the clerk of the appropriate board of county 85627
commissioners and the fiscal officer of the appropriate board of 85628
township trustees. 85629

The director shall not issue the license for ten days 85630
after mailing the notice, excluding Saturdays, Sundays, and 85631
legal holidays, in order to give the notified local officials 85632
time in which to comment on the proposed issuance. 85633

Any legislative authority of a municipal corporation, 85634
board of county commissioners, or board of township trustees 85635
that receives notice under this division of the proposed 85636
issuance of a license for a residential facility may comment on 85637
it in writing to the director within ten days after the director 85638
mailed the notice, excluding Saturdays, Sundays, and legal 85639
holidays. If the director receives written comments from any 85640

notified officials within the specified time, the director shall 85641
make written findings concerning the comments and the director's 85642
decision on the issuance of the license. If the director does 85643
not receive written comments from any notified local officials 85644
within the specified time, the director shall continue the 85645
process for issuance of the license. 85646

(M) Any person may operate a licensed residential facility 85647
that provides room and board, personal care, habilitation 85648
services, and supervision in a family setting for at least six 85649
but not more than eight individuals with developmental 85650
disabilities as a permitted use in any residential district or 85651
zone, including any single-family residential district or zone, 85652
of any political subdivision. These residential facilities may 85653
be required to comply with area, height, yard, and architectural 85654
compatibility requirements that are uniformly imposed upon all 85655
single-family residences within the district or zone. 85656

(N) Any person may operate a licensed residential facility 85657
that provides room and board, personal care, habilitation 85658
services, and supervision in a family setting for at least nine 85659
but not more than sixteen individuals with developmental 85660
disabilities as a permitted use in any multiple-family 85661
residential district or zone of any political subdivision, 85662
except that a political subdivision that has enacted a zoning 85663
ordinance or resolution establishing planned unit development 85664
districts may exclude these residential facilities from those 85665
districts, and a political subdivision that has enacted a zoning 85666
ordinance or resolution may regulate these residential 85667
facilities in multiple-family residential districts or zones as 85668
a conditionally permitted use or special exception, in either 85669
case, under reasonable and specific standards and conditions set 85670
out in the zoning ordinance or resolution to: 85671

(1) Require the architectural design and site layout of 85672
the residential facility and the location, nature, and height of 85673
any walls, screens, and fences to be compatible with adjoining 85674
land uses and the residential character of the neighborhood; 85675

(2) Require compliance with yard, parking, and sign 85676
regulation; 85677

(3) Limit excessive concentration of these residential 85678
facilities. 85679

(O) This section does not prohibit a political subdivision 85680
from applying to residential facilities nondiscriminatory 85681
regulations requiring compliance with health, fire, and safety 85682
regulations and building standards and regulations. 85683

(P) Divisions (M) and (N) of this section are not 85684
applicable to municipal corporations that had in effect on June 85685
15, 1977, an ordinance specifically permitting in residential 85686
zones licensed residential facilities by means of permitted 85687
uses, conditional uses, or special exception, so long as such 85688
ordinance remains in effect without any substantive 85689
modification. 85690

(Q) (1) The director may issue an interim license to 85691
operate a residential facility to an applicant for a license 85692
under this section if either of the following is the case: 85693

(a) The director determines that an emergency exists 85694
requiring immediate placement of individuals in a residential 85695
facility, that insufficient licensed beds are available, and 85696
that the residential facility is likely to receive a permanent 85697
license under this section within thirty days after issuance of 85698
the interim license. 85699

(b) The director determines that the issuance of an 85700

interim license is necessary to meet a temporary need for a 85701
residential facility. 85702

(2) To be eligible to receive an interim license, an 85703
applicant must meet the same criteria that must be met to 85704
receive a permanent license under this section, except for any 85705
differing procedures and time frames that may apply to issuance 85706
of a permanent license. 85707

(3) An interim license shall be valid for thirty days and 85708
may be renewed by the director for a period not to exceed one 85709
hundred eighty days. 85710

(4) The director shall adopt rules in accordance with 85711
Chapter 119. of the Revised Code as the director considers 85712
necessary to administer the issuance of interim licenses. 85713

(R) Notwithstanding rules adopted pursuant to this section 85714
establishing the maximum number of individuals who may be served 85715
in a particular type of residential facility, a residential 85716
facility shall be permitted to serve the same number of 85717
individuals being served by the facility on the effective date 85718
of the rules or the number of individuals for which the facility 85719
is authorized pursuant to a current application for a 85720
certificate of need with a letter of support from the department 85721
of developmental disabilities and which is in the review process 85722
prior to April 4, 1986. 85723

This division does not preclude the department from 85724
suspending new admissions to a residential facility pursuant to 85725
a written order issued under section 5124.70 of the Revised 85726
Code. 85727

(S) The director may enter at any time, for purposes of 85728
investigation, any home, facility, or other structure that has 85729

been reported to the director or that the director has 85730
reasonable cause to believe is being operated as a residential 85731
facility without a license issued under this section. 85732

The director may petition the court of common pleas of the 85733
county in which an unlicensed residential facility is located 85734
for an order enjoining the person or governmental agency 85735
operating the facility from continuing to operate without a 85736
license. The court may grant the injunction on a showing that 85737
the person or governmental agency named in the petition is 85738
operating a residential facility without a license. The court 85739
may grant the injunction, regardless of whether the residential 85740
facility meets the requirements for receiving a license under 85741
this section. 85742

Sec. 5123.191. (A) The court of common pleas or a judge 85743
thereof in the judge's county, or the probate court, may appoint 85744
a receiver to take possession of and operate a residential 85745
facility licensed by the department of developmental 85746
disabilities, in causes pending in such courts respectively, 85747
when conditions existing at the facility present a substantial 85748
risk of physical or mental harm to residents and no other 85749
remedies at law are adequate to protect the health, safety, and 85750
welfare of the residents. Conditions at the facility that may 85751
present such risk of harm include, but are not limited to, 85752
instances when any of the following occur: 85753

(1) The residential facility is in violation of state or 85754
federal law or regulations. 85755

(2) The facility has had its license revoked or procedures 85756
for revocation have been initiated, or the facility is closing 85757
or intends to cease operations. 85758

(3) Arrangements for relocating residents need to be made. 85759

(4) Insolvency of the operator, licensee, or landowner 85760
threatens the operation of the facility. 85761

(5) The facility or operator has demonstrated a pattern 85762
and practice of repeated violations of state or federal laws or 85763
regulations. 85764

(B) A court in which a petition is filed pursuant to this 85765
section shall notify the person holding the license for the 85766
facility and the department of developmental disabilities of the 85767
filing. The court shall order the department to notify the 85768
facility owner, facility operator, county board of developmental 85769
disabilities, facility residents, and residents' parents and 85770
guardians of the filing of the petition. 85771

The court shall provide a hearing on the petition within 85772
five court days of the time it was filed, except that the court 85773
may appoint a receiver prior to that time if it determines that 85774
the circumstances necessitate such action. Following a hearing 85775
on the petition, and upon a determination that the appointment 85776
of a receiver is warranted, the court shall appoint a receiver 85777
and notify the department of developmental disabilities and 85778
appropriate persons of this action. 85779

(C) A residential facility for which a receiver has been 85780
named is deemed to be in compliance with section 5123.19 and 85781
Chapter 3721. of the Revised Code for the duration of the 85782
receivership. 85783

(D) When the operating revenue of a residential facility 85784
in receivership is insufficient to meet its operating expenses, 85785
including the cost of bringing the facility into compliance with 85786
state or federal laws or regulations, the court may order the 85787

state to provide necessary funding, except as provided in 85788
division (K) of this section. The state shall provide such 85789
funding, subject to the approval of the controlling board. The 85790
court may also order the appropriate authorities to expedite all 85791
inspections necessary for the issuance of licenses or the 85792
certification of a facility, and order a facility to be closed 85793
if it determines that reasonable efforts cannot bring the 85794
facility into substantial compliance with the law. 85795

(E) In establishing a receivership, the court shall set 85796
forth the powers and duties of the receiver. The court may 85797
generally authorize the receiver to do all that is prudent and 85798
necessary to safely and efficiently operate the residential 85799
facility within the requirements of state and federal law, but 85800
shall require the receiver to obtain court approval prior to 85801
making any single expenditure of more than five thousand dollars 85802
to correct deficiencies in the structure or furnishings of a 85803
facility. The court shall closely review the conduct of the 85804
receiver it has appointed and shall require regular and detailed 85805
reports. The receivership shall be reviewed at least every sixty 85806
days. 85807

(F) A receivership established pursuant to this section 85808
shall be terminated, following notification of the appropriate 85809
parties and a hearing, if the court determines either of the 85810
following: 85811

(1) The residential facility has been closed and the 85812
former residents have been relocated to an appropriate facility. 85813

(2) Circumstances no longer exist at the facility that 85814
present a substantial risk of physical or mental harm to 85815
residents, and there is no deficiency in the facility that is 85816
likely to create a future risk of harm. 85817

Notwithstanding division (F) (2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of developmental disabilities.

(G) The department of developmental disabilities may, upon its own initiative or at the request of an owner, operator, or resident of a residential facility, or at the request of a resident's guardian or relative or a county board of developmental disabilities, petition the court to appoint a receiver to take possession of and operate a residential facility. When the department has been requested to file a petition by any of the parties listed above, it shall, within forty-eight hours of such request, either file such a petition or notify the requesting party of its decision not to file. If the department refuses to file, the requesting party may file a petition with the court requesting the appointment of a receiver to take possession of and operate a residential facility.

Petitions filed pursuant to this division shall include the following:

(1) A description of the specific conditions existing at the facility which present a substantial risk of physical or mental harm to residents;

(2) A statement of the absence of other adequate remedies at law;

(3) The number of individuals residing at the facility;

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not

been remedied within a reasonable period of time or that the 85847
conditions, though remedied periodically, habitually exist at 85848
the facility as a pattern or practice; 85849

(5) The name and address of the person holding the license 85850
for the facility and the address of the department of 85851
developmental disabilities. 85852

The court may award to an operator appropriate costs and 85853
expenses, including reasonable attorney's fees, if it determines 85854
that a petitioner has initiated a proceeding in bad faith or 85855
merely for the purpose of harassing or embarrassing the 85856
operator. 85857

(H) Except for the department of developmental 85858
disabilities or a county board of developmental disabilities, no 85859
party or person interested in an action shall be appointed a 85860
receiver pursuant to this section. 85861

To assist the court in identifying persons qualified to be 85862
named as receivers, the director of developmental disabilities 85863
shall maintain a list of the names of such persons. The director 85864
shall, in accordance with Chapter 119. of the Revised Code, 85865
establish standards for evaluating persons desiring to be 85866
included on such a list. 85867

(I) Before a receiver enters upon the duties of that 85868
person, the receiver must be sworn to perform the duties of 85869
receiver faithfully, and, with surety approved by the court, 85870
judge, or clerk, execute a bond to such person, and in such sum 85871
as the court or judge directs, to the effect that such receiver 85872
will faithfully discharge the duties of receiver in the action, 85873
and obey the orders of the court therein. 85874

(J) Under the control of the appointing court, a receiver 85875

may bring and defend actions in the receiver's own name as 85876
receiver and take and keep possession of property. 85877

The court shall authorize the receiver to do the 85878
following: 85879

(1) Collect payment for all goods and services provided to 85880
the residents or others during the period of the receivership at 85881
the same rate as was charged by the licensee at the time the 85882
petition for receivership was filed, unless a different rate is 85883
set by the court; 85884

(2) Honor all leases, mortgages, and secured transactions 85885
governing all buildings, goods, and fixtures of which the 85886
receiver has taken possession and continues to use, subject to 85887
the following conditions: 85888

(a) In the case of a rental agreement, only to the extent 85889
of payments that are for the use of the property during the 85890
period of the receivership; 85891

(b) In the case of a purchase agreement only to the extent 85892
of payments that come due during the period of the receivership. 85893

(3) If transfer of residents is necessary, provide for the 85894
orderly transfer of residents by doing the following: 85895

(a) Cooperating with all appropriate state and local 85896
agencies in carrying out the transfer of residents to 85897
alternative community placements; 85898

(b) Providing for the transportation of residents' 85899
belongings and records; 85900

(c) Helping to locate alternative placements and develop 85901
discharge plans; 85902

(d) Preparing residents for the trauma of discharge; 85903

(e) Permitting residents or guardians to participate in 85904
transfer or discharge planning except when an emergency exists 85905
and immediate transfer is necessary. 85906

(4) Make periodic reports on the status of the residential 85907
program to the appropriate state agency, county board of 85908
developmental disabilities, parents, guardians, and residents; 85909

(5) Compromise demands or claims; 85910

(6) Generally do such acts respecting the residential 85911
facility as the court authorizes. 85912

(K) Neither the receiver nor the department of 85913
developmental disabilities is liable for debts incurred by the 85914
owner or operator of a residential facility for which a receiver 85915
has been appointed. 85916

(L) The department of developmental disabilities may 85917
contract for the operation of a residential facility in 85918
receivership. The department shall establish the conditions of a 85919
contract. Notwithstanding any other provision of law, contracts 85920
that are necessary to carry out the powers and duties of the 85921
receiver need not be competitively bid. 85922

(M) The department of developmental disabilities, the 85923
department of ~~job and family services~~children and youth, and the 85924
department of health shall provide technical assistance to any 85925
receiver appointed pursuant to this section. 85926

Sec. 5123.36. (A) To the extent funds are available and on 85927
application by a county board of developmental disabilities or 85928
private nonprofit agency incorporated to provide developmental 85929
disability services, the director of developmental disabilities 85930

may enter into an agreement with the county board or agency to 85931
assist the county board or agency with a developmental 85932
disability construction project. Except as provided by division 85933
(B) of this section, the director may provide up to ninety per 85934
cent of the total project cost where circumstances warrant. The 85935
director may, where circumstances warrant, use existing 85936
facilities or other in-kind match for the local share of the 85937
communities' share of the cost. 85938

(B) Upon the recommendation of the director, for projects 85939
of the highest priority of the department of developmental 85940
disabilities, the controlling board may authorize the director 85941
to provide more than ninety per cent of the total cost of a 85942
project under this section. 85943

(C) A county board is eligible for funds under this 85944
section for a project bid on or after January 1, 1992, under 85945
either section 153.07 or 307.86 of the Revised Code, as long as 85946
all other applicable requirements were followed. 85947

(D) A private nonprofit agency that receives funds 85948
pursuant to this section for the construction of a single-family 85949
home, including, where appropriate, the acquisition and 85950
installation of a single-family home fabricated in an off-site 85951
facility, is not subject to the requirements of Chapter 153. of 85952
the Revised Code with respect to the construction project, 85953
notwithstanding any provision of that chapter to the contrary. 85954

~~(E) The director may not assist a project under this 85955~~
~~section unless the controlling board or director of budget and 85956~~
~~management also approves the project pursuant to section 126.14 85957~~
~~of the Revised Code. 85958~~

Sec. 5123.38. ~~(A)~~ (A) (1) Except as provided in division (B) 85959

of this section, if an individual is committed to a state- 85960
operated ICF/IID pursuant to sections 5123.71 to 5123.76 of the 85961
Revised Code, the county board of developmental disabilities of 85962
the county from which the individual was ordered 85963
institutionalized is responsible for the nonfederal share of 85964
medicaid expenditures for the individual's care in the state- 85965
operated ICF/IID. 85966

(2) The director of developmental disabilities shall 85967
annually establish a methodology for determining the amount to 85968
be collected from the county board for the estimated nonfederal 85969
share of medicaid expenditures. The department of developmental 85970
disabilities shall collect the amount of the nonfederal share 85971
from the county board by either withholding that amount from 85972
funds the department has otherwise allocated to the county board 85973
or submitting an invoice for payment of that amount to the 85974
county board. 85975

(B) Division (A) of this section does not apply ~~under~~ 85976
~~either of the following circumstances:~~ 85977

~~(1) Not later than one hundred eighty days after the date~~ 85978
~~of the commitment of an individual, the county board arranges~~ 85979
~~for the provision of alternative services for the individual,~~ 85980
~~and the individual is discharged from the ICF/IID.~~ 85981

~~(2) The~~ if the director of developmental disabilities, 85982
after determining that circumstances warrant granting a waiver 85983
in an individual's case, grants the county board a waiver that 85984
exempts the county board from responsibility for the nonfederal 85985
share for that case. The exemption may waive the collection of 85986
either the full amount or a portion of the estimated nonfederal 85987
share of medicaid expenditures. 85988

Sec. 5123.41. As used in this section and sections 5123.42	85989
to 5123.47 of the Revised Code:	85990
(A) "Adult services" has the same meaning as in section	85991
5126.01 of the Revised Code.	85992
(B) "Certified supported living provider" means a person	85993
or government entity certified under section 5123.161 of the	85994
Revised Code.	85995
(C) "Drug" has the same meaning as in section 4729.01 of	85996
the Revised Code.	85997
(D) <u>"Family member" means a parent, sibling, spouse, son,</u>	85998
<u>daughter, grandparent, aunt, uncle, cousin, or guardian of an</u>	85999
<u>individual with a developmental disability if the individual</u>	86000
<u>with a developmental disability lives with the person and is</u>	86001
<u>dependent on the person to the extent that, if the supports were</u>	86002
<u>withdrawn, another living arrangement would have to be found.</u>	86003
(E) "Family support services" has the same meaning as in	86004
section 5126.01 of the Revised Code.	86005
(E) (F) "Health-related activities" means the following:	86006
(1) Taking vital signs;	86007
(2) Application of clean dressings that do not require	86008
health assessment;	86009
(3) Basic measurement of bodily intake and output;	86010
(4) Oral suctioning;	86011
(5) Use of glucometers;	86012
(6) External urinary catheter cleaning;	86013
(7) Emptying and replacing ostomy bags;	86014

(8) Collection of specimens by noninvasive means;	86015
(9) Pulse oximetry reading;	86016
(10) Use of continuous positive airway pressure machines;	86017
(11) Application of percussion vests;	86018
(12) Use of cough assist devices and insufflators;	86019
(13) Application of prescribed compression hosiery.	86020
(F) <u>(G)</u> "Licensed health professional authorized to	86021
prescribe drugs" has the same meaning as in section 4729.01 of	86022
the Revised Code.	86023
(G) <u>(H)</u> "Metered dose inhaled medication" means a	86024
premeasured medication administered by inhalation using a hand-	86025
held dispenser or aerosol nebulizer.	86026
(H) <u>(I)</u> "Developmental disabilities personnel" means the	86027
employees and the workers under contract who provide specialized	86028
services to individuals with developmental disabilities.	86029
"Developmental disabilities personnel" includes those who	86030
provide the services as follows:	86031
(1) Through direct employment with the department of	86032
developmental disabilities or a county board of developmental	86033
disabilities;	86034
(2) Through an entity under contract with the department	86035
of developmental disabilities or a county board of developmental	86036
disabilities;	86037
(3) Through direct employment or by being under contract	86038
with private entities, including private entities that operate	86039
residential facilities.	86040
(I) <u>(J)</u> "Nursing delegation" means the process established	86041

in rules adopted by the board of nursing pursuant to Chapter 86042
4723. of the Revised Code under which a registered nurse or 86043
licensed practical nurse acting at the direction of a registered 86044
nurse transfers the performance of a particular nursing activity 86045
or task to another person who is not otherwise authorized to 86046
perform the activity or task. 86047

~~(J)~~ (K) "Over-the-counter medication" means a drug that may 86048
be sold and purchased without a prescription. 86049

~~(K)~~ (L) "Prescribed medication" means a drug that is to be 86050
administered according to the instructions of a licensed health 86051
professional authorized to prescribe drugs. 86052

~~(L)~~ (M) "Residential facility" means a facility licensed 86053
under section 5123.19 of the Revised Code. 86054

~~(M)~~ (N) "Specialized services" has the same meaning as in 86055
section 5123.50 of the Revised Code. 86056

~~(N)~~ (O) "Topical over-the-counter musculoskeletal 86057
medication" means an over-the-counter medication that is applied 86058
topically or passes through the skin to provide relief from 86059
discomfort in the muscles, joints, or bones. 86060

Sec. 5123.42. (A) Developmental disabilities personnel who 86061
are not specifically authorized by other provisions of the 86062
Revised Code to administer medications or perform health-related 86063
activities may do so pursuant to this section as part of the 86064
specialized services the developmental disabilities personnel 86065
provide to individuals with developmental disabilities in the 86066
following categories: 86067

(1) Recipients of early intervention, preschool, and 86068
school-age services offered or provided pursuant to this chapter 86069
or Chapter 5126. of the Revised Code; 86070

(2) Recipients of adult services, if the services are 86071
received in a setting where seventeen or more individuals 86072
receive the services and the services are offered or provided 86073
pursuant to this chapter or Chapter 5126. of the Revised Code; 86074

(3) Recipients of adult services, if the services are 86075
received in a setting where not more than sixteen individuals 86076
receive the services and the services are offered or provided 86077
pursuant to this chapter or Chapter 5126. of the Revised Code; 86078

(4) Recipients of family support services offered or 86079
provided pursuant to this chapter or Chapter 5126. of the 86080
Revised Code; 86081

(5) Recipients of services from certified supported living 86082
providers, if the services are offered or provided pursuant to 86083
this chapter or Chapter 5126. of the Revised Code; 86084

(6) Recipients of residential support services from 86085
certified home and community-based services providers, if the 86086
services are received in a community living arrangement that 86087
includes not more than four individuals with developmental 86088
disabilities and the services are offered or provided pursuant 86089
to this chapter or Chapter 5126. of the Revised Code; 86090

(7) Recipients of services not included in divisions (A) 86091
(1) to (6) of this section that are offered or provided pursuant 86092
to this chapter or Chapter 5126. of the Revised Code; 86093

(8) Residents of a residential facility with not more than 86094
five resident beds; 86095

(9) Residents of a residential facility with at least six 86096
resident beds. 86097

(B) (1) In the case of individuals described in divisions 86098

(A) (1) to (9) of this section, developmental disabilities 86099
personnel may do all of the following without nursing delegation 86100
and without a certificate issued under section 5123.45 of the 86101
Revised Code: 86102

(a) Activate a ~~vagal~~-vagus nerve stimulator; 86103

(b) ~~Use an epinephrine autoinjector to~~ To treat 86104
anaphylaxis, administer prescribed epinephrine either by 86105
autoinjector or intranasally; 86106

(c) Administer topical over-the-counter medications for 86107
the purpose of cleaning, protecting, or comforting the skin, 86108
hair, nails, teeth, or oral surfaces, but not for the purpose of 86109
treating an open wound or a condition that requires a medical 86110
diagnosis, including a fungal infection. 86111

(2) The authority of developmental disabilities personnel 86112
~~to activate a vagal nerve stimulator, use an epinephrine~~ 86113
~~autoinjector, and perform the health-related activity or~~ 86114
~~administer topical over-the-counter~~ the medications described in 86115
division (B) (1) of this section is subject to all of the 86116
following: 86117

(a) ~~To activate a vagal nerve stimulator or use an~~ 86118
~~epinephrine autoinjector, developmental~~ Developmental 86119
disabilities personnel shall successfully complete the training 86120
course or courses developed under section 5123.43 of the Revised 86121
Code for developmental disabilities personnel. Developmental 86122
disabilities personnel shall ~~activate a vagal nerve stimulator~~ 86123
~~or use an epinephrine autoinjector~~ perform the health-related 86124
activity or administer the medications described in division (B) 86125
(1) of this section only as authorized by the training 86126
completed. 86127

(b) The employer of developmental disabilities personnel 86128
shall ensure that the personnel have been trained specifically 86129
with respect to each individual for whom they ~~activate a vagal~~ 86130
~~nerve stimulator or use an epinephrine autoinjector~~ perform the 86131
health-related activity or administer the medications described 86132
in division (B) (1) of this section. Developmental disabilities 86133
personnel shall not ~~activate a vagal nerve stimulator or use an~~ 86134
~~epinephrine autoinjector~~ perform such an activity or administer 86135
such medications for any individual for whom they have not been 86136
specifically trained. 86137

(c) If the employer of developmental disabilities 86138
personnel believes that the personnel have not or will not 86139
safely ~~activate a vagal nerve stimulator or use an epinephrine~~ 86140
~~autoinjector~~ perform the health-related activity or administer 86141
the medications described in division (B) (1) of this section, 86142
the employer shall prohibit the developmental disabilities 86143
personnel from continuing or commencing to do so. Developmental 86144
disabilities personnel shall not engage in the action or actions 86145
subject to an employer's prohibition. 86146

(d) Developmental disabilities personnel shall activate a 86147
~~vagal-vagus~~ nerve stimulator, use an administer prescribed 86148
epinephrine either by autoinjector or intranasally, or 86149
administer topical over-the-counter medications in accordance 86150
with the manufacturer's instructions. 86151

(C) (1) In the case of recipients of early intervention, 86152
preschool, and school-age services, as specified in division (A) 86153
(1) of this section, all of the following apply: 86154

(a) With nursing delegation, developmental disabilities 86155
personnel may perform health-related activities. 86156

(b) With nursing delegation, developmental disabilities 86157
personnel may administer oral and topical prescribed medications 86158
and topical over-the-counter musculoskeletal medications. 86159

(c) With nursing delegation, developmental disabilities 86160
personnel may administer oxygen and metered dose inhaled 86161
medications. 86162

(d) With nursing delegation, developmental disabilities 86163
personnel may administer prescribed medications through 86164
gastrostomy and jejunostomy tubes, if the tubes being used are 86165
stable and labeled. 86166

(e) With nursing delegation, developmental disabilities 86167
personnel may administer routine doses of insulin through 86168
subcutaneous injections, inhalation, and insulin pumps. 86169

(f) With nursing delegation, developmental disabilities 86170
personnel may administer prescribed medications for the 86171
treatment of metabolic glycemic disorders through subcutaneous 86172
injections. 86173

(2) In the case of individuals described in divisions (A) 86174
(2), (7), and (9) of this section, all of the following apply: 86175

(a) With nursing delegation, developmental disabilities 86176
personnel may perform health-related activities. 86177

(b) With nursing delegation, developmental disabilities 86178
personnel may administer oral and topical prescribed medications 86179
and topical over-the-counter musculoskeletal medications. 86180

(c) With nursing delegation, developmental disabilities 86181
personnel may administer oxygen and metered dose inhaled 86182
medications. 86183

(d) With nursing delegation, developmental disabilities 86184

personnel may administer prescribed medications through 86185
gastrostomy and jejunostomy tubes, if the tubes being used are 86186
stable and labeled. 86187

(e) With nursing delegation, developmental disabilities 86188
personnel may administer routine doses of insulin through 86189
subcutaneous injections, inhalation, and insulin pumps. 86190

(f) With nursing delegation, developmental disabilities 86191
personnel may administer prescribed medications for the 86192
treatment of metabolic glycemc disorders through subcutaneous 86193
injections. 86194

(3) In the case of individuals described in divisions (A) 86195
(3), (4), (5), (6), and (8) of this section, all of the 86196
following apply: 86197

(a) Without nursing delegation, developmental disabilities 86198
personnel may perform health-related activities. 86199

(b) Without nursing delegation, developmental disabilities 86200
personnel may administer oral and topical prescribed medications 86201
and topical over-the-counter musculoskeletal medications. 86202

(c) Without nursing delegation, developmental disabilities 86203
personnel may administer oxygen and metered dose inhaled 86204
medications. 86205

(d) With nursing delegation, developmental disabilities 86206
personnel may administer prescribed medications through 86207
gastrostomy and jejunostomy tubes, if the tubes being used are 86208
stable and labeled. 86209

(e) With nursing delegation, developmental disabilities 86210
personnel may administer routine doses of insulin through 86211
subcutaneous injections, inhalation, and insulin pumps. 86212

(f) With nursing delegation, developmental disabilities personnel may administer prescribed medications for the treatment of metabolic glyceimic disorders through subcutaneous injections.

(D) The authority of developmental disabilities personnel to administer medications and perform health-related activities pursuant to division (C) of this section is subject to all of the following:

(1) To administer medications or perform health-related activities for individuals in the categories specified under divisions (A) (1) to (9) of this section, developmental disabilities personnel shall obtain the certificate or certificates required by the department of developmental disabilities and issued under section 5123.45 of the Revised Code. Developmental disabilities personnel shall administer medications and perform health-related activities only as authorized by the certificate or certificates held.

(2) If nursing delegation is required under division (C) of this section, developmental disabilities personnel shall not act without nursing delegation or in a manner that is inconsistent with the delegation.

(3) The employer of developmental disabilities personnel shall ensure that the personnel have been trained specifically with respect to each individual for whom they administer medications or perform health-related activities. Developmental disabilities personnel shall not administer medications or perform health-related activities for any individual for whom they have not been specifically trained.

(4) If the employer of developmental disabilities

personnel believes that the developmental disabilities personnel 86242
have not or will not safely administer medications or perform 86243
health-related activities, the employer shall prohibit the ~~the~~ 86244
personnel from continuing or commencing to do so. Developmental 86245
disabilities personnel shall not engage in the action or actions 86246
subject to an employer's prohibition. 86247

(E) In accordance with section 5123.46 of the Revised 86248
Code, the department of developmental disabilities shall adopt 86249
rules governing its implementation of this section. The rules 86250
shall include the following: 86251

(1) Requirements for documentation of the administration 86252
of medications and performance of health-related activities by 86253
developmental disabilities personnel pursuant to the authority 86254
granted under this section; 86255

(2) Procedures for reporting errors that occur in the 86256
administration of medications and performance of health-related 86257
activities by developmental disabilities personnel pursuant to 86258
the authority granted under this section; 86259

(3) Other standards and procedures the department 86260
considers necessary for implementation of this section. 86261

Sec. 5123.423. A family member may administer medications 86262
or perform health-related activities as described in section 86263
5123.42 of the Revised Code without either of the following: 86264
nursing delegation or a certificate issued under section 5123.45 86265
of the Revised Code. 86266

Sec. 5123.451. The department of developmental 86267
disabilities shall establish and maintain a registry that lists 86268
all developmental disabilities personnel and registered nurses 86269
holding valid certificates issued under section 5123.45 of the 86270

Revised Code. The registry shall specify the type of certificate 86271
held and any limitations that apply to a certificate holder. The 86272
department shall make the information in the registry available 86273
to the public in computerized form or any other manner that 86274
provides continuous access to the information in the registry._ 86275
The registry is subject to section 4798.10 of the Revised Code. 86276

Sec. 5123.47. (A) As used in this section: 86277

(1) "In-home care" means the supportive services provided 86278
within the home of an individual with a developmental disability 86279
who receives funding for the services through a county board of 86280
developmental disabilities, including any recipient of 86281
residential services funded as home and community-based 86282
services, family support services provided under section 5126.11 86283
of the Revised Code, or supported living provided in accordance 86284
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 86285
care" includes care that is provided outside an individual's 86286
home in places incidental to the home, and while traveling to 86287
places incidental to the home, except that "in-home care" does 86288
not include care provided in the facilities of a county board of 86289
developmental disabilities or care provided in schools. 86290

(2) "Parent" means either parent of a child, including an 86291
adoptive parent but not a foster parent. 86292

(3) "Unlicensed in-home care worker" means an individual 86293
who provides in-home care ~~but on a self-employed basis and does~~ 86294
not employ, either directly or through contract, another person 86295
to provide the in-home care, but who is not a health care 86296
professional. 86297

(4) ~~"Family member" means a parent, sibling, spouse, son,~~ 86298
~~daughter, grandparent, aunt, uncle, cousin, or guardian of the~~ 86299

~~individual with a developmental disability if the individual~~ 86300
~~with a developmental disability lives with the person and is~~ 86301
~~dependent on the person to the extent that, if the supports were~~ 86302
~~withdrawn, another living arrangement would have to be found.~~ 86303

~~(5)~~ "Health care professional" means any of the following: 86304

(a) A dentist who holds a valid license issued under 86305
Chapter 4715. of the Revised Code; 86306

(b) A registered or licensed practical nurse who holds a 86307
valid license issued under Chapter 4723. of the Revised Code; 86308

(c) An optometrist who holds a valid license issued under 86309
Chapter 4725. of the Revised Code; 86310

(d) A pharmacist who holds a valid license issued under 86311
Chapter 4729. of the Revised Code; 86312

(e) A person who holds a valid license or certificate 86313
issued under Chapter 4731. of the Revised Code to practice 86314
medicine and surgery, osteopathic medicine and surgery, 86315
podiatric medicine and surgery, or a limited brand of medicine; 86316

(f) A physician assistant who holds a valid license issued 86317
under Chapter 4730. of the Revised Code; 86318

(g) An occupational therapist or occupational therapy 86319
assistant or a physical therapist or physical therapist 86320
assistant who holds a valid license issued under Chapter 4755. 86321
of the Revised Code; 86322

(h) A respiratory care professional who holds a valid 86323
license issued under Chapter 4761. of the Revised Code. 86324

~~(6)~~ (5) "Health care task" means a task that is prescribed, 86325
ordered, ~~delegated,~~ or otherwise directed by a health care 86326

professional acting within the scope of the professional's 86327
practice. "Health care task" includes the administration of ~~oral~~ 86328
~~and topical prescribed medications; administration of nutrition~~ 86329
~~and medications through gastrostomy and jejunostomy tubes that~~ 86330
~~are stable and labeled; administration of oxygen and metered~~ 86331
~~dose inhaled medications; administration of insulin through~~ 86332
~~subcutaneous injections, inhalation, and insulin pumps; and~~ 86333
~~administration of prescribed medications for the treatment of~~ 86334
~~metabolic glyceimic disorders through subcutaneous injections.~~ 86335

(B) Except as provided in division ~~(E)~~ (F) of this section, 86336
a family member of an individual with a developmental disability 86337
may authorize an unlicensed in-home care worker to perform 86338
health care tasks as part of the in-home care the worker 86339
provides to the individual, if all of the following apply: 86340

(1) The family member is the primary supervisor of the 86341
care. 86342

(2) At the time the family member both authorizes the 86343
unlicensed in-home care worker to perform health care tasks and 86344
supervises the care provided to the individual, the family 86345
member is not acting as a paid provider for the individual. 86346

(3) The unlicensed in-home care worker has been selected 86347
by the family member or the individual receiving care and is 86348
under the direct supervision of the family member. 86349

~~(3) The unlicensed in-home care worker is providing the~~ 86350
~~care through an employment or other arrangement entered into~~ 86351
~~directly with the family member and is not otherwise employed by~~ 86352
~~or under contract with a person or government entity to provide~~ 86353
~~services to individuals with developmental disabilities.~~ 86354

(4) The health care task is completed in accordance with 86355

standard, written instructions. 86356

(5) Performance of the health care task requires no 86357
judgment based on specialized health care knowledge or 86358
expertise. 86359

(6) The outcome of the health care task is reasonably 86360
predictable. 86361

(7) Performance of the health care task requires no 86362
complex observation of the individual receiving the care. 86363

(8) Improper performance of the health care task will 86364
result in only minimal complications that are not life- 86365
threatening. 86366

(C) A family member who authorizes an unlicensed in-home 86367
care worker to perform health care tasks under this section 86368
shall ~~obtain~~ do all of the following: 86369

(1) Obtain a prescription, if applicable, and written 86370
instructions from a health care professional for the care to be 86371
provided to the individual. ~~The family member shall authorize;~~ 86372

(2) Authorize the unlicensed in-home care worker to 86373
provide the care by preparing a written document granting the 86374
authority. ~~The family member shall provide;~~ 86375

(3) Provide the unlicensed in-home care worker with 86376
appropriate training and written instructions in accordance with 86377
the instructions obtained from the health care professional. ~~The~~ 86378
~~family member or a health care professional shall be;~~ 86379

(4) Be available to communicate with the unlicensed in- 86380
home care worker either in person or by telecommunication while 86381
the in-home care worker performs a health care task. 86382

(D) Before an unlicensed in-home care worker may perform 86383
the health care tasks authorized by a family member under this 86384
section, the worker shall accept the written document described 86385
in division (C) (2) of this section granting the worker that 86386
authority. 86387

(E) A family member who authorizes an unlicensed in-home 86388
care worker to ~~administer oral and topical prescribed~~ 86389
~~medications or perform other~~ health care tasks retains full 86390
responsibility for the health and safety of the individual 86391
receiving the care and for ensuring that the worker provides the 86392
care appropriately and safely. No entity that funds or monitors 86393
the provision of in-home care may be held liable for the results 86394
of the care provided under this section by an unlicensed in-home 86395
care worker, including such entities as the county board of 86396
developmental disabilities and the department of developmental 86397
disabilities. 86398

An unlicensed in-home care worker who is authorized under 86399
this section by a family member to provide care to an individual 86400
may not be held liable for any injury caused in providing the 86401
care, unless the worker provides the care in a manner that is 86402
not in accordance with the training and instructions received or 86403
the worker acts in a manner that constitutes willful or wanton 86404
misconduct. 86405

~~(E)~~ (F) A county board of developmental disabilities may 86406
evaluate the authority granted by a family member under this 86407
section to an unlicensed in-home care worker at any time it 86408
considers necessary and shall evaluate the authority on receipt 86409
of a complaint. In evaluating the authority, the board shall use 86410
appropriately licensed health care professionals. 86411

If, after its evaluation, the board determines that a 86412

family member has acted in a manner that is inappropriate for 86413
the health and safety of the individual receiving the care, then 86414
all of the following apply: 86415

(1) The authorization granted by the family member to an 86416
unlicensed in-home care worker is void, ~~and the~~. 86417

(2) The family member may not authorize other unlicensed 86418
in-home care workers to provide the care. ~~In making such a~~ 86419
~~determination, the~~ 86420

(3) The board shall use authorize appropriately licensed 86421
~~health care professionals and or certified providers to instead~~ 86422
perform the health care tasks. 86423

(4) The board shall provide the family member an 86424
opportunity to file a complaint under section 5126.06 of the 86425
Revised Code. 86426

Sec. 5123.68. As used in sections 5123.68 to 5123.686 of 86427
the Revised Code: 86428

(A) "Principal" means an adult with a developmental 86429
disability who seeks to enter, or has entered, into a supported 86430
decision-making plan. 86431

(B) "Supported decision-making" means the process of 86432
supporting and accommodating an adult with a developmental 86433
disability who is making, communicating, or implementing the 86434
adult's own life decisions without impeding the adult's self- 86435
determination. 86436

"Supported decision-making" may include any matter 86437
impacting the adult's life. 86438

(C) "Supported decision-making plan" is a plan between an 86439
adult with a developmental disability and one or more supporters 86440

chosen by the adult that may be informal and occur naturally or 86441
may be formal and documented through a written plan entered into 86442
pursuant to section 5123.683 of the Revised Code. 86443

(D) "Supporter" means a person chosen by an adult with a 86444
developmental disability to support the adult with a 86445
developmental disability in a supported decision-making plan. 86446

Sec. 5123.681. (A) Based on the principle that all adults 86447
with developmental disabilities should be afforded all of the 86448
rights set forth in section 5123.62 of the Revised Code, all 86449
adults with developmental disabilities are presumed to be 86450
capable of making decisions regarding their lives and activities 86451
of daily living and are presumed to be competent to handle their 86452
own affairs, unless otherwise determined by a court of competent 86453
jurisdiction. 86454

(B) The fact that an adult has a developmental disability 86455
does not, by itself, void the presumption of capacity and 86456
competency described in division (A) of this section. 86457

(C) The manner in which an adult with a developmental 86458
disability communicates with others is not grounds for a finding 86459
that the adult is incapable of managing the adult's affairs or 86460
of entering into a supported decision-making plan. 86461

(D) Execution of a supported decision-making plan by an 86462
adult with a developmental disability is not evidence of 86463
incapacity and shall not be used as such. 86464

(E) An adult with a developmental disability who has 86465
entered into a supported decision-making plan is not precluded 86466
from acting independently of the plan, acting independently of 86467
one or more supporters identified in the plan, or seeking 86468
personal information without the assistance of a supporter. The 86469

adult's choice to act independently of the plan or a supporter 86470
is not evidence of incapacity and shall not be used as such. 86471

(F) Evidence of either a formal or informal supported 86472
decision-making plan may be presented as a less restrictive 86473
alternative to guardianship pursuant to division (C) (5) of 86474
section 2111.02 of the Revised Code. 86475

(G) No adult with a developmental disability shall be 86476
required to enter into a supported decision-making plan. 86477

Sec. 5123.682. (A) A supported decision-making plan may be 86478
created at the request and with the active participation of the 86479
principal. A supported decision-making plan may be established 86480
by either of the following: 86481

(1) Pursuant to a written plan in accordance with section 86482
5123.683 of the Revised Code; 86483

(2) Naturally, without a written plan, when an adult with 86484
a developmental disability relies upon natural supports or 86485
chosen supporters to assist with decisions in the adult's daily 86486
life. 86487

(B) The department of developmental disabilities shall 86488
develop both of the following: 86489

(1) A model written supported decision-making plan that 86490
may be used by a principal and one or more supporters; 86491

(2) Informational materials about formal and informal 86492
supported decision-making plans, intended for use by all of the 86493
following: 86494

(a) Adults with developmental disabilities; 86495

(b) Family members of adults with developmental 86496

disabilities; 86497

(c) Social service, medical service, and financial service 86498
professionals and other professionals likely to encounter 86499
supported decision-making plans; 86500

(d) The general public. 86501

Sec. 5123.683. (A) A written supported decision-making 86502
plan shall be executed in accordance with this section. 86503

(B) (1) The written plan shall be entered into by the adult 86504
with a developmental disability as the principal and one or more 86505
supporters. 86506

(2) The plan shall be signed and acknowledged voluntarily, 86507
without coercion or undue influence, by the principal. 86508

The principal's signature shall be witnessed by either a 86509
notary public or two adult witnesses who are not parties to the 86510
supported decision-making plan. The witnesses must attest that 86511
the plan was signed of the principal's own free will and accord. 86512

Sec. 5123.684. (A) Except as otherwise limited by the 86513
principal, and pursuant to the principal's authority under 86514
division (E) of section 5123.681 of the Revised Code, a 86515
supporter may assist the principal with all of the following: 86516

(1) Understanding information, options, responsibilities, 86517
and consequences associated with making decisions; 86518

(2) Communicating the decisions to third parties; 86519

(3) Obtaining and understanding information relevant to 86520
life decisions, including medical, psychological, financial, 86521
employment, medicaid, educational, or other records; 86522

(4) Monitoring information about the principal's affairs 86523

and services, including future services; 86524

(5) Understanding the principal's personal values, 86525
beliefs, and preferences, including the principal's cultural, 86526
ethnic, or religious heritage, and using this information to 86527
advocate for the implementation of the principal's wishes and 86528
decisions; 86529

(6) Accompanying the principal and participating in 86530
discussions with third parties. 86531

(B) (1) The supporter shall assist the principal in 86532
accessing, collecting, or obtaining only information that is 86533
relevant to a decision authorized by the supported decision- 86534
making plan. 86535

(2) If the supporter assists the principal in accessing, 86536
collecting, or obtaining personal information protected under 86537
the "Health Insurance Portability and Accountability Act of 86538
1996," 42 U.S.C. 1320d-2, the "Family Educational Rights and 86539
Privacy Act of 1974," 20 U.S.C. 1232g, or financial information 86540
protected under the "Financial Services Modernization Act of 86541
1999," 15 U.S.C. 6801 and 6821, the supporter shall keep the 86542
information confidential. 86543

(3) The existence of a supported decision-making plan does 86544
not preclude the principal from seeking personal information 86545
without the assistance of the supporter. 86546

(C) The supporter may undertake any actions permitted by 86547
the principal in the supported decision-making plan. The 86548
supporter owes the principal a fiduciary duty to act in 86549
accordance with the supported decision-making plan. The 86550
supporter shall not act in contradiction to the expressed wishes 86551
or decision-making authority of the principal. 86552

(D) (1) In the event the supporter has a conflict of 86553
interest or potential conflict of interest in a decision made by 86554
the principal, the supporter shall do both of the following: 86555

(a) Fully disclose the conflict of interest to the 86556
principal and any other members of the principal's support team, 86557
including a service and support administrator or a qualified 86558
intellectual disability professional; 86559

(b) Refrain from advising or assisting the principal on or 86560
with the decision. 86561

(2) A supporter who intentionally fails to disclose a 86562
conflict of interest or who otherwise breaches the supporter's 86563
fiduciary duty to the principal is liable to the principal for 86564
all reasonable damages incurred as a result. 86565

Sec. 5123.685. A principal may modify or end either a 86566
formal or informal supported decision-making plan at any time by 86567
notifying the supporter. A principal may modify or end a 86568
supported decision-making plan in writing and provide a copy of 86569
the written notice to the supporter. 86570

Sec. 5123.686. (A) Nothing in sections 5123.68 to 5123.686 86571
of the Revised Code prohibits a third party from requiring the 86572
principal to execute a release of information or other document 86573
to confirm the continued validity of the supported decision- 86574
making plan or to confirm the principal's authorization of the 86575
third party to share information with a specific supporter. 86576

(B) A person who acts in good faith while relying on a 86577
supported decision-making plan is not liable for damages in a 86578
civil action and is not subject to criminal prosecution or 86579
professional disciplinary action unless they have actual 86580
knowledge that either: 86581

(1) The supported decision-making plan has been modified 86582
or ended pursuant to section 5123.685 of the Revised Code. 86583

(2) The principal has not authorized the supporter to 86584
engage in the specific action taken. 86585

Sec. 5124.15. (A) Except as otherwise provided by section 86586
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of 86587
the Revised Code, and division (B) of this section, the total 86588
per medicaid day payment rate that the department of 86589
developmental disabilities shall pay to an ICF/IID provider for 86590
ICF/IID services the provider's ICF/IID provides during a fiscal 86591
year shall equal the sum of all of the following: 86592

(1) The per medicaid day capital component rate determined 86593
for the ICF/IID under section 5124.17 of the Revised Code; 86594

(2) The per medicaid day direct care costs component rate 86595
determined for the ICF/IID under section 5124.19 of the Revised 86596
Code; 86597

(3) The per medicaid day indirect care costs component 86598
rate determined for the ICF/IID under section 5124.21 of the 86599
Revised Code; 86600

(4) The per medicaid day other protected costs component 86601
rate determined for the ICF/IID under section 5124.23 of the 86602
Revised Code; 86603

(5) The sum of the following: 86604

(a) The per medicaid day quality incentive payment 86605
determined for the ICF/IID under section 5124.24 of the Revised 86606
Code; 86607

(b) A direct support personnel payment equal to two and 86608
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 86609

allowable, per medicaid day direct care costs from the 86610
applicable cost report year; 86611

(c) ~~A~~ For state fiscal year 2026, a professional workforce 86612
development payment equal to ~~thirteen and fifty-five hundredths~~ 86613
~~for state fiscal year 2024 and twenty and eighty-one hundredths~~ 86614
~~during fiscal year 2025~~ ten and four hundred five thousandths 86615
per cent of the ICF/IID's desk-reviewed, actual, allowable, per 86616
medicaid day direct care costs from the applicable cost report 86617
year. 86618

(B) The department shall adjust the total per medicaid day 86619
payment rate otherwise determined for an ICF/IID under this 86620
section as directed by the general assembly through the 86621
enactment of law governing medicaid payments to ICF/IID 86622
providers. 86623

(C) (1) In addition to paying an ICF/IID provider the total 86624
per medicaid day payment rate determined for the provider's 86625
ICF/IID under divisions (A) and (B) of this section for a fiscal 86626
year, the department may do either or both of the following: 86627

(a) In accordance with section 5124.25 of the Revised 86628
Code, pay the provider a rate add-on for ventilator-dependent 86629
outlier ICF/IID services if the rate add-on is to be paid under 86630
that section and the department approves the provider's 86631
application for the rate add-on; 86632

(b) In accordance with section 5124.26 of the Revised 86633
Code, pay the provider for outlier ICF/IID services the ICF/IID 86634
provides to residents identified as needing intensive behavioral 86635
health support services if the rate add-on is to be paid under 86636
that section and the department approves the provider's 86637
application for the rate add-on. 86638

(2) The rate add-ons are not to be part of the ICF/IID's 86639
total per medicaid day payment rate. 86640

Sec. 5139.05. (A) The juvenile court may commit any child 86641
to the department of youth services as authorized in Chapter 86642
2152. of the Revised Code, provided that any child so committed 86643
shall be at least ten years of age at the time of the child's 86644
delinquent act, and, if the child is ten or eleven years of age, 86645
the delinquent act is a violation of section 2909.03 of the 86646
Revised Code or would be aggravated murder, murder, or a first 86647
or second degree felony offense of violence if committed by an 86648
adult. Any order to commit a child to an institution under the 86649
control and management of the department shall have the effect 86650
of ordering that the child be committed to the department and 86651
assigned to an institution or placed in a community corrections 86652
facility in accordance with division (E) of section 5139.36 of 86653
the Revised Code as follows: 86654

(1) For an indefinite term consisting of the prescribed 86655
minimum period specified by the court under division (A)(1) of 86656
section 2152.16 of the Revised Code and a maximum period not to 86657
exceed the child's attainment of twenty-one years of age, if the 86658
child was committed pursuant to section 2152.16 of the Revised 86659
Code; 86660

(2) Until the child's attainment of twenty-one years of 86661
age, if the child was committed for aggravated murder or murder 86662
pursuant to section 2152.16 of the Revised Code; 86663

(3) For a period of commitment that shall be in addition 86664
to, and shall be served consecutively with and prior to, a 86665
period of commitment described in division (A)(1) or (2) of this 86666
section, if the child was committed pursuant to section 2152.17 86667
of the Revised Code; 86668

(4) If the child is ten or eleven years of age, to an institution, a residential care facility, a residential facility, or a facility licensed by the department of ~~job and family services~~ children and youth that the department of youth services considers best designated for the training and rehabilitation of the child and protection of the public. The child shall be housed separately from children who are twelve years of age or older until the child is released or discharged or until the child attains twelve years of age, whichever occurs first. Upon the child's attainment of twelve years of age, if the child has not been released or discharged, the department is not required to house the child separately.

(B) (1) Except as otherwise provided in section 5139.54 of the Revised Code, the release authority of the department of youth services, in accordance with section 5139.51 of the Revised Code and at any time after the end of the minimum period specified under division (A) (1) of section 2152.16 of the Revised Code, may grant the release from custody of any child committed to the department.

The order committing a child to the department of youth services shall state that the child has been adjudicated a delinquent child and state the minimum period. The jurisdiction of the court terminates at the end of the minimum period except as follows:

(a) In relation to judicial release procedures, supervision, and violations;

(b) With respect to functions of the court related to the revocation of supervised release that are specified in sections 5139.51 and 5139.52 of the Revised Code;

(c) In relation to its duties relating to serious youthful
offender dispositional sentences under sections 2152.13 and
2152.14 of the Revised Code.

(2) When a child has been committed to the department
under section 2152.16 of the Revised Code, the department shall
retain legal custody of the child until one of the following:

(a) The department discharges the child to the exclusive
management, control, and custody of the child's parent or the
guardian of the child's person or, if the child is eighteen
years of age or older, discharges the child.

(b) The committing court, upon its own motion, upon
petition of the parent, guardian of the person, or next friend
of a child, or upon petition of the department, terminates the
department's legal custody of the child.

(c) The committing court grants the child a judicial
release to court supervision under section 2152.22 of the
Revised Code.

(d) The department's legal custody of the child is
terminated automatically by the child attaining twenty-one years
of age.

(e) If the child is subject to a serious youthful offender
dispositional sentence, the adult portion of that dispositional
sentence is imposed under section 2152.14 of the Revised Code.

(C) When a child is committed to the department of youth
services, the department may assign the child to a hospital for
mental, physical, and other examination, inquiry, or treatment
for the period of time that is necessary. The department may
remove any child in its custody to a hospital for observation,
and a complete report of every observation at the hospital shall

be made in writing and shall include a record of observation, 86727
treatment, and medical history and a recommendation for future 86728
treatment, custody, and maintenance. The department shall 86729
thereupon order the placement and treatment that it determines 86730
to be most conducive to the purposes of Chapters 2151. and 5139. 86731
of the Revised Code. The committing court and all public 86732
authorities shall make available to the department all pertinent 86733
data in their possession with respect to the case. 86734

(D) Records maintained by the department of youth services 86735
pertaining to the children in its custody shall be accessible 86736
only to department employees, except by consent of the 86737
department, upon the order of the judge of a court of record, or 86738
as provided in divisions (D)(1) and (2) of this section. These 86739
records shall not be considered "public records," as defined in 86740
section 149.43 of the Revised Code. 86741

(1) Except as otherwise provided by a law of this state or 86742
the United States, the department of youth services may release 86743
records that are maintained by the department of youth services 86744
and that pertain to children in its custody to the department of 86745
rehabilitation and correction regarding persons who are under 86746
the jurisdiction of the department of rehabilitation and 86747
correction and who have previously been committed to the 86748
department of youth services. The department of rehabilitation 86749
and correction may use those records for the limited purpose of 86750
carrying out the duties of the department of rehabilitation and 86751
correction. Records released by the department of youth services 86752
to the department of rehabilitation and correction shall remain 86753
confidential and shall not be considered public records as 86754
defined in section 149.43 of the Revised Code. 86755

(2) The department of youth services shall provide to the 86756

superintendent of the school district in which a child 86757
discharged or released from the custody of the department is 86758
entitled to attend school under section 3313.64 or 3313.65 of 86759
the Revised Code the records described in divisions (D) (4) (a) to 86760
(d) of section 2152.18 of the Revised Code. Subject to the 86761
provisions of section 3319.321 of the Revised Code and the 86762
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 86763
amended, the records released to the superintendent shall remain 86764
confidential and shall not be considered public records as 86765
defined in section 149.43 of the Revised Code. 86766

(E) (1) When a child is committed to the department of 86767
youth services, the department, orally or in writing, shall 86768
notify the parent, guardian, or custodian of a child that the 86769
parent, guardian, or custodian may request at any time from the 86770
superintendent of the institution in which the child is located 86771
any of the information described in divisions (E) (1) (a), (b), 86772
(c), and (d) of this section. The parent, guardian, or custodian 86773
may provide the department with the name, address, and telephone 86774
number of the parent, guardian, or custodian, and, until the 86775
department is notified of a change of name, address, or 86776
telephone number, the department shall use the name, address, 86777
and telephone number provided by the parent, guardian, or 86778
custodian to provide notices or answer inquiries concerning the 86779
following information: 86780

(a) When the department of youth services makes a 86781
permanent assignment of the child to a facility, the department, 86782
orally or in writing and on or before the third business day 86783
after the day the permanent assignment is made, shall notify the 86784
parent, guardian, or custodian of the child of the name of the 86785
facility to which the child has been permanently assigned. 86786

If a parent, guardian, or custodian of a child who is 86787
committed to the department of youth services requests, orally 86788
or in writing, the department to provide the parent, guardian, 86789
or custodian with the name of the facility in which the child is 86790
currently located, the department, orally or in writing and on 86791
or before the next business day after the day on which the 86792
request is made, shall provide the name of that facility to the 86793
parent, guardian, or custodian. 86794

(b) If a parent, guardian, or custodian of a child who is 86795
committed to the department of youth services, orally or in 86796
writing, asks the superintendent of the institution in which the 86797
child is located whether the child is being disciplined by the 86798
personnel of the institution, what disciplinary measure the 86799
personnel of the institution are using for the child, or why the 86800
child is being disciplined, the superintendent or the 86801
superintendent's designee, on or before the next business day 86802
after the day on which the request is made, shall provide the 86803
parent, guardian, or custodian with written or oral responses to 86804
the questions. 86805

(c) If a parent, guardian, or custodian of a child who is 86806
committed to the department of youth services, orally or in 86807
writing, asks the superintendent of the institution in which the 86808
child is held whether the child is receiving any medication from 86809
personnel of the institution, what type of medication the child 86810
is receiving, or what condition of the child the medication is 86811
intended to treat, the superintendent or the superintendent's 86812
designee, on or before the next business day after the day on 86813
which the request is made, shall provide the parent, guardian, 86814
or custodian with oral or written responses to the questions. 86815

(d) When a major incident occurs with respect to a child 86816

who is committed to the department of youth services, the 86817
department, as soon as reasonably possible after the major 86818
incident occurs, shall notify the parent, guardian, or custodian 86819
of the child that a major incident has occurred with respect to 86820
the child and of all the details of that incident that the 86821
department has ascertained. 86822

(2) The failure of the department of youth services to 86823
provide any notification required by or answer any requests made 86824
pursuant to division (E) of this section does not create a cause 86825
of action against the state. 86826

(F) The department of youth services, as a means of 86827
punishment while the child is in its custody, shall not prohibit 86828
a child who is committed to the department from seeing that 86829
child's parent, guardian, or custodian during standard 86830
visitation periods allowed by the department of youth services 86831
unless the superintendent of the institution in which the child 86832
is held determines that permitting that child to visit with the 86833
child's parent, guardian, or custodian would create a safety 86834
risk to that child, that child's parents, guardian, or 86835
custodian, the personnel of the institution, or other children 86836
held in that institution. 86837

(G) As used in this section: 86838

(1) "Permanent assignment" means the assignment or 86839
transfer for an extended period of time of a child who is 86840
committed to the department of youth services to a facility in 86841
which the child will receive training or participate in 86842
activities that are directed toward the child's successful 86843
rehabilitation. "Permanent assignment" does not include the 86844
transfer of a child to a facility for judicial release hearings 86845
pursuant to section 2152.22 of the Revised Code or for any other 86846

temporary assignment or transfer to a facility. 86847

(2) "Major incident" means the escape or attempted escape 86848
of a child who has been committed to the department of youth 86849
services from the facility to which the child is assigned; the 86850
return to the custody of the department of a child who has 86851
escaped or otherwise fled the custody and control of the 86852
department without authorization; the allegation of any sexual 86853
activity with a child committed to the department; physical 86854
injury to a child committed to the department as a result of 86855
alleged abuse by department staff; an accident resulting in 86856
injury to a child committed to the department that requires 86857
medical care or treatment outside the institution in which the 86858
child is located; the discovery of a controlled substance upon 86859
the person or in the property of a child committed to the 86860
department; a suicide attempt by a child committed to the 86861
department; a suicide attempt by a child committed to the 86862
department that results in injury to the child requiring 86863
emergency medical services outside the institution in which the 86864
child is located; the death of a child committed to the 86865
department; an injury to a visitor at an institution under the 86866
control of the department that is caused by a child committed to 86867
the department; and the commission or suspected commission of an 86868
act by a child committed to the department that would be an 86869
offense if committed by an adult. 86870

(3) "Sexual activity" has the same meaning as in section 86871
2907.01 of the Revised Code. 86872

(4) "Controlled substance" has the same meaning as in 86873
section 3719.01 of the Revised Code. 86874

(5) "Residential care facility" and "residential facility" 86875
have the same meanings as in section 2151.011 of the Revised 86876

Code. 86877

Sec. 5139.08. The department of youth services may enter 86878
into an agreement with the director of rehabilitation and 86879
correction pursuant to which the department of youth services, 86880
in accordance with division (C) (2) of section 5139.06 and 86881
section 5120.162 of the Revised Code, may transfer to a 86882
correctional medical center established by the department of 86883
rehabilitation and correction, children who are within its 86884
custody for diagnosis or treatment of an illness, physical 86885
condition, or other medical problem. The department of youth 86886
services may enter into any other agreements with the director 86887
of children and youth, the director of job and family services, 86888
the director of mental health and addiction services, the 86889
director of developmental disabilities, the director of 86890
rehabilitation and correction, with the courts having probation 86891
officers or other public officials, and with private agencies or 86892
institutions for separate care or special treatment of children 86893
subject to the control of the department of youth services. The 86894
department of youth services may, upon the request of a juvenile 86895
court not having a regular probation officer, provide probation 86896
services for such court. 86897

Upon request by the department of youth services, any 86898
public agency or group care facility established or administered 86899
by the state for the care and treatment of children and youth 86900
shall, consistent with its functions, accept and care for any 86901
child whose custody is vested in the department in the same 86902
manner as it would be required to do if custody had been vested 86903
by a court in such agency or group care facility. If the 86904
department has reasonable grounds to believe that any child or 86905
youth whose custody is vested in it is mentally ill or has an 86906
intellectual disability, the department may file an affidavit 86907

under section 5122.11 or 5123.76 of the Revised Code. The 86908
department's affidavit for admission of a child or youth to such 86909
institution shall be filed with the probate court of the county 86910
from which the child was committed to the department. Such court 86911
may request the probate court of the county in which the child 86912
is held to conduct the hearing on the application, in which case 86913
the court making such request shall bear the expenses of the 86914
proceeding. If the department files such an affidavit, the child 86915
or youth may be kept in such institution until a final decision 86916
on the affidavit is made by the appropriate court. 86917

Sec. 5139.34. (A) Funds may be appropriated to the 86918
department of youth services for the purpose of granting state 86919
subsidies to counties. A county or the juvenile court that 86920
serves a county shall use state subsidies granted to the county 86921
pursuant to this section only in accordance with divisions (B) 86922
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 86923
rules pertaining to the state subsidy funds that the department 86924
adopts pursuant to division (D) of section 5139.04 of the 86925
Revised Code. The department shall not grant financial 86926
assistance pursuant to this section for the provision of care 86927
and services for children in a placement facility unless the 86928
facility has been certified, licensed, or approved by a state or 86929
national agency with certification, licensure, or approval 86930
authority, including, but not limited to, the department of ~~job-~~ 86931
~~and family services~~ children and youth, department of education 86932
and workforce, department of mental health and addiction 86933
services, department of developmental disabilities, or American 86934
correctional association. For the purposes of this section, 86935
placement facilities do not include a state institution or a 86936
county or district children's home. 86937

The department of youth services also shall not grant 86938

financial assistance pursuant to this section for the provision 86939
of care and services for children, including, but not limited 86940
to, care and services in a detention facility, in another 86941
facility, or in out-of-home placement, unless the minimum 86942
standards applicable to the care and services that the 86943
department prescribes in rules adopted pursuant to division (D) 86944
of section 5139.04 of the Revised Code have been satisfied. 86945

(B) The department of youth services shall apply the 86946
following formula to determine the amount of the annual grant 86947
that each county is to receive pursuant to division (A) of this 86948
section, subject to the appropriation for this purpose to the 86949
department made by the general assembly: 86950

(1) Each county shall receive a basic annual grant of 86951
fifty thousand dollars. 86952

(2) The sum of the basic annual grants provided under 86953
division (B)(1) of this section shall be subtracted from the 86954
total amount of funds appropriated to the department of youth 86955
services for the purpose of making grants pursuant to division 86956
(A) of this section to determine the remaining portion of the 86957
funds appropriated. The remaining portion of the funds 86958
appropriated shall be distributed on a per capita basis to each 86959
county that has a population of more than twenty-five thousand 86960
for that portion of the population of the county that exceeds 86961
twenty-five thousand. 86962

(C) (1) Prior to a county's receipt of an annual grant 86963
pursuant to this section, the juvenile court that serves the 86964
county shall prepare, submit, and file in accordance with 86965
division (B) (3) (a) of section 5139.43 of the Revised Code an 86966
annual grant agreement and application for funding that is for 86967
the combined purposes of, and that satisfies the requirements 86968

of, this section and section 5139.43 of the Revised Code. In 86969
addition to the subject matters described in division (B) (3) (a) 86970
of section 5139.43 of the Revised Code or in the rules that the 86971
department adopts to implement that division, the annual grant 86972
agreement and application for funding shall address fiscal 86973
accountability and performance matters pertaining to the 86974
programs, care, and services that are specified in the agreement 86975
and application and for which state subsidy funds granted 86976
pursuant to this section will be used. 86977

(2) The county treasurer of each county that receives an 86978
annual grant pursuant to this section shall deposit the state 86979
subsidy funds so received into the county's felony delinquent 86980
care and custody fund created pursuant to division (B) (1) of 86981
section 5139.43 of the Revised Code. Subject to exceptions 86982
prescribed in section 5139.43 of the Revised Code that may apply 86983
to the disbursement, the department shall disburse the state 86984
subsidy funds to which a county is entitled in a lump sum 86985
payment that shall be made in July of each calendar year. 86986

(3) Upon an order of the juvenile court that serves a 86987
county and subject to appropriation by the board of county 86988
commissioners of that county, a county treasurer shall disburse 86989
from the county's felony delinquent care and custody fund the 86990
state subsidy funds granted to the county pursuant to this 86991
section for use only in accordance with this section, the 86992
applicable provisions of section 5139.43 of the Revised Code, 86993
and the county's approved annual grant agreement and application 86994
for funding. 86995

(4) The moneys in a county's felony delinquent care and 86996
custody fund that represent state subsidy funds granted pursuant 86997
to this section are subject to appropriation by the board of 86998

county commissioners of the county; shall be disbursed by the 86999
county treasurer as required by division (C) (3) of this section; 87000
shall be used in the manners referred to in division (C) (3) of 87001
this section; shall not revert to the county general fund at the 87002
end of any fiscal year; shall carry over in the felony 87003
delinquent care and custody fund from the end of any fiscal year 87004
to the next fiscal year; shall be in addition to, and shall not 87005
be used to reduce, any usual annual increase in county funding 87006
that the juvenile court is eligible to receive or the current 87007
level of county funding of the juvenile court and of any 87008
programs, care, or services for alleged or adjudicated 87009
delinquent children, unruly children, or juvenile traffic 87010
offenders or for children who are at risk of becoming delinquent 87011
children, unruly children, or juvenile traffic offenders; and 87012
shall not be used to pay for the care and custody of felony 87013
delinquents who are in the care and custody of an institution 87014
pursuant to a commitment, recommitment, or revocation of a 87015
release on parole by the juvenile court of that county or who 87016
are in the care and custody of a community corrections facility 87017
pursuant to a placement by the department as described in 87018
division (E) of section 5139.36 of the Revised Code. 87019

(5) As a condition of the continued receipt of state 87020
subsidy funds pursuant to this section, each county and the 87021
juvenile court that serves each county that receives an annual 87022
grant pursuant to this section shall comply with divisions (B) 87023
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 87024

Sec. 5153.10. Each public children services agency shall 87025
designate an executive officer known as the "executive 87026
director," who shall not be in the classified civil service. The 87027
superintendent of the children's home, the county director of 87028
job and family services, or other individual may serve as the 87029

executive director. 87030

The agency shall, from time to time, inquire into 87031
community conditions affecting the welfare of children and study 87032
the work of the agency and its relation to the work of other 87033
organizations whose functions are related to child welfare. The 87034
agency may, after consultation with the executive director, 87035
adopt rules of general application, not inconsistent with law or 87036
with the rules adopted by the director of ~~job and family~~ 87037
~~services~~ children and youth. 87038

Sec. 5153.122. Each PCSA caseworker hired after January 1, 87039
2007, shall complete in-service training during the first year 87040
of the caseworker's continuous employment as a PCSA caseworker, 87041
except that the executive director of the public children 87042
services agency may waive the training requirement for a school 87043
of social work graduate who participated in the university 87044
partnership program described in division (E) of section 87045
~~5101.141~~ 5180.42 of the Revised Code and as provided in section 87046
5153.124 of the Revised Code. The training shall consist of 87047
courses in all of the following: 87048

(A) Recognizing, accepting reports of, and preventing 87049
child abuse, neglect, and dependency; 87050

(B) Assessing child safety; 87051

(C) Assessing risks; 87052

(D) Interviewing persons; 87053

(E) Investigating cases; 87054

(F) Intervening; 87055

(G) Providing services to children and their families; 87056

(H) The importance of and need for accurate data; 87057

(I) Preparation for court; 87058

(J) Maintenance of case record information; 87059

(K) The legal duties of PCSA caseworkers to protect the 87060
constitutional and statutory rights of children and families 87061
from the initial time of contact during investigation through 87062
treatment, including instruction regarding parents' rights and 87063
the limitations that the Fourth Amendment to the United States 87064
Constitution places upon caseworkers and their investigations; 87065

(L) Content on other topics relevant to child abuse, 87066
neglect, and dependency, including permanency strategies, 87067
concurrent planning, and adoption as an option for unintended 87068
pregnancies. 87069

After a PCSA caseworker's first year of continuous 87070
employment as a PCSA caseworker, the caseworker annually shall 87071
complete thirty-six hours of training in areas relevant to the 87072
caseworker's assigned duties. 87073

During the first two years of continuous employment as a 87074
PCSA caseworker, each PCSA caseworker shall complete training in 87075
recognizing the signs of domestic violence and its relationship 87076
to child abuse as established in rules the director of children 87077
and youth shall adopt pursuant to Chapter 119. of the Revised 87078
Code. 87079

Sec. 5153.16. (A) Except as provided in section 2151.422 87080
of the Revised Code, in accordance with rules adopted under 87081
section 5153.166 of the Revised Code, and on behalf of children 87082
in the county whom the public children services agency considers 87083
to be in need of public care or protective services, the public 87084
children services agency shall do all of the following: 87085

- (1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child; 87086
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- (2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department of children and youth, department of mental health and addiction services, department of developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court; 87088
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- (3) Enter into a contract with an agency providing prevention services in an effort to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact when referring a family for prevention services under division (J) of section 2151.421 of the Revised Code. 87100
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- (4) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction; 87105
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- (5) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service; 87108
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- (6) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child; 87112
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(7) Make available to the children with medical handicaps 87115
program of the department of health at its request any 87116
information concerning a child with a disability found to be in 87117
need of treatment under sections 3701.021 to 3701.028 of the 87118
Revised Code who is receiving services from the public children 87119
services agency; 87120

(8) Provide temporary emergency care for any child 87121
considered by the public children services agency to be in need 87122
of such care, without agreement or commitment; 87123

(9) Find certified foster homes, within or outside the 87124
county, for the care of children, including children with 87125
disabilities from other counties attending special schools in 87126
the county; 87127

(10) Subject to the approval of the board of county 87128
commissioners and the department of children and youth, 87129
establish and operate a training school or enter into an 87130
agreement with any municipal corporation or other political 87131
subdivision of the county respecting the operation, acquisition, 87132
or maintenance of any children's home, training school, or other 87133
institution for the care of children maintained by such 87134
municipal corporation or political subdivision; 87135

(11) Acquire and operate a county children's home, 87136
establish, maintain, and operate a receiving home for the 87137
temporary care of children, or procure certified foster homes 87138
for this purpose; 87139

(12) Enter into an agreement with the trustees of any 87140
district children's home, respecting the operation of the 87141
district children's home in cooperation with the other county 87142
boards in the district; 87143

(13) Cooperate with, make its services available to, and 87144
act as the agent of persons, courts, the department of children 87145
and youth, the department of health, and other organizations 87146
within and outside the state, in matters relating to the welfare 87147
of children, except that the public children services agency 87148
shall not be required to provide supervision of or other 87149
services related to the exercise of parenting time rights 87150
granted pursuant to section 3109.051 or 3109.12 of the Revised 87151
Code or companionship or visitation rights granted pursuant to 87152
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 87153
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 87154
or a common pleas court, pursuant to division (E)(6) of section 87155
3113.31 of the Revised Code, requires the provision of 87156
supervision or other services related to the exercise of the 87157
parenting time rights or companionship or visitation rights; 87158

(14) Make investigations at the request of any 87159
superintendent of schools in the county or the principal of any 87160
school concerning the application of any child adjudicated to be 87161
an abused, neglected, or dependent child for release from 87162
school, where such service is not provided through a school 87163
attendance department; 87164

(15) Administer funds provided under Title IV-E of the 87165
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 87166
amended, in accordance with rules adopted under section ~~5101.141~~ 87167
5180.42 of the Revised Code; 87168

(16) In addition to administering Title IV-E adoption 87169
assistance funds, enter into agreements to make adoption 87170
assistance payments under section 5153.163 of the Revised Code; 87171

(17) Implement a system of safety and risk assessment, in 87172
accordance with rules adopted by the director of children and 87173

youth, to assist the public children services agency in 87174
determining the risk of abuse or neglect to a child; 87175

(18) Enter into a plan of cooperation with the board of 87176
county commissioners under section 307.983 of the Revised Code 87177
and comply with each fiscal agreement the board enters into 87178
under section 307.98 of the Revised Code that include family 87179
services duties of public children services agencies and 87180
contracts the board enters into under sections 307.981 and 87181
307.982 of the Revised Code that affect the public children 87182
services agency; 87183

(19) Make reasonable efforts to prevent the removal of an 87184
alleged or adjudicated abused, neglected, or dependent child 87185
from the child's home, eliminate the continued removal of the 87186
child from the child's home, or make it possible for the child 87187
to return home safely, except that reasonable efforts of that 87188
nature are not required when a court has made a determination 87189
under division (A) (2) of section 2151.419 of the Revised Code; 87190

(20) Make reasonable efforts to place the child in a 87191
timely manner in accordance with the permanency plan approved 87192
under division (E) of section 2151.417 of the Revised Code and 87193
to complete whatever steps are necessary to finalize the 87194
permanent placement of the child; 87195

(21) Administer a Title IV-A program identified under 87196
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 87197
that the department of children and youth provides for the 87198
public children services agency to administer under the 87199
department's supervision pursuant to section 5101.801 of the 87200
Revised Code; 87201

(22) Administer the kinship permanency incentive program 87202

created under section ~~5101.802~~ 5180.52 of the Revised Code under 87203
the supervision of the director of children and youth; 87204

(23) Provide independent living services pursuant to 87205
sections 2151.81 to 2151.84 of the Revised Code; 87206

(24) File a missing child report with a local law 87207
enforcement agency upon becoming aware that a child in the 87208
custody of the public children services agency is or may be 87209
missing. 87210

(B) The public children services agency shall use the 87211
system implemented pursuant to division (A) (17) of this section 87212
in connection with an investigation undertaken pursuant to 87213
division (G) (1) of section 2151.421 of the Revised Code to 87214
assess both of the following: 87215

(1) The ongoing safety of the child; 87216

(2) The appropriateness of the intensity and duration of 87217
the services provided to meet child and family needs throughout 87218
the duration of a case. 87219

(C) Except as provided in section 2151.422 of the Revised 87220
Code, in accordance with rules of the director of children and 87221
youth, and on behalf of children in the county whom the public 87222
children services agency considers to be in need of public care 87223
or protective services, the public children services agency may 87224
do the following: 87225

(1) Provide or find, with other child serving systems, 87226
specialized foster care for the care of children in a 87227
specialized foster home, as defined in section 5103.02 of the 87228
Revised Code, certified under section 5103.03 of the Revised 87229
Code; 87230

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 87231
this section, contract with the following for the purpose of 87232
assisting the agency with its duties: 87233

(i) County departments of job and family services; 87234

(ii) Boards of alcohol, drug addiction, and mental health 87235
services; 87236

(iii) County boards of developmental disabilities; 87237

(iv) Regional councils of political subdivisions 87238
established under Chapter 167. of the Revised Code; 87239

(v) Private and government providers of services; 87240

(vi) Managed care organizations and prepaid health plans. 87241

(b) A public children services agency contract under 87242
division (C) (2) (a) of this section regarding the agency's duties 87243
under section 2151.421 of the Revised Code may not provide for 87244
the entity under contract with the agency to perform any service 87245
not authorized by the department's rules. 87246

(c) Only a county children services board appointed under 87247
section 5153.03 of the Revised Code that is a public children 87248
services agency may contract under division (C) (2) (a) of this 87249
section. If an entity specified in division (B) or (C) of 87250
section 5153.02 of the Revised Code is the public children 87251
services agency for a county, the board of county commissioners 87252
may enter into contracts pursuant to section 307.982 of the 87253
Revised Code regarding the agency's duties. 87254

Sec. 5153.163. (A) As used in this section: 87255

(1) "Adoptive parent" means, as the context requires, a 87256
prospective adoptive parent or an adoptive parent. 87257

(2) "Relative" has the same meaning as in section ~~5101.141~~
5180.42 of the Revised Code. 87258
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(B) (1) Before a child's adoption is finalized, a public 87260
children services agency may enter into an agreement with the 87261
child's adoptive parent under which the agency, to the extent 87262
state funds are available, may make state adoption maintenance 87263
subsidy payments as needed on behalf of the child when all of 87264
the following apply: 87265

(a) The child is a child with special needs. 87266

(b) The child was placed in the adoptive home by a public 87267
children services agency or a private child placing agency and 87268
may legally be adopted. 87269

(c) The adoptive parent has the capability of providing 87270
the permanent family relationships needed by the child. 87271

(d) The needs of the child are beyond the economic 87272
resources of the adoptive parent. 87273

(e) Acceptance of the child as a member of the adoptive 87274
parent's family would not be in the child's best interest 87275
without payments on the child's behalf under this section. 87276

(f) The gross income of the adoptive parent's family does 87277
not exceed one hundred twenty per cent of the median income of a 87278
family of the same size, including the child, as most recently 87279
determined for this state by the secretary of health and human 87280
services under Title XX of the "Social Security Act," 88 Stat. 87281
2337, 42 U.S.C.A. 1397, as amended. 87282

(g) The child is not eligible for adoption assistance 87283
payments under Title IV-E of the "Social Security Act," 94 Stat. 87284
501 (1980), 42 U.S.C.A. 671, as amended. 87285

(2) State adoption maintenance subsidy payment agreements 87286
must be made by either the public children services agency that 87287
has permanent custody of the child or the public children 87288
services agency of the county in which the private child placing 87289
agency that has permanent custody of the child is located. 87290

(3) State adoption maintenance subsidy payments shall be 87291
made in accordance with the agreement between the public 87292
children services agency and the adoptive parent and are subject 87293
to an annual redetermination of need. 87294

(4) Payments under this division may begin either before 87295
or after issuance of the final adoption decree, except that 87296
payments made before issuance of the final adoption decree may 87297
be made only while the child is living in the adoptive parent's 87298
home. Preadoption payments may be made for not more than twelve 87299
months, unless the final adoption decree is not issued within 87300
that time because of a delay in court proceedings. Payments that 87301
begin before issuance of the final adoption decree may continue 87302
after its issuance. 87303

(C) (1) A public children services agency may enter into an 87304
agreement with a child's relative under which the agency, to the 87305
extent state funds are available, may provide state kinship 87306
guardianship assistance as needed on behalf of the child when 87307
all of the following apply: 87308

(a) The relative has cared for the eligible child as a 87309
foster caregiver as defined by section 5103.02 of the Revised 87310
Code for at least six consecutive months. 87311

(b) Both of the following apply: 87312

(i) A juvenile court issued an order granting legal 87313
custody of the child to the relative, or a probate court issued 87314

an order granting guardianship of the child to the relative, and 87315
the order is not a temporary court order. 87316

(ii) The relative has committed to care for the child on a 87317
permanent basis. 87318

(c) The relative signed a state kinship guardianship 87319
assistance agreement prior to assuming legal guardianship or 87320
legal custody of the child. 87321

(d) The child had been removed from home pursuant to a 87322
voluntary placement agreement or as a result of a judicial 87323
determination to the effect that continuation in the home would 87324
be contrary to the welfare of the child. 87325

(e) Returning the child home or adoption are not 87326
appropriate permanency options for the child. 87327

(f) The child demonstrates a strong attachment to the 87328
relative and the relative has a strong commitment to caring 87329
permanently for the child. 87330

(g) With respect to a child who has attained fourteen 87331
years of age, the child has been consulted regarding the state 87332
kinship guardianship assistance arrangement. 87333

(h) The child is not eligible for kinship guardianship 87334
assistance payments under Title IV-E of the "Social Security 87335
Act," 42 U.S.C. 673(d), as amended. 87336

(2) The public children services agency that had custody 87337
of a child immediately prior to a court granting legal custody 87338
or guardianship of the child to a relative of the child 87339
described in division (C)(1) of this section is authorized to 87340
enter into a state kinship guardianship assistance agreement 87341
with that relative. 87342

(3) State kinship guardianship assistance for a child 87343
shall be provided in accordance with a state kinship 87344
guardianship assistance agreement entered into between the 87345
public children services agency and relative of the child 87346
described in division (C) (1) of this section and is subject to 87347
an annual redetermination of need. 87348

~~(4) Not later than fifteen months after September 30,~~ 87349
~~2021, if the amended state plan submitted under Title IV-E to~~ 87350
~~implement 42 U.S.C. 673(d) as described in section 5101.1416 of~~ 87351
~~the Revised Code is approved, division (C) of this section shall~~ 87352
~~be implemented.~~ 87353

(D) No payment shall be made under division (B) or (C) of 87354
this section on behalf of any person eighteen years of age or 87355
older beyond the end of the school year during which the person 87356
attains the age of eighteen or on behalf of a person with a 87357
mental or physical disability twenty-one years of age or older. 87358

(E) The director of children and youth shall adopt rules 87359
in accordance with Chapter 119. of the Revised Code that are 87360
needed to implement this section. The rules shall establish all 87361
of the following: 87362

(1) The application process for all forms of assistance 87363
provided under this section; 87364

(2) The method to determine the amount of assistance 87365
payable under division (B) of this section; 87366

(3) The definition of "child with special needs" for this 87367
section; 87368

(4) The process whereby a child's continuing need for 87369
services provided under division (B) or (C) of this section is 87370
annually redetermined; 87371

(5) Any other rule, requirement, or procedure the 87372
department considers appropriate for the implementation of this 87373
section. 87374

(F) The state adoption special services subsidy program 87375
ceases to exist on July 1, 2004, except that, subject to the 87376
findings of the annual redetermination process established under 87377
division (E) of this section and the child's individual need for 87378
services, a public children services agency may continue to 87379
provide state adoption special services subsidy payments on 87380
behalf of a child for whom payments were being made prior to 87381
July 1, 2004. 87382

(G) Benefits and services provided under this section are 87383
inalienable whether by way of assignment, charge, or otherwise 87384
and exempt from execution, attachment, garnishment, and other 87385
like processes. 87386

Sec. 5160.37. (A) A medical assistance recipient's 87387
enrollment in a medical assistance program gives an automatic 87388
right of recovery to the department of medicaid and a county 87389
department of job and family services against the liability of a 87390
third party for the cost of medical assistance paid on behalf of 87391
the recipient. When an action or claim is brought against a 87392
third party by a medical assistance recipient, any payment, 87393
settlement or compromise of the action or claim, or any court 87394
award or judgment, is subject to the recovery right of the 87395
department of medicaid or county department. Except in the case 87396
of a medical assistance recipient who receives medical 87397
assistance through a medicaid managed care organization, the 87398
department's or county department's claim shall not exceed the 87399
amount of medical assistance paid by the department or county 87400
department on behalf of the recipient. A payment, settlement, 87401

compromise, judgment, or award that excludes the cost of medical 87402
assistance paid for by the department or county department shall 87403
not preclude a department from enforcing its rights under this 87404
section. 87405

(B) (1) In the case of a medical assistance recipient who 87406
receives medical assistance through a medicaid managed care 87407
organization that has a capitation agreement with a provider, 87408
the amount of the department's or county department's claim 87409
shall be the amount the medicaid managed care organization would 87410
have paid in the absence of a capitation agreement. 87411

(2) In the case of a medical assistance recipient who 87412
receives medical assistance through a medicaid managed care 87413
organization that does not have a capitation agreement with a 87414
provider, the amount of the department's or county department's 87415
claim shall be the amount the medicaid managed care organization 87416
pays for medical assistance rendered to the recipient, even if 87417
that amount is more than the amount the department or county 87418
department pays to the medicaid managed care organization for 87419
the recipient's medical assistance. 87420

(C) A medical assistance recipient, and the recipient's 87421
attorney, if any, shall cooperate with the departments. In 87422
furtherance of this requirement, the medical assistance 87423
recipient, or the recipient's attorney, if any, shall, not later 87424
than thirty days after initiating informal recovery activity or 87425
filing a legal recovery action against a third party, provide 87426
written notice of the activity or action to the department of 87427
medicaid or county department if it has paid for medical 87428
assistance under a medical assistance program. 87429

(D) The written notice that must be given under division 87430
(C) of this section shall disclose the identity and address of 87431

any third party against whom the medical assistance recipient 87432
has or may have a right of recovery. 87433

(E) No settlement, compromise, judgment, or award or any 87434
recovery in any action or claim by a medical assistance 87435
recipient where the department or county department has a right 87436
of recovery shall be made final without first giving the 87437
department or county department written notice as described in 87438
division (C) of this section and a reasonable opportunity to 87439
perfect its rights of recovery. If the department or county 87440
department is not given the appropriate written notice, the 87441
medical assistance recipient and, if there is one, the 87442
recipient's attorney, are liable to reimburse the department or 87443
county department for the recovery received to the extent of 87444
medical assistance payments made by the department or county 87445
department. 87446

(F) The department or county department shall be permitted 87447
to enforce its recovery rights against the third party even 87448
though it accepted prior payments in discharge of its rights 87449
under this section if, at the time the department or county 87450
department received such payments, it was not aware that 87451
additional medical expenses had been incurred but had not yet 87452
been paid by the department or county department. The third 87453
party becomes liable to the department or county department as 87454
soon as the third party is notified in writing of the valid 87455
claims for recovery under this section. 87456

(G) (1) Subject to division (G) (2) of this section, the 87457
right of recovery of the department or county department does 87458
not apply to that portion of any judgment, award, settlement, or 87459
compromise of a claim, to the extent of attorneys' fees, costs, 87460
or other expenses incurred by a medical assistance recipient in 87461

securing the judgment, award, settlement, or compromise, or to 87462
the extent of medical, surgical, and hospital expenses paid by 87463
such recipient from the recipient's own resources. 87464

(2) Reasonable attorneys' fees, not to exceed one-third of 87465
the total judgment, award, settlement, or compromise, plus costs 87466
and other expenses incurred by the medical assistance recipient 87467
in securing the judgment, award, settlement, or compromise, 87468
shall first be deducted from the total judgment, award, 87469
settlement, or compromise. After fees, costs, and other expenses 87470
are deducted from the total judgment, award, settlement, or 87471
compromise, there shall be a rebuttable presumption that the 87472
department of medicaid or county department shall receive no 87473
less than one-half of the remaining amount, or the actual amount 87474
of medical assistance paid, whichever is less. A party may rebut 87475
the presumption in accordance with division (L) (1) ~~or~~, (2), or 87476
(3) of this section, as applicable. 87477

(H) A right of recovery created by this section may be 87478
enforced separately or jointly by the department of medicaid or 87479
county department. To enforce its recovery rights, the 87480
department or county department may do any of the following: 87481

(1) Intervene or join in any action or proceeding brought 87482
by the medical assistance recipient or on the recipient's behalf 87483
against any third party who may be liable for the cost of 87484
medical assistance paid; 87485

(2) Institute and pursue legal proceedings against any 87486
third party who may be liable for the cost of medical assistance 87487
paid; 87488

(3) Initiate legal proceedings in conjunction with any 87489
injured, diseased, or disabled medical assistance recipient or 87490

the recipient's attorney or representative. 87491

(I) A medical assistance recipient shall not assess 87492
attorney fees, costs, or other expenses against the department 87493
of medicaid or a county department when the department or county 87494
department enforces its right of recovery created by this 87495
section. 87496

(J) The right of recovery given to the department under 87497
this section includes payments made by a third party under 87498
contract with a person having a duty to support. 87499

(K) The department of medicaid may assign to a medical 87500
assistance provider the right of recovery given to the 87501
department under this section with respect to any claim for 87502
which the department has notified the provider that the 87503
department intends to recoup the department's prior payment for 87504
the claim. 87505

(L) (1) Prior to any payment to the department or a county 87506
department pursuant to the department's or county department's 87507
right of recovery under this section, a party that desires to 87508
rebut the presumption in division (G) of this section shall 87509
submit to the department or county department a request for a 87510
hearing in accordance with the procedure the department 87511
establishes in rules required by division (O) of this section. 87512
The amount sought by the department or county department shall 87513
be held in escrow or in an interest on lawyers' trust account 87514
until the hearing examiner renders a decision or the case is 87515
otherwise concluded. A party successfully rebuts the presumption 87516
by a showing of clear and convincing evidence that a different 87517
allocation is warranted. 87518

(2) A medical assistance recipient who has repaid money, 87519

on or after September 29, 2007, to the department or a county 87520
department pursuant to the department's or county department's 87521
right of recovery under this section, section 5160.38 of the 87522
Revised Code, or former section 5101.58 or 5101.59 of the 87523
Revised Code may request a hearing to rebut the presumption in 87524
division (G) of this section. The request shall be made in 87525
accordance with the procedure the department establishes for 87526
this purpose in rules required by division (O) of this section. 87527
It must be made not later than one hundred eighty days after 87528
September 29, 2015, or ninety days after the payment is made, 87529
whichever is later. A party successfully rebuts the presumption 87530
by a showing of clear and convincing evidence that a different 87531
allocation is warranted. 87532

(3) A medical assistance recipient who has repaid money, 87533
between April 6, 2007 and September 28, 2007, to the department 87534
or a county department pursuant to the department's or county 87535
department's right of recovery under this section, section 87536
5160.38 of the Revised Code, or former section 5101.58 or 87537
5101.59 of the Revised Code may request a hearing to rebut the 87538
presumption in division (G) of this section. The request shall 87539
be made not later than one hundred eighty days after the 87540
effective date of this amendment in accordance with the 87541
procedure the department establishes for this purpose in rules 87542
required by division (O) of this section. The presumption is 87543
successfully rebutted if the requestor demonstrates by clear and 87544
convincing evidence that a different allocation is warranted. 87545

(4) With respect to a hearing requested under division (L) 87546
(1) ~~or~~, (2), or (3) of this section, all of the following are 87547
the case: 87548

(a) The hearing examiner may consider, but is not bound by 87549

the allocation of, medical expenses specified in a settlement 87550
agreement between the medical assistance recipient and the 87551
relevant third party; 87552

(b) The department or county department may raise 87553
affirmative defenses during the hearing, including the existence 87554
of a prior settlement with the medical assistance recipient, the 87555
doctrine of accord and satisfaction, or the common law principle 87556
of res judicata; 87557

(c) If the parties agree, live testimony shall not be 87558
presented at the hearing; 87559

(d) The hearing may be governed by rules adopted under 87560
section 5160.02 of the Revised Code. If such rules are adopted, 87561
Chapter 119. of the Revised Code applies to the hearing only to 87562
the extent specified in those rules; 87563

(e) The hearing examiner's decision is binding on the 87564
department or county department and the medical assistance 87565
recipient unless the decision is reversed or modified on appeal 87566
to the medicaid director as described in division (M) of this 87567
section; 87568

(f) A request for a hearing may be submitted by any of the 87569
following: 87570

(i) The medical assistance recipient; 87571

(ii) The medical assistance recipient's authorized 87572
representative; 87573

(iii) The executor or administrator of a medical 87574
assistance recipient's estate authorized to make or pursue a 87575
request; 87576

(iv) A court-appointed guardian; 87577

(v) An attorney who has been directly retained by the 87578
medical assistance recipient, or the recipient's parent, legal 87579
guardian, or court-appointed guardian. 87580

(M) (1) A medical assistance recipient who disagrees with a 87581
hearing examiner's decision under division (L) of this section 87582
may file an administrative appeal with the medicaid director in 87583
accordance with the procedure the department establishes for 87584
this purpose in rules required by division (O) of this section. 87585
A hearing is not required during the administrative appeal, but 87586
the director or the director's designee shall review the hearing 87587
examiner's decision and any prior relevant administrative 87588
action. After the review, the director or the director's 87589
designee shall affirm, modify, remand, or reverse the hearing 87590
decision. A decision made under this division is final and 87591
binding on the department or county department and the medical 87592
assistance recipient unless it is reversed or modified on appeal 87593
to a court of common pleas as described in division (N) of this 87594
section. 87595

(2) An administrative appeal may be governed by rules 87596
adopted under section 5160.02 of the Revised Code. If such rules 87597
are adopted, Chapter 119. of the Revised Code applies to an 87598
administrative appeal only to the extent specified in those 87599
rules. 87600

(N) A party to an administrative appeal described in 87601
division (M) of this section may file an appeal with a court of 87602
common pleas in accordance with section 119.12 of the Revised 87603
Code. 87604

(O) The medicaid director shall adopt rules under section 87605
5160.02 of the Revised Code as necessary to implement this 87606
section, including rules establishing procedures a party may use 87607

to request a hearing under division (L) (1) ~~or~~, (2), or (3) of 87608
this section or an administrative appeal under division (M) (1) 87609
of this section. The rules shall be adopted in accordance with 87610
Chapter 119. of the Revised Code. 87611

(P) Divisions (L) to (N) of this section are remedial in 87612
nature and shall be liberally construed by the courts of this 87613
state in accordance with section 1.11 of the Revised Code. Those 87614
divisions specify the sole remedy available to a party who 87615
claims the department or a county department has received or is 87616
to receive more money than entitled to receive under this 87617
section, section 5160.38 of the Revised Code, or former section 87618
5101.58 or 5101.59 of the Revised Code. 87619

Sec. 5162.133. Not less than once each year, the medicaid 87620
director shall submit a report on the medicaid buy-in for 87621
workers with disabilities program to the governor, general 87622
assembly, and joint medicaid oversight committee. The copy to 87623
the general assembly shall be submitted in accordance with 87624
section 101.68 of the Revised Code. The report shall include all 87625
of the following information: 87626

(A) The number of individuals who participated in the 87627
medicaid buy-in for workers with disabilities program; 87628

(B) The cost of the program; 87629

(C) ~~The amount of revenue generated by premiums that~~ 87630
~~participants pay under section 5163.094 of the Revised Code;~~ 87631

~~(D)~~ The average amount of earned income of participants' 87632
families; 87633

~~(E)~~ (D) The average amount of time participants have 87634
participated in the program; 87635

~~(F)~~(E) The types of other health insurance participants 87636
have been able to obtain. 87637

Sec. 5162.25. (A) As used in this section: 87638

(1) "State directed payment program" means a payment 87639
program authorized by the United States centers for medicare and 87640
medicaid services under 42 C.F.R. 438.6(c). 87641

(2) "Preprint" means a form created by the United States 87642
centers for medicare and medicaid services to request approval 87643
of a state directed payment program, as required under 42 C.F.R. 87644
438.6(c). 87645

(B) (1) Except as provided in division (B) (2) of this 87646
section, the medicaid director shall comply with this section 87647
for all new and existing state directed payment programs. 87648

(2) This section does not apply to a state directed 87649
payment program that is funded by the department of medicaid or 87650
the hospital franchise permit fee program. 87651

(C) All of the following apply to a state directed payment 87652
program that is subject to this section: 87653

(1) The program shall comply with the requirements of 42 87654
C.F.R. 438.6(c), including all of the following: 87655

(a) The program shall be approved by the United States 87656
centers for medicare and medicaid services, and the director 87657
shall seek approval for the program in accordance with section 87658
5162.07 of the Revised Code. 87659

(b) Directed payments under the program shall not exceed 87660
the average commercial rate for all providers participating 87661
under a preprint unless exempted by a value-based purchasing 87662
agreement approved by the United States centers for medicare and 87663

medicaid services. 87664

(c) The program shall be subject to an evaluation plan, in 87665
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 87666

(2) The program shall be for hospital providers and 87667
services or professional services provided by hospitals. 87668

(3) Unless otherwise determined by the medicaid director, 87669
only one state directed payment preprint may be approved for 87670
each of the following provider classes: 87671

(a) Inpatient and outpatient hospital services; 87672

(b) Physician services; 87673

(c) Children's hospitals participating in the outcomes 87674
acceleration for kids quality initiative. 87675

(D) A hospital provider participating in a state directed 87676
payment program shall do all of the following: 87677

(1) Enter into one or more contracts related to the state 87678
directed payment program as necessary, as determined by the 87679
department; 87680

(2) Comply with all average commercial rate reporting 87681
requirements established by the department, related to the 87682
requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 87683

(3) Comply with the department's state directed payment 87684
quality measure set, including the metrics and targets set by 87685
the department for the state directed payment program to advance 87686
the goals and objectives specified in the department's quality 87687
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 87688
C.F.R. 438.340; 87689

(4) Cooperate with any evaluation or reporting 87690

requirements established by the department related to the 87691
requirements set forth in 42 C.F.R. 438.6(c)(2)(ii)(D) and (F). 87692

(E) Any hospital provider contract required under division 87693
(D)(1) of this section shall be executed not later than the 87694
first day of October preceding the first fiscal year of a 87695
biennium. A contract required under this section may be entered 87696
into in accordance with section 5162.32 of the Revised Code. 87697

(F)(1) All funds supporting a state directed payment 87698
program shall comply with the requirements specified in 42 87699
C.F.R. 433.51. No hospital provider may participate in a state 87700
directed payment program unless sufficient funds are obligated 87701
and appropriated. 87702

(2) The director may terminate or decline to establish any 87703
state directed payment program if federal or local funding is 87704
not available or sufficient to sustain the program. The 87705
department shall not at any time be required to provide funding 87706
for a state directed payment program that is subject to this 87707
section. 87708

Sec. 5163.03. ~~(A) Subject to section 5163.05 of the~~ 87709
~~Revised Code, the~~ The ~~medicaid~~ program shall cover all mandatory 87710
eligibility groups. 87711

(B) The medicaid program shall cover all of the optional 87712
eligibility groups that state statutes require the medicaid 87713
program to cover. 87714

(C) The medicaid program may cover any of the optional 87715
eligibility groups to which either of the following applies: 87716

(1) State statutes expressly permit the medicaid program 87717
to cover the optional eligibility group. 87718

(2) The medicaid program covers the optional eligibility group ~~on the effective date of this amendment~~ November 22, 2017.

(D) The medicaid program shall not cover an optional eligibility group to which either of the following applies:

(1) State statutes prohibit the medicaid program from covering the optional eligibility group.

(2) Except as provided in divisions (B) and (C) (1) of this section, the medicaid program does not cover the optional eligibility group ~~on the effective date of this amendment~~ November 22, 2017.

Sec. 5163.091. Under the medicaid buy-in for workers with disabilities program, an individual who does ~~all~~ both of the following in accordance with rules authorized by section 5163.098 of the Revised Code qualifies for the medicaid program:

(A) Applies for the medicaid buy-in for workers with disabilities program;

(B) Provides satisfactory evidence of all of the following:

(1) That the individual is at least sixteen years of age and under sixty-five years of age;

(2) Except as provided in section 5163.096 of the Revised Code, that one of the following applies to the individual:

(a) The individual is considered disabled for the purpose of the supplemental security income program, regardless of whether the individual receives supplemental security income benefits, and the individual has earnings from employment.

(b) The individual is an employed individual with a

medically improved disability. 87746

(3) That the value of the individual's resources, less 87747
amounts disregarded pursuant to rules authorized by section 87748
5163.098 of the Revised Code, does not exceed the amount 87749
provided for by section 5163.092 of the Revised Code; 87750

(4) That the individual's income, less amounts disregarded 87751
pursuant to section 5163.093 of the Revised Code, does not 87752
exceed two hundred fifty per cent of the federal poverty line; 87753

(5) That the individual meets the additional eligibility 87754
requirements for the medicaid buy-in for workers with 87755
disabilities program established in rules authorized by section 87756
5163.098 of the Revised Code. 87757

~~(C) To the extent required by section 5163.094 of the~~ 87758
~~Revised Code, pays the premium established under that section.~~ 87759

Sec. 5163.093. For the purpose of determining whether an 87760
individual is within the income eligibility limit for the 87761
medicaid buy-in for workers with disabilities program, all of 87762
the following apply: 87763

(A) Twenty thousand dollars of the individual's earned 87764
income shall be disregarded. 87765

(B) No amount that the individual's employer pays to 87766
obtain health insurance for one or more members of the 87767
individual's family, ~~including any amount of a premium~~ 87768
~~established under section 5163.094 of the Revised Code that the~~ 87769
~~employer pays,~~ shall be treated as the individual's income. 87770

(C) Any other amounts, if any, specified in rules 87771
authorized by section 5163.098 of the Revised Code shall be 87772
disregarded from the individual's earned income, unearned 87773

income, or both.

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Sec. 5163.094. An individual ~~whose income exceeds one~~
~~hundred fifty per cent of the federal poverty line shall not be~~
~~required to pay an annual a premium as a condition of qualifying~~
for the medicaid buy-in for workers with disabilities program.
~~The amount of the premium shall be determined as follows:~~

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~~(A) Subtract one hundred fifty per cent of the federal~~
~~poverty line, as applicable for a family size equal to the size~~
~~of the individual's family, from the amount of the income of the~~
~~individual's family;~~

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~~(B) Subtract an amount specified in rules authorized by~~
~~section 5163.098 of the Revised Code from the difference~~
~~determined under division (A) of this section;~~

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~~(C) Multiply the difference determined under division (B)~~
~~of this section by one tenth.~~

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Sec. 5163.098. (A) The medicaid director shall adopt rules
under section 5163.02 of the Revised Code as necessary to
implement the medicaid buy-in for workers with disabilities
program. The rules shall do all of the following:

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(1) Specify assets, asset values, and amounts to be
disregarded in determining asset and income eligibility limits
for the program;

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(2) Establish meanings for the terms "earned income,"
"health insurance," "resources," "spouse," and "unearned
income";

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(3) Establish additional eligibility requirements for the
program that must be established for the United States secretary
of health and human services to approve the program;

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~~(4) For the purpose of division (B) of section 5163.094 of the Revised Code, specify an amount to be subtracted from the difference determined under division (A) of that section.~~

(B) The director may adopt rules under section 5163.02 of the Revised Code to specify amounts to be disregarded from an individual's earned income, unearned income, or both under division (C) of section 5163.093 of the Revised Code for the purpose of determining whether the individual is within the income eligibility limit for the medicaid buy-in for workers with disabilities program.

Sec. 5163.30. (A) As used in this section:

(1) "Assets" include all of an individual's income and resources and those of the individual's spouse, including any income or resources the individual or spouse is entitled to but does not receive because of action by any of the following:

(a) The individual or spouse;

(b) A person or government entity, including a court or administrative agency, with legal authority to act in place of or on behalf of the individual or spouse;

(c) A person or government entity, including a court or administrative agency, acting at the direction or on the request of the individual or spouse.

(2) "Home and community-based services" means home and community-based services furnished under a medicaid waiver granted by the United States secretary of health and human services under the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 1396n(c) or (d).

(3) "Institutionalized individual" means a resident of a

nursing facility, an inpatient in a medical institution for whom 87830
a payment is made based on a level of care provided in a nursing 87831
facility, or an individual described in the "Social Security 87832
Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A) 87833
(ii)(VI). 87834

(4) "Look-back date" means the date that is a number of 87835
months specified in rules adopted under section 5163.02 of the 87836
Revised Code immediately before either of the following: 87837

(a) The date an individual becomes an institutionalized 87838
individual if the individual is eligible for medicaid on that 87839
date; 87840

(b) The date an individual applies for medicaid while an 87841
institutionalized individual. 87842

(5) "Nursing facility equivalent services" means services 87843
that are covered by the medicaid program, equivalent to nursing 87844
facility services, provided by an institution that provides the 87845
same level of care as a nursing facility, and provided to an 87846
inpatient of the institution who is a medicaid recipient 87847
eligible for medicaid-covered nursing facility equivalent 87848
services. 87849

(6) "Undue hardship" means being deprived of either of the 87850
following: 87851

(a) Medical care such that an individual's health or life 87852
is endangered; 87853

(b) Food, clothing, shelter, or other necessities of life. 87854

(B) Except as provided in division (C) of this section and 87855
rules adopted under section 5163.02 of the Revised Code, an 87856
institutionalized individual is ineligible for nursing facility 87857

services, nursing facility equivalent services, and home and 87858
community-based services if the individual or individual's 87859
spouse disposes of assets for less than fair market value on or 87860
after the look-back date. The institutionalized individual's 87861
ineligibility shall begin on a date determined in accordance 87862
with rules adopted under section 5163.02 of the Revised Code and 87863
shall continue for a number of months determined in accordance 87864
with such rules. 87865

(C) (1) An institutionalized individual may be granted a 87866
waiver of all or a portion of the period of ineligibility to 87867
which the individual would otherwise be subjected under division 87868
(B) of this section if the ineligibility would cause an undue 87869
hardship for the individual. 87870

(2) An institutionalized individual ~~shall~~may be granted a 87871
waiver of all or a portion of the period of ineligibility if the 87872
administrator of the nursing facility in which the individual 87873
resides has notified the individual of a proposed transfer or 87874
discharge under section 3721.16 of the Revised Code due to 87875
failure to pay for the care the nursing facility has provided to 87876
the individual, the individual or the individual's sponsor 87877
requests a hearing on the proposed transfer or discharge in 87878
accordance with section 3721.161 of the Revised Code, and the 87879
transfer or discharge is upheld by a final determination that is 87880
not subject to further appeal. 87881

(3) An institutionalized individual may be granted a 87882
waiver of all of the period of ineligibility if all of the 87883
assets that were disposed of for less than fair market value are 87884
returned to the individual or individual's spouse or if the 87885
individual or individual's spouse receives cash or other 87886
personal or real property that equals the difference between 87887

what the individual or individual's spouse received for the 87888
assets and the fair market value of the assets. Except as 87889
provided in division (C) (1) or (2) of this section, no waiver of 87890
any part of the period of ineligibility shall be granted if the 87891
amount the individual or individual's spouse receives is less 87892
than the difference between what the individual or individual's 87893
spouse received for the assets and the fair market value of the 87894
assets. 87895

(4) Waivers shall be granted in accordance with rules 87896
adopted under section 5163.02 of the Revised Code. 87897

(D) To secure compliance with this section, the medicaid 87898
director may require an individual, as a condition of initial or 87899
continued eligibility for medicaid, to provide documentation of 87900
the individual's assets up to five years before the date the 87901
individual becomes an institutionalized individual if the 87902
individual is eligible for medicaid on that date or the date the 87903
individual applies for medicaid while an institutionalized 87904
individual. Documentation may include tax returns, records from 87905
financial institutions, and real property records. 87906

Sec. 5164.38. (A) As used in this section: 87907

(1) "Party" has the same meaning as in division (G) of 87908
section 119.01 of the Revised Code. 87909

(2) "Revalidate" means to approve a medicaid provider's 87910
continued enrollment as a medicaid provider in accordance with 87911
the revalidation process established in rules authorized by 87912
section 5164.32 of the Revised Code. 87913

(B) This section does not apply to either of the 87914
following: 87915

(1) Any action taken or decision made by the department of 87916

medicaid with respect to entering into or refusing to enter into 87917
a contract with a managed care organization pursuant to section 87918
5167.10 of the Revised Code; 87919

(2) Any action taken by the department under division (D) 87920
(2) of section 5124.60, division (D)(1) or (2) of section 87921
5124.61, or sections 5165.60 to 5165.89 of the Revised Code. 87922

(C) Except as provided in division (E) of this section and 87923
section 5164.58 of the Revised Code, the department shall do any 87924
of the following by issuing an order pursuant to an adjudication 87925
conducted in accordance with Chapter 119. of the Revised Code: 87926

(1) Refuse to enter into a provider agreement with a 87927
medicaid provider; 87928

(2) Refuse to revalidate a medicaid provider's provider 87929
agreement; 87930

(3) Suspend or terminate a medicaid provider's provider 87931
agreement; 87932

(4) Take any action based upon a final fiscal audit of a 87933
medicaid provider. 87934

(D) Any party who is adversely affected by the issuance of 87935
an adjudication order under division (C) of this section may 87936
appeal to the court of common pleas in accordance with section 87937
119.12 of the Revised Code. 87938

(E) The department is not required to comply with division 87939
(C)(1), (2), or (3) of this section whenever any of the 87940
following occur: 87941

(1) The terms of a provider agreement require the medicaid 87942
provider to hold a license, permit, or certificate or maintain a 87943
certification issued by an official, board, commission, 87944

department, division, bureau, or other agency of state or 87945
federal government other than the department of medicaid, and 87946
the license, permit, certificate, or certification is inactive 87947
by any means, has been denied, revoked, not renewed, suspended, 87948
surrendered, withdrawn, retired, or otherwise restricted or 87949
limited. 87950

(2) The terms of a provider agreement require the medicaid 87951
provider to hold a license, permit, or certificate or maintain 87952
certification issued by an official, board, commission, 87953
department, division, bureau, or other agency of state or 87954
federal government other than the department of medicaid, and 87955
the provider has not obtained the license, permit, certificate, 87956
or certification. 87957

(3) The medicaid provider's application for a provider 87958
agreement is denied, or the provider's provider agreement is 87959
terminated or not revalidated, because of or pursuant to any of 87960
the following: 87961

(a) The termination, refusal to renew, inactivation by any 87962
means, or denial of a license, permit, certificate, or 87963
certification by an official, board, commission, department, 87964
division, bureau, or other agency of this state other than the 87965
department of medicaid, notwithstanding the fact that the 87966
provider may hold a license, permit, certificate, or 87967
certification from an official, board, commission, department, 87968
division, bureau, or other agency of another state; 87969

(b) Division (D) or (E) of section 5164.35 of the Revised 87970
Code; 87971

(c) The provider's termination, suspension, or exclusion 87972
from the medicare program or from another state's medicaid 87973

program and, in either case, the termination, suspension, or 87974
exclusion is binding on the provider's participation in the 87975
medicaid program in this state; 87976

(d) The provider's pleading guilty to or being convicted 87977
of a criminal activity materially related to either the medicare 87978
or medicaid program; 87979

(e) The provider or its owner, officer, authorized agent, 87980
associate, manager, or employee having been convicted of one of 87981
the offenses that caused the provider's provider agreement to be 87982
suspended pursuant to section 5164.36 of the Revised Code; 87983

(f) The provider's failure to provide the department the 87984
national provider identifier assigned the provider by the 87985
national provider system pursuant to 45 C.F.R. 162.408. 87986

(4) The medicaid provider's application for a provider 87987
agreement is denied, or the provider's provider agreement is 87988
terminated or suspended, as a result of action by the United 87989
States department of health and human services and that action 87990
is binding on the provider's medicaid participation. 87991

(5) The medicaid provider's provider agreement and 87992
medicaid payments to the provider are suspended under section 87993
5164.36 or 5164.37 of the Revised Code. 87994

(6) The medicaid provider's application for a provider 87995
agreement is denied because the provider's application was not 87996
complete; 87997

(7) The medicaid provider's provider agreement is 87998
converted under section 5164.32 of the Revised Code from a 87999
provider agreement that is not time-limited to a provider 88000
agreement that is time-limited. 88001

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by regular mail.

(G) The department may withhold payments for medicaid services rendered by a medicaid provider during the pendency of proceedings initiated under division (C)(1), (2), or (3) of this section. If the proceedings are initiated under division (C)(4) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities

and ICFs/IID. 88031

Sec. 5165.192. (A) (1) Except as provided in division (B) 88032
of this section and in accordance with the process specified in 88033
rules authorized by this section, the department of medicaid 88034
shall do all of the following: 88035

(a) Every quarter, determine the following two case-mix 88036
scores for each nursing facility: 88037

(i) A quarterly case-mix score that includes each resident 88038
who is a medicaid recipient and is not a low case-mix resident; 88039

(ii) A quarterly case-mix score that includes each 88040
resident regardless of payment source. 88041

(b) Every six months, determine a semiannual average case- 88042
mix score for each nursing facility by using the quarterly case- 88043
mix scores determined for the nursing facility pursuant to 88044
division (A) (1) (a) (i) of this section; 88045

(c) After the end of each calendar year, determine an 88046
annual average case-mix score for each nursing facility by using 88047
the quarterly case-mix scores determined for the nursing 88048
facility pursuant to division (A) (1) (a) (ii) of this section. 88049

(2) When determining case-mix scores under division (A) (1) 88050
of this section, the department shall use all of the following: 88051

(a) Data from a resident assessment instrument specified 88052
in rules authorized by section 5165.191 of the Revised Code; 88053

(b) Except as provided in rules authorized by this 88054
section, the case-mix values established by the United States 88055
department of health and human services; 88056

(c) Except as modified in rules authorized by this 88057

section, the grouper methodology used on ~~June 30, 1999~~October 1, 88058
2019, for the patient driven payment model nursing index, by the 88059
United States department of health and human services for 88060
prospective payment of skilled nursing facilities under the 88061
medicare program. 88062

(B) (1) Subject to division (B) (2) of this section, the 88063
department, for one or more months of a calendar quarter, may 88064
assign to a nursing facility a case-mix score that is five per 88065
cent less than the nursing facility's case-mix score for the 88066
immediately preceding calendar quarter if any of the following 88067
apply: 88068

(a) The provider does not timely submit complete and 88069
accurate resident assessment data necessary to determine the 88070
nursing facility's case-mix score for the calendar quarter; 88071

(b) The nursing facility was subject to an exception 88072
review under section 5165.193 of the Revised Code for the 88073
immediately preceding calendar quarter; 88074

(c) The nursing facility was assigned a case-mix score for 88075
the immediately preceding calendar quarter. 88076

(2) Before assigning a case-mix score to a nursing 88077
facility due to the submission of incorrect resident assessment 88078
data, the department shall permit the provider to correct the 88079
data. The department may assign the case-mix score if the 88080
provider fails to submit the corrected resident assessment data 88081
not later than the earlier of the forty-fifth day after the end 88082
of the calendar quarter to which the data pertains or the 88083
deadline for submission of such corrections established by 88084
regulations adopted by the United States department of health 88085
and human services under Title XVIII and Title XIX. 88086

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B) (1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the nursing facility's actual cost per case-mix unit in accordance with section 5165.19 of the Revised Code, to establish the nursing facility's rate for direct care costs for the fiscal year immediately following the calendar year for which the cost per case-mix unit is assigned.

(4) The department shall take action under division (B) (1), (2), or (3) of this section only in accordance with rules authorized by this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5165.41 and 5165.42 of the Revised Code.

(C) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section.

(1) The rules shall do all of the following:

(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;

~~(b) Adjust the case-mix values specified in division (A) (2) (b) of this section to reflect changes in relative wage differentials that are specific to this state;~~

~~(c) Express all of those case-mix values in numeric terms~~

~~that are different from the terms specified by the United States 88116~~
~~department of health and human services but that do not alter 88117~~
~~the relationship of the case-mix values to one another; 88118~~

~~(d)~~ Modify the grouper methodology specified in division 88119
(A) (2) (c) of this section as follows: 88120

~~(i) Establish a different hierarchy for assigning 88121~~
~~residents to case-mix categories under the methodology; 88122~~

~~(ii) Allow the use of the index maximizer element of the 88123~~
~~methodology; 88124~~

~~(iii) Incorporate changes to the grouper methodology for 88125~~
~~the patient driven payment model nursing index used by the 88126~~
~~United States department of health and human services makes 88127~~
~~after June 30, 1999 on October 1, 2019, for prospective payment 88128~~
~~of skilled nursing facilities under the medicare program; 88129~~

~~(iv)~~ (ii) Make other changes the department determines are 88130
necessary. 88131

~~(e)~~ (c) Establish procedures under which resident 88132
assessment data shall be reviewed for accuracy and providers 88133
shall be notified of any data that requires correction; 88134

~~(f)~~ (d) Establish procedures for providers to correct 88135
resident assessment data and specify a reasonable period of time 88136
by which providers shall submit the corrections. The procedures 88137
may limit the content of corrections in the manner required by 88138
regulations adopted by the United States department of health 88139
and human services under Title XVIII and Title XIX. 88140

~~(g)~~ (e) Specify when and how the department will assign 88141
case-mix scores or costs per case-mix unit to a nursing facility 88142
under division (B) of this section if information necessary to 88143

calculate the nursing facility's case-mix score is not provided 88144
or corrected in accordance with the procedures established by 88145
the rules. 88146

(2) Notwithstanding any other provision of this chapter, 88147
the rules may provide for the exclusion of case-mix scores 88148
assigned to a nursing facility under division (B) of this 88149
section from the determination of the nursing facility's 88150
semiannual or annual average case-mix score and the cost per 88151
case-mix unit for the nursing facility's peer group. 88152

Sec. 5165.26. (A) As used in this section: 88153

(1) "Base rate" means the portion of a nursing facility's 88154
total per medicaid day payment rate determined under divisions 88155
(A) and (B) of section 5165.15 of the Revised Code. 88156

(2) "CMS" means the United States centers for medicare and 88157
medicaid services. 88158

(3) "Long-stay resident" means an individual who has 88159
resided in a nursing facility for at least one hundred one days. 88160

(4) "Nursing facilities for which a quality score was 88161
determined" includes nursing facilities that are determined to 88162
have a quality score of zero. 88163

(5) "SFF list" means the list of nursing facilities that 88164
the United States department of health and human services 88165
creates under the special focus facility program. 88166

(6) "Special focus facility program" means the program 88167
conducted by the United States secretary of health and human 88168
services pursuant to section 1919(f)(10) of the "Social Security 88169
Act," 42 U.S.C. 1396r(f)(10). 88170

(B) Subject to divisions (D) and (E) and except as 88171

provided in division (F) of this section, the department of 88172
medicaid shall determine each nursing facility's per medicaid 88173
day quality incentive payment rate as follows: 88174

(1) Determine the sum of the quality scores determined 88175
under division (C) of this section for all nursing facilities. 88176

(2) Determine the average quality score by dividing the 88177
sum determined under division (B) (1) of this section by the 88178
number of nursing facilities for which a quality score was 88179
determined. 88180

(3) Determine the sum of the total number of medicaid days 88181
for all of the calendar year preceding the fiscal year for which 88182
the rate is determined for all nursing facilities for which a 88183
quality score was determined. 88184

(4) Multiply the average quality score determined under 88185
division (B) (2) of this section by the sum determined under 88186
division (B) (3) of this section. 88187

(5) Determine the value per quality point by determining 88188
the quotient of the following: 88189

(a) The sum determined under division (E) (2) of this 88190
section. 88191

(b) The product determined under division (B) (4) of this 88192
section. 88193

(6) Multiply the value per quality point determined under 88194
division (B) (5) of this section by the nursing facility's 88195
quality score determined under division (C) of this section. 88196

(C) (1) Except as provided in divisions (C) (2) and (3) of 88197
this section, a nursing facility's quality score for a state 88198
fiscal year shall be the sum of the following: 88199

(a) The total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or CMS's successor metrics as described below, based on the most recent four-quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:

(i) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

(ii) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;

(iii) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

(iv) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

If CMS ceases to publish any of the metrics specified in division (C)(1)(a) of this section, the department shall use the nursing facility quality metrics on the same topics that CMS subsequently publishes.

(b) Seven and five-tenths points for fiscal year 2024 and three points for fiscal year 2025 and subsequent fiscal years if the nursing facility's occupancy rate is greater than seventy-five per cent. For purposes of this division, the department shall utilize the facility's occupancy rate for licensed beds reported on its cost report for the calendar year preceding the fiscal year for which the rate is determined or, if the facility

is not required to be licensed, the facility's occupancy rate 88229
for certified beds. If the facility surrenders licensed or 88230
certified beds before the first day of July of the calendar year 88231
in which the fiscal year begins, the department shall calculate 88232
a nursing facility's occupancy rate by dividing the inpatient 88233
days reported on the facility's cost report for the calendar 88234
year preceding the fiscal year for which the rate is determined 88235
by the product of the number of days in the calendar year and 88236
the facility's number of licensed, or if applicable, certified 88237
beds on the first day of July of the calendar year in which the 88238
fiscal year begins. 88239

(c) Beginning with state fiscal year 2025, the total 88240
number of points that CMS assigned to the nursing facility under 88241
CMS's nursing facility five-star quality rating system for the 88242
following quality metrics, or successor metrics designated by 88243
CMS, based on the most recent four-quarter average data 88244
available in the database maintained by CMS and known as nursing 88245
home compare in the most recent month of the calendar year 88246
during which the fiscal year for which the rate is determined 88247
begins: 88248

(i) The percentage of the nursing facility's long-stay 88249
residents whose need for help with daily activities has 88250
increased; 88251

(ii) The percentage of the nursing facility's long-stay 88252
residents experiencing one or more falls with major injury; 88253

(iii) The percentage of the nursing facility's long-stay 88254
residents who were administered an antipsychotic medication; 88255

(iv) Adjusted total nurse staffing hours per resident per 88256
day using quintiles instead of deciles by using the points 88257

assigned to the higher of the two deciles that constitute the 88258
quintile. 88259

If CMS ceases to publish any of the metrics specified in 88260
division (C)(1)(c) of this section, the department shall use the 88261
nursing facility quality metrics on the same topics CMS 88262
subsequently publishes. 88263

(2) In determining a nursing facility's quality score for 88264
a state fiscal year, the department shall make the following 88265
adjustment to the number of points that CMS assigned to the 88266
nursing facility for each of the quality metrics specified in 88267
divisions (C)(1)(a) and (c) of this section: 88268

(a) Unless division (C)(2)(b) or (c) of this section 88269
applies, divide the number of the nursing facility's points for 88270
the quality metric by twenty. 88271

(b) If CMS assigned the nursing facility to the lowest 88272
percentile for the quality metric, reduce the number of the 88273
nursing facility's points for the quality metric to zero. 88274

(c) If the nursing facility's total number of points 88275
calculated for or during a state fiscal year for all of the 88276
quality metrics specified in divisions (C)(1)(a), and if 88277
applicable, division (C)(1)(c) of this section is less than a 88278
number of points that is equal to the twenty-fifth percentile of 88279
all nursing facilities, calculated using the points for the July 88280
1 rate setting of that fiscal year reduce the nursing facility's 88281
points to zero until the next point calculation. If a facility's 88282
recalculated points under division (C)(3) of this section are 88283
below the number of points determined to be the twenty-fifth 88284
percentile for that fiscal year, the facility shall receive zero 88285
points for the remainder of that fiscal year. 88286

(3) A nursing facility's quality score shall be 88287
recalculated for the second half of the state fiscal year based 88288
on the most recent four quarter average data, or the average 88289
data for fewer quarters in the case of successor metrics, 88290
available in the database maintained by CMS and known as the 88291
care compare, in the most recent month of the calendar year 88292
during which the fiscal year for which the rate is determined 88293
begins. The metrics specified by division (C) (1) (b) of this 88294
section shall not be recalculated. In redetermining the quality 88295
payment for each facility based on the recalculated points, the 88296
department shall use the same per point value determined for the 88297
quality payment at the start of the fiscal year. 88298

(D) A nursing facility shall not receive a quality 88299
incentive payment if the Department of Health assigned the 88300
nursing facility to the SFF list under the special focus 88301
facility program and the nursing facility is listed in table A, 88302
on the first day of May of the calendar year for which the rate 88303
is being determined. 88304

(E) The total amount to be spent on quality incentive 88305
payments under division (B) of this section for a fiscal year 88306
shall be determined as follows: 88307

(1) Determine the following amount for each nursing 88308
facility: 88309

(a) The amount that is five and two-tenths per cent of the 88310
nursing facility's base rate for nursing facility services 88311
provided on the first day of the state fiscal year plus one 88312
dollar and seventy-nine cents plus sixty per cent of the per 88313
diem amount by which the nursing facility's rate for direct care 88314
costs determined for the fiscal year under section 5165.19 of 88315
the Revised Code changed as a result of the rebasing conducted 88316

under section 5165.36 of the Revised Code. 88317

(b) Multiply the amount determined under division (E) (1) 88318
(a) of this section by the number of the nursing facility's 88319
medicaid days for the calendar year preceding the fiscal year 88320
for which the rate is determined. 88321

(2) Determine the sum of the products determined under 88322
division (E) (1) (b) of this section for all nursing facilities 88323
for which the product was determined for the state fiscal year. 88324

(3) To the sum determined under division (E) (2) of this 88325
section, add one hundred twenty-five million dollars. 88326

(F) (1) Beginning July 1, 2023, a new nursing facility 88327
shall receive a quality incentive payment for the fiscal year in 88328
which the new facility obtains an initial provider agreement and 88329
the immediately following fiscal year equal to the median 88330
quality incentive payment determined for nursing facilities for 88331
the fiscal year. For the state fiscal year after the immediately 88332
following fiscal year and subsequent fiscal years, the quality 88333
incentive payment shall be determined under division (C) of this 88334
section. 88335

(2) A nursing facility that undergoes a change of operator 88336
with an effective date of July 1, ~~2023~~2025, or later shall not 88337
receive a quality incentive payment until the earlier of the 88338
first day of January or the first day of July that is at least 88339
six months after the effective date of the change of operator. 88340
Thereafter any quality incentive payment shall be determined 88341
under division (C) of this section. 88342

~~(3) A nursing facility that undergoes a change of owner 88343
with an effective date of July 1, 2023, or later shall not 88344
receive a quality incentive payment until the earlier of the 88345~~

~~first day of January or the first day of July that is at least~~ 88346
~~six months after the effective date of the change of owner if,~~ 88347
~~within one year after the change of owner, there is an increase~~ 88348
~~in the lease payments or other financial obligations of the~~ 88349
~~operator to the owner above the payments or obligations~~ 88350
~~specified by the agreement between the previous owner and the~~ 88351
~~operator. Thereafter, any quality incentive payments for the~~ 88352
~~facility shall be determined under division (C) of this section.~~ 88353

Sec. 5167.01. As used in this chapter: 88354

(A) "340B ~~covered entity~~grantee" means an entity described 88355
in section 340B(a) (4) (A)-(K) of the "Public Health Service Act," 88356
42 U.S.C. 256b(a) (4) ~~and includes any pharmacy under contract~~ 88357
~~with the entity to dispense drugs on behalf of the entity~~(A)-(K) 88358
that is designated as an active (A)-(K) entity under the health 88359
resources and services administration covered entity daily 88360
report. 88361

(B) "Affiliated company" means an entity, including a 88362
third-party payer or specialty pharmacy, with common ownership, 88363
members of a board of directors, or managers, or that is a 88364
parent company, subsidiary company, jointly held company, or 88365
holding company with respect to the other entity. 88366

(C) "Care management system" means the system established 88367
under section 5167.03 of the Revised Code. 88368

(D) "Controlled substance" has the same meaning as in 88369
section 3719.01 of the Revised Code. 88370

(E) "Dual eligible individual" has the same meaning as in 88371
section 5160.01 of the Revised Code. 88372

(F) "Emergency services" has the same meaning as in the 88373
"Social Security Act," section 1932(b) (2), 42 U.S.C. 1396u-2(b) 88374

(2) . 88375

(G) "Enrollee" means a medicaid recipient who participates 88376
in the care management system and enrolls in a medicaid MCO 88377
plan. 88378

(H) "ICDS participant" ~~has~~ and "integrated care delivery 88379
system" have the same ~~meaning~~ meanings as in section 5164.01 of 88380
the Revised Code. 88381

(I) "ICDS successor program" means a fully integrated dual 88382
eligible special needs plan established in accordance with 42 88383
C.F.R. 422.107, that the department of medicaid utilizes as a 88384
replacement for the integrated care delivery system. 88385

(J) "Medicaid managed care organization" means a managed 88386
care organization under contract with the department of medicaid 88387
pursuant to section 5167.10 of the Revised Code. 88388

~~(J)~~ (K) "Medicaid MCO plan" means a plan that a medicaid 88389
managed care organization, pursuant to its contract with the 88390
department of medicaid under section 5167.10 of the Revised 88391
Code, makes available to medicaid recipients participating in 88392
the care management system. 88393

~~(K)~~ (L) "Medicaid waiver component" has the same meaning as 88394
in section 5166.01 of the Revised Code. 88395

~~(L)~~ (M) "Network provider" has the same meaning as in 42 88396
C.F.R. 438.2. 88397

~~(M)~~ (N) "Nursing facility services" has the same meaning as 88398
in section 5165.01 of the Revised Code. 88399

~~(N)~~ (O) "Part B drug" means a drug or biological described 88400
in section 1842(o) (1) (C) of the "Social Security Act," 42 U.S.C. 88401
1395u(o) (1) (C) . 88402

~~(O)~~ (P) "Pharmacy benefit manager" has the same meaning as 88403
in section 3959.01 of the Revised Code. 88404

~~(P)~~ (Q) "Practice of pharmacy" has the same meaning as in 88405
section 4729.01 of the Revised Code. 88406

~~(Q)~~ (R) "Prescribed drug" has the same meaning as in 88407
section 5164.01 of the Revised Code. 88408

~~(R)~~ (S) "Prior authorization requirement" has the same 88409
meaning as in section 5160.34 of the Revised Code. 88410

~~(S)~~ (T) "Provider" means any person or government entity 88411
that furnishes services to a medicaid recipient enrolled in a 88412
medicaid MCO plan, regardless of whether the person or entity 88413
has a provider agreement. 88414

~~(T)~~ (U) "Provider agreement" has the same meaning as in 88415
section 5164.01 of the Revised Code. 88416

~~(U)~~ (V) "State pharmacy benefit manager" means the pharmacy 88417
benefit manager selected by and under contract with the medicaid 88418
director under section 5167.24 of the Revised Code. 88419

~~(V)~~ (W) "Third-party administrator" means any person who 88420
adjusts or settles claims on behalf of an insuring entity in 88421
connection with life, dental, health, prescription drugs, or 88422
disability insurance or self-insurance programs and includes a 88423
pharmacy benefit manager. 88424

Sec. 5167.03. As part of the medicaid program, the 88425
department of medicaid shall establish a care management system. 88426
The department shall implement the system in some or all 88427
counties. 88428

The department shall designate the medicaid recipients who 88429
are required or permitted to participate in the care management 88430

system. Those who shall be required to participate in the system 88431
include medicaid recipients who receive cognitive behavioral 88432
therapy as described in division (A) (2) of section 5167.16 of 88433
the Revised Code. Except as provided in section 5166.406 of the 88434
Revised Code, no medicaid recipient participating in the healthy 88435
Ohio program established under section 5166.40 of the Revised 88436
Code shall participate in the system. 88437

~~The~~ Except as otherwise provided in this section, the 88438
general assembly's authorization through the enactment of 88439
legislation is needed before home and community-based services 88440
available under a medicaid waiver component or nursing facility 88441
services are included in the care management system, ~~except that~~ 88442
. ICDS participants, or participants in the ICDS successor 88443
program, may be required or permitted to obtain such services 88444
under the system. Medicaid recipients who receive such services 88445
may be designated for voluntary or mandatory participation in 88446
the system in order to receive other health care services 88447
included in the system. 88448

The department may require or permit participants in the 88449
care management system to do either or both of the following: 88450

(A) Obtain health care services from providers designated 88451
by the department; 88452

(B) Enroll in a medicaid MCO plan. 88453

Sec. 5167.123. (A) No contract between a medicaid managed 88454
care organization, including a third-party administrator, and a 88455
340B ~~covered entity grantee~~ shall contain any of the following 88456
provisions: 88457

(1) A payment rate for a prescribed drug provided by a 88458
340B grantee to an individual as a result of health care 88459

services provided by the grantee directly to the individual, 88460
that is less than the ~~national average drug acquisition cost~~ 88461
~~rate for that drug as determined by the United States centers~~ 88462
~~for medicare and medicaid services, measured at the time the~~ 88463
~~drug is administered or dispensed, or, if no such rate is~~ 88464
~~available at that time, a reimbursement rate that is less than~~ 88465
~~the wholesale acquisition cost of the drug, as defined in 42-~~ 88466
~~U.S.C. 1395w-3a(e)(6)(B)~~ payment rate applied to health care 88467
providers that are not 340B grantees; 88468

(2) A fee that is not imposed on a health care provider 88469
that is not a 340B ~~covered entity~~grantee; 88470

(3) A fee amount that exceeds the amount for a health care 88471
provider that is not a 340B ~~covered entity~~grantee. 88472

(B) The organization, or its contracted third-party 88473
administrators, shall not discriminate against a 340B ~~covered-~~ 88474
~~entity~~grantee in a manner that prevents or interferes with a 88475
medicaid recipient's choice to receive a prescription drug from 88476
a 340B ~~covered entity or its contracted pharmacies~~grantee. 88477

(C) Any provision of a contract entered into between the 88478
organization and a 340B ~~covered entity~~grantee that is contrary 88479
to division (A) of this section is unenforceable and shall be 88480
replaced with the dispensing fee or payment rate that applies 88481
for health care providers that are not 340B ~~covered-~~ 88482
~~entities~~grantees. 88483

(D) A medicaid managed care organization or a third-party 88484
administrator shall provide a payment rate for all prescribed 88485
drugs obtained through the federal 340B drug pricing program by 88486
providers that are not 340B grantees that is equal to the 88487
payment rate for those prescribed drugs that is specified in the 88488

medicaid state plan. 88489

(E) Any payment made pursuant to a payment rate described 88490
in this section is subject to audit by the department of 88491
medicaid under section 5160.20 of the Revised Code. 88492

Sec. 5168.08. (A) Before or during each program year, the 88493
department of medicaid shall issue to each hospital the 88494
preliminary determination of the amount that the hospital is 88495
assessed under section 5168.06 of the Revised Code during the 88496
program year. The preliminary determination of a hospital's 88497
assessment shall be calculated for a cost-reporting period that 88498
is specified in rules adopted under section 5168.02 of the 88499
Revised Code. 88500

The department shall consult with hospitals each year when 88501
determining the date on which it will issue the preliminary 88502
determinations in order to minimize hospitals' cash flow 88503
difficulties. 88504

If no hospital submits a request for reconsideration under 88505
division (B) of this section, the preliminary determination 88506
constitutes the final reconciliation of each hospital's 88507
assessment under section 5168.06 of the Revised Code. The final 88508
reconciliation ~~is~~ constitutes an interim final order and may be 88509
subject to adjustments under-made by the United States centers 88510
for medicare and medicaid services pursuant to division (D) of 88511
this section. 88512

(B) Not later than fourteen days after the preliminary 88513
determinations are issued, any hospital may submit to the 88514
department a written request to reconsider the preliminary 88515
determinations. The request shall be accompanied by written 88516
materials setting forth the basis for the reconsideration, which 88517

may be delivered to the department by regular mail, electronic 88518
mail, or in-person delivery. ~~If one or more hospitals submit a~~ 88519
~~request, the department shall hold a public hearing not later~~ 88520
~~than thirty days after the preliminary determinations are issued~~ 88521
~~to reconsider the preliminary determinations. The department~~ 88522
~~shall issue to each hospital a written notice of the date, time,~~ 88523
~~and place of the hearing at least ten days prior to the hearing.~~ 88524
On the basis of the evidence submitted to the department ~~or~~ 88525
~~presented at the public hearing,~~ the department shall reconsider 88526
and may adjust the preliminary determinations. The result of the 88527
reconsideration is the final reconciliation of the hospital's 88528
assessment under section 5168.06 of the Revised Code. The final 88529
reconciliation ~~is~~ constitutes an interim final order and may be 88530
subject to adjustments ~~under~~ by the United States centers for 88531
medicare and medicaid services pursuant to division (D) of this 88532
section. 88533

(C) The department shall issue to each hospital a written 88534
notice of its assessment for the program year under the final 88535
reconciliation. A hospital may appeal the final reconciliation 88536
of its assessment to the court of common pleas of Franklin 88537
county, pursuant to Chapter 2505. of the Revised Code. The 88538
complete record of the proceedings shall include all 88539
documentation considered by the department in issuing the final 88540
reconciliation. While a judicial appeal is pending, the hospital 88541
shall pay, in accordance with the schedules required by division 88542
(B) of section 5168.06 of the Revised Code, any amount of its 88543
assessment that is not in dispute into the hospital care 88544
assurance program fund created in section 5168.11 of the Revised 88545
Code. 88546

(D) In the course of any program year, the department may 88547
adjust the assessment rate or rates established in rules 88548

pursuant to section 5168.06 of the Revised Code or adjust the 88549
amounts of intergovernmental transfers required under section 88550
5168.07 of the Revised Code and, as a result of the adjustment, 88551
adjust each hospital's assessment and intergovernmental 88552
transfer, to reflect refinements made by the United States 88553
centers for medicare and medicaid services during that program 88554
year to the limits it prescribed under the "Social Security 88555
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 88556
assessment rate or rates must comply with division (A) of 88557
section 5168.06 of the Revised Code. An adjusted 88558
intergovernmental transfer must comply with division (A) of 88559
section 5168.07 of the Revised Code. The department shall notify 88560
hospitals of adjustments made under this division and adjust for 88561
the remainder of the program year the installments paid by 88562
hospitals under sections 5168.06 and 5168.07 of the Revised Code 88563
in accordance with rules adopted under section 5168.02 of the 88564
Revised Code. 88565

Sec. 5168.11. (A) Except as provided in section 5162.52 of 88566
the Revised Code, all payments of assessments by hospitals under 88567
section 5168.06 of the Revised Code and all intergovernmental 88568
transfers under section 5168.07 of the Revised Code shall be 88569
deposited in the state treasury to the credit of the hospital 88570
care assurance program fund, hereby created. All investment 88571
earnings of the hospital care assurance program fund shall be 88572
credited to the fund. The department of medicaid shall maintain 88573
records that show the amount of money in the hospital care 88574
assurance program fund at any time that has been paid by each 88575
hospital and the amount of any investment earnings on that 88576
amount. All moneys credited to the hospital care assurance 88577
program fund shall be used solely to make payments to hospitals 88578
under division (D) of this section and section 5168.09 of the 88579

Revised Code. 88580

(B) All federal matching funds received as a result of the 88581
department distributing funds from the hospital care assurance 88582
program fund to hospitals under section 5168.09 of the Revised 88583
Code shall be credited to the health care - federal fund created 88584
under section 5162.50 of the Revised Code. 88585

(C) All distributions of funds to hospitals under section 88586
5168.09 of the Revised Code are conditional on: 88587

(1) Expiration of the time for appeals under section 88588
5168.08 of the Revised Code without the filing of an appeal, or 88589
on court determinations, in the event of appeals, that the 88590
hospital is entitled to the funds; 88591

(2) The sum of the following being sufficient to 88592
distribute the funds after the final determination of any 88593
appeals: 88594

(a) The available money in the hospital care assurance 88595
program fund; 88596

(b) The available portion of the money in the health care 88597
- federal fund that is credited to that fund pursuant to 88598
division (B) of this section. 88599

(3) The hospital's compliance with section 5168.14 of the 88600
Revised Code. 88601

(D) If an audit conducted by the department, pursuant to 88602
42 C.F.R. 455.304, of the amounts of payments made and funds 88603
received by hospitals under sections 5168.06, 5168.07, and 88604
5168.09 of the Revised Code identifies amounts that, due to 88605
errors by the department, a hospital should not have been 88606
required to pay but did pay, should have been required to pay 88607

but did not pay, should not have received but did receive, or 88608
should have received but did not receive, the department shall: 88609

(1) Make payments to any hospital that the audit reveals 88610
paid amounts it should not have been required to pay or did not 88611
receive amounts it should have received; 88612

(2) Take action to recover from a hospital any amounts 88613
that the audit reveals it should have been required to pay but 88614
did not pay or that it should not have received but did receive. 88615

Payments made under division (D) (1) of this section shall 88616
be made from the hospital care assurance program fund. Amounts 88617
recovered under division (D) (2) of this section shall be 88618
deposited to the credit of that fund. ~~Any hospital may appeal~~ 88619
~~the amount.~~ An action authorized under Chapter 2721. of the 88620
Revised Code and filed in Franklin county shall be the exclusive 88621
remedy for any hospital that disagrees with the amount that the 88622
hospital is to be paid under division (D) (1) or the amount that 88623
is to be recovered from the hospital under division (D) (2) of 88624
this section to the court of common pleas of Franklin county. 88625
While any judicial proceeding is pending under division (D) of 88626
this section, a hospital shall pay to the hospital care 88627
assurance program fund any amount identified pursuant to 88628
division (D) (2) of this section that is not in dispute. 88629

Sec. 5168.22. (A) Before or during each assessment program 88630
year, the department of medicaid shall issue to each hospital 88631
the preliminary determination of the amount that the hospital is 88632
assessed under section 5168.21 of the Revised Code for the 88633
assessment program year. Except as provided in division (B) of 88634
this section, the preliminary determination becomes the final 88635
determination for the assessment program year fifteen days after 88636
the preliminary determination is issued to the hospital. 88637

(B) A hospital may request that the department reconsider 88638
the preliminary determination issued to the hospital under 88639
division (A) of this section by submitting to the department a 88640
written request for a reconsideration not later than fourteen 88641
days after the hospital's preliminary determination is issued to 88642
the hospital. The request must be accompanied by written 88643
materials setting forth the basis for the reconsideration, which 88644
may be delivered to the department by regular mail, electronic 88645
mail, or in-person delivery. On receipt of the timely request, 88646
the department shall reconsider the preliminary determination 88647
and may adjust the preliminary determination on the basis of the 88648
written materials accompanying the request. The result of the 88649
reconsideration is the final determination of the hospital's 88650
assessment under section 5168.21 of the Revised Code for the 88651
assessment program year. 88652

(C) The department shall issue to each hospital a written 88653
notice of the final determination of its assessment for the 88654
assessment program year. A hospital may appeal the final 88655
determination to the court of common pleas of Franklin county, 88656
pursuant to Chapter 2505. of the Revised Code. The complete 88657
record of the proceedings shall include all documentation 88658
considered by the department in issuing the final determination. 88659
While a judicial appeal is pending, the hospital shall pay, in 88660
accordance with section 5168.23 of the Revised Code, any amount 88661
of its assessment that is not in dispute. 88662

Sec. ~~5104.50~~ 5180.04. (A) The governor shall create the 88663
~~early childhood~~ children and youth advisory council in 88664
accordance with 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441 and 88665
shall appoint one of its members to serve as chairperson of the 88666
council with the director of children and youth serving as co- 88667
chair. The council shall serve as both the state advisory 88668

council on early childhood education and care, as described in 88669
42 U.S.C. 9837b(b)(1), and the state interagency coordinating 88670
council, as described in 20 U.S.C. 1441. ~~In addition to the~~ 88671
~~duties specified in 42 U.S.C. 9837b(b)(1), the~~ The council shall 88672
~~promote~~ advise the governor on the availability, accessibility, 88673
affordability, and quality of services provided through the 88674
prenatal and child-serving systems. This includes fostering a 88675
continuum of care that promotes family-centered programs and 88676
services that acknowledge and support the social, emotional, 88677
cognitive, intellectual, and physical development of children 88678
and the vital role of families in ensuring the well-being and 88679
success of children. 88680

(B)(1) The advisory council shall include up to twenty- 88681
five members appointed by the governor, including the following: 88682

(a) At least one representative of the department of 88683
children and youth; 88684

(b) At least one representative of the department of 88685
medicaid; 88686

(c) At least one representative of the department of job 88687
and family services; 88688

(d) At least one representative of the department of 88689
mental health and addiction services; 88690

(e) At least one representative of the department of 88691
education and workforce; 88692

(f) At least one representative of the department of 88693
health; 88694

(g) At least one representative of the department of 88695
developmental disabilities; 88696

(h) At least one representative of the department of youth services. 88697
88698

(2) In making appointments to the advisory council, the governor shall ensure that the membership of the council reasonably represents the population of the state. 88699
88700
88701

(C) (1) The advisory council shall create topic-specific advisory groups that address a continuum of services including the following: 88702
88703
88704

(a) Early childhood education and care; 88705

(b) Children services; 88706

(c) Maternal and infant vitality; 88707

(d) Early childhood mental health services and supports; 88708

(e) Early intervention services. 88709

(2) No representative of the department of children and youth shall serve as a chairperson for a topic-specific advisory group. 88710
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(3) The governor shall appoint additional members as necessary to the early childhood education and care advisory group and the early intervention services advisory group to satisfy the requirements of 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441. 88713
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(4) The children and youth advisory council is not subject to sections 101.82 to 101.87 of the Revised Code. 88718
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Sec. 5180.14. (A) As used in this section and sections 5180.15, 5180.16, and 5180.17 of the Revised Code: 88720
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(1) "Child care center," "type A family child care home," and "licensed type B family child care home" have the same 88722
88723

meanings as in section 5104.01 of the Revised Code. 88724

(2) "Child care facility" means a child care center, a 88725
type A family child care home, or a licensed type B family child 88726
care home. 88727

(3) "Foster caregiver" has the same meaning as in section 88728
5103.02 of the Revised Code. 88729

(4) "Freestanding birthing center" has the same meaning as 88730
in section 3701.503 of the Revised Code. 88731

(5) "Hospital" has the same meaning as in section 3722.01 88732
of the Revised Code to which either of the following applies: 88733

(a) The hospital has a maternity unit. 88734

(b) The hospital receives for care infants who have been 88735
transferred to it from other facilities and who have never been 88736
discharged to their residences following birth. 88737

(6) "Infant" means a child who is less than one year of 88738
age. 88739

(7) "Maternity unit" means the distinct portion of a 88740
hospital in which maternity services are provided. 88741

(8) "Other person responsible for the infant" includes a 88742
foster caregiver. 88743

(9) "Parent" means either parent, unless the parents are 88744
separated or divorced or their marriage has been dissolved or 88745
annulled, in which case "parent" means the parent who is the 88746
residential parent and legal custodian of the child. "Parent" 88747
also means a prospective adoptive parent with whom a child is 88748
placed. 88749

(10) "Shaken baby syndrome" means signs and symptoms, 88750

including, but not limited to, retinal hemorrhages in one or 88751
both eyes, subdural hematoma, or brain swelling, resulting from 88752
the violent shaking or the shaking and impacting of the head of 88753
an infant or small child. 88754

(B) The director of children and youth shall establish the 88755
shaken baby syndrome education program by doing all of the 88756
following: 88757

(1) Developing educational materials that present readily 88758
comprehensible information on shaken baby syndrome; 88759

(2) Making available on the department of children and 88760
youth web site in an easily accessible format the educational 88761
materials developed under division (B) (1) of this section; 88762

(3) Annually assessing the effectiveness of the shaken 88763
baby syndrome education program by doing all of the following: 88764

(a) Evaluating the reports received pursuant to section 88765
~~5101.135~~ 5180.405 of the Revised Code; 88766

(b) Reviewing the content of the educational materials to 88767
determine if updates or improvements should be made; 88768

(c) Reviewing the manner in which the educational 88769
materials are distributed, as described in section 5180.15 of 88770
the Revised Code, to determine if modifications to that manner 88771
should be made. 88772

(C) In meeting the requirements under division (B) of this 88773
section, the director shall develop educational materials that, 88774
to the extent possible, minimize administrative or financial 88775
burdens on any of the entities or persons listed in section 88776
5180.15 of the Revised Code. 88777

Sec. 5180.21. (A) The department of children and youth 88778

shall establish the help me grow program as the state's 88779
evidence-based parent support program that encourages early 88780
prenatal and well-baby care, as well as provides parenting 88781
education to promote the comprehensive health and development of 88782
children. The program shall provide home visiting services to 88783
families with a pregnant woman or child under five years of age 88784
that meet the eligibility requirements established in rules 88785
adopted under this section. Home visiting services shall be 88786
provided through evidence-based home visiting models or 88787
innovative, promising home visiting models recommended by the 88788
~~Ohio home visiting consortium~~ children and youth advisory 88789
council created under section ~~5180.23~~ 5180.04 of the Revised 88790
Code. 88791

(B) Families shall be referred to the appropriate home 88792
visiting services through the central intake and referral system 88793
created under section 5180.22 of the Revised Code. 88794

(C) To the extent possible, the goals of the help me grow 88795
program shall be consistent with the goals of the federal home 88796
visiting program, as specified by the maternal and child health 88797
bureau of the health resources and services administration in 88798
the United States department of health and human services or its 88799
successor. 88800

(D) The director of children and youth may enter into an 88801
interagency agreement with one or more state agencies to 88802
implement the help me grow program and ensure coordination of 88803
early childhood programs. 88804

(E) The director may distribute help me grow program funds 88805
through contracts, grants, or subsidies to entities providing 88806
services under the program. 88807

(F) As a condition of receiving payments for home visiting services, providers shall report to the director data on the program performance indicators, specified in rules adopted under division (G) of this section, that are used to assess progress toward achieving all of the following:

(1) The benchmark domains established for the federal home visiting program, including improvement in maternal and newborn health; reduction in child injuries, abuse, and neglect; improved school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;

(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section 5180.12 of the Revised Code;

(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.

The providers shall report the data in the format and within the time frames specified in the rules.

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of children and youth.

(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following:

(1) Subject to division (H) of this section, eligibility requirements for home visiting services;

- (2) Eligibility requirements for providers of home
visiting services; 88836
88837
- (3) Standards and procedures for the provision of program
services, including data collection, program monitoring, and 88838
program evaluation; 88839
88840
- (4) Procedures for appealing the denial of an application 88841
for program services or the termination of services; 88842
- (5) Procedures for appealing the denial of an application 88843
to become a provider of program services or the termination of 88844
the department's approval of a provider; 88845
- (6) Procedures for addressing complaints; 88846
- (7) The program performance indicators on which data must 88847
be reported by providers of home visiting services under 88848
division (F) of this section, which, to the extent possible, 88849
shall be consistent with federal reporting requirements for 88850
federally funded home visiting services; 88851
- (8) The format in which reports must be submitted under 88852
division (F) of this section and the time frames within which 88853
the reports must be submitted; 88854
- (9) Criteria for payment of approved providers of program 88855
services; 88856
- (10) Any other rules necessary to implement the program. 88857
- (H) When adopting rules required by division (G) (1) of 88858
this section, the department shall specify that families 88859
residing in the urban and rural communities specified in rules 88860
adopted under section 3701.142 of the Revised Code are to 88861
receive priority over other families for home visiting services. 88862

Sec. 5180.22. (A) The department of children and youth 88863
shall create a central intake and referral system for all home 88864
visiting programs operating in this state. Through a competitive 88865
bidding process, the department of children and youth may select 88866
one or more persons or government entities to operate the 88867
system. 88868

(B) If the department of children and youth chooses to 88869
select one or more system operators as described in division (A) 88870
of this section, a contract with any system operator shall 88871
require that the system do both of the following: 88872

(1) Serve as a single point of entry for access, 88873
assessment, and referral of families to appropriate home 88874
visiting services based on each family's location of residence; 88875

(2) Use a standardized form or other mechanism to assess 88876
for each family member's risk factors and social determinants of 88877
health, as well as ensure that the family is referred to the 88878
appropriate home visiting program, which may include a program 88879
that uses home visiting contractors who provide services within 88880
a community HUB that fully or substantially complies with the 88881
pathways community HUB certification standards developed by the 88882
pathways community HUB institute. 88883

(C) The standardized form or other mechanism described in 88884
division (B) (2) of this section shall be agreed to by the home 88885
visiting consortium created under section 5180.23 of the Revised 88886
Code. 88887

(D) A contract entered into under division (B) of this 88888
section shall require a system operator to issue an annual 88889
report to the department of children and youth that includes 88890
data regarding referrals made by the central intake and referral 88891

system, costs associated with the referrals, and the quality of 88892
services received by families who were referred to services 88893
through the system. The report shall be distributed to the ~~home-~~ 88894
~~visiting consortium~~ children and youth advisory council created 88895
under section ~~5180.23~~ 5180.04 of the Revised Code. 88896

(E) Nothing in this section is intended to do any of the 88897
following: 88898

(1) Prohibit the department of children and youth from 88899
using alternative promotional materials or names for the central 88900
intake and referral system; 88901

(2) Require the use of help me grow program promotional 88902
materials or names; 88903

(3) Prohibit providers, central coordinators, the 88904
department of children and youth, or stakeholders from using the 88905
help me grow name for promotional materials for home visiting. 88906

Sec. ~~5101.76~~ 5180.26. (A) A residential camp, as defined 88907
in section 2151.011 of the Revised Code, a child day camp, as 88908
defined in section 5104.01 of the Revised Code, or a child day 88909
camp operated by any county, township, municipal corporation, 88910
township park district created under section 511.18 of the 88911
Revised Code, park district created under section 1545.04 of the 88912
Revised Code, or joint recreation district established under 88913
section 755.14 of the Revised Code may procure epinephrine 88914
autoinjectors for use in emergency situations identified under 88915
division (C) (5) of this section by doing one of the following: 88916

(1) Having a licensed health professional authorized to 88917
prescribe drugs, acting in accordance with section 4723.483, 88918
4730.433, or 4731.96 of the Revised Code, personally furnish the 88919
epinephrine autoinjectors to the camp or issue a prescription 88920

for them in the name of the camp; 88921

(2) Obtaining a prescriber-issued protocol that includes 88922
definitive orders for epinephrine autoinjectors and the dosages 88923
of epinephrine to be administered through them. 88924

A camp that elects to procure epinephrine autoinjectors 88925
under this section is encouraged to maintain at least two 88926
epinephrine autoinjectors at all times. 88927

(B) A camp that elects to procure epinephrine 88928
autoinjectors under this section shall adopt a policy governing 88929
their maintenance and use. Before adopting the policy, the camp 88930
shall consult with a licensed health professional authorized to 88931
prescribe drugs. 88932

(C) The policy adopted under division (B) of this section 88933
shall do all of the following: 88934

(1) Identify the one or more locations in which an 88935
epinephrine autoinjector must be stored; 88936

(2) Specify the conditions under which an epinephrine 88937
autoinjector must be stored, replaced, and disposed; 88938

(3) Specify the individuals employed by or under contract 88939
with the camp who may access and use an epinephrine autoinjector 88940
to provide a dosage of epinephrine to an individual in an 88941
emergency situation identified under division (C) (5) of this 88942
section; 88943

(4) Specify any training that employees or contractors 88944
specified under division (C) (3) of this section must complete 88945
before being authorized to access and use an epinephrine 88946
autoinjector; 88947

(5) Identify the emergency situations, including when an 88948

individual exhibits signs and symptoms of anaphylaxis, in which 88949
employees or contractors specified under division (C) (3) of this 88950
section may access and use an epinephrine autoinjector; 88951

(6) Specify that assistance from an emergency medical 88952
service provider must be requested immediately after an 88953
epinephrine autoinjector is used; 88954

(7) Specify the individuals to whom a dosage of 88955
epinephrine may be administered through an epinephrine 88956
autoinjector in an emergency situation specified under division 88957
(C) (5) of this section. 88958

(D) (1) The following are not liable in damages in a civil 88959
action for injury, death, or loss to person or property that 88960
allegedly arises from an act or omission associated with 88961
procuring, maintaining, accessing, or using an epinephrine 88962
autoinjector under this section, unless the act or omission 88963
constitutes willful or wanton misconduct: 88964

(a) A camp; 88965

(b) A camp employee or contractor; 88966

(c) A licensed health professional authorized to prescribe 88967
drugs who personally furnishes or prescribes epinephrine 88968
autoinjectors, provides a consultation, or issues a protocol 88969
pursuant to this section. 88970

(2) This section does not eliminate, limit, or reduce any 88971
other immunity or defense that a camp or camp employee or 88972
contractor or licensed health professional may be entitled to 88973
under Chapter 2744. or any other provision of the Revised Code 88974
or under the common law of this state. 88975

(E) A camp may accept donations of epinephrine 88976

autoinjectors from a wholesale distributor of dangerous drugs, 88977
as defined in section 4729.01 of the Revised Code, and may 88978
accept donations of money from any person to purchase 88979
epinephrine autoinjectors. 88980

(F) A camp that elects to procure epinephrine 88981
autoinjectors under this section shall report to the department 88982
of children and youth each procurement and occurrence in which 88983
an epinephrine autoinjector is used from a camp's supply of 88984
epinephrine autoinjectors. 88985

(G) As used in this section, "licensed health professional 88986
authorized to prescribe drugs" and "prescriber" have the same 88987
meanings as in section 4729.01 of the Revised Code. 88988

Sec. ~~5101.77~~ 5180.261. (A) As used in this section, 88989
"inhaler" means a device that delivers medication to alleviate 88990
asthmatic symptoms, is manufactured in the form of a metered 88991
dose inhaler or dry powdered inhaler, and may include a spacer, 88992
holding chamber, or other device that attaches to the inhaler 88993
and is used to improve the delivery of the medication. 88994

(B) A residential camp, as defined in section 2151.011 of 88995
the Revised Code, a child day camp, as defined in section 88996
5104.01 of the Revised Code, or a child day camp operated by any 88997
county, township, municipal corporation, township park district 88998
created under section 511.18 of the Revised Code, park district 88999
created under section 1545.04 of the Revised Code, or joint 89000
recreation district established under section 755.14 of the 89001
Revised Code may procure inhalers for use in emergency 89002
situations identified under division (D)(5) of this section. A 89003
camp that elects to procure inhalers under this section is 89004
encouraged to maintain at least two inhalers at all times. 89005

(C) A camp that elects to procure inhalers under this 89006
section shall adopt a policy governing their maintenance and 89007
use. Before adopting the policy, the camp shall consult with a 89008
licensed health professional authorized to prescribe drugs, as 89009
defined in section 4729.01 of the Revised Code. 89010

(D) A component of a policy adopted by a camp under 89011
division (C) of this section shall be a prescriber-issued 89012
protocol specifying definitive orders for inhalers, including 89013
the dosages of medication to be administered through them, the 89014
number of times that each inhaler may be used before disposal, 89015
and the methods of disposal. The policy also shall do all of the 89016
following: 89017

(1) Identify the one or more locations in which an inhaler 89018
must be stored; 89019

(2) Specify the conditions under which an inhaler must be 89020
stored, replaced, and disposed; 89021

(3) Specify the individuals employed by or under contract 89022
with the camp who may access and use an inhaler to provide a 89023
dosage of medication to an individual in an emergency situation 89024
identified under division (D) (5) of this section; 89025

(4) Specify any training that employees or contractors 89026
specified under division (D) (3) of this section must complete 89027
before being authorized to access and use an inhaler; 89028

(5) Identify the emergency situations, including when an 89029
individual exhibits signs and symptoms of asthma, in which 89030
employees or contractors specified under division (D) (3) of this 89031
section may access and use an inhaler; 89032

(6) Specify that assistance from an emergency medical 89033
service provider must be requested immediately after an employee 89034

or contractor, other than a licensed health professional, uses 89035
an inhaler; 89036

(7) Specify the individuals to whom a dosage of medication 89037
may be administered through an inhaler in an emergency situation 89038
specified under division (D) (5) of this section. 89039

(E) A camp or camp employee or contractor is not liable in 89040
damages in a civil action for injury, death, or loss to person 89041
or property that allegedly arises from an act or omission 89042
associated with procuring, maintaining, accessing, or using an 89043
inhaler under this section, unless the act or omission 89044
constitutes willful or wanton misconduct. 89045

This section does not eliminate, limit, or reduce any 89046
other immunity or defense that a camp or camp employee or 89047
contractor may be entitled to under Chapter 2744. or any other 89048
provision of the Revised Code or under the common law of this 89049
state. 89050

(F) A camp may accept donations of inhalers from a 89051
wholesale distributor of dangerous drugs, as defined in section 89052
4729.01 of the Revised Code, and may accept donations of money 89053
from any person to purchase inhalers. 89054

(G) A camp that elects to procure inhalers under this 89055
section shall report to the department of children and youth 89056
each procurement and occurrence in which an inhaler is used from 89057
a camp's supply of inhalers. 89058

Sec. ~~5101.78~~ 5180.262. (A) As used in this section, 89059
"licensed health professional authorized to prescribe drugs" and 89060
"prescriber" have the same meanings as in section 4729.01 of the 89061
Revised Code. 89062

(B) A residential camp, as defined in section 2151.011 of 89063

the Revised Code; a child day camp, as defined in section 89064
5104.01 of the Revised Code; or a child day camp operated by any 89065
county, township, municipal corporation, township park district 89066
created under section 511.18 of the Revised Code, park district 89067
created under section 1545.04 of the Revised Code, or joint 89068
recreation district established under section 755.14 of the 89069
Revised Code may procure injectable or nasally administered 89070
glucagon for use in emergency situations identified under 89071
division (D) (5) of this section by doing one of the following: 89072

(1) Having a licensed health professional authorized to 89073
prescribe drugs, acting in accordance with section 4723.4811, 89074
4730.437, or 4731.92 of the Revised Code, personally furnish the 89075
injectable or nasally administered glucagon to the camp or issue 89076
a prescription for the drug in the name of the camp; 89077

(2) Obtaining a prescriber-issued protocol that includes 89078
definitive orders for injectable or nasally administered 89079
glucagon and the dosages to be administered; 89080

A camp that elects to procure injectable or nasally 89081
administered glucagon under this section is encouraged to 89082
maintain at least two doses of the drug at all times. 89083

(C) A camp that elects to procure injectable or nasally 89084
administered glucagon under this section shall adopt a policy 89085
governing maintenance and use of the drug. Before adopting the 89086
policy, the camp shall consult with a licensed health 89087
professional authorized to prescribe drugs. 89088

(D) The policy adopted under division (C) of this section 89089
shall do all of the following: 89090

(1) Identify the one or more locations at the camp in 89091
which injectable or nasally administered glucagon must be 89092

stored; 89093

(2) Specify the conditions under which injectable or 89094
nasally administered glucagon must be stored, replaced, or 89095
disposed; 89096

(3) Specify the individuals employed by or under contract 89097
with the camp, or who volunteer at the camp, who may access and 89098
use injectable or nasally administered glucagon in an emergency 89099
situation identified under division (D) (5) of this section; 89100

(4) Specify any training that employees, contractors, or 89101
volunteers specified under division (D) (3) of this section must 89102
complete before being authorized to access and use injectable or 89103
nasally administered glucagon; 89104

(5) Identify the emergency situations, including when an 89105
individual exhibits signs and symptoms of severe hypoglycemia, 89106
in which employees, contractors, or volunteers specified under 89107
division (D) (3) of this section may access and use injectable or 89108
nasally administered glucagon; 89109

(6) Specify that assistance from an emergency medical 89110
service provider must be requested immediately after a dose of 89111
glucagon is administered; 89112

(7) Specify the individuals to whom a dose of glucagon may 89113
be administered in an emergency situation specified under 89114
division (D) (5) of this section. 89115

(E) (1) The following are not liable in damages in a civil 89116
action for injury, death, or loss to person or property that 89117
allegedly arises from an act or omission associated with 89118
procuring, maintaining, accessing, or using injectable or 89119
nasally administered glucagon under this section, unless the act 89120
or omission constitutes willful or wanton misconduct: 89121

(a) A camp; 89122

(b) A camp employee, contractor, or volunteer; 89123

(c) A licensed health professional authorized to prescribe 89124
drugs who personally furnishes or prescribes injectable or 89125
nasally administered glucagon, provides a consultation, or 89126
issues a protocol pursuant to this section; 89127

(2) This section does not eliminate, limit, or reduce any 89128
other immunity or defense that a camp; camp employee, 89129
contractor, or volunteer; or licensed health professional may be 89130
entitled to under Chapter 2744. or any other provision of the 89131
Revised Code or under the common law of this state. 89132

(F) A camp may accept donations of injectable or nasally 89133
administered glucagon from a wholesale distributor of dangerous 89134
drugs or manufacturer of dangerous drugs, as defined in section 89135
4729.01 of the Revised Code, and may accept donations of money 89136
from any person to purchase the drug. 89137

(G) A camp that elects to procure injectable or nasally 89138
administered glucagon under this section shall report to the 89139
department of children and youth each procurement and each 89140
occurrence in which a dose of the drug is used from the camp's 89141
supply. 89142

Sec. ~~3738.01~~ 5180.27. (A) As used in this section and 89143
sections ~~3738.02~~ 5180.271 to ~~3738.09~~ 5180.278 of the Revised 89144
Code, "pregnancy-associated death" means the death of a woman 89145
while pregnant or anytime within one year of pregnancy 89146
regardless of cause. 89147

(B) There is hereby established in the department of 89148
~~health~~ children and youth a pregnancy-associated mortality 89149
review (PAMR) board to identify and review all pregnancy- 89150

associated deaths statewide for the purpose of reducing the 89151
incidence of those deaths. 89152

Sec. ~~3738.02~~ 5180.271. The PAMR board may not conduct a 89153
review of a pregnancy-associated death while an investigation of 89154
the death or prosecution of a person for causing the death is 89155
pending unless the prosecuting attorney agrees to allow the 89156
review. The law enforcement agency conducting the criminal 89157
investigation, on the conclusion of the investigation, and the 89158
prosecuting attorney prosecuting the case, on the conclusion of 89159
the prosecution, shall notify the chairperson of the PAMR board 89160
of the conclusion. 89161

Sec. ~~3738.03~~ 5180.272. All of the following apply with 89162
respect to the PAMR board: 89163

(A) The director of ~~health~~-children and youth shall 89164
appoint the board's members. In doing so, the director shall 89165
make a good faith effort to select members who represent all 89166
regions of the state and multiple areas of expertise and 89167
constituencies concerned with the care of pregnant and 89168
postpartum women. 89169

(B) The board, by a majority vote of a quorum of its 89170
members, shall select an individual to serve as its chairperson. 89171
The board may replace a chairperson in the same manner. 89172

(C) An appointed member shall hold office until a 89173
successor is appointed. The director of ~~health~~-children and 89174
youth shall fill a vacancy as soon as practicable. 89175

(D) A member shall not receive any compensation for, and 89176
shall not be paid for any expenses incurred pursuant to, 89177
fulfilling the member's duties on the board. 89178

(E) The board shall meet at the call of the board's 89179

chairperson as often as the chairperson determines necessary for 89180
timely completion of pregnancy-associated death reviews. The 89181
reviews shall be conducted in accordance with rules adopted 89182
under section ~~3738.09~~ 5180.278 of the Revised Code. 89183

(F) The department of ~~health~~ children and youth shall 89184
provide meeting space, staff services, and other technical 89185
assistance required by the board in carrying out its duties. 89186

Sec. ~~3738.04~~ 5180.273. The PAMR board shall seek to reduce 89187
the incidence of pregnancy-associated deaths in this state by 89188
doing all of the following: 89189

(A) Promoting cooperation, collaboration, and 89190
communication between all groups, professions, agencies, and 89191
entities that serve pregnant and postpartum women and families; 89192

(B) Recommending and developing plans for implementing 89193
service and program changes, as well as changes to the groups, 89194
professions, agencies, and entities that serve pregnant and 89195
postpartum women and families; 89196

(C) Providing the department of ~~health~~ children and youth 89197
with aggregate data, trends, and patterns regarding pregnancy- 89198
associated deaths using data and other relevant information 89199
specified in rules adopted under section ~~3738.09~~ 5180.278 of the 89200
Revised Code; 89201

(D) Developing effective interventions to reduce the 89202
mortality of pregnant and postpartum women. 89203

Sec. ~~3738.05~~ 5180.274. (A) Notwithstanding section 89204
3701.243 and any other section of the Revised Code pertaining to 89205
confidentiality, and except as provided in division (B) of this 89206
section, an individual, government entity, agency that provides 89207
services specifically to individuals or families, law 89208

enforcement agency, health care provider, or other public or 89209
private entity that provided services to a woman whose death is 89210
being reviewed by the PAMR board shall submit to the board a 89211
copy of any record it possesses that the board requests. In 89212
addition, such an individual or entity may make available to the 89213
board additional information, documents, or reports that could 89214
be useful to the board's investigation. 89215

(B) No person, government entity, law enforcement agency, 89216
or prosecuting attorney shall provide any information regarding 89217
a pregnancy-associated death while an investigation of the death 89218
or prosecution of a person for causing the death is pending 89219
unless the prosecuting attorney agrees to allow the review. 89220

(C) A family member of the deceased may decline to 89221
participate in an interview as part of the review process. In 89222
that case, the review shall continue without the family member's 89223
participation. 89224

Sec. ~~3738.06~~ 5180.275. (A) Any record, document, report, 89225
or other information presented to the PAMR board, as well as all 89226
statements made by board members during board meetings, all work 89227
products of the board, and data submitted to the department of 89228
~~health-children and youth~~ by the board, other than the biennial 89229
reports described in section ~~3738.08~~ 5180.277 of the Revised 89230
Code, are confidential and not a public record under section 89231
149.43 of the Revised Code. Such materials shall be used by the 89232
board and department only in the exercise of the proper 89233
functions of the board and department. 89234

(B) No person shall permit or encourage the unauthorized 89235
dissemination of confidential information described in division 89236
(A) of this section. 89237

~~(C) Whoever violates division (B) of this section is~~ 89238
~~guilty of a misdemeanor of the second degree.~~ 89239

Sec. 3738.07 5180.276. (A) An individual or public or 89240
private entity providing records, documents, reports, or other 89241
information to the PAMR board is immune from any civil liability 89242
for injury, death, or loss to person or property that otherwise 89243
might be incurred or imposed as a result of providing the 89244
records, documents, reports, or information to the board. 89245

(B) Each board member is immune from any civil liability 89246
for injury, death, or loss to person or property that might 89247
otherwise be incurred or imposed as a result of the member's 89248
participation on the board. 89249

Sec. 3738.08 5180.277. (A) The PAMR board shall prepare a 89250
biennial report that does all of the following: 89251

(1) Summarizes the board's findings from the reviews 89252
completed in the immediately preceding two calendar years, 89253
including any trends or patterns identified by the board; 89254

(2) Makes recommendations on how pregnancy-associated 89255
deaths may be prevented, including changes that should be made 89256
to policies and laws; 89257

(3) Includes any other information related to pregnancy- 89258
associated mortality the board considers useful. 89259

(B) A report shall not contain individually identifiable 89260
information regarding any woman whose death was reviewed by the 89261
board. 89262

(C) The board shall submit a copy of each report to the 89263
director of ~~health~~children and youth, the general assembly, and 89264
the governor. The copy to the general assembly shall be 89265

submitted in accordance with section 101.68 of the Revised Code. 89266
The initial report shall be submitted not later than March 1, 89267
2020, with subsequent reports submitted not later than March 1 89268
every two years thereafter. 89269

The director shall make a copy of each report available on 89270
the department of ~~health's~~ children and youth's web site. 89271

(D) Reports prepared under this section are public records 89272
under section 149.43 of the Revised Code. 89273

Sec. ~~3738.09~~ 5180.278. The director of ~~health~~ children and 89274
youth shall adopt rules that are necessary for the 89275
implementation of sections ~~3738.01~~ 5180.27 to ~~3738.08~~ 5180.277 89276
of the Revised Code, including rules that do all of the 89277
following: 89278

(A) Establish a procedure for the PAMR board to follow in 89279
conducting pregnancy-associated death reviews; 89280

(B) Specify the data and other relevant information the 89281
board must use when conducting pregnancy-associated death 89282
reviews; 89283

(C) Establish guidelines for the board to follow to 89284
prevent an unauthorized dissemination of confidential 89285
information in violation of division (B) of section ~~3738.06~~ 89286
5180.275 of the Revised Code. 89287

The rules shall be adopted in accordance with Chapter 119. 89288
of the Revised Code. 89289

Sec. ~~5101.13~~ 5180.40. (A) The department of children and 89290
youth shall establish and maintain a uniform statewide automated 89291
child welfare information system in accordance with the 89292
requirements of 42 ~~U.S.C.A.~~ U.S.C. 674(a)(3)(C) and related 89293

federal regulations and guidelines. The information system shall 89294
contain records regarding any of the following: 89295

(1) Investigations of children and families, and 89296
children's care in out-of-home care, in accordance with sections 89297
2151.421 and 5153.16 of the Revised Code; 89298

(2) Care and treatment provided to children and families; 89299

(3) Any other information related to children and families 89300
that state or federal law, regulation, or rule requires the 89301
department or a public children services agency to maintain. 89302

~~(B) The department shall plan implementation of the 89303
information system on a county-by-county basis and shall 89304
finalize statewide implementation by all public children 89305
services agencies as described in section 5153.02 of the Revised 89306
Code not later than January 1, 2008. 89307~~

~~(C) The department shall promptly notify all public 89308
children services agencies of the initiation and completion of 89309
statewide implementation of the statewide information system 89310
established under division (A) of this section. 89311~~

~~(D)~~ "Out-of-home care" has the same meaning as in section 89312
2151.011 of the Revised Code. 89313

Sec. ~~5101.131~~ 5180.401. Except as provided in section 89314
~~5101.132~~ 5180.402 of the Revised Code, information contained in 89315
or obtained from the information system established and 89316
maintained under section ~~5101.13~~ 5180.40 of the Revised Code is 89317
confidential and is not subject to disclosure pursuant to 89318
section 149.43 or 1347.08 of the Revised Code. 89319

Sec. ~~5101.132~~ 5180.402. (A) Information contained in the 89320
information system established and maintained under section 89321

~~5101.13~~ 5180.40 of the Revised Code may be accessed or entered 89322
only as follows: 89323

(1) The department of job and family services, the 89324
department of children and youth, a public children services 89325
agency, a title IV-E agency, a prosecuting attorney, a private 89326
child placing agency, and a private noncustodial agency may 89327
access or enter the information when either of the following is 89328
the case: 89329

(a) The access or entry is directly connected with 89330
assessment, investigation, or services regarding a child or 89331
family; 89332

(b) The access or entry is permitted by state or federal 89333
law, rule, or regulation. 89334

(2) A person may access or enter the information in a 89335
manner, to the extent, and for the purposes authorized by rules 89336
adopted by the department. 89337

(B) As used in this section, "title IV-E agency" means a 89338
public children services agency or a public entity with which 89339
the department of job and family services or department of 89340
children and youth has a title IV-E subgrant agreement in 89341
effect. 89342

Sec. ~~5101.133~~ 5180.403. No person shall access or use 89343
information contained in the information system established and 89344
maintained under section ~~5101.13~~ 5180.40 of the Revised Code 89345
other than in accordance with section ~~5101.132~~ 5180.402 of the 89346
Revised Code or rules authorized by that section. 89347

No person shall disclose information obtained from the 89348
information system established and maintained under section 89349
~~5101.13~~ 5180.40 of the Revised Code in a manner not specified by 89350

rules authorized by section ~~5101.134~~ 5180.404 of the Revised Code. 89351
89352

Sec. ~~5101.134~~ 5180.404. (A) Notwithstanding any provision 89353
of the Revised Code that requires confidentiality of information 89354
that is contained in the uniform statewide automated child 89355
welfare information system established in section ~~5101.13~~ 89356
5180.40 of the Revised Code, the department of children and 89357
youth shall adopt rules in accordance with Chapter 119. of the 89358
Revised Code regarding a private child placing agency's or 89359
private noncustodial agency's access, data entry, and use of 89360
information in the uniform statewide automated child welfare 89361
information system. 89362

(B) (1) The department of children and youth may adopt 89363
rules in accordance with section 111.15 of the Revised Code, as 89364
if they were internal management rules, as necessary to carry 89365
out the purposes of sections ~~5101.13~~ 5180.40 to ~~5101.133~~ 89366
5180.403 of the Revised Code. 89367

(2) The department may adopt rules in accordance with 89368
Chapter 119. of the Revised Code as necessary to carry out the 89369
purposes of division (A) (2) of section ~~5101.132~~ 5180.402 of the 89370
Revised Code. 89371

(C) Public children services agencies shall implement and 89372
use the information system established pursuant to section 89373
~~5101.13~~ 5180.40 of the Revised Code in accordance with rules 89374
adopted by the department. 89375

Sec. ~~5101.135~~ 5180.405. (A) A public children services 89376
employee who is entering a report of an investigation of child 89377
abuse in the statewide automated child welfare information 89378
system, as required by section ~~5101.13~~ 5180.40 of the Revised 89379

Code, shall make a notation on each case of child abuse that 89380
indicates whether the child abuse arose from an act that caused 89381
the child to suffer from, or resulted in the child suffering 89382
from, shaken baby syndrome. 89383

(B) On the first day of March of each year, the department 89384
of children and youth shall report to the director of health the 89385
number of reports of child abuse that arose from an act that 89386
caused the child to suffer from, or resulted in the child 89387
suffering from, shaken baby syndrome and that arose during the 89388
calendar year immediately preceding the calendar year in which 89389
the report is made, as determined by an examination of the 89390
statewide automated child welfare information system established 89391
and maintained under section ~~5101.13~~5180.40 of the Revised 89392
Code. 89393

(C) As used in this section, "shaken baby syndrome" has 89394
the same meaning as in section 5180.14 of the Revised Code. 89395

Sec. ~~5101.136~~ 5180.406. If a person requests the 89396
department of ~~job and family services~~children and youth to 89397
conduct a search of whether that person's name has been placed 89398
or remains in the statewide automated child welfare information 89399
system as an alleged perpetrator of child abuse or neglect and a 89400
search reveals that a "substantiated" disposition exists, the 89401
department shall send a letter to the person who requested the 89402
search indicating a "match." 89403

Sec. ~~5101.137~~ 5180.407. The department of ~~job and family~~
~~services~~children and youth shall work with stakeholders to 89404
establish an expungement policy regarding dispositions of child 89405
abuse or neglect in Ohio's central registry on child abuse and 89406
neglect by March 1, 2024. 89407
89408

Sec. ~~5101.14~~ 5180.41. (A) As used in this section and 89409
section ~~5101.144~~ 5180.411 of the Revised Code, "children 89410
services" means services provided to children pursuant to 89411
Chapter 5153. of the Revised Code. 89412

(B) Within available funds, the department of children and 89413
youth shall distribute funds to the counties within thirty days 89414
after the beginning of each calendar quarter for a part of the 89415
counties' costs for children services. 89416

Funds provided to the county under this section shall be 89417
deposited into the children services fund created pursuant to 89418
section ~~5101.144~~ 5180.411 of the Revised Code. 89419

(C) In each fiscal year, the amount of funds available for 89420
distribution under this section shall be allocated to counties 89421
as follows: 89422

(1) If the amount is less than the amount initially 89423
appropriated for the immediately preceding fiscal year, each 89424
county shall receive an amount equal to the percentage of the 89425
funding it received in the immediately preceding fiscal year, 89426
exclusive of any releases from or additions to the allocation or 89427
any sanctions imposed under this section; 89428

(2) If the amount is equal to the amount initially 89429
appropriated for the immediately preceding fiscal year, each 89430
county shall receive an amount equal to the amount it received 89431
in the preceding fiscal year, exclusive of any releases from or 89432
additions to the allocation or any sanctions imposed under this 89433
section; 89434

(3) If the amount is greater than the amount initially 89435
appropriated for the immediately preceding fiscal year, each 89436
county shall receive the amount determined under division (C) (2) 89437

of this section as a base allocation, plus a percentage of the 89438
amount that exceeds the amount initially appropriated for the 89439
immediately preceding fiscal year. The amount exceeding the 89440
amount initially appropriated in the immediately preceding 89441
fiscal year shall be allocated to the counties as follows: 89442

(a) Twelve per cent divided equally among all counties; 89443

(b) Forty-eight per cent in the ratio that the number of 89444
residents of the county under the age of eighteen bears to the 89445
total number of such persons residing in this state; 89446

(c) Forty per cent in the ratio that the number of 89447
residents of the county with incomes under the federal poverty 89448
guideline bears to the total number of such persons in this 89449
state. 89450

As used in division (C) (3) (c) of this section, "federal 89451
poverty guideline" means the poverty guideline as defined by the 89452
United States office of management and budget and revised by the 89453
United States secretary of health and human services in 89454
accordance with section 673 of the "Community Services Block 89455
Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 89456

(D) Within ninety days after the end of each state fiscal 89457
biennium, each county shall return any unspent funds to the 89458
department. 89459

(E) The director of children and youth may adopt the 89460
following rules in accordance with section 111.15 of the Revised 89461
Code: 89462

(1) Rules that are necessary for the allocation of funds 89463
under this section; 89464

(2) Rules prescribing reports on expenditures to be 89465

submitted by the counties as necessary for the implementation of 89466
this section. 89467

Sec. ~~5101.144~~ 5180.411. Each county shall deposit all 89468
funds its public children services agency receives from 89469
appropriations made by the board of county commissioners or any 89470
other source for the purpose of providing children services into 89471
a special fund in the county treasury known as the children 89472
services fund. A county shall use money in the fund only for the 89473
purposes of meeting the expenses of providing children services. 89474

Sec. ~~5101.141~~ 5180.42. (A) As used in sections ~~5101.141~~ 89475
~~5180.42~~ to ~~5101.1417~~ 5180.4214 of the Revised Code: 89476

(1) "Adopted young adult" means a person: 89477

(a) Who was in the temporary or permanent custody of a 89478
public children services agency; 89479

(b) Who was adopted at the age of sixteen or seventeen and 89480
attained the age of sixteen before a Title IV-E adoption 89481
assistance agreement became effective; 89482

(c) Who has attained the age of eighteen; and 89483

(d) Who has not yet attained the age of twenty-one. 89484

(2) "Child" means any of the following: 89485

(a) A person who meets the requirements of division (B) (3) 89486
of section 5153.01 of the Revised Code; 89487

(b) An adopted young adult; 89488

(c) An emancipated young adult. 89489

(3) "Emancipated young adult" means a person: 89490

(a) Who was in the temporary or permanent custody of a 89491

public children services agency, a planned permanent living 89492
arrangement, or in the Title-IV-E-eligible care and placement 89493
responsibility of a juvenile court or other governmental agency 89494
that provides Title IV-E reimbursable placement services; 89495

(b) Whose custody, arrangement, or care and placement was 89496
terminated on or after the person's eighteenth birthday; and 89497

(c) Who has not yet attained the age of twenty-one. 89498

(4) "Kinship guardianship young adult" means an individual 89499
that meets the following criteria: 89500

(a) Was in the temporary or permanent custody of a public 89501
children services agency or a planned permanent living 89502
arrangement prior to the commitment described in division (A) (4) 89503
(b) of this section; 89504

(b) Was committed to the legal custody or legal 89505
guardianship of a kinship caregiver at the age of sixteen or 89506
seventeen and attained the age of sixteen before a Title IV-E 89507
kinship guardianship assistance agreement became effective; 89508

(c) Has attained the age of eighteen; 89509

(d) Has not yet attained the age of twenty-one. 89510

(5) "Relative" means, with respect to a child, any of the 89511
following who is eighteen years of age or older: 89512

(a) The following individuals related by blood or adoption 89513
to the child: 89514

(i) Grandparents, including grandparents with the prefix 89515
"great," "great-great," or "great-great-great"; 89516

(ii) Siblings; 89517

(iii) Aunts, uncles, nephews, and nieces, including such 89518

relatives with the prefix "great," "great-great," "grand," or "great-grand"; 89519
89520

(iv) First cousins and first cousins once removed. 89521

(b) Stepparents and stepsiblings of the child; 89522

(c) Spouses and former spouses of individuals named in divisions (A) (5) (a) and (b) of this section; 89523
89524

(d) A legal guardian of the child; 89525

(e) A legal custodian of the child; 89526

(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, 89527
89528
which relationship or bond will ensure the child's social ties. 89529

(6) "Representative" means a person with whom the department of children and youth has entered into a contract, 89530
89531
pursuant to division (B) (2) (b) of this section. 89532

(7) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 89533
89534

(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) ~~and~~ ~~(4)~~ of this section, the department of children and youth shall act as the single state agency to administer federal payments for foster care, kinship guardianship assistance, and adoption assistance made pursuant to Title IV-E. The director of children and youth shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements 89535
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applicable to private child placing agencies and private 89547
noncustodial agencies and rules establishing eligibility, 89548
program participation, and other requirements concerning Title 89549
IV-E shall be adopted in accordance with Chapter 119. of the 89550
Revised Code. A public children services agency to which the 89551
department distributes Title IV-E funds shall administer the 89552
funds in accordance with those rules. 89553

~~(2) If the~~ (2) (a) The department shall implement the state 89554
plan ~~is as~~ amended under ~~divisions (A) and (B) of section~~ 89555
~~5101.1411-5180.428~~ of the Revised Code, ~~both of the following~~ 89556
~~shall apply:-~~ 89557

~~(a) Implementation of the amendments to the plan shall~~ 89558
~~begin fifteen months after September 13, 2016, the effective~~ 89559
~~date of H.B. 50 of the 131st general assembly, if both of the~~ 89560
~~following apply:-~~ 89561

~~(i) The plan as amended is approved by the secretary of~~ 89562
~~health and human services;-~~ 89563

~~(ii) The~~ if the general assembly has appropriated 89564
sufficient funds to operate the program required under the plan 89565
as amended. 89566

(b) The department shall have, exercise, and perform all 89567
new duties required under the plan as amended. In doing so, the 89568
department may contract with another person to carry out those 89569
new duties, to the extent permitted under Title IV-E. 89570

~~(3) If the state plan is amended under division (C) of~~ 89571
~~section 5101.1411 of the Revised Code, both of the following~~ 89572
~~apply:-~~ 89573

~~(a) Implementation of the amendments to the plan shall~~ 89574
~~begin fifteen months after September 30, 2021, if both of the~~ 89575

~~following apply:~~ 89576

~~(i) The plan as amended is approved by the secretary of health and human services.~~ 89577
89578

~~(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.~~ 89579
89580

~~(b) The department shall perform all new duties required under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.~~ 89581
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~~(4) If The department shall implement the state plan as amended under section ~~5101.1416~~ 5180.4213 of the Revised Code, and is approved by the secretary of health and human services, implementation of the amendments to the plan shall begin fifteen months after September 30, 2021.~~ 89585
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(C) (1) Except with regard to the new duties imposed on the department or its contractor under ~~divisions~~ division (B) (2) (b) and ~~(B) (3) (b)~~ of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following: 89590
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89595

(a) The child's food, clothing, shelter, daily supervision, and school supplies; 89596
89597

(b) The child's personal incidentals; 89598

(c) Reasonable travel to the child's home for visitation. 89599

(2) In addition to payments made under division (C) (1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following: 89600
89601
89602
89603

(a) Liability insurance with respect to the child; 89604

(b) If the county is participating in the demonstration 89605
project established under division (A) of section ~~5101.142~~ 89606
5180.421 of the Revised Code, services provided under the 89607
project. 89608

(3) With respect to a child who is in a child-care 89609
institution, including any type of group home designed for the 89610
care of children or any privately operated program consisting of 89611
two or more certified foster homes operated by a common 89612
administrative unit, the foster care maintenance payments made 89613
by the county on behalf of the child shall include the 89614
reasonable cost of the administration and operation of the 89615
institution, group home, or program, as necessary to provide the 89616
items described in divisions (C) (1) and (2) of this section. 89617

(D) To the extent that either foster care maintenance 89618
payments under division (C) of this section, Title IV-E kinship 89619
guardianship assistance, or Title IV-E adoption assistance 89620
payments for maintenance costs require the expenditure of county 89621
funds, the board of county commissioners shall report the nature 89622
and amount of each expenditure of county funds to the 89623
department. 89624

(E) The department shall distribute to public children 89625
services agencies that incur and report expenditures of the type 89626
described in division (D) of this section federal financial 89627
participation received for administrative and training costs 89628
incurred in the operation of foster care maintenance, kinship 89629
guardianship assistance, and adoption assistance programs. The 89630
department may withhold not more than three per cent of the 89631
federal financial participation received. The funds withheld may 89632
be used only to fund the following: 89633

(1) The Ohio child welfare training program established 89634
under section 5103.30 of the Revised Code; 89635

(2) The university partnership program for college and 89636
university students majoring in social work who have committed 89637
to work for a public children services agency upon graduation; 89638

(3) Efforts supporting organizational excellence, 89639
including voluntary activities to be accredited by a nationally 89640
recognized accreditation organization. 89641

The funds withheld shall be in addition to any 89642
administration and training cost for which the department is 89643
reimbursed through its own cost allocation plan. 89644

(F) All federal financial participation funds received by 89645
a county pursuant to this section shall be deposited into the 89646
county's children services fund created pursuant to section 89647
~~5101.144~~ 5180.411 of the Revised Code. 89648

~~(G)~~ (G) (1) The department shall periodically publish and 89649
distribute the maximum amounts that the department will 89650
reimburse public children services agencies for making payments 89651
on behalf of children eligible for foster care maintenance 89652
payments. 89653

(2) The department may issue a request for proposals to 89654
establish statewide rate cards for placement and care of 89655
children eligible for foster care maintenance payments. If a 89656
request for proposals is issued, the department shall review and 89657
accept the reasonable cost of providing the items described in 89658
division (C) of this section. 89659

(H) The department, by and through its director, is hereby 89660
authorized to develop, participate in the development of, 89661
negotiate, and enter into one or more interstate compacts on 89662

behalf of this state with agencies of any other states, for the 89663
provision of social services to children in relation to whom all 89664
of the following apply: 89665

(1) They have special needs. 89666

(2) This state or another state that is a party to the 89667
interstate compact is providing kinship guardianship assistance 89668
or adoption assistance on their behalf. 89669

(3) They move into this state from another state or move 89670
out of this state to another state. 89671

Sec. ~~5101.142~~ 5180.421. (A) The department of children and 89672
youth may apply to the United States secretary of health and 89673
human services for a waiver of requirements established under 89674
Title IV-E, or regulations adopted thereunder, to conduct a 89675
demonstration project expanding eligibility for and services 89676
provided under Title IV-E. The department may enter into 89677
agreements with the secretary necessary to implement the 89678
demonstration project, including agreements establishing the 89679
terms and conditions of the waiver authorizing the project. If a 89680
demonstration project is to be established, the department shall 89681
do all of the following: 89682

(1) Have the director of children and youth adopt rules in 89683
accordance with Chapter 119. of the Revised Code governing the 89684
project. The rules shall be consistent with the agreements the 89685
department enters into with the secretary. 89686

(2) Enter into agreements with public children services 89687
agencies that the department selects for participation in the 89688
project. The department shall not select an agency that objects 89689
to participation or refuses to be bound by the terms and 89690
conditions of the project. 89691

(3) Contract with persons or governmental agencies 89692
providing services under the project; 89693

(4) Amend the state plan required by section 471 of the 89694
"Social Security Act," 42 ~~U.S.C.A.~~U.S.C. 671, as amended, as 89695
needed to implement the project; 89696

(5) Conduct ongoing evaluations of the project; 89697

(6) Perform other administrative and operational 89698
activities required by the agreement with the secretary. 89699

(B) The department may apply to the United States 89700
secretary of health and human services for a waiver of the 89701
requirements established under Title IV-B of the "Social 89702
Security Act of 1967," ~~81 Stat. 821,~~ 42 ~~U.S.C.A.~~U.S.C. 620 or 89703
regulations adopted thereunder and established under any other 89704
federal law or regulations that affect the children services 89705
functions prescribed by Chapter 5153. of the Revised Code, to 89706
conduct demonstration projects or otherwise improve the 89707
effectiveness and efficiency of the children services function. 89708

Sec. ~~5101.145~~ 5180.422. (A) In adopting rules under 89709
section ~~5101.141~~5180.42 of the Revised Code regarding financial 89710
requirements applicable to public children services agencies, 89711
private child placing agencies, private noncustodial agencies, 89712
and government entities that provide Title IV-E reimbursable 89713
placement services to children, the department of children and 89714
youth ~~shall~~may establish both of the following: 89715

(1) A single form for the agencies or entities to report 89716
costs reimbursable under Title IV-E and costs reimbursable under 89717
medicaid; 89718

(2) Procedures to monitor cost reports submitted by the 89719
agencies or entities. 89720

(B) The procedures established under division (A) (2) of 89721
this section shall ~~be implemented not later than October 1,~~ 89722
~~2003. The procedures shall be used to do both of the following:~~ 89723

(1) Determine which of the costs are reimbursable under 89724
Title IV-E; 89725

(2) Ensure that costs reimbursable under medicaid are 89726
excluded from determinations made under division (B) (1) of this 89727
section. 89728

Sec. ~~5101.146~~ 5180.423. The department of children and 89729
youth shall establish the following penalties, which shall be 89730
enforced at the discretion of the department, for the failure of 89731
a public children services agency, private child placing agency, 89732
private noncustodial agency, or government entity that provides 89733
Title IV-E reimbursable placement services to children to comply 89734
with procedures the department establishes to ensure fiscal 89735
accountability: 89736

(A) For initial failure, the department and the agency or 89737
entity involved shall jointly develop and implement a corrective 89738
action plan according to a specific schedule. If requested by 89739
the agency or entity involved, the department shall provide 89740
technical assistance to the agency or entity to ensure the 89741
fiscal accountability procedures and goals of the plan are met. 89742

(B) For subsequent failures or failure to achieve the 89743
goals of the plan described in division (A) of this section, one 89744
of the following: 89745

(1) For public children services agencies, the department 89746
may take any action permitted under division (C) (2), (4), (5), 89747
or (6) of section 5101.24 of the Revised Code. 89748

(2) For private child placing agencies or private 89749

noncustodial agencies, cancellation of any Title IV-E 89750
allowability rates for the agency involved pursuant to section 89751
~~5101.141~~ 5180.42 of the Revised Code or revocation pursuant to 89752
Chapter 119. of the Revised Code of that agency's certificate 89753
issued under section 5103.03 of the Revised Code; 89754

(3) For government entities, other than public children 89755
services agencies, that provide Title IV-E reimbursable 89756
placement services to children, cancellation of any Title IV-E 89757
allowability rates for the entity involved pursuant to section 89758
~~5101.141~~ 5180.42 of the Revised Code. 89759

Sec. ~~5101.147~~ 5180.424. If a public children services 89760
agency fails to comply with the fiscal accountability procedures 89761
established by the department of children and youth, the 89762
department shall notify the board of county commissioners of the 89763
county served by the agency. If a private child placing agency 89764
or private noncustodial agency fails to comply with the fiscal 89765
accountability procedures, the department shall notify the 89766
executive director of each public children services agency that 89767
has entered into a contract for services with the private child 89768
placing agency or private noncustodial agency. 89769

Sec. ~~5101.148~~ 5180.425. If the department of children and 89770
youth sanctions a public children services agency, private child 89771
placing agency, or private noncustodial agency, it shall take 89772
every possible precaution to ensure that any foster children 89773
that have been placed by the agency under sanction are not 89774
unnecessarily removed from the certified foster homes in which 89775
they reside. 89776

Sec. ~~5101.149~~ 5180.426. Money from the children services 89777
fund shall not be used to provide a personal loan to any 89778
individual. 89779

Sec. ~~5101.1410~~ 5180.427. In addition to the remedies 89780
available under sections ~~5101.146~~ and ~~5101.24~~ and 5180.423 of 89781
the Revised Code, the department of children and youth may 89782
certify a claim to the attorney general under section 131.02 of 89783
the Revised Code for the attorney general to take action under 89784
that section against a public children services agency, private 89785
child placing agency, private noncustodial agency, or government 89786
entity that provides Title IV-E reimbursable placement services 89787
to children if all of the following are the case: 89788

(A) The agency or entity files a cost report with the 89789
department pursuant to rules adopted under division (B) of 89790
section ~~5101.141~~ 5180.42 of the Revised Code. 89791

(B) The department receives and distributes federal Title 89792
IV-E reimbursement funds based on the cost report. 89793

(C) The agency's or entity's misstatement, 89794
misclassification, overstatement, understatement, or other 89795
inclusion or omission of any cost included in the cost report 89796
causes the United States department of health and human services 89797
to disallow all or part of the federal Title IV-E reimbursement 89798
funds the department received and distributed. 89799

(D) The agency's or entity's misstatement, 89800
misclassification, overstatement, understatement, or other 89801
inclusion or omission of any cost included in the cost report is 89802
not the direct result of a written directive concerning the 89803
agency or entity's cost report that the department issued to the 89804
agency or entity. 89805

Sec. ~~5101.1411~~ 5180.428. (A) (1) The director of ~~job and~~ 89806
~~family services children and youth~~ shall, ~~not later than nine~~ 89807
~~months after September 13, 2016, the effective date of H.B. 50~~ 89808

~~of the 131st general assembly, submit an amendment to the state~~ 89809
~~plan required by 42 U.S.C. 671 to the United States secretary of~~ 89810
~~health and human services to~~ implement 42 U.S.C. 675(8) to make 89811
federal payments for foster care under Title IV-E directly to, 89812
or on behalf of, any emancipated young adult who meets the 89813
following requirements: 89814

(a) The emancipated young adult signs a voluntary 89815
participation agreement. 89816

(b) The emancipated young adult satisfies division (D) of 89817
this section. 89818

(2) Any emancipated young adult who meets the requirements 89819
of division (A) (1) of this section may apply for foster care 89820
payments and make the appropriate application at any time. 89821

(B) (1) The director of ~~job and family services children~~ 89822
~~and youth shall, not later than nine months after September 13,~~ 89823
~~2016, the effective date of H.B. 50 of the 131st general~~ 89824
~~assembly, submit an amendment to the state plan required by 42~~ 89825
~~U.S.C. 671 to the United States secretary of health and human~~ 89826
~~services to~~ implement 42 U.S.C. 675(8) to make federal payments 89827
for adoption assistance under Title IV-E available to any parent 89828
who meets all of the following requirements: 89829

(a) The parent adopted a person who is an adopted young 89830
adult and the parent entered into an adoption assistance 89831
agreement under 42 U.S.C. 673 while the adopted person was age 89832
sixteen or seventeen. 89833

(b) The parent maintains parental responsibility for the 89834
adopted young adult. 89835

(c) The adopted young adult satisfies division (D) of this 89836
section. 89837

(2) Any parent who meets the requirements of division (B) 89838
(1) of this section that are applicable to a parent may request 89839
an extension of adoption assistance payments at any time before 89840
the adopted young adult reaches age twenty-one. 89841

(3) An adopted young adult who is eligible to receive 89842
adoption assistance payments is not considered an emancipated 89843
young adult and is therefore not eligible to receive payment 89844
under division (A) of this section. 89845

(C) (1) The director of ~~job and family services children~~ 89846
~~and youth~~ shall, ~~not later than nine months after September 30,~~ 89847
~~2021, submit an amendment to the state plan required by 42-~~ 89848
~~U.S.C. 671 to the United States secretary of health and human~~ 89849
~~services to~~ implement 42 U.S.C. 673(d) to provide kinship 89850
guardianship assistance under Title IV-E available to any 89851
relative who meets all of the following requirements: 89852

(a) Both of the following apply: 89853

(i) A juvenile court issued an order granting legal 89854
custody of a person who is a kinship guardianship young adult to 89855
the relative, or a probate court issued an order granting 89856
guardianship of a person who is a kinship guardianship young 89857
adult to the relative, and the order is not a temporary court 89858
order. 89859

(ii) The relative entered into a kinship guardianship 89860
assistance agreement under 42 U.S.C. 673(d) while the kinship 89861
guardianship young adult was age sixteen or seventeen. 89862

(b) The relative maintains parental responsibility for the 89863
kinship guardianship young adult. 89864

(c) The kinship guardianship young adult satisfies 89865
division (D) of this section. 89866

(2) Any person who meets the requirements of division (C) 89867
(1) of this section may request an extension of kinship 89868
guardianship assistance at any time before the kinship 89869
guardianship young adult reaches age twenty-one. 89870

(3) A kinship guardianship young adult who is eligible to 89871
receive kinship guardianship assistance is not considered an 89872
emancipated young adult and is therefore not eligible to receive 89873
assistance under division (A) of this section. 89874

(D) In addition to other requirements, an adopted, kinship 89875
guardianship, or emancipated young adult must meet at least one 89876
of the following criteria: 89877

(1) Is completing secondary education or a program leading 89878
to an equivalent credential; 89879

(2) Is enrolled in an institution that provides post- 89880
secondary or vocational education; 89881

(3) Is participating in a program or activity designed to 89882
promote, or remove barriers to, employment; 89883

(4) Is employed for at least eighty hours per month; 89884

(5) Is incapable of doing any of the activities described 89885
in divisions (D)(1) to (4) of this section due to a physical or 89886
mental condition, which incapacity is supported by regularly 89887
updated information in the person's case record or plan. 89888

(E) Any emancipated young adult described in division (A) 89889
(1) of this section who is directly receiving foster care 89890
payments, or on whose behalf such foster care payments are 89891
received, or any relative described in division (C)(1) of this 89892
section who is receiving kinship guardianship assistance, or any 89893
parent receiving adoption assistance payments, may refuse the 89894

payments at any time. 89895

(F) (1) An emancipated young adult described in division 89896
(A) (1) of this section who is directly receiving foster care 89897
payments, or on whose behalf such foster care payments are 89898
received, or any relative described in division (C) (1) of this 89899
section who is receiving kinship guardianship assistance and the 89900
kinship guardianship young adult, or a parent receiving adoption 89901
assistance payments and the adopted young adult shall be 89902
eligible for services set forth in the federal, "Fostering 89903
Connections to Success and Increasing Adoptions Act of 2008," 89904
P.L. 110-351, ~~122 Stat. 3949~~. 89905

(2) An emancipated young adult described in division (A) 89906
(1) of this section who is directly receiving foster care 89907
payments, or on whose behalf such foster care payments are 89908
received, pursuant to this section, may be eligible to reside in 89909
a supervised independent living setting, including apartment 89910
living, room and board arrangements, college or university 89911
dormitories, host homes, and shared roommate settings. 89912

(G) Any determination by the department of ~~job and family~~ 89913
~~services or the department of~~ children and youth that denies or 89914
terminates foster care assistance, kinship guardianship 89915
assistance, ~~kinship support program payments,~~ or adoption 89916
assistance payments shall be subject to a state hearing pursuant 89917
to section 5101.35 of the Revised Code. 89918

Sec. ~~5101.1412~~ 5180.429. (A) Without the approval of a 89919
court, an emancipated young adult who receives payments, or on 89920
whose behalf payments are received, under division (A) of 89921
section ~~5101.1411~~ 5180.428 of the Revised Code, may enter into a 89922
voluntary participation agreement with the department of 89923
children and youth, or its representative, for the emancipated 89924

young adult's care and placement. The agreement shall stay in 89925
effect until one of the following occurs: 89926

(1) The emancipated young adult enrolled in the program 89927
notifies the department, or its representative, that they want 89928
to terminate the agreement. 89929

(2) The emancipated young adult becomes ineligible for the 89930
program. 89931

(B) In order to maintain Title IV-E eligibility for the 89932
emancipated young adult, both of the following apply: 89933

(1) Not later than one hundred eighty days after the 89934
effective date of the voluntary participation agreement, the 89935
department or its representative must petition the court for, 89936
and obtain, a judicial determination that the emancipated young 89937
adult's best interest is served by continuing the care and 89938
placement with the department or its representative. 89939

(2) Not later than twelve months after the effective date 89940
of the voluntary participation agreement, and at least once 89941
every twelve months thereafter, the department or its 89942
representative must petition the court for, and obtain, a 89943
judicial determination that the department or its representative 89944
has made reasonable efforts to finalize a permanency plan to 89945
prepare the emancipated young adult for independence. 89946

Sec. ~~5101.1413~~ 5180.4210. Notwithstanding section ~~5101.141~~ 89947
~~5180.42~~ of the Revised Code and any rules adopted thereunder, 89948
the department of children and youth shall pay the full 89949
nonfederal share of payments made pursuant to section ~~5101.1411~~ 89950
~~5180.428~~ of the Revised Code. No public children services agency 89951
shall be responsible for the cost of any payments made pursuant 89952
to section ~~5101.1411~~ 5180.428 of the Revised Code. 89953

Sec. ~~5101.1414~~ 5180.4211. (A) The department of children 89954
and youth shall adopt rules necessary to carry out the purposes 89955
of sections ~~5101.1411-5180.428~~ to ~~5101.1413-5180.4210~~ of the 89956
Revised Code, including rules that do all of the following: 89957

(1) Allow an emancipated young adult described in division 89958
(A) (1) of section ~~5101.1411-5180.428~~ of the Revised Code who is 89959
directly receiving foster care payments, or on whose behalf such 89960
foster care payments are received, or an adopted young adult 89961
whose adoptive parents are receiving adoption assistance 89962
payments, to maintain eligibility while transitioning into, or 89963
out of, qualified employment or educational activities; 89964

(2) Require that a thirty-day notice of termination be 89965
given by the department to an emancipated young adult described 89966
in division (A) (1) of section ~~5101.1411-5180.428~~ of the Revised 89967
Code who is receiving foster care payments, or on whose behalf 89968
such foster care payments are received, or to a parent receiving 89969
adoption assistance payments for an adopted young adult 89970
described in division (B) (1) of section ~~5101.1411-5180.428~~ of 89971
the Revised Code, who is determined to be ineligible for 89972
payments; 89973

(3) Establish the scope of practice and training necessary 89974
for case managers and supervisors who care for emancipated young 89975
adults described in division (A) (1) of section ~~5101.1411-~~ 89976
~~5180.428~~ of the Revised Code who are receiving foster care 89977
payments, or on whose behalf such foster care payments are 89978
received, under section ~~5101.1411-5180.428~~ of the Revised Code. 89979

(B) The department of children and youth shall create an 89980
advisory council to evaluate and make recommendations for 89981
statewide implementation of sections ~~5101.1411-5180.428~~ and 89982
~~5101.1412-5180.429~~ of the Revised Code. 89983

Sec. ~~5101.1415~~ 5180.4212. The provisions of divisions (A) 89984
and (D) to (G) of section ~~5101.1411~~ 5180.428 of the Revised Code 89985
shall not apply if the person is eligible for temporary or 89986
permanent custody until age twenty-one pursuant to a 89987
dispositional order under sections 2151.353, 2151.414, and 89988
2151.415 of the Revised Code. 89989

Sec. ~~5101.1416~~ 5180.4213. (A) ~~Not later than nine months~~ 89990
~~after the effective date of this section , the~~ The director of 89991
~~job and family services children and youth shall submit an~~ 89992
~~amendment to the state plan required by 42 U.S.C. 671 to the~~ 89993
~~United States secretary of health and human services to~~ 89994
implement 42 U.S.C. 673(d) to provide kinship guardianship 89995
assistance under Title IV-E on behalf of a child to a relative 89996
who meets the following requirements: 89997

(1) The relative has cared for the eligible child pursuant 89998
to division (B) of this section as a foster caregiver as defined 89999
by section 5103.02 of the Revised Code for at least six 90000
consecutive months. 90001

(2) Both of the following apply: 90002

(a) A juvenile court issued an order granting legal 90003
custody of the child to the relative, or a probate court issued 90004
an order granting guardianship of the child to the relative, and 90005
the order is not a temporary court order. 90006

(b) The relative has committed to care for the child on a 90007
permanent basis. 90008

(3) The relative signs a kinship guardianship assistance 90009
agreement required by 42 U.S.C. 673. 90010

(B) A child is an eligible child for kinship guardianship 90011
assistance under this section if the following are met: 90012

(1) The child has been removed from his or her home 90013
pursuant to a voluntary placement agreement or as a result of a 90014
judicial determination to the effect that continuation in the 90015
home would be contrary to the welfare of the child. 90016

(2) The child has been eligible for foster care 90017
maintenance payments under section ~~5101.141~~ 5180.42 of the 90018
Revised Code while residing for at least six consecutive months 90019
in the home of a relative described in division (A) of this 90020
section. 90021

(3) Returning the child home or adoption of the child are 90022
not appropriate permanency options for the child. 90023

(4) The child demonstrates a strong attachment to the 90024
child's relative described in division (A) of this section and 90025
the relative has a strong commitment to caring permanently for 90026
the child. 90027

(5) With respect to a child who has attained fourteen 90028
years of age, the child has been consulted regarding the kinship 90029
guardianship arrangement. 90030

Sec. ~~5101.1417~~ 5180.4214. The department of children and 90031
youth shall adopt rules necessary to carry out the purposes of 90032
sections ~~5101.141~~ 5180.42, ~~5101.1411~~ 5180.428, and ~~5101.1416~~ 90033
5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the 90034
"Social Security Act," including rules that do all of the 90035
following: 90036

(A) Allow a kinship guardianship young adult described in 90037
division (C) of section ~~5101.1411~~ 5180.428 of the Revised Code 90038
on whose behalf kinship guardianship assistance is received, to 90039
maintain eligibility while transitioning into, or out of, 90040
qualified employment or educational activities; 90041

(B) Require that a thirty-day notice of termination be 90042
given by the department to a person receiving kinship 90043
guardianship assistance for a kinship guardianship young adult 90044
described in division (C) of section ~~5101.1411~~ 5180.428 of the 90045
Revised Code, who is determined to be ineligible for assistance. 90046

Sec. ~~5101.1418~~ 5180.43. (A) (1) If, after a child's 90047
adoption is finalized, the department of children and youth 90048
considers the child to be in need of public care or protective 90049
services, the department may, to the extent state funds are 90050
available for this purpose, enter into an agreement with the 90051
child's adoptive parent under which the department may make post 90052
adoption special services subsidy payments on behalf of the 90053
child as needed when both of the following apply: 90054

(a) The child has a physical or developmental disability 90055
or mental or emotional condition that either: 90056

(i) Existed before the adoption petition was filed; or 90057

(ii) Developed after the adoption petition was filed and 90058
can be directly attributed to factors in the child's preadoption 90059
background, medical history, or biological family's background 90060
or medical history. 90061

(b) The department determines the expenses necessitated by 90062
the child's disability or condition are beyond the adoptive 90063
parent's economic resources. 90064

(2) Services for which the department may make post 90065
adoption special services subsidy payments on behalf of a child 90066
under this section shall include medical, surgical, psychiatric, 90067
psychological, and counseling services, including residential 90068
treatment. 90069

(3) The department shall establish clinical standards to 90070

evaluate a child's physical or developmental disability or 90071
mental or emotional condition and assess the child's need for 90072
services. 90073

(4) The total dollar value of post adoption special 90074
services subsidy payments made on a child's behalf shall not 90075
exceed ten thousand dollars in any fiscal year, unless the 90076
department determines that extraordinary circumstances exist 90077
that necessitate further funding of services for the child. 90078
Under such extraordinary circumstances, the value of the 90079
payments made on the child's behalf shall not exceed fifteen 90080
thousand dollars in any fiscal year. 90081

(5) The adoptive parent or parents of a child who receives 90082
post adoption special services subsidy payments shall pay at 90083
least five per cent of the total cost of all services provided 90084
to the child; except that the department may waive this 90085
requirement if the gross annual income of the child's adoptive 90086
family is not more than two hundred per cent of the federal 90087
poverty guideline. 90088

(6) The department may use other sources of revenue to 90089
make post adoption special services subsidy payments, in 90090
addition to any state funds appropriated for that purpose. 90091

(7) The department may contract with another person to 90092
carry out any of the duties described in this section. 90093

(B) No payment shall be made on behalf of any person 90094
eighteen years of age or older beyond the end of the school year 90095
during which the person attains the age of eighteen or on behalf 90096
of a mentally or physically disabled person twenty-one years of 90097
age or older. 90098

(C) The director of children and youth shall adopt rules 90099

in accordance with Chapter 119. of the Revised Code necessary to 90100
implement this section. The rules shall establish all of the 90101
following: 90102

(1) The application process for all forms of assistance 90103
provided under this section; 90104

(2) Standards for determining the children who qualify to 90105
receive assistance provided under this section; 90106

(3) The method of determining the amount, duration, and 90107
scope of services provided to a child; 90108

(4) The method of transitioning the post adoption special 90109
services subsidy program from public children services agencies 90110
to the department; 90111

(5) Any other rule, requirement, or procedure the 90112
department considers appropriate for the implementation of this 90113
section. 90114

~~(D) The department shall implement this section not later~~ 90115
~~than July 1, 2022.~~ 90116

Sec. ~~5101.15~~ 5180.44. Within available funds the 90117
department of children and youth may reimburse counties in 90118
accordance with this section for a portion of the salaries paid 90119
to child welfare workers employed under section 5153.12 of the 90120
Revised Code. No county with a population of eighty thousand or 90121
less, according to the latest census accepted by the department 90122
as official, shall be entitled to reimbursement on the salaries 90123
of more than two child welfare workers, and no county with a 90124
population of more than eighty thousand, according to such 90125
census, shall be entitled to reimbursement on the salaries of 90126
more than two child welfare workers plus one additional child 90127
welfare worker for each one hundred thousand of population in 90128

excess of eighty thousand. 90129

The maximum reimbursement to which a county may be 90130
entitled on any child welfare worker shall be as follows: 90131

(A) Twenty-seven hundred dollars a year for a child 90132
welfare worker who is a graduate of an accredited high school, 90133
college, or university; 90134

(B) Thirty-three hundred dollars a year for a child 90135
welfare worker who has one year or more of graduate training in 90136
social work or a field which the department finds to be related 90137
to social work; 90138

(C) Thirty-nine hundred dollars a year for a child welfare 90139
worker who has completed two years of social work training. 90140

The salary of the executive director, designated in 90141
accordance with section 5153.10 of the Revised Code, shall be 90142
subject to reimbursement under this section, provided that the 90143
executive director qualifies under division (A), (B), or (C) of 90144
this section. No funds shall be allocated under this section 90145
until the director of children and youth has approved a plan of 90146
child welfare services for the county submitted by the public 90147
children services agency. 90148

Sec. ~~5101.19~~ 5180.45. As used in sections ~~5101.19~~ 5180.45 90149
to ~~5101.194~~ 5180.454 of the Revised Code: 90150

(A) "Adopted child" means a person who is less than 90151
eighteen years of age when the person becomes subject to a final 90152
order of adoption, an interlocutory order of adoption, or when 90153
the adoption is recognized by this state under section 3107.18 90154
of the Revised Code. 90155

(B) "Adoption" includes an adoption arranged by an 90156

attorney, a public children services agency, private child 90157
placing agency, or a private noncustodial agency, an interstate 90158
adoption, or an international or foreign adoption. 90159

(C) "Adoptive parent" means the person or persons who 90160
obtain parental rights and responsibilities over an adopted 90161
child pursuant to a final order of adoption, an interlocutory 90162
order of adoption, or an adoption recognized by this state under 90163
section 3107.18 of the Revised Code. 90164

(D) "Casework services" means services performed or 90165
arranged by a public children services agency, private child 90166
placing agency, private noncustodial agency, or public entity 90167
with whom the department of children and youth has a Title IV-E 90168
subgrant agreement in effect, to manage the progress, provide 90169
supervision and protection of the child and the child's parent, 90170
guardian, or custodian. 90171

(E) "Foster caregiver" has the same meaning as in section 90172
5103.02 of the Revised Code. 90173

(F) "Qualified professional" means an individual that is, 90174
but not limited to, any one of the following: 90175

- (1) Audiologist; 90176
- (2) Orthopedist; 90177
- (3) Physician; 90178
- (4) Certified nurse practitioner; 90179
- (5) Physician assistant; 90180
- (6) Psychiatrist; 90181
- (7) Psychologist; 90182
- (8) School psychologist; 90183

(9) Licensed marriage and family therapist;	90184
(10) Speech and language pathologist;	90185
(11) Licensed independent social worker;	90186
(12) Licensed professional clinical counselor;	90187
(13) Licensed social worker who is under the direct supervision of a licensed independent social worker;	90188 90189
(14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.	90190 90191 90192
(G) "Special needs" means any of the following:	90193
(1) A developmental disability as defined in section 5123.01 of the Revised Code;	90194 90195
(2) A physical or mental impairment that substantially limits one or more of the major life activities;	90196 90197
(3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems;	90198 90199 90200
(4) Any mental or psychological disorder;	90201
(5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified professional that results in ongoing medical treatment.	90202 90203 90204
Sec. 5101.191 <u>5180.451</u>. (A) The director of children and youth shall establish and administer the Ohio adoption grant program in accordance with sections 5101.19 <u>5180.45</u> to 5101.194 <u>5180.454</u> of the Revised Code.	90205 90206 90207 90208
(B) The director shall provide one, but not both, <u>either</u> of	90209

the following one-time payments for an adopted child to the 90210
child's adoptive parent if the requirements of division (A) of 90211
section ~~5101.192~~5180.452 of the Revised Code, but not division 90212
(B) of that section, are satisfied regarding the child: 90213

(1) Ten thousand dollars; 90214

(2) Fifteen thousand dollars, if the parent was a foster 90215
caregiver who cared for the child prior to adoption. 90216

(C) The director shall provide a one-time payment for an 90217
adopted child of twenty thousand dollars to the child's adoptive 90218
parent if the requirements of divisions (A) and (B) of section 90219
~~5101.192~~5180.452 of the Revised Code are satisfied regarding 90220
the child. 90221

(D) The payment described in divisions (B) and (C) of this 90222
section shall be provided to all eligible applicants to the 90223
extent state funds are available for this purpose. 90224

Sec. ~~5101.192~~ 5180.452. (A) To receive a grant payment 90225
under division (B) of section ~~5101.191~~5180.451 of the Revised 90226
Code, all of the following must be satisfied: 90227

(1) The adoptive parent has not previously received a 90228
grant payment from the Ohio adoption grant program for the 90229
adopted child for whom the parent is seeking payment. 90230

(2) The adoptive parent does not also currently claim an 90231
adoption tax credit pursuant to former section 5747.37 of the 90232
Revised Code for the adopted child for whom the parent is 90233
seeking payment. 90234

(3) The adoptive parent applies for the grant not later 90235
than one year after the final adoption order, interlocutory 90236
order of adoption, or recognition of the adoption by this state 90237

under section 3107.18 of the Revised Code for the adopted child 90238
for whom the grant payment is sought. 90239

(4) The adoption was not by a parent whose spouse is a 90240
biological or adoptive parent of the child prior to the adoption 90241
for which the payment is sought. 90242

(5) The adoption is finalized on or after January 1, 2023. 90243

(6) The adoptive parent was a resident of Ohio at the time 90244
the adoption was finalized. 90245

(B) To receive a grant payment under division (C) of 90246
section ~~5101.191~~5180.451 of the Revised Code, both of the 90247
following must be satisfied: 90248

(1) The requirements of division (A) of this section must 90249
be satisfied. 90250

(2) A qualified professional who does not provide casework 90251
services to the adopted child diagnoses the child with one or 90252
more special needs in the professional's area of expertise prior 90253
to the final order of adoption, interlocutory order of adoption, 90254
or recognition of the adoption by this state under section 90255
3107.18 of the Revised Code. 90256

Sec. ~~5101.193~~ 5180.453. (A) The director of children and 90257
youth shall adopt rules to administer and implement the Ohio 90258
adoption grant program. The director, in consultation with the 90259
tax commissioner, shall also adopt rules authorizing the 90260
department to withhold and remit to the Internal Revenue Service 90261
federal income tax from grant payments under division (B) of 90262
section ~~5101.191~~5180.451 of the Revised Code, provided such 90263
withholding is authorized under federal law or approved by the 90264
Internal Revenue Service. 90265

(B) No application fee shall be charged for the grant program. 90266
90267

(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following: 90268
90269
90270

(1) ~~The submission~~ Certified copies of any court or legal document necessary to prove a final order of adoption, an interlocutory order of adoption, or recognition of the adoption under section 3107.18 of the Revised Code; 90271
90272
90273
90274

(2) Any department, agency, court, or division of the state, including the department of health, to provide any document related to the adoption. 90275
90276
90277

~~(D)~~ (D) (1) No person shall knowingly produce or submit any false or misleading documentation or information to the department of children and youth in an effort to qualify for or obtain a grant from the Ohio adoption grant program. 90278
90279
90280
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(2) Whoever violates division (D) (1) of this section is guilty of falsification in accordance with section 2921.13 of the Revised Code. 90282
90283
90284

(E) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under section ~~5101.193~~ 5180.453 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code. 90285
90286
90287
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Sec. ~~5101.194~~ 5180.454. Any document provided to the department of children and youth under division (C) of section ~~5101.193~~ 5180.453 of the Revised Code remains ~~a~~ : 90290
90291
90292

(A) A public record under section 149.43 of the Revised 90293

Code if it was a public record under that section before being 90294
provided to the department; 90295

(B) Confidential if it was confidential under any state or 90296
federal law before being provided to the department. 90297

Sec. ~~5101.85~~ 5180.50. As used in sections ~~5101.851~~ 5180.51 90298
to ~~5101.856~~ 5180.514 of the Revised Code, "kinship caregiver" 90299
means any of the following who is eighteen years of age or older 90300
and is caring for a child in place of the child's parents: 90301

(A) The following individuals related by blood or adoption 90302
to the child: 90303

(1) Grandparents, including grandparents with the prefix 90304
"great," "great-great," or "great-great-great"; 90305

(2) Siblings; 90306

(3) Aunts, uncles, nephews, and nieces, including such 90307
relatives with the prefix "great," "great-great," "grand," or 90308
"great-grand"; 90309

(4) First cousins and first cousins once removed. 90310

(B) Stepparents and stepsiblings of the child; 90311

(C) Spouses and former spouses of individuals named in 90312
divisions (A) and (B) of this section; 90313

(D) A legal guardian of the child; 90314

(E) A legal custodian of the child; 90315

(F) Any nonrelative adult that has a familiar and long- 90316
standing relationship or bond with the child or the family, 90317
which relationship or bond will ensure the child's social ties. 90318

Sec. ~~5101.851~~ 5180.51. The department of children and 90319

youth shall establish a statewide kinship care navigator program 90320
to assist kinship caregivers who are seeking information 90321
regarding, or assistance obtaining, services and benefits 90322
available at the state and local level that address the needs of 90323
those caregivers residing in each county. The program shall 90324
provide to kinship caregivers information and referral services 90325
and assistance obtaining support services including the 90326
following: 90327

(A) Publicly funded child care; 90328

(B) Respite care; 90329

(C) Training related to caring for special needs children; 90330

(D) A toll-free telephone number that may be called to 90331
obtain basic information about the rights of, and services 90332
available to, kinship caregivers; 90333

(E) Legal services. 90334

Sec. ~~5101.853~~ 5180.511. The director of children and youth 90335
shall divide the state into not less than five and not greater 90336
than twelve regions, for the kinship care navigator program 90337
under section ~~5101.851~~ 5180.51 of the Revised Code. The director 90338
shall take the following into consideration when establishing 90339
the regions: 90340

(A) The population size; 90341

(B) The estimated number of kinship caregivers; 90342

(C) The expertise of kinship navigators; 90343

(D) Any other factor the director considers relevant. 90344

Sec. ~~5101.854~~ 5180.512. The program in each kinship care 90345
navigator region established under section ~~5101.853~~ 5180.511 of 90346

the Revised Code shall provide information and referral services 90347
and assistance in obtaining support services for kinship 90348
caregivers within its region. 90349

Sec. ~~5101.855~~ 5180.513. The department of children and 90350
youth shall adopt rules to implement the kinship care navigator 90351
program. The rules shall be adopted under Chapter 119. of the 90352
Revised Code, except that rules governing fiscal and 90353
administrative matters related to implementation of the program 90354
are internal management rules and shall be adopted under section 90355
111.15 of the Revised Code. 90356

Sec. ~~5101.856~~ 5180.514. (A) (1) The kinship care navigator 90357
program shall be funded to the extent that general revenue funds 90358
have been appropriated by the general assembly for that purpose. 90359

(2) The director of children and youth shall take any 90360
action necessary to obtain funds available for the kinship care 90361
navigator program under Title IV-E of the "Social Security Act," 90362
~~94 Stat. 501 (1980),~~ 42 U.S.C. 670, as amended. 90363

(B) The department shall pay the full nonfederal share for 90364
the kinship care navigator program. No county department of job 90365
and family services or public children services agency shall be 90366
responsible for the cost of the program. 90367

Sec. ~~5101.802~~ 5180.52. (A) As used in this section: 90368

(1) "Custodian," "guardian," and "minor child" have the 90369
same meanings as in section 5107.02 of the Revised Code. 90370

(2) "Federal poverty guidelines" has the same meaning as 90371
in section 5101.46 of the Revised Code. 90372

(3) "Kinship caregiver" has the same meaning as in section 90373
~~5101.85~~ 5180.50 of the Revised Code. 90374

(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at six-month intervals, based on the availability of funds. An eligible caregiver may receive a maximum of eight incentive payments per minor child.

(C) A kinship caregiver may participate in the program if all of the following requirements are met:

(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section;

(2) Not earlier than July 1, 2005, a juvenile court issues an order granting legal custody to the kinship caregiver, or a probate court grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement;

(3) The kinship caregiver is either the minor child's custodian or guardian;

(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;

(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not

exceed three hundred per cent of the federal poverty guidelines. 90404

(6) The kinship caregiver is not receiving kinship 90405
guardianship assistance under Title IV-E of the "Social Security 90406
Act," 42 U.S.C. 673(d), as amended, or the program described in 90407
section ~~5101.1411~~5180.428 of the Revised Code or the program 90408
described in section 5153.163 of the Revised Code. 90409

(D) Public children services agencies shall make initial 90410
and ongoing eligibility determinations for the kinship 90411
permanency incentive program in accordance with rules authorized 90412
by division (E) of this section. The director of children and 90413
youth shall supervise public children services agencies' duties 90414
under this section. 90415

(E) The director of children and youth shall adopt rules 90416
under division (C) of section 5101.801 of the Revised Code as 90417
necessary to implement the kinship permanency incentive program. 90418
The rules shall establish all of the following: 90419

(1) The application process for the program; 90420

(2) The placement approval process through which a minor 90421
child is placed with a kinship caregiver for the kinship 90422
caregiver to be eligible for the program; 90423

(3) The initial and ongoing eligibility determination 90424
process for the program, including the computation of income 90425
eligibility; 90426

(4) The amount of the incentive payments provided under 90427
the program; 90428

(5) The method by which the incentive payments are 90429
provided to a kinship caregiver. 90430

(F) The amendments made to this section by Am. Sub. H.B. 90431

119 of the 127th general assembly shall not affect the 90432
eligibility of any kinship caregiver whose eligibility was 90433
established before June 30, 2007. 90434

Sec. ~~5101.88~~ 5180.53. As used in sections ~~5101.881~~ 90435
~~5180.531~~ to ~~5101.8811~~ 5180.536 of the Revised Code: 90436

(A) "Cost-of-living adjustment" has the same meaning as in 90437
section 5107.04 of the Revised Code. 90438

(B) "Kinship caregiver" has the same meaning as in section 90439
~~5101.85~~ 5180.50 of the Revised Code. 90440

Sec. ~~5101.881~~ 5180.531. There is hereby established the 90441
kinship support program. The department of children and youth 90442
shall coordinate and administer the program to the extent funds 90443
are appropriated and allocated for this purpose. 90444

Sec. ~~5101.884~~ 5180.532. The kinship support program shall 90445
provide financial payments to kinship caregivers who: 90446

(A) Receive placement of a child who is in the temporary 90447
or permanent custody of a public children services agency or 90448
under the Title IV-E agency with legal responsibility for the 90449
care and placement of the child; and 90450

(B) Do not have foster home certification under section 90451
5103.03 of the Revised Code. 90452

Sec. ~~5101.885~~ 5180.533. Kinship support program payments 90453
under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten 90454
dollars and twenty cents per child, per day, to the extent funds 90455
are available. The department of children and youth shall 90456
increase the payment amount on January 1, 2022, and on the first 90457
day of each January thereafter by the cost-of-living adjustment 90458
made in the immediately preceding December. 90459

Sec. ~~5101.886~~ 5180.534. Kinship support program payments shall be made to kinship caregivers ~~as follows:~~

~~(A) For not more than nine months after the effective date of this section, if a child has been placed with the kinship caregiver as of the effective date of this section;~~

~~(B) For not more than than nine months after the placement of a child with the kinship caregiver, if the placement occurs during the nine-month period that begins on the effective date of this section;~~

~~(C) For for not more than six months after the date of placement of a child with the kinship caregiver, if the placement occurs after the nine-month period that began on the effective date of this section.~~

Sec. ~~5101.887~~ 5180.535. Kinship support program payments under section ~~5101.884~~ 5180.532 of the Revised Code shall cease when any of the following occur:

(A) The kinship caregiver obtains foster home certification under section 5103.03 of the Revised Code.

(B) In accordance with section ~~5101.886~~ 5180.534 of the Revised Code;

(C) Placement with the kinship caregiver is terminated or otherwise ceases.

Sec. ~~5101.8811~~ 5180.536. The director of children and youth may adopt rules for the administration of the kinship support program in accordance with section 111.15 of the Revised Code.

Sec. ~~5101.8812~~ 5180.56. Benefits and services provided under the kinship guardianship assistance program, extended

kinship guardianship assistance program, kinship support 90488
program, and kinship permanency incentive program are 90489
inalienable whether by way of assignment, charge, or otherwise 90490
and exempt from execution, attachment, ~~guardianship~~ garnishment, 90491
and other like processes. 90492

Sec. ~~5101.889~~ 5180.57. A kinship caregiver, on obtaining 90493
foster home certification under section 5103.03 of the Revised 90494
Code, shall receive foster care maintenance payments equal to 90495
the custodial agency rate as determined by the certifying 90496
agency, which is either the custodial agency, private child 90497
placing agency, or private non-custodial agency. 90498

Sec. ~~5101.34~~ 5180.70. (A) There is hereby created in the 90499
department of children and youth the Ohio commission on 90500
fatherhood. The commission shall consist of the following 90501
members: 90502

(1) (a) Four members of the house of representatives 90503
appointed by the speaker of the house, not more than two of whom 90504
are members of the same political party. Two of the members must 90505
be from legislative districts that include a county or part of a 90506
county that is among the one-third of counties in this state 90507
with the highest number per capita of households headed by 90508
females. 90509

(b) Two members of the senate appointed by the president 90510
of the senate, each from a different political party. One of the 90511
members must be from a legislative district that includes a 90512
county or part of a county that is among the one-third of 90513
counties in this state with the highest number per capita of 90514
households headed by females. 90515

(2) The governor, or the governor's designee; 90516

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;

(4) The directors of health, children and youth, rehabilitation and correction, mental health and addiction services, youth services, and education and workforce, or their designees;

(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council;

(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.

(B) Members appointed to the Ohio commission on fatherhood shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors or their designees shall serve on the commission until they cease, or the director a designee represents ceases, to be director. Each member shall serve on the commission from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the

member's predecessor was appointed shall serve on the commission 90546
for the remainder of that term. A member shall continue to serve 90547
on the commission subsequent to the expiration date of the 90548
member's term until the member's successor is appointed or until 90549
a period of sixty days has elapsed, whichever occurs first. 90550
Members shall serve without compensation but shall be reimbursed 90551
for necessary expenses. 90552

Sec. ~~5101.341~~ 5180.701. (A) The Ohio commission on 90553
fatherhood shall elect a chairperson from among its members in 90554
every odd-numbered year. 90555

(B) The governor shall appoint an individual to serve as 90556
the commission's executive director. The executive director 90557
shall serve at the pleasure of the governor and shall report to 90558
the director of children and youth or the director's designee. 90559

The governor shall fix the executive director's salary on 90560
the basis of the executive director's experience and the 90561
executive director's responsibilities and duties. The executive 90562
director shall be in the unclassified civil service. 90563

The department of children and youth shall provide staff 90564
and other support services as necessary for the commission to 90565
fulfill its duties. 90566

(C) The commission may accept gifts, grants, donations, 90567
contributions, benefits, and other funds from any public agency 90568
or private source to carry out any or all of the commission's 90569
duties. The funds shall be deposited into the Ohio commission on 90570
fatherhood fund, which is hereby created in the state treasury. 90571
All gifts, grants, donations, contributions, benefits, and other 90572
funds received by the commission pursuant to this division shall 90573
be used solely to support the operations of the commission. 90574

Sec. ~~5101.342~~ 5180.702. The Ohio commission on fatherhood 90575
shall do both of the following: 90576

(A) Organize a state summit on fatherhood every four 90577
years; 90578

(B) Prepare a report each year that does the following: 90579

(1) Identifies resources available to fund fatherhood- 90580
related programs and explores the creation of initiatives to do 90581
the following: 90582

(a) Build the parenting skills of fathers; 90583

(b) Provide employment-related services for low-income, 90584
noncustodial fathers; 90585

(c) Prevent premature fatherhood; 90586

(d) Provide services to fathers who are inmates in or have 90587
just been released from imprisonment in a state correctional 90588
institution, as defined in section 2967.01 of the Revised Code, 90589
or in any other detention facility, as defined in section 90590
2921.01 of the Revised Code, so that they are able to maintain 90591
or reestablish their relationships with their families; 90592

(e) Reconcile fathers with their families; 90593

(f) Increase public awareness of the critical role fathers 90594
play. 90595

(2) Describes the commission's expectations for the 90596
outcomes of fatherhood-related programs and initiatives and the 90597
methods the commission uses for conducting annual measures of 90598
those outcomes; 90599

(3) Evaluates the number of fathers and children served 90600
and the number and types of additional services provided as a 90601

result of the recommendations made to the director of job and 90602
family services pursuant to section ~~5101.805~~ 5180.704 of the 90603
Revised Code. 90604

The commission shall submit each report to the general 90605
assembly in accordance with section 101.68 of the Revised Code. 90606

(C) Pursuant to section ~~5101.805~~ 5180.704 of the Revised 90607
Code, the commission may make recommendations to the director of 90608
~~job and family services~~ children and youth regarding funding, 90609
approval, and implementation of fatherhood programs in this 90610
state that meet at least one of the four purposes of the 90611
temporary assistance for needy families block grant, as 90612
specified in 42 U.S.C. 601. 90613

(D) The portion of the report prepared pursuant to 90614
division (B) (2) of this section shall be prepared by the 90615
commission in collaboration with the director of children and 90616
youth. 90617

(E) The commission shall submit each report prepared 90618
pursuant to division (B) of this section to the president and 90619
minority leader of the senate, speaker and minority leader of 90620
the house of representatives, governor, and chief justice of the 90621
supreme court. The first report is due not later than one year 90622
after the last of the initial appointments to the commission is 90623
made under section ~~5101.341~~ 5180.701 of the Revised Code. 90624

Sec. ~~5101.343~~ 5180.703. Sections 101.82 to 101.87 of the 90625
Revised Code do not apply to the Ohio commission on fatherhood. 90626

Sec. ~~5101.805~~ 5180.704. (A) Subject to division (E) of 90627
section 5101.801 of the Revised Code, the Ohio commission on 90628
fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised 90629
Code, may make recommendations to the director of ~~job and family~~ 90630

~~services~~ children and youth concerning the funding, approval, 90631
and implementation of fatherhood programs in this state that 90632
meet at least one of the four purposes of the temporary 90633
assistance for needy families block grant, as specified in 42 90634
U.S.C. 601. 90635

(B) The department of ~~job and family services~~ children and 90636
youth may provide funding under this section to government 90637
entities and, to the extent permitted by federal law, private, 90638
not-for-profit entities with which the department enters into 90639
agreements under division (B) (4) of section 5101.801 of the 90640
Revised Code. 90641

Sec. ~~5101.804~~ 5180.71. (A) Subject to division (E) of 90642
section 5101.801 of the Revised Code, there is hereby created 90643
the Ohio parenting and pregnancy program to provide services for 90644
pregnant women and parents or other relatives caring for 90645
children twelve months of age or younger that do both of the 90646
following: 90647

(1) Promote childbirth, parenting, and alternatives to 90648
abortion; 90649

(2) Meet one or more of the four purposes of the temporary 90650
assistance for needy families block grant as specified in 42 90651
U.S.C. 601. 90652

(B) To the extent permitted by federal law, the department 90653
of children and youth may provide funds under the program to 90654
entities with which the department enters into agreements under 90655
division (B) (3) of section 5101.801 of the Revised Code. In 90656
accordance with criteria the department develops, the department 90657
may solicit proposals from entities seeking to provide services 90658
under the program. The department may enter into an agreement 90659

with an entity only if it meets all of the following conditions: 90660

(1) Is a private, not-for-profit entity; 90661

(2) Is an entity whose primary purpose is to promote 90662
childbirth, rather than abortion, through counseling and other 90663
services, including parenting and adoption support; 90664

(3) Provides services to pregnant women and parents or 90665
other relatives caring for children twelve months of age or 90666
younger, including clothing, counseling, diapers, food, 90667
furniture, health care, parenting classes, postpartum recovery, 90668
shelter, and any other supportive services, programs, or related 90669
outreach; 90670

(4) Does not charge pregnant women and parents or other 90671
relatives caring for children twelve months of age or younger a 90672
fee for any services received; 90673

(5) Is not involved in or associated with any abortion 90674
activities, including providing abortion counseling or referrals 90675
to abortion clinics, performing abortion-related medical 90676
procedures, or engaging in pro-abortion advertising; 90677

(6) Does not discriminate in its provision of services on 90678
the basis of race, religion, color, age, marital status, 90679
national origin, disability, or gender. 90680

(C) An entity that has entered into an agreement with the 90681
department under division (B) (3) of section 5101.801 of the 90682
Revised Code may enter into a subcontract with another entity 90683
under which the other entity provides all or part of the 90684
services described in division (B) (3) of this section. A 90685
subcontract may be entered into with another entity only if that 90686
entity meets all of the following conditions: 90687

(1) Is a private, not-for-profit entity; 90688

(2) Is physically and financially separate from any 90689
entity, or component of an entity, that engages in abortion 90690
activities; 90691

(3) Is not involved in or associated with any abortion 90692
activities, including providing abortion counseling or referrals 90693
to abortion clinics, performing abortion-related medical 90694
procedures, or engaging in pro-abortion advertising. 90695

(D) The director of children and youth shall adopt rules 90696
under division (C) of section 5101.801 of the Revised Code as 90697
necessary to implement the Ohio parenting and pregnancy program. 90698

Sec. ~~3701.65~~ 5180.72. (A) There is hereby created in the 90699
state treasury the "choose life" fund. The fund shall consist of 90700
the contributions that are paid to the registrar of motor 90701
vehicles by applicants who voluntarily elect to obtain "choose 90702
life" license plates pursuant to section 4503.91 of the Revised 90703
Code and any money returned to the fund under division (E) (1) (d) 90704
of this section. All investment earnings of the fund shall be 90705
credited to the fund. 90706

(B) (1) At least annually, the director of ~~health~~ children 90707
and youth shall distribute the money in the fund to any private, 90708
nonprofit organization that is eligible to receive funds under 90709
this section and that applies for funding under division (C) of 90710
this section. 90711

(2) The director shall allocate the funds to each county 90712
in proportion to the number of "choose life" license plates 90713
issued during the preceding year to vehicles registered in each 90714
county. The director shall distribute funds allocated for a 90715
county as follows: 90716

(a) To one or more eligible organizations located within	90717
the county;	90718
(b) If no eligible organization located within the county	90719
applies for funding, to one or more eligible organizations	90720
located in contiguous counties;	90721
(c) If no eligible organization located within the county	90722
or a contiguous county applies for funding, to one or more	90723
eligible organizations within any other county.	90724
(3) The director shall ensure that any funds allocated for	90725
a county are distributed equally among eligible organizations	90726
that apply for funding within the county.	90727
(C) Any organization seeking funds under this section	90728
annually shall apply for distribution of the funds based on the	90729
county in which the organization is located. An organization	90730
also may apply for funding in a county in which it is not	90731
located if it demonstrates that it provides services for	90732
pregnant women residing in that county. The director shall	90733
develop an application form and may determine the schedule and	90734
procedures that an organization shall follow when annually	90735
applying for funds. The application shall inform the applicant	90736
of the conditions for receiving and using funds under division	90737
(E) of this section. The application shall require evidence that	90738
the organization meets all of the following requirements:	90739
(1) Is a private, nonprofit organization;	90740
(2) Is committed to counseling pregnant women about the	90741
option of adoption;	90742
(3) Provides services within the state to pregnant women	90743
who are planning to place their children for adoption, including	90744
counseling and meeting the material needs of the women;	90745

- (4) Does not charge women for any services received; 90746
- (5) Is not involved or associated with any abortion 90747
activities, including counseling for or referrals to abortion 90748
clinics, providing medical abortion-related procedures, or pro- 90749
abortion advertising; 90750
- (6) Does not discriminate in its provision of any services 90751
on the basis of race, religion, color, age, marital status, 90752
national origin, disability, gender, or age; 90753
- (7) If the organization is applying for funding in a 90754
county in which it is not located, provides services for 90755
pregnant women residing in that county. 90756
- (D) The director shall not distribute funds to an 90757
organization that does not provide verifiable evidence of the 90758
requirements specified in the application under division (C) of 90759
this section and shall not provide additional funds to any 90760
organization that fails to comply with division (E) of this 90761
section in regard to its previous receipt of funds under this 90762
section. 90763
- (E) (1) An organization receiving funds under this section 90764
shall do all of the following: 90765
- (a) Use not more than sixty per cent of the funds 90766
distributed to it for the material needs of pregnant women who 90767
are planning to place their children for adoption or for infants 90768
awaiting placement with adoptive parents, including clothing, 90769
housing, medical care, food, utilities, and transportation; 90770
- (b) Use not more than forty per cent of the funds 90771
distributed to it for counseling, training, or advertising; 90772
- (c) Not use any of the funds distributed to it for 90773

administrative expenses, legal expenses, or capital 90774
expenditures; 90775

(d) Annually return to the fund created under division (A) 90776
of this section any unused money that exceeds ten per cent of 90777
the money distributed to the organization. 90778

(2) The organization annually shall submit to the director 90779
an audited financial statement verifying its compliance with 90780
division (E) (1) of this section. 90781

(F) The director, in accordance with Chapter 119. of the 90782
Revised Code, shall adopt rules to implement this section. 90783

It is not the intent of the general assembly that the 90784
department create a new position within the department to 90785
implement and administer this section. It is the intent of the 90786
general assembly that the implementation and administration of 90787
this section be accomplished by existing department personnel. 90788

(G) If funds that have been allocated to a county for any 90789
previous year have not been distributed to one or more eligible 90790
organizations, the director may distribute those funds in 90791
accordance with this section. 90792

Sec. ~~5180.40~~ 5180.73. To increase participation in 90793
evidence-based parenting education programs, the department of 90794
children and youth shall ensure state departments, agencies, and 90795
boards have information to communicate with parents, caregivers, 90796
and child care providers about such programs to promote their 90797
benefits, including their parenting, caregiving, and educational 90798
resources. 90799

Sec. 5180.99. (A) Whoever violates division (B) of section 90800
5180.275 of the Revised Code is guilty of a misdemeanor of the 90801
second degree. 90802

(B) Whoever violates section 5180.403 of the Revised Code 90803
is guilty of a misdemeanor of the fourth degree. 90804

Sec. 5502.05. There is hereby created in the department of 90805
public safety, a driver's license examination section. 90806

The director of public safety may appoint necessary 90807
driver's license examiners and clerical personnel necessary to 90808
carry out the duties assigned under this section. The examiners 90809
shall be citizens of the United States and residents of the 90810
state and shall have such additional qualifications as the 90811
director prescribes. 90812

The salaries and classifications of examiners and 90813
personnel shall be fixed in accordance with section 124.15 of 90814
the Revised Code or the schedules created under section 124.152 90815
of the Revised Code. 90816

Sec. 5502.14. (A) As used in this section, "felony": 90817

(1) "Felony" has the same meaning as in section 109.511 of 90818
the Revised Code. 90819

(2) "Retail dealer" has the same meaning as in section 90820
5743.01 of the Revised Code. 90821

(B) (1) Any person who is employed by the department of 90822
public safety and designated by the director of public safety to 90823
enforce Title XLIII of the Revised Code, the rules adopted under 90824
it, section 2927.02 of the Revised Code, and the laws and rules 90825
regulating the use of supplemental nutrition assistance program 90826
benefits shall be known as an enforcement agent. The employment 90827
by the department of public safety and the designation by the 90828
director of public safety of a person as an enforcement agent 90829
shall be subject to division (D) of this section. An enforcement 90830
agent has the authority vested in peace officers pursuant to 90831

section 2935.03 of the Revised Code to keep the peace, to 90832
enforce all applicable laws and rules on any retail liquor 90833
permit premises, or on any other premises of public or private 90834
property, where a violation of Title XLIII of the Revised Code 90835
or any rule adopted under it is occurring, to enforce section 90836
2927.02 of the Revised Code on the premises of any retail dealer 90837
licensed under section 5743.15 of the Revised Code, or on any 90838
other premises of public or private property where a violation 90839
of section 2927.02 of the Revised Code is occurring, and to 90840
enforce all laws and rules governing the use of supplemental 90841
nutrition assistance program benefits, women, infants, and 90842
children's coupons, electronically transferred benefits, or any 90843
other access device that is used alone or in conjunction with 90844
another access device to obtain payments, allotments, benefits, 90845
money, goods, or other things of value, or that can be used to 90846
initiate a transfer of funds, pursuant to the supplemental 90847
nutrition assistance program established under the Food and 90848
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 90849
supplemental food program administered by any department of this 90850
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 90851
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 90852
compliance with the laws and rules described in this division, 90853
may keep the peace and make arrests for violations of those laws 90854
and rules. 90855

(2) In addition to the authority conferred by division (B) 90856
(1) of this section, an enforcement agent also may execute 90857
search warrants and seize and take into custody any contraband, 90858
as defined in section 2901.01 of the Revised Code, or any 90859
property that is otherwise necessary for evidentiary purposes 90860
related to any violations of the laws or rules described in 90861
division (B)(1) of this section. An enforcement agent may enter 90862

public or private premises where activity alleged to violate the 90863
laws or rules described in division (B)(1) of this section is 90864
occurring. 90865

(3) Enforcement agents who are on, immediately adjacent 90866
to, or across from a retail liquor permit premises or the 90867
premises of a retail dealer licensed under section 5743.15 of 90868
the Revised Code and who are performing investigative duties 90869
relating to that premises, enforcement agents who are on 90870
premises that are not liquor permit premises or premises of a 90871
retail dealer licensed under section 5743.15 of the Revised Code 90872
but on which a violation of Title XLIII of the Revised Code ~~or,~~ 90873
any rule adopted under it, or section 2927.02 of the Revised 90874
Code allegedly is occurring, and enforcement agents who view a 90875
suspected violation of Title XLIII of the Revised Code, of a 90876
rule adopted under it, or of another law or rule described in 90877
division (B)(1) of this section have the authority to enforce 90878
the laws and rules described in division (B)(1) of this section, 90879
authority to enforce any section in Title XXIX of the Revised 90880
Code or any other section of the Revised Code listed in section 90881
5502.13 of the Revised Code if they witness a violation of the 90882
section under any of the circumstances described in this 90883
division, and authority to make arrests for violations of the 90884
laws and rules described in division (B)(1) of this section and 90885
violations of any of those sections. 90886

(4) The jurisdiction of an enforcement agent under 90887
division (B) of this section shall be concurrent with that of 90888
the peace officers of the county, township, or municipal 90889
corporation in which the violation occurs. 90890

(C) Enforcement agents of the department of public safety 90891
who are engaged in the enforcement of the laws and rules 90892

described in division (B) (1) of this section may carry concealed 90893
weapons when conducting undercover investigations pursuant to 90894
their authority as law enforcement officers and while acting 90895
within the scope of their authority pursuant to this chapter. 90896

(D) (1) The department of public safety shall not employ, 90897
and the director of public safety shall not designate, a person 90898
as an enforcement agent on a permanent basis, on a temporary 90899
basis, for a probationary term, or on other than a permanent 90900
basis if the person previously has been convicted of or has 90901
pleaded guilty to a felony. 90902

(2) (a) The department of public safety shall terminate the 90903
employment of a person who is designated as an enforcement agent 90904
and who does either of the following: 90905

(i) Pleads guilty to a felony; 90906

(ii) Pleads guilty to a misdemeanor pursuant to a 90907
negotiated plea agreement as provided in division (D) of section 90908
2929.43 of the Revised Code in which the enforcement agent 90909
agrees to surrender the certificate awarded to that agent under 90910
section 109.77 of the Revised Code. 90911

(b) The department shall suspend the employment of a 90912
person who is designated as an enforcement agent if the person 90913
is convicted, after trial, of a felony. If the enforcement agent 90914
files an appeal from that conviction and the conviction is 90915
upheld by the highest court to which the appeal is taken or if 90916
no timely appeal is filed, the department shall terminate the 90917
employment of that agent. If the enforcement agent files an 90918
appeal that results in that agent's acquittal of the felony or 90919
conviction of a misdemeanor, or in the dismissal of the felony 90920
charge against the agent, the department shall reinstate the 90921

agent. An enforcement agent who is reinstated under division (D) 90922
(2) (b) of this section shall not receive any back pay unless the 90923
conviction of that agent of the felony was reversed on appeal, 90924
or the felony charge was dismissed, because the court found 90925
insufficient evidence to convict the agent of the felony. 90926

(3) Division (D) of this section does not apply regarding 90927
an offense that was committed prior to January 1, 1997. 90928

(4) The suspension or termination of the employment of a 90929
person designated as an enforcement agent under division (D) (2) 90930
of this section shall be in accordance with Chapter 119. of the 90931
Revised Code. 90932

Sec. 5502.30. (A) The state, any political subdivision, 90933
any municipal agency, any emergency management volunteer, 90934
another state, or an emergency management agency thereof or of 90935
the federal government or of another country or province or 90936
subdivision thereof performing emergency management services in 90937
this state pursuant to an arrangement, agreement, or compact for 90938
mutual aid and assistance, or any agency, member, agent, or 90939
representative of any of them, or any individual, partnership, 90940
corporation, association, trustee, or receiver, or any of the 90941
agents thereof, in good faith carrying out, complying with, or 90942
attempting to comply with any state or federal law or any 90943
arrangement, agreement, or compact for mutual aid and 90944
assistance, or any order issued by federal or state military 90945
authorities relating to emergency management, is not liable for 90946
any injury to or death of persons or damage to property as the 90947
result thereof during training periods, test periods, practice 90948
periods, or other emergency management operations, or false 90949
alerts, as well as during any hazard, actual or imminent, and 90950
subsequent to the same except in cases of willful misconduct. As 90951

used in this division, "emergency management volunteer" means 90952
only an individual who is authorized to assist any agency 90953
performing emergency management during a hazard. 90954

(B) The state, any political subdivision, any individual, 90955
partnership, corporation, association, trustee, or receiver, or 90956
any agent, agency, representative, officer, or employee of any 90957
of them that owns, maintains, occupies, operates, or controls 90958
all or part of any building, structure, or premises shall not be 90959
liable for any injury or death sustained by any person or damage 90960
caused to any property while that person or property is in the 90961
building, structure, or premises for duty, training, or shelter 90962
purposes during a hazard, drill, test, or false warning, or is 90963
entering therein for such purposes or departing therefrom, or 90964
for any injury, death, or property damage as the result of any 90965
condition in or on the building, structure, or premises or of 90966
any act or omission with respect thereto, except a willful act 90967
intended to cause injury or damage. 90968

(C) Any person deployed by the emergency management agency 90969
to render aid in another state pursuant to section 5502.40 of 90970
the Revised Code, including a full-time or part-time paid 90971
employee of a political subdivision of this state or a nonprofit 90972
organization, a paid or unpaid volunteer of a for-profit or 90973
nonprofit organization, and a health care worker of a for-profit 90974
or nonprofit organization, that is rendering aid in another 90975
state is considered an officer or employee of the state for 90976
purposes of the immunity established under Article VI of the 90977
emergency management assistance compact enacted under section 90978
5502.40 of the Revised Code. Nothing in this division entitles 90979
~~an employee of a political subdivision~~ any person deployed 90980
pursuant to section 5502.40 of the Revised Code to any other 90981
right or benefit of a state officer or employee. 90982

(D) This section does not affect the right of any person 90983
to receive benefits to which the person may be entitled under 90984
Chapter 4123. of the Revised Code or any pension law, nor the 90985
rights of any person to receive any benefits or compensation 90986
under any act of congress or under any law of this state. 90987

Sec. 5503.04. Forty-five per cent of the fines collected 90988
from or moneys arising from bail forfeited by persons 90989
apprehended or arrested by state highway patrol troopers shall 90990
be paid into the state treasury to be credited to the general 90991
revenue fund, five per cent shall be paid into the state 90992
treasury to be credited to the trauma and emergency medical 90993
services fund created by section 4513.263 of the Revised Code, 90994
and fifty per cent shall be paid into the treasury of the 90995
municipal corporation where the case is prosecuted, if in a 90996
mayor's court. If the prosecution is in a trial court outside a 90997
municipal corporation, or outside the territorial jurisdiction 90998
of a municipal court, the fifty per cent of the fines and moneys 90999
that is not paid into the state treasury shall be paid into the 91000
treasury of the county where the case is prosecuted. The fines 91001
and moneys paid into a county treasury and the fines and moneys 91002
paid into the treasury of a municipal corporation shall be 91003
deposited one-half to the same fund and expended in the same 91004
manner as is the revenue received from the registration of motor 91005
vehicles, and one-half to the general fund of such county or 91006
municipal corporation. 91007

If the prosecution is in a municipal court, forty-five per 91008
cent of the fines and moneys shall be paid into the state 91009
treasury to be credited to the general revenue fund, five per 91010
cent shall be paid into the state treasury to be credited to the 91011
trauma and emergency medical services fund created by ~~division-~~ 91012
~~(E) of~~ section 4513.263 of the Revised Code, ten per cent shall 91013

be paid into the county treasury to be credited to the general 91014
fund of the county, and forty per cent shall be paid into the 91015
municipal treasury to be credited to the general fund of the 91016
municipal corporation. In the Auglaize county, Clermont county, 91017
Crawford county, Hocking county, Jackson county, Lawrence 91018
county, Madison county, Miami county, Ottawa county, Portage 91019
county, and Wayne county municipal courts, that portion of money 91020
otherwise paid into the municipal treasury shall be paid into 91021
the county treasury. 91022

The trial court shall make remittance of the fines and 91023
moneys as prescribed in this section, and at the same time as 91024
the remittance is made of the state's portion to the state 91025
treasury, the trial court shall notify the superintendent of the 91026
state highway patrol of the case and the amount covered by the 91027
remittance. 91028

This section does not apply to fines for violations of 91029
division (B) of section 4513.263 of the Revised Code, or for 91030
violations of any municipal ordinance that is substantively 91031
comparable to that division, all of which shall be delivered to 91032
the treasurer of state as provided in ~~division (E) of section~~ 91033
4513.263 of the Revised Code. 91034

Sec. 5513.01. (A) The director of transportation shall 91035
make all purchases of machinery, materials, supplies, or other 91036
articles in the manner provided in this section. In all cases 91037
except those in which the director provides written 91038
authorization for purchases by district deputy directors of 91039
transportation, the director shall make all such purchases at 91040
the central office of the department of transportation in 91041
Columbus. Before making any purchase at that office, the 91042
director, as provided in this section, shall give notice to 91043

bidders of the director's intention to purchase. Where the 91044
expenditure does not exceed the amount applicable to the 91045
purchase of ~~supplies~~ goods specified in division ~~(A)~~ (B) of 91046
section 125.05 of the Revised Code, the director shall give such 91047
notice as the director considers proper, or the director may 91048
make the purchase without notice. Where the expenditure exceeds 91049
the amount applicable to the purchase of ~~supplies~~ goods 91050
specified in division (A) of section 125.05 of the Revised Code, 91051
the director shall give notice by posting for not less than ten 91052
days a written, typed, or printed invitation to bidders on a 91053
bulletin board. The director shall locate the notice in a place 91054
in the offices assigned to the department and open to the public 91055
during business hours. 91056

Producers or distributors of any product may notify the 91057
director, in writing, of the class of articles for the 91058
furnishing of which they desire to bid and their post-office 91059
addresses. In that circumstance, the director shall mail copies 91060
of all invitations to bidders relating to the purchase of such 91061
articles to such persons by regular first class mail at least 91062
ten days prior to the time fixed for taking bids. The director 91063
also may mail copies of all invitations to bidders to news 91064
agencies or other agencies or organizations distributing 91065
information of this character. Requests for invitations are not 91066
valid and do not require action by the director unless renewed 91067
by the director, either annually or after such shorter period as 91068
the director may prescribe by a general rule. 91069

The director shall include in an invitation to bidders a 91070
brief statement of the general character of the article that it 91071
is intended to purchase, the approximate quantity desired, and a 91072
statement of the time and place where bids will be received, and 91073
may relate to and describe as many different articles as the 91074

director thinks proper, it being the intent and purpose of this 91075
section to authorize the inclusion in a single invitation of as 91076
many different articles as the director desires to invite bids 91077
upon at any given time. The director shall give invitations 91078
issued during each calendar year consecutive numbers, and ensure 91079
that the number assigned to each invitation appears on all 91080
copies thereof. In all cases where notice is required by this 91081
section, the director shall require sealed bids, on forms 91082
prescribed and furnished by the director. The director shall not 91083
permit the modification of bids after they have been opened. 91084

(B) The director may permit a state agency, the Ohio 91085
turnpike and infrastructure commission, any political 91086
subdivision, and any state university or college to participate 91087
in contracts into which the director has entered for the 91088
purchase of machinery, materials, supplies, or other articles. 91089
The turnpike and infrastructure commission and any political 91090
subdivision or state university or college desiring to 91091
participate in such purchase contracts shall file with the 91092
director a certified copy of the bylaws or rules of the turnpike 91093
and infrastructure commission or the ordinance or resolution of 91094
the legislative authority, board of trustees, or other governing 91095
board requesting authorization to participate in such contracts 91096
and agreeing to be bound by such terms and conditions as the 91097
director prescribes. Purchases made by a state agency, the 91098
turnpike and infrastructure commission, political subdivisions, 91099
or state universities or colleges under this division are exempt 91100
from any competitive bidding required by law for the purchase of 91101
machinery, materials, supplies, or other articles. 91102

(C) As used in this section: 91103

(1) "Political subdivision" means any county, township, 91104

municipal corporation, conservancy district, township park 91105
district, park district created under Chapter 1545. of the 91106
Revised Code, port authority, regional transit authority, 91107
regional airport authority, regional water and sewer district, 91108
county transit board, school district as defined in section 91109
5513.04 of the Revised Code, regional planning commission formed 91110
under section 713.21 of the Revised Code, regional council of 91111
government formed under section 167.01 of the Revised Code, or 91112
other association of local governments established pursuant to 91113
an agreement under sections 307.14 to 307.19 of the Revised 91114
Code. 91115

(2) "State university or college" has the same meaning as 91116
in division (A) (1) of section 3345.32 of the Revised Code. 91117

(3) "Ohio turnpike and infrastructure commission" means 91118
the commission created by section 5537.02 of the Revised Code. 91119

(4) "State agency" means every organized body, office, 91120
board, authority, commission, or agency established by the laws 91121
of the state for the exercise of any governmental or quasi- 91122
governmental function of state government, regardless of the 91123
funding source for that entity, other than any state institution 91124
of higher education, the office of the governor, lieutenant 91125
governor, auditor of state, treasurer of state, secretary of 91126
state, or attorney general, the general assembly, the courts or 91127
any judicial agency, or any state retirement system or 91128
retirement program established by or referenced in the Revised 91129
Code. 91130

Sec. 5513.02. (A) Specifications describing the character 91131
of the articles that the department of transportation is 91132
proposing to purchase, and the conditions governing shipment and 91133
delivery, shall be kept on file at the department and open to 91134

public inspection throughout the time during which an invitation 91135
to bidders is required to be posted. The director of 91136
transportation may require bids to be accompanied by a certified 91137
check payable to the director in an amount fixed by the director 91138
and stated in the invitation to bidders. Persons, firms, or 91139
corporations desiring to bid on more than one invitation shall 91140
be relieved from furnishing certified checks with their bids 91141
provided they first furnish a bond payable to the state, in an 91142
amount and with surety approved by the director, conditioned for 91143
the faithful performances of all contracts that may be awarded 91144
to them, and otherwise conditioned as the director requires. All 91145
bids shall be publicly opened and read at the time and place 91146
mentioned in the notice. All purchases shall be made by the 91147
director from the lowest responsive and responsible bidder for 91148
each item in accordance with section 9.312 of the Revised Code, 91149
except where the director has established in the bidding 91150
documents a provision for multiple awards for the purchase of 91151
items such as asphalt, aggregates, machinery parts, and others 91152
as the director determines necessary, and except that in the 91153
purchase of machinery, equipment, or supplies for which fixed 91154
and definite specifications cannot be prepared, the director may 91155
purchase the articles meeting the general specifications 91156
prescribed and which the director finds are most suitable for 91157
the uses intended. Sections 5513.01 to 5513.04 of the Revised 91158
Code shall apply to the exchange of machinery and equipment and 91159
in force account operations where the director desires to 91160
combine in one order the furnishing, hauling, and placing of 91161
material. The director may purchase or authorize the purchase 91162
without notice, or upon such notice as the director prescribes, 91163
of materials that in the director's judgment may be required for 91164
the immediate repair of roads or bridges destroyed or damaged by 91165
flood, landslide, or other casualty. No person shall place 91166

separate orders for the purpose of defeating such sections, and 91167
contracts of purchase shall not be valid unless made in 91168
conformity with this section. 91169

(B) Section ~~125.092~~125.091 and division (B) of section 91170
125.11 of the Revised Code apply to the purchase of products by 91171
the director pursuant to sections 5513.01 to 5513.04 of the 91172
Revised Code. 91173

Sec. 5701.11. The effective date to which this section 91174
refers is the effective date of this section as amended by S.B. 91175
10 of the 135th general assembly. 91176

(A) (1) Except as provided under division (A) (2) or (B) of 91177
this section, any reference in Title LVII or section 149.311, 91178
3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 91179
3775.16 of the Revised Code to the Internal Revenue Code, to the 91180
Internal Revenue Code "as amended," to other laws of the United 91181
States, or to other laws of the United States, "as amended," 91182
means the Internal Revenue Code or other laws of the United 91183
States as they exist on the effective date. 91184

(2) This section does not apply to any reference in Title 91185
LVII of the Revised Code to the Internal Revenue Code as of a 91186
date certain specifying the day, month, and year, or to other 91187
laws of the United States as of a date certain specifying the 91188
day, month, and year. 91189

(B) (1) For purposes of applying section 5733.04, 5745.01, 91190
or 5747.01 of the Revised Code to a taxpayer's taxable year 91191
ending after February 17, 2022, and before the effective date, a 91192
taxpayer may irrevocably elect to incorporate the provisions of 91193
the Internal Revenue Code or other laws of the United States 91194
that are in effect for federal income tax purposes for that 91195

taxable year if those provisions differ from the provisions 91196
that, under division (A) of this section, would otherwise apply. 91197
The filing by the taxpayer for that taxable year of a report or 91198
return that incorporates the provisions of the Internal Revenue 91199
Code or other laws of the United States applicable for federal 91200
income tax purposes for that taxable year, and that does not 91201
include any adjustments to reverse the effects of any 91202
differences between those provisions and the provisions that 91203
would otherwise apply, constitutes the making of an irrevocable 91204
election under this division for that taxable year. 91205

(2) Elections under prior versions of division (B) (1) of 91206
this section remain in effect for the taxable years to which 91207
they apply. 91208

Sec. 5703.059. (A) ~~The Notwithstanding any provision in~~ 91209
~~the Revised Code to the contrary, the tax commissioner may adopt~~ 91210
~~rules requiring returns, including any accompanying schedule or~~ 91211
~~statement, for any~~ require either or both of the following: 91212

(1) Any tax or fee administered by the commissioner to be 91213
filed electronically using the Ohio business gateway as defined 91214
in section 718.01 of the Revised Code, filed telephonically 91215
using the system known as the Ohio telefile system, or filed by 91216
any other electronic means prescribed by the commissioner-; 91217

~~(B) The commissioner may adopt rules requiring any~~ (2) Any 91218
payment of tax shown on such a return to be due to be made 91219
electronically in a manner approved by the commissioner. 91220

~~(C) A rule adopted under this section does not apply to~~ 91221
~~returns or reports filed or payments made before the effective~~ 91222
~~date of the rule.~~ (B) The commissioner shall publicize any new 91223
electronic filing requirement on the department's web site. The 91224

commissioner shall educate the public of the requirement through 91225
seminars, workshops, conferences, or other outreach activities. 91226

~~(D)~~ (C) Any person required to file returns and make 91227
payments electronically ~~under rules adopted under this section~~ 91228
may apply to the commissioner, on a form prescribed by the 91229
commissioner, to be excused from that requirement. For good 91230
cause shown, the commissioner may excuse the applicant from the 91231
requirement and permit the applicant to file the returns or 91232
reports or make the payments required under this section by 91233
nonelectronic means. 91234

Sec. 5703.19. (A) To carry out the purposes of the laws 91235
that the tax commissioner is required to administer, the 91236
commissioner or any person employed by the commissioner for that 91237
purpose, upon demand, may inspect books, accounts, records, and 91238
memoranda of any person or public utility subject to those laws, 91239
and may examine under oath any officer, agent, or employee of 91240
that person or public utility. If such books, accounts, records, 91241
or memoranda are kept electronically or available in an 91242
electronic format, the person or public utility shall provide 91243
such records to the commissioner electronically or in an 91244
electronic format at the commissioner's request. Any person 91245
other than the commissioner who makes a demand pursuant to this 91246
section shall produce the person's authority to make the 91247
inspection. 91248

(B) If a person or public utility receives at least ten 91249
days' written notice of a demand made under division (A) of this 91250
section and refuses to comply with that demand, a penalty of 91251
five hundred dollars shall be imposed upon the person or public 91252
utility for each day the person or public utility refuses to 91253
comply with the demand. Penalties imposed under this division 91254

may be assessed and collected in the same manner as assessments 91255
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 91256
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or 91257
sections 718.90, 3734.90 to 3734.9014, of the Revised Code. 91258

Sec. 5703.21. (A) Except as provided in divisions (B) and 91259
(C) of this section, no agent of the department of taxation, 91260
except in the agent's report to the department or when called on 91261
to testify in any court or proceeding, shall divulge any 91262
information acquired by the agent as to the transactions, 91263
property, or business of any person while acting or claiming to 91264
act under orders of the department. Whoever violates this 91265
provision shall thereafter be disqualified from acting as an 91266
officer or employee or in any other capacity under appointment 91267
or employment of the department. 91268

(B) (1) For purposes of an audit pursuant to section 117.15 91269
of the Revised Code, or an audit of the department pursuant to 91270
Chapter 117. of the Revised Code, or an audit, pursuant to that 91271
chapter, the objective of which is to express an opinion on a 91272
financial report or statement prepared or issued pursuant to 91273
division (A) (7) or (9) of section 126.21 of the Revised Code, 91274
the officers and employees of the auditor of state charged with 91275
conducting the audit shall have access to and the right to 91276
examine any state tax returns and state tax return information 91277
in the possession of the department to the extent that the 91278
access and examination are necessary for purposes of the audit. 91279
Any information acquired as the result of that access and 91280
examination shall not be divulged for any purpose other than as 91281
required for the audit or unless the officers and employees are 91282
required to testify in a court or proceeding under compulsion of 91283
legal process. Whoever violates this provision shall thereafter 91284
be disqualified from acting as an officer or employee or in any 91285

other capacity under appointment or employment of the auditor of 91286
state. 91287

(2) For purposes of an internal audit pursuant to section 91288
126.45 of the Revised Code, the officers and employees of the 91289
office of internal audit in the office of budget and management 91290
charged with directing the internal audit shall have access to 91291
and the right to examine any state tax returns and state tax 91292
return information in the possession of the department to the 91293
extent that the access and examination are necessary for 91294
purposes of the internal audit. Any information acquired as the 91295
result of that access and examination shall not be divulged for 91296
any purpose other than as required for the internal audit or 91297
unless the officers and employees are required to testify in a 91298
court or proceeding under compulsion of legal process. Whoever 91299
violates this provision shall thereafter be disqualified from 91300
acting as an officer or employee or in any other capacity under 91301
appointment or employment of the office of internal audit. 91302

(3) As provided by section 6103(d)(2) of the Internal 91303
Revenue Code, any federal tax returns or federal tax information 91304
that the department has acquired from the internal revenue 91305
service, through federal and state statutory authority, may be 91306
disclosed to the auditor of state or the office of internal 91307
audit solely for purposes of an audit of the department. 91308

(4) For purposes of Chapter 3739. of the Revised Code, an 91309
agent of the department of taxation may share information with 91310
the division of state fire marshal that the agent finds during 91311
the course of an investigation. 91312

(C) Division (A) of this section does not prohibit any of 91313
the following: 91314

(1) Divulging information contained in applications, 91315
complaints, and related documents filed with the department 91316
under section 5715.27 of the Revised Code or in applications 91317
filed with the department under section 5715.39 of the Revised 91318
Code; 91319

(2) Providing to the attorney general information the 91320
department obtains under division (J) of section 1346.01 of the 91321
Revised Code; 91322

(3) Permitting properly authorized officers, employees, or 91323
agents of a municipal corporation from inspecting reports or 91324
information pursuant to section 718.84 of the Revised Code or 91325
rules adopted under section 5745.16 of the Revised Code; 91326

(4) Providing information regarding the name, account 91327
number, or business address of a holder of a vendor's license 91328
issued pursuant to section 5739.17 of the Revised Code, a holder 91329
of a direct payment permit issued pursuant to section 5739.031 91330
of the Revised Code, or a seller having a use tax account 91331
maintained pursuant to section 5741.17 of the Revised Code, or 91332
information regarding the active or inactive status of a 91333
vendor's license, direct payment permit, or seller's use tax 91334
account; 91335

(5) Providing to a county auditor notices or documents 91336
concerning or affecting the taxable value of property in the 91337
county auditor's county. Unless authorized by law to disclose 91338
documents so provided, the county auditor shall not disclose 91339
such documents; 91340

(6) Providing to a county auditor a sales or use tax 91341
return or audit information under section 333.06 of the Revised 91342
Code; 91343

(7) Disclosing to a state or federal government agency, 91344
for use in the performance of that agency's official duties in 91345
this state, information in the possession of the tax 91346
commissioner necessary to verify compliance with any provision 91347
of the Revised Code or federal law relating to that agency. 91348
Unless disclosure is otherwise authorized by law, information 91349
provided to any state or federal government agency under this 91350
section remains confidential and is not subject to further 91351
disclosure; 91352

(8) Disclosing to a current or former employee, for use in 91353
preparation of the employee's income tax return, the account 91354
number issued by the tax commissioner to an employer for use in 91355
filing returns and making payments under section 5747.07 of the 91356
Revised Code. The commissioner may require the employee to 91357
provide evidence of current or past employment before such 91358
disclosure; 91359

(9) Publishing or disclosing the amount of revenue 91360
distributed to a county, municipal corporation, township, school 91361
district, or any other political subdivision from any tax or 91362
fund administered by the tax commissioner. 91363

Sec. 5703.261. (A) As used in this section: 91364

(1) "Instrument" has the same meaning as in section 91365
1303.03 of the Revised Code. 91366

(2) "Financial transaction device" has the same meaning as 91367
in section 113.40 of the Revised Code. 91368

(B) If a taxpayer or employer required by any tax 91369
administered by the department of taxation to pay taxes, 91370
penalties, interest, or other charges arising from unpaid taxes 91371
makes payment of the taxes, penalties, interest, or other 91372

charges with a dishonored instrument, an instrument that is 91373
determined to be nonnegotiable, or with any financial 91374
transaction device that is declined, returned, or dishonored, a 91375
penalty of fifty dollars shall be added to the amount due. The 91376
penalty imposed by this section shall be assessed and collected 91377
in the same manner as the taxes, penalties, interest, or other 91378
charges. ~~All or part of any penalty imposed under this section~~ 91379
~~may be abated by the tax commissioner.~~ The commissioner may 91380
assess only one penalty under this section against the same 91381
instrument or the same financial transaction device for the same 91382
payment. 91383

Sec. 5703.262. (A) As used in this section: 91384

(1) "Document" means any report, return, schedule, 91385
statement, claim, or other document intended for submission to 91386
any state or county official or department concerning any tax 91387
administered by the department of taxation. 91388

(2) "Preparer" means any person who, for compensation, 91389
prepares for another, or assists another in preparing, any 91390
document. 91391

(B) The tax commissioner may designate documents that must 91392
be signed by preparers. If a preparer fails to sign a document 91393
designated by the commissioner and the unsigned document is 91394
submitted to the intended state or county official or 91395
department, a penalty of one hundred dollars shall be imposed 91396
upon the preparer who failed to sign the document. 91397

(C) If a false or fraudulent document is prepared by a 91398
preparer, who previously has been warned, in writing, by the tax 91399
commissioner concerning the consequences of continuing to file 91400
false or fraudulent documents, and the document is submitted to 91401

the intended state or county official or department, a penalty 91402
of one thousand dollars shall be imposed upon the preparer who 91403
prepared or assisted another in preparing the document, knowing 91404
it to be false or fraudulent. 91405

~~(D) All or part of any penalty imposed under division (B) 91406~~
~~or (C) of this section may be abated by the tax commissioner. 91407~~

Sec. 5703.263. (A) (1) "Tax return preparer" means any 91408
person other than an accountant or an attorney that operates a 91409
business that prepares, or directly or indirectly employs 91410
another person to prepare, for a taxpayer a tax return or 91411
application for refund in exchange for compensation or 91412
remuneration from the taxpayer or the taxpayer's related member. 91413
The preparation of a substantial portion of a tax return or 91414
application for refund shall be considered to be the same as the 91415
preparation of the return or application for refund. "Tax return 91416
preparer" does not include an individual who performs only one 91417
or more of the following activities: 91418

(a) Furnishes typing, reproducing, or other mechanical 91419
assistance; 91420

(b) Prepares an application for refund or a return on 91421
behalf of an employer by whom the individual is regularly and 91422
continuously employed, or on behalf of an officer or employee of 91423
that employer; 91424

(c) Prepares as a fiduciary an application for refund or a 91425
return; 91426

(d) Prepares an application for refund or a return for a 91427
taxpayer in response to a notice of deficiency issued to the 91428
taxpayer or the taxpayer's related member, or in response to a 91429
waiver of restriction after the commencement of an audit of the 91430

taxpayer or the taxpayer's related member. 91431

(2) "Related member" has the same meaning as in section 91432
5733.042 of the Revised Code. 91433

(3) "Accountant" means any of the following: 91434

(a) An individual who holds both a CPA certificate and an 91435
Ohio permit or Ohio registration issued by the accountancy board 91436
under section 4701.10 of the Revised Code; 91437

(b) An individual who holds a foreign certificate; 91438

(c) An individual who is employed by a public accounting 91439
firm with respect to any return prepared under the supervision 91440
of an individual described in division (A) (3) (a) or (b) of this 91441
section, regardless of whether the public accounting firm is 91442
required to register with the accountancy board under section 91443
4701.04 of the Revised Code. 91444

(4) "CPA certificate" and "foreign certificate" have the 91445
same meanings as in section 4701.01 of the Revised Code. 91446

(5) "Attorney" means an individual who has been admitted 91447
to the bar by order of the supreme court in compliance with its 91448
prescribed and published rules, is permitted to practice as an 91449
attorney and counselor at law in this state under Chapter 4705. 91450
of the Revised Code, and is not currently suspended or removed 91451
from such practice under that chapter. 91452

(6) A tax return preparer engages in "prohibited conduct" 91453
if the preparer does any of the following: 91454

(a) Prepares any return or application for refund that 91455
includes an understatement of a taxpayer's tax liability due to 91456
an unreasonable position or due to willful or reckless conduct. 91457
For the purposes of this division, "unreasonable position" and 91458

"willful or reckless conduct" have the meanings as used in 91459
section 6694 of the Internal Revenue Code. 91460

(b) When required under any provision of Title LVII of the 91461
Revised Code, the preparer fails to do any of the following: 91462

(i) Provide copies of a return or application for refund; 91463

(ii) Provide the preparer's signature or federal preparer 91464
tax identification number on a return or application for refund; 91465

(iii) Retain copies of the preparer's records; 91466

(iv) Provide any information or documents requested by the 91467
tax commissioner; 91468

(v) Act diligently in determining a taxpayer's eligibility 91469
for tax credits, deductions, or exemptions. 91470

(c) Negotiates a check or other negotiable instrument 91471
issued to a taxpayer by the department of taxation without the 91472
permission of the taxpayer; 91473

(d) Engages in any conduct subject to criminal penalties 91474
under Title LVII of the Revised Code; 91475

(e) Misrepresents the preparer's eligibility to file 91476
returns or applications for refund on behalf of taxpayers, or 91477
otherwise misrepresents the preparer's experience or education; 91478

(f) Guarantees the payment of any tax refund or the 91479
allowance of any tax credit, deduction, or exemption; 91480

(g) Engages in any other fraudulent or deceptive conduct 91481
that substantially interferes with the proper administration of 91482
any provision of Title LVII of the Revised Code. 91483

(7) "State" means a state of the United States, the 91484
District of Columbia, the commonwealth of Puerto Rico, or any 91485

territory or possession of the United States. 91486

(B) When a tax return preparer engages in prohibited 91487
conduct, the commissioner, may do either or both of the 91488
following: 91489

(1) If the commissioner has previously warned the tax 91490
return preparer in writing of the consequences of continuing to 91491
engage in prohibited conduct, impose a penalty not exceeding one 91492
hundred dollars per instance of prohibited conduct; 91493

(2) Regardless of whether the commissioner has previously 91494
warned the tax return preparer, request that the attorney 91495
general apply to a court of competent jurisdiction for an 91496
injunction to restrain the preparer from further engaging in the 91497
prohibited conduct. The court may take either of the following 91498
actions: 91499

(a) If the court finds that injunctive relief is 91500
appropriate to prevent the recurrence of the prohibited conduct, 91501
the court shall issue an injunction against the preparer 91502
enjoining the preparer from engaging in such conduct. 91503

(b) If the court finds that the preparer has continually 91504
or repeatedly engaged in prohibited conduct, and that enjoining 91505
the preparer solely from engaging in such conduct would not be 91506
sufficient to prevent the preparer's interference with the 91507
proper administration of any provision of Title LVII of the 91508
Revised Code, the court may issue an injunction against the 91509
preparer enjoining the preparer from acting as a tax return 91510
preparer in this state. 91511

If a tax return preparer has been enjoined from preparing 91512
tax returns or applications for refunds by a federal court or by 91513
another state court in the five years preceding the date on 91514

which an injunction is requested under this section, that prior 91515
injunction shall be sufficient to establish a prima facie case 91516
for the issuance of an injunction under division (B) (2) of this 91517
section. 91518

(C) The commissioner may require a tax return preparer to 91519
include the preparer's name and federal preparer tax 91520
identification number when filing any return or application for 91521
refund. If a tax return preparer fails to include this 91522
information when required to do so by the commissioner, or if 91523
the information provided is false, inaccurate, or incomplete, 91524
the commissioner may impose a penalty of fifty dollars for each 91525
such failure, provided that the maximum penalty imposed on a 91526
preparer under this division in a calendar year shall not exceed 91527
twenty-five thousand dollars. 91528

(D) The penalties imposed under divisions (B) (1) and (C) 91529
of this section may be assessed and collected in the same manner 91530
as assessments made under Chapter 3769., 4305., 5727., 5728., 91531
5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 91532
or 5753., section 718.90, or sections 3734.90 to 3734.9014 of 91533
the Revised Code. ~~The commissioner may abate all or a portion of~~ 91534
~~any penalty imposed under this section upon the showing of good~~ 91535
~~cause by the tax return preparer.~~ 91536

Sec. 5703.37. (A) (1) Except as provided in division (B) of 91537
this section, whenever service of a notice or order is required 91538
in the manner provided in this section, a copy of the notice or 91539
order shall be served upon the person affected thereby either by 91540
personal service, by certified mail, or by a delivery service 91541
authorized under section 5703.056 of the Revised Code that 91542
notifies the tax commissioner of the date of delivery. 91543

(2) In lieu of serving a copy of a notice or order through 91544

one of the means provided in division (A) (1) of this section, 91545
the commissioner may serve a notice or order upon the person 91546
affected thereby through alternative means as provided in this 91547
section, including, but not limited to, delivery by secure 91548
electronic mail as provided in division (F) of this section or 91549
by ordinary mail. Delivery by such means satisfies the 91550
requirements for delivery under this section. 91551

(B) (1) (a) If certified or ordinary mail is returned 91552
because of an undeliverable address, the commissioner shall 91553
first utilize reasonable means to ascertain a new last known 91554
address, including the use of a change of address service 91555
offered by the United States postal service or an authorized 91556
delivery service under section 5703.056 of the Revised Code. If, 91557
after using reasonable means, the commissioner is unable to 91558
ascertain a new last known address, the assessment is final for 91559
purposes of section 131.02 of the Revised Code sixty days after 91560
the notice or order ~~sent by certified mail~~ is first returned to 91561
the commissioner, and the commissioner shall certify the notice 91562
or order, if applicable, to the attorney general for collection 91563
under section 131.02 of the Revised Code. 91564

(b) Notwithstanding certification to the attorney general 91565
under division (B) (1) (a) of this section, once the commissioner 91566
or attorney general, or the designee of either, makes an initial 91567
contact with the person to whom the notice or order is directed, 91568
the person may protest an assessment by filing a petition for 91569
reassessment within sixty days after the initial contact. The 91570
certification of an assessment under division (B) (1) (a) of this 91571
section is prima-facie evidence that delivery is complete and 91572
that the notice or order is served. 91573

(2) If mailing of a notice or order by certified or 91574

ordinary mail is returned for some cause other than an 91575
undeliverable address or if a person does not access an 91576
electronic notice or order within the time provided in division 91577
(F) of this section, the commissioner shall resend the notice or 91578
order by ordinary mail. The notice or order shall show the date 91579
the commissioner sends the notice or order and include the 91580
following statement: 91581

"This notice or order is deemed to be served on the 91582
addressee under applicable law ten days from the date this 91583
notice or order was mailed by the commissioner as shown on the 91584
notice or order, and all periods within which an appeal may be 91585
filed apply from and after that date." 91586

Unless the mailing is returned because of an undeliverable 91587
address, the mailing of that information is prima-facie evidence 91588
that delivery of the notice or order was completed ten days 91589
after the commissioner ~~sent~~ resent the notice or order by 91590
ordinary mail and that the notice or order was served. 91591

If the ~~ordinary mail mailing~~ mailing is subsequently returned 91592
because of an undeliverable address, the commissioner shall 91593
proceed under division (B) (1) (a) of this section. A person may 91594
challenge the presumption of delivery and service under this 91595
division in accordance with division (C) of this section. 91596

(C) (1) A person disputing the presumption of delivery and 91597
service under division (B) of this section bears the burden of 91598
proving by a preponderance of the evidence that the address to 91599
which the notice or order was sent was not an address with which 91600
the person was associated at the time the commissioner 91601
originally mailed the notice or order ~~by certified mail~~. For the 91602
purposes of this section, a person is associated with an address 91603
at the time the commissioner originally mailed the notice or 91604

order if, at that time, the person was residing, receiving legal 91605
documents, or conducting business at the address; or if, before 91606
that time, the person had conducted business at the address and, 91607
when the notice or order was mailed, the person's agent or the 91608
person's affiliate was conducting business at the address. For 91609
the purposes of this section, a person's affiliate is any other 91610
person that, at the time the notice or order was mailed, owned 91611
or controlled at least twenty per cent, as determined by voting 91612
rights, of the addressee's business. 91613

(2) If the person elects to protest an assessment 91614
certified to the attorney general for collection, the person 91615
must do so within sixty days after the attorney general's 91616
initial contact with the person. The attorney general may enter 91617
into a compromise with the person under sections 131.02 and 91618
5703.06 of the Revised Code if the person does not file a 91619
petition for reassessment with the commissioner. 91620

(D) Nothing in this section prohibits the commissioner or 91621
the commissioner's designee from delivering a notice or order by 91622
personal service. 91623

(E) Collection actions taken pursuant to section 131.02 of 91624
the Revised Code upon any assessment being challenged under 91625
division (B)(1)(b) of this section shall be stayed upon the 91626
pendency of an appeal under this section. If a petition for 91627
reassessment is filed pursuant to this section on a claim that 91628
has been certified to the attorney general for collection, the 91629
claim shall be uncertified. 91630

(F)(1) The commissioner may serve a notice or order upon 91631
the person affected by the notice or order or that person's 91632
authorized representative through secure electronic means 91633
associated with the person's or representative's last known 91634

address, but only with the person's consent. The commissioner 91635
must inform the recipient, electronically or by mail, that a 91636
notice or order is available for electronic review and provide 91637
instructions to access and print the notice or order. The types 91638
of electronic notification the commissioner may use include 91639
electronic mail, text message, or any other form of electronic 91640
communication. The recipient's electronic access of the notice 91641
or order satisfies the requirements for delivery under this 91642
section. If the recipient fails to access the notice or order 91643
electronically within ten business days, then the commissioner 91644
shall inform the recipient a second time, electronically or by 91645
mail, that a notice or order is available for electronic review 91646
and provide instructions to access and print the notice or 91647
order. If the recipient fails to access the notice or order 91648
electronically within ten business days of the second 91649
notification, the notice or order shall be served upon the 91650
person through the means provided in division (B) (2) of this 91651
section. 91652

(2) The tax commissioner shall establish a system to issue 91653
notification of assessments to taxpayers through secure 91654
electronic means. 91655

(G) As used in this section: 91656

(1) "Last known address" means the address the department 91657
has at the time the document is originally sent by certified or 91658
ordinary mail, or any address the department can ascertain using 91659
reasonable means such as the use of a change of address service 91660
offered by the United States postal service or an authorized 91661
delivery service under section 5703.056 of the Revised Code. For 91662
documents sent by secure electronic means, "last known address" 91663
means an electronic mode of communication that is identified on 91664

a form prescribed by the commissioner for such purpose or that 91665
is associated with the person or the authorized representative 91666
of the person as of the date the notification was sent on the 91667
Ohio business gateway, as defined in section 718.01 of the 91668
Revised Code, ~~as of the date the notification was sent~~or another 91669
electronic filing or payment system prescribed by the 91670
commissioner. 91671

(2) "Undeliverable address" means an address to which the 91672
United States postal service or an authorized delivery service 91673
under section 5703.056 of the Revised Code is not able to 91674
deliver a notice or order, except when the reason for 91675
nondelivery is because the addressee fails to acknowledge or 91676
accept the notice or order. 91677

Sec. 5703.70. (A) On the filing of an application for 91678
refund under section 718.91, 3734.905, 4307.05, 4307.07, 91679
5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 91680
5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 91681
5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 91682
5751.08, or 5753.06 of the Revised Code, or an application for 91683
compensation under section 5739.061 of the Revised Code, if the 91684
tax commissioner determines that the amount of the refund or 91685
compensation to which the applicant is entitled is less than the 91686
amount claimed in the application, the commissioner shall give 91687
the applicant written notice electronically or by ordinary mail 91688
of the amount. ~~The~~ If sent by ordinary mail, the notice shall be 91689
sent to the address shown on the application unless the 91690
applicant notifies the commissioner of a different address. If 91691
sent electronically, the notice shall be sent to the person or 91692
the person's authorized representative through secure electronic 91693
means associated with the person's or representative's last 91694
known electronic mail address, but only with the person's 91695

consent. The applicant shall have sixty days from the date the
commissioner electronically sends or mails the notice to provide
additional information to the commissioner or request a hearing,
or both.

(B) If the applicant neither requests a hearing nor
provides additional information to the tax commissioner within
the time prescribed by division (A) of this section, the
commissioner shall take no further action, and the refund or
compensation amount denied becomes final.

(C) (1) If the applicant requests a hearing within the time
prescribed by division (A) of this section, the tax commissioner
shall assign a time and place for the hearing and notify the
applicant of such time and place, but the commissioner may
continue the hearing from time to time, as necessary. After the
hearing, the commissioner may make such adjustments to the
refund or compensation as the commissioner finds proper, and
shall issue a final determination thereon.

(2) If the applicant does not request a hearing, but
provides additional information, within the time prescribed by
division (A) of this section, the commissioner shall review the
information, make such adjustments to the refund or compensation
as the commissioner finds proper, and issue a final
determination thereon. The commissioner may review such
information and make such adjustments as many times as the
commissioner finds proper before the issuance of a final
determination.

(3) If the applicant requests a hearing and provides
additional information within the time prescribed by division
(A) of this section, the commissioner may review the information
and make such adjustments to the refund or compensation as the

commissioner finds proper. The commissioner may review such 91726
information and make such adjustments as many times as the 91727
commissioner finds proper before the issuance of a final 91728
determination. 91729

The commissioner shall assign a time and place for the 91730
hearing and notify the applicant of such time and place, but the 91731
commissioner may continue the hearing from time to time, as 91732
necessary. After the hearing, the commissioner may make any 91733
additional adjustments to the refund or compensation as the 91734
commissioner finds proper and shall issue a final determination 91735
thereon. 91736

(4) The commissioner shall serve a copy of the final 91737
determination made under division (C)(1), (2), or (3) of this 91738
section on the applicant in the manner provided in section 91739
5703.37 of the Revised Code, and the decision is final, subject 91740
to appeal under section 5717.02 of the Revised Code. 91741

(D) The tax commissioner shall certify to the director of 91742
budget and management and treasurer of state for payment from 91743
the tax refund fund created by section 5703.052 of the Revised 91744
Code, the amount of the refund to be refunded under division (B) 91745
or (C) of this section. The commissioner also shall certify to 91746
the director and treasurer of state for payment from the general 91747
revenue fund the amount of compensation to be paid under 91748
division (B) or (C) of this section. 91749

Sec. 5703.901. The tax commissioner may, in whole or in 91750
part, abate any penalty, including an interest penalty, or any 91751
other charge the commissioner imposes to enforce any tax or fee 91752
the commissioner administers. 91753

Sec. 5705.14. No transfer shall be made from one fund of a 91754

subdivision to any other fund, by order of the court or 91755
otherwise, except as follows: 91756

(A) The unexpended balance in a bond fund that is no 91757
longer needed for the purpose for which such fund was created 91758
shall be transferred to the sinking fund or bond retirement fund 91759
from which such bonds are payable. 91760

(B) The unexpended balance in any specific permanent 91761
improvement fund, other than a bond fund, after the payment of 91762
all obligations incurred in the acquisition of such improvement, 91763
shall be transferred to the sinking fund or bond retirement fund 91764
of the subdivision; provided that if such money is not required 91765
to meet the obligations payable from such funds, it may be 91766
transferred to a special fund for the acquisition of permanent 91767
improvements, or, with the approval of the court of common pleas 91768
of the county in which such subdivision is located, to the 91769
general fund of the subdivision. 91770

(C) (1) Except as provided in division (C) (2) of this 91771
section, the unexpended balance in the sinking fund or bond 91772
retirement fund of a subdivision, after all indebtedness, 91773
interest, and other obligations for the payment of which such 91774
fund exists have been paid and retired, shall be transferred, in 91775
the case of the sinking fund, to the bond retirement fund, and 91776
in the case of the bond retirement fund, to the sinking fund; 91777
provided that if such transfer is impossible by reason of the 91778
nonexistence of the fund to receive the transfer, such 91779
unexpended balance, with the approval of the court of common 91780
pleas of the county in which such division is located, may be 91781
transferred to any other fund of the subdivision. 91782

(2) Money in a bond fund or bond retirement fund of a 91783
city, local, exempted village, cooperative education, or joint 91784

vocational school district may be transferred to a specific 91785
permanent improvement fund provided that the county budget 91786
commission of the county in which the school district is located 91787
approves the transfer upon its determination that the money 91788
transferred will not be required to meet the obligations payable 91789
from the bond fund or bond retirement fund. In arriving at such 91790
a determination, the county budget commission shall consider the 91791
balance of the bond fund or bond retirement fund, the 91792
outstanding obligations payable from the fund, and the sources 91793
and timing of the fund's revenue. 91794

(D) The unexpended balance in any special fund, other than 91795
an improvement fund, existing in accordance with division (D), 91796
(F), or (G) of section 5705.09 or section 5705.12 of the Revised 91797
Code, may be transferred to the general fund or to the sinking 91798
fund or bond retirement fund after the termination of the 91799
activity, service, or other undertaking for which such special 91800
fund existed, but only after the payment of all obligations 91801
incurred and payable from such special fund. 91802

(E) Money may be transferred from the general fund to any 91803
other fund of the subdivision. 91804

(F) Moneys retained or received by a county under section 91805
4501.04 or division (A) (2) of section 5735.27 of the Revised 91806
Code may be transferred from the fund into which they were 91807
deposited to the sinking fund or bond retirement fund from which 91808
any principal, interest, or charges for which such moneys may be 91809
used is payable. 91810

(G) Moneys retained or received by a municipal corporation 91811
under section 4501.04 or division (A) (1) of section 5735.27 of 91812
the Revised Code may be transferred from the fund into which 91813
they were deposited to the sinking fund or bond retirement fund 91814

from which any principal, interest, or charges for which such 91815
moneys may be used is payable. 91816

(H) (1) Money may be transferred from the county 91817
developmental disabilities general fund to the county 91818
developmental disabilities capital fund established under 91819
section 5705.091 of the Revised Code or to any other fund 91820
created for the purposes of the county board of developmental 91821
disabilities, so long as money in the fund to which the money is 91822
transferred can be spent for the particular purpose of the 91823
transferred money. The county board of developmental 91824
disabilities may request, by resolution, that the board of 91825
county commissioners make the transfer. The county board of 91826
developmental disabilities shall transmit a certified copy of 91827
the resolution to the board of county commissioners. Upon 91828
receiving the resolution, the board of county commissioners may 91829
make the transfer. Money transferred to a fund shall be credited 91830
to an account appropriate to its particular purpose. 91831

(2) An unexpended balance in an account in the county 91832
developmental disabilities capital fund or any other fund 91833
created for the purposes of the county board of developmental 91834
disabilities may be transferred back to the county developmental 91835
disabilities general fund. The transfer may be made if the 91836
unexpended balance is no longer needed for its particular 91837
purpose and all outstanding obligations have been paid. Money 91838
transferred back to the county developmental disabilities 91839
general fund shall be credited to an account for current 91840
expenses within that fund. The county board of developmental 91841
disabilities may request, by resolution, that the board of 91842
county commissioners make the transfer. The county board of 91843
developmental disabilities shall transmit a certified copy of 91844
the resolution to the board of county commissioners. Upon 91845

receiving the resolution, the board of county commissioners may 91846
make the transfer. 91847

(I) Money may be transferred from the public assistance 91848
fund established under section 5101.161 of the Revised Code to 91849
either of the following funds, so long as the money to be 91850
transferred from the public assistance fund may be spent for the 91851
purposes for which money in the receiving fund may be used: 91852

(1) The children services fund established under section 91853
~~5101.144~~ 5180.411 of the Revised Code; 91854

(2) The child support enforcement administrative fund 91855
established, as authorized under rules adopted by the director 91856
of job and family services, in the county treasury for use by 91857
any county family services agency. 91858

(J) Notwithstanding this section, money in any fund or 91859
account of a village dissolved in accordance with sections 91860
703.31 to 703.39 of the Revised Code may be transferred by the 91861
receiver-trustee to a special account for the purpose of paying 91862
the debts, obligations, and liabilities of the dissolved village 91863
or to the general fund of any township into which the territory 91864
of the village is dissolved for any purpose that directly or 91865
indirectly benefits the former territory of the dissolved 91866
village. 91867

(K) Except in the case of transfer pursuant to division 91868
(E) or (J) of this section, transfers authorized by this section 91869
shall only be made by resolution of the taxing authority passed 91870
with the affirmative vote of two-thirds of the members. 91871

Sec. 5709.212. (A) ~~With~~ Except for applications filed for 91872
an industrial water pollution control facility, with every 91873
application for an exempt facility certificate filed pursuant to 91874

section 5709.21 of the Revised Code, the applicant shall pay a 91875
fee equal to one-half of one per cent of the total exempt 91876
facility project cost, not to exceed two thousand dollars. If 91877
the director of environmental protection is required to provide 91878
the opinion for an application for an air pollution control 91879
facility or noise pollution control facility, the fee shall be 91880
credited to the non-Title V clean air fund created in section 91881
3704.035 of the Revised Code for use in administering section 91882
5709.211 of the Revised Code, ~~unless the application is for an~~ 91883
~~industrial water pollution control facility. In such a case, the~~ 91884
~~fee shall be credited to the surface water protection fund~~ 91885
~~created in section 6111.038 of the Revised Code for use in~~ 91886
~~administering section 5709.211 of the Revised Code.~~ If the 91887
director of development or director of natural resources is 91888
required to provide the opinion for an application, the fee for 91889
each exempt facility application shall be credited to the exempt 91890
facility inspection fund, which is hereby created in the state 91891
treasury, for appropriation to the development services agency 91892
or department of natural resources, as applicable, for use in 91893
administering section 5709.211 of the Revised Code. 91894

An applicant is not entitled to any tax exemption under 91895
section 5709.25 of the Revised Code until the fee required by 91896
this section is paid. The fee required by this section is not 91897
refundable, and is due with the application for an exempt 91898
facility certificate even if an exempt facility certificate 91899
ultimately is not issued or is withdrawn. Any application 91900
submitted without payment of the fee shall be deemed incomplete 91901
until the fee is paid. 91902

(B) The application fee imposed under division (A) of this 91903
section for a jointly owned facility shall be equal to one-half 91904
of one per cent of the total exempt facility project cost, not 91905

to exceed two thousand dollars for each facility that is the 91906
subject of the application. 91907

Sec. 5709.93. (A) As used in this section: 91908

(1) "Taxes charged and payable" means taxes charged and 91909
payable after the reduction required by section 319.301 of the 91910
Revised Code but before the reductions required by sections 91911
319.302 and 323.152 of the Revised Code. 91912

(2) "Threshold per cent" means two per cent for fiscal 91913
year 2016; and, for fiscal year 2017 and thereafter, the sum of 91914
the prior year's threshold per cent plus two percentage points. 91915

(3) "Public library" means a county, municipal, school 91916
district, or township public library that receives the proceeds 91917
of a tax levied under section 5705.23 of the Revised Code. 91918

(4) "Local taxing unit" means a subdivision or taxing 91919
unit, as defined in section 5705.01 of the Revised Code, a park 91920
district created under Chapter 1545. of the Revised Code, or a 91921
township park district established under section 511.23 of the 91922
Revised Code, but excludes school districts and joint vocational 91923
school districts. 91924

(5) "Municipal current expense allocation" means the sum 91925
of the payments received by a municipal corporation in calendar 91926
year 2014 for current expense levy losses under division (A)(1) 91927
(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 91928
5751.22 of the Revised Code as they existed at that time. 91929

(6) "Current expense allocation" means the sum of the 91930
payments received by a local taxing unit or public library in 91931
calendar year 2014 for current expense levy losses under 91932
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) 91933
of section 5751.22 of the Revised Code as they existed at that 91934

time, less any reduction required under division (B) (2) of this section. 91935
91936

(7) "TPP inside millage debt levy loss" means payments 91937
made to local taxing units in calendar year 2014 under division 91938
(A) (3) of section 5751.22 of the Revised Code as that section 91939
existed at that time. 91940

(8) "S.B. 3 inside millage debt levy loss" means payments 91941
made to local taxing units in calendar year 2014 under section 91942
(A) (4) of section 5727.86 of the Revised Code as that section 91943
existed at that time. 91944

(9) "Qualifying levy" means a levy for which payment was 91945
made in calendar year 2014 under division (A) (1) of section 91946
5727.86 and divisions (A) (1) and (2) of section 5751.22 of the 91947
Revised Code as they existed at that time. 91948

(10) "Total resources," in the case of county mental 91949
health and disability related functions, means the sum of the 91950
amounts in divisions (A) (10) (a) and (b) of this section less any 91951
reduction required under division (B) (1) of this section. 91952

(a) The sum of the payments received by the county for 91953
mental health and developmental disability related functions in 91954
calendar year 2014 under division (A) (1) of section 5727.86 and 91955
division (A) (1) of section 5751.22 of the Revised Code as they 91956
existed at that time; 91957

(b) With respect to taxes levied by the county for mental 91958
health and developmental disability related purposes, the taxes 91959
charged and payable for such purposes against all property on 91960
the tax list of real and public utility property for tax year 91961
2014. 91962

(11) "Total resources," in the case of county senior 91963

services related functions, means the sum of the amounts in 91964
divisions (A) (11) (a) and (b) of this section less any reduction 91965
required under division (B) (1) of this section. 91966

(a) The sum of the payments received by the county for 91967
senior services related functions in calendar year 2014 under 91968
division (A) (1) of section 5727.86 and division (A) (1) of 91969
section 5751.22 of the Revised Code as they existed at that 91970
time; 91971

(b) With respect to taxes levied by the county for senior 91972
services related purposes, the taxes charged and payable for 91973
such purposes against all property on the tax list of real and 91974
public utility property for tax year 2014. 91975

(12) "Total resources," in the case of county children's 91976
services related functions, means the sum of the amounts in 91977
divisions (A) (12) (a) and (b) of this section less any reduction 91978
required under division (B) (1) of this section. 91979

(a) The sum of the payments received by the county for 91980
children's services related functions in calendar year 2014 91981
under division (A) (1) of section 5727.86 and division (A) (1) of 91982
section 5751.22 of the Revised Code as they existed at that 91983
time; 91984

(b) With respect to taxes levied by the county for 91985
children's services related purposes, the taxes charged and 91986
payable for such purposes against all property on the tax list 91987
of real and public utility property for tax year 2014. 91988

(13) "Total resources," in the case of county public 91989
health related functions, means the sum of the amounts in 91990
divisions (A) (13) (a) and (b) of this section less any reduction 91991
required under division (B) (1) of this section. 91992

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(14) "Total resources," in the case of all county functions not included in divisions (A) (10) to (13) of this section, means the sum of the amounts in divisions (A) (14) (a) to (e) of this section less any reduction required under division (B) (1) or (2) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable

for the purpose of paying debt charges; 92022

(d) The sum of the amounts distributed to the county in 92023
calendar year 2014 for the taxes levied pursuant to sections 92024
5739.021 and 5741.021 of the Revised Code; 92025

(e) The sum of amounts distributed to the county from the 92026
gross casino revenue county fund from July 2014 through April 92027
2015. 92028

(15) "Total resources," in the case of a municipal 92029
corporation, means the sum of the amounts in divisions (A) (15) 92030
(a) to (h) of this section less any reduction required under 92031
division (B) (1) or (2) of this section. 92032

(a) The sum of the payments received by the municipal 92033
corporation in calendar year 2014 for current expense levy 92034
losses under division (A) (1) of section 5727.86 and division (A) 92035
(1) of section 5751.22 of the Revised Code as they existed at 92036
that time; 92037

(b) The municipal corporation's percentage share of county 92038
undivided local government fund allocations as certified to the 92039
tax commissioner for calendar year 2015 by the county auditor 92040
under division (J) of section 5747.51 of the Revised Code or 92041
division (F) of section 5747.53 of the Revised Code multiplied 92042
by the total amount actually distributed in calendar year 2014 92043
from the county undivided local government fund; 92044

(c) The sum of the amounts distributed to the municipal 92045
corporation in calendar year 2014 pursuant to section 5747.50 of 92046
the Revised Code; 92047

(d) With respect to taxes levied by the municipal 92048
corporation, the taxes charged and payable against all property 92049
on the tax list of real and public utility property for 92050

municipal current expenses for tax year 2014; 92051

(e) The amount of admissions tax collected by the 92052
municipal corporation in calendar year 2013, or if such 92053
information has not yet been reported to the tax commissioner, 92054
in the most recent year before 2013 for which the municipal 92055
corporation has reported data to the commissioner; 92056

(f) The amount of income taxes collected by the municipal 92057
corporation in calendar year 2013 as certified to the tax 92058
commissioner under section 5747.50 of the Revised Code in 2013, 92059
or if such information has not yet been reported to the 92060
commissioner, in the most recent year before 2014 for which the 92061
municipal corporation has reported such data to the 92062
commissioner; 92063

(g) The sum of the amounts distributed to the municipal 92064
corporation from the gross casino revenue host city fund from 92065
July 2014 through April 2015; 92066

(h) The sum of the amounts distributed to the municipal 92067
corporation from the gross casino revenue county fund from July 92068
2014 through April 2015. 92069

(16) "Total resources," in the case of a township, means 92070
the sum of the amounts in divisions (A) (16) (a) to (c) of this 92071
section less any reduction required under division (B) (1) or (2) 92072
of this section. 92073

(a) The sum of the payments received by the township in 92074
calendar year 2014 pursuant to division (A) (1) of section 92075
5727.86 of the Revised Code and division (A) (1) of section 92076
5751.22 of the Revised Code as they existed at that time, 92077
excluding payments received for debt purposes; 92078

(b) The township's percentage share of county undivided 92079

local government fund allocations as certified to the tax 92080
commissioner for calendar year 2015 by the county auditor under 92081
division (J) of section 5747.51 of the Revised Code or division 92082
(F) of section 5747.53 of the Revised Code multiplied by the 92083
total amount actually distributed in calendar year 2014 from the 92084
county undivided local government fund; 92085

(c) With respect to taxes levied by the township, the 92086
taxes charged and payable against all property on the tax list 92087
of real and public utility property for tax year 2014 excluding 92088
taxes charged and payable for the purpose of paying debt charges 92089
or from levies imposed under section 5705.23 of the Revised 92090
Code. 92091

(17) "Total resources," in the case of a local taxing unit 92092
that is not a county, municipal corporation, township, or public 92093
library means the sum of the amounts in divisions (A) (17) (a) to 92094
(e) of this section less any reduction required under division 92095
(B) (1) of this section. 92096

(a) The sum of the payments received by the local taxing 92097
unit in calendar year 2014 pursuant to division (A) (1) of 92098
section 5727.86 of the Revised Code and division (A) (1) of 92099
section 5751.22 of the Revised Code as they existed at that 92100
time; 92101

(b) The local taxing unit's percentage share of county 92102
undivided local government fund allocations as certified to the 92103
tax commissioner for calendar year 2015 by the county auditor 92104
under division (J) of section 5747.51 of the Revised Code or 92105
division (F) of section 5747.53 of the Revised Code multiplied 92106
by the total amount actually distributed in calendar year 2014 92107
from the county undivided local government fund; 92108

(c) With respect to taxes levied by the local taxing unit, 92109
the taxes charged and payable against all property on the tax 92110
list of real and public utility property for tax year 2014 92111
excluding taxes charged and payable for the purpose of paying 92112
debt charges or from a levy imposed under section 5705.23 of the 92113
Revised Code; 92114

(d) The amount received from the tax commissioner during 92115
calendar year 2014 for sales or use taxes authorized under 92116
sections 5739.023 and 5741.022 of the Revised Code; 92117

(e) For institutions of higher education receiving tax 92118
revenue from a local levy, as identified in section 3358.02 of 92119
the Revised Code, the final state share of instruction 92120
allocation for fiscal year 2014 as calculated by the chancellor 92121
of higher education and reported to the state controlling board. 92122

(18) "Total resources," in the case of a county, municipal 92123
corporation, school district, or township public library that 92124
receives the proceeds of a tax levied under section 5705.23 of 92125
the Revised Code, means the sum of the amounts in divisions (A) 92126
(18) (a) to (d) of this section less any reduction required under 92127
division (B) (1) of this section. 92128

(a) The sum of the payments received by the county, 92129
municipal corporation, school district, or township public 92130
library in calendar year 2014 pursuant to sections 5727.86 and 92131
5751.22 of the Revised Code, as they existed at that time, for 92132
fixed-rate levy losses attributable to a tax levied under 92133
section 5705.23 of the Revised Code for the benefit of the 92134
public library; 92135

(b) The public library's percentage share of county 92136
undivided local government fund allocations as certified to the 92137

tax commissioner for calendar year 2015 by the county auditor 92138
under division (J) of section 5747.51 of the Revised Code or 92139
division (F) of section 5747.53 of the Revised Code multiplied 92140
by the total amount actually distributed in calendar year 2014 92141
from the county undivided local government fund; 92142

(c) With respect to a tax levied pursuant to section 92143
5705.23 of the Revised Code for the benefit of the public 92144
library, the amount of such tax that is charged and payable 92145
against all property on the tax list of real and public utility 92146
property for tax year 2014 excluding any tax that is charged and 92147
payable for the purpose of paying debt charges; 92148

(d) The sum of the amounts distributed to the library 92149
district from the county public library fund in calendar year 92150
2014, as reported to the tax commissioner by the county auditor. 92151

(19) "Municipal current expense property tax levies" means 92152
all property tax levies of a municipality, except those with the 92153
following levy names: library; airport resurfacing; bond or any 92154
levy name including the word "bond"; capital improvement or any 92155
levy name including the word "capital"; debt or any levy name 92156
including the word "debt"; equipment or any levy name including 92157
the word "equipment," unless the levy is for combined operating 92158
and equipment; employee termination fund; fire pension or any 92159
levy containing the word "pension," including police pensions; 92160
fireman's fund or any practically similar name; sinking fund; 92161
road improvements or any levy containing the word "road"; fire 92162
truck or apparatus; flood or any levy containing the word 92163
"flood"; conservancy district; county health; note retirement; 92164
sewage, or any levy containing the words "sewage" or "sewer"; 92165
park improvement; parkland acquisition; storm drain; street or 92166
any levy name containing the word "street"; lighting, or any 92167

levy name containing the word "lighting"; and water. 92168

(20) "Operating fixed-rate levy loss" means, in the case 92169
of local taxing units other than municipal corporations, fixed- 92170
rate levy losses of levies imposed for purposes other than 92171
paying debt charges or, in the case of municipal corporations, 92172
fixed-rate levy losses of municipal current expense property tax 92173
levies. 92174

(21)(a) "Qualifying municipal corporation" means a 92175
municipal corporation in the territory of which a qualifying end 92176
user is located. 92177

(b) "Qualifying end user" means an end user of at least 92178
seven million qualifying kilowatt hours of electricity annually. 92179

(c) "Qualifying kilowatt hours" means kilowatt hours of 92180
electricity generated by a renewable energy resource, as defined 92181
in section 5727.01 of the Revised Code, using wind energy and 92182
the distribution of which is subject to the tax levied under 92183
section 5727.81 of the Revised Code for any measurement period 92184
beginning after June 30, 2015. 92185

(22) Any term used in this section has the same meaning as 92186
in section 5727.84 or 5751.20 of the Revised Code unless 92187
otherwise defined by this section. 92188

(B)(1) "Total resources" used to compute payments to be 92189
made under division (C) of this section shall be reduced to the 92190
extent that payments distributed in calendar year 2014 were 92191
attributable to levies no longer charged and payable. 92192

(2) "Current expense allocation" used to compute payments 92193
to be made under division (C) of this section shall be reduced 92194
to the extent that payments distributed in calendar year 2014 92195
were attributable to levies no longer charged and payable. 92196

(C) (1) Except as provided in division (D) of this section, 92197
the tax commissioner shall compute payments for operating fixed- 92198
rate levy losses of local taxing units and public libraries for 92199
fiscal year 2016 and each year thereafter as prescribed in 92200
divisions (C) (1) (a) and (b) of this section: 92201

(a) For public libraries and local taxing units other than 92202
municipal corporations: 92203

(i) If the ratio of current expense allocation to total 92204
resources is equal to or less than the threshold per cent, zero; 92205

(ii) If the ratio of current expense allocation to total 92206
resources is greater than the threshold per cent, the current 92207
expense allocation minus the product of total resources 92208
multiplied by the threshold per cent. 92209

(b) For municipal corporations: 92210

(i) If the ratio of the municipal current expense 92211
allocation to total resources is equal to or less than the 92212
threshold per cent, zero; 92213

(ii) If the ratio of the municipal current expense 92214
allocation to total resources is greater than the threshold per 92215
cent, the municipal current expense allocation minus the product 92216
of total resources multiplied by the threshold per cent. 92217

(2) For any local taxing unit or public library with 92218
operating fixed-rate levy losses greater than zero, the 92219
operating fixed-rate levy loss shall be allocated among all 92220
qualifying operating fixed-rate levies in proportion to each 92221
such levy's share of the payments received in tax year 2014. In 92222
fiscal year 2016 and thereafter, if a levy to which operating 92223
fixed-rate levy loss is allocated is no longer charged and 92224
payable, the payment to the local taxing unit or public library 92225

shall be reduced by the amount allocated to the levy that is no 92226
longer charged and payable. 92227

(D) (1) Except as provided in division (D) (2) of this 92228
section, the tax commissioner shall make payments to local 92229
taxing units equal to the sum of TPP inside millage debt levy 92230
loss and S.B. 3 inside millage debt levy loss. No payment shall 92231
be made if the levy for which the levy loss is computed is not 92232
charged and payable for debt purposes in fiscal year 2016 or any 92233
year thereafter. 92234

(2) No payment shall be made for TPP inside millage debt 92235
levy loss in calendar year 2018 or thereafter. No payment shall 92236
be made for S.B.3 inside millage debt levy loss in calendar year 92237
2017 or thereafter. 92238

(E) For a qualifying municipal corporation, the tax 92239
commissioner shall compute payments for fiscal year 2016 and 92240
each ensuing fiscal year in an amount equal to the amount of tax 92241
imposed under section 5727.81 of the Revised Code and paid on 92242
the basis of qualifying kilowatt hours of electricity 92243
distributed through the meter of a qualifying end user located 92244
in the municipal corporation for measurement periods ending in 92245
the preceding calendar year. The payment shall be computed 92246
regardless of whether the qualifying municipal corporation 92247
qualifies for a payment under any other division of this section 92248
for the fiscal year in which the payment is computed under this 92249
division. For the purposes of this division, the commissioner 92250
may require an electric distribution company distributing 92251
qualifying kilowatt hours or, if the end user is a self- 92252
assessing purchaser, the end user, to report to the commissioner 92253
the number of qualifying kilowatt hours distributed through the 92254
meter of the qualifying end user. 92255

(F) (1) The payments required to be made under divisions 92256
(C), (D), and (H) of this section shall be paid from the ~~local-~~ 92257
~~government tangible property tax replacement general revenue~~ 92258
fund to the county undivided income tax fund in the proper 92259
county treasury. Beginning in August 2015, one-half of the 92260
amount determined under each of those divisions shall be paid on 92261
or before the last day of August each year, and one-half shall 92262
be paid on or before the last day of February each year. Within 92263
thirty days after receipt of such payments, the county treasurer 92264
shall distribute amounts determined under this section to the 92265
proper local taxing unit or public library as if they had been 92266
levied and collected as taxes, and the local taxing unit or 92267
public library shall allocate the amounts so received among its 92268
funds in the same proportions as if those amounts had been 92269
levied and collected as taxes. 92270

(2) On or before the last day of August and of February of 92271
each fiscal year that follows a calendar year in which taxes are 92272
paid on the basis of qualifying kilowatt hours of electricity 92273
distributed through the meter of a qualifying end user located 92274
in a qualifying municipal corporation, one-half of the payment 92275
computed under division (E) of this section shall be paid from 92276
the ~~local government tangible personal property tax replacement-~~ 92277
~~general revenue~~ fund directly to the qualifying municipal 92278
corporation. The municipal corporation shall credit the payments 92279
to a special fund created for the purpose of providing grants or 92280
other financial assistance to the qualifying end user or to 92281
compensate the municipal corporation for municipal income tax or 92282
other tax credits or reductions as the legislative authority may 92283
grant to the qualifying end user. Such grants or other financial 92284
assistance may be provided for by ordinance or resolution of the 92285
legislative authority of the qualifying municipal corporation 92286

and may continue for as long as is provided by the ordinance or 92287
resolution. 92288

(G) If all or a part of the territories of two or more 92289
local taxing units are merged, or unincorporated territory of a 92290
township is annexed by a municipal corporation, the tax 92291
commissioner shall adjust the payments made under this section 92292
to each of the local taxing units in proportion to the square 92293
mileage of the merged or annexed territory as a percentage of 92294
the total square mileage of the jurisdiction from which the 92295
territory originated, or as otherwise provided by a written 92296
agreement between the legislative authorities of the local 92297
taxing units certified to the commissioner not later than the 92298
first day of June of the calendar year in which the payment is 92299
to be made. 92300

(H) For fiscal years 2022 through 2026, if the total 92301
amount to be received under division (C) of this section by a 92302
joint fire district that has a nuclear power plant located 92303
within its territory is less than the amount the district 92304
received under this section in fiscal year 2017, the district 92305
shall receive a supplemental payment equal to the difference 92306
between the amount to be received under that division for the 92307
fiscal year and the amount received under this section in fiscal 92308
year 2017. 92309

Sec. 5725.01. As used in sections 5725.01 to 5725.26 of 92310
the Revised Code: 92311

(A) "Financial institution" means: 92312

(1) A national bank organized and existing as a national 92313
bank association pursuant to the "National Bank Act," 12 U.S.C. 92314
21; 92315

(2) A federal savings association or federal savings bank 92316
that is chartered under 12 U.S.C. 1464; 92317

(3) A bank, banking association, trust company, savings 92318
and loan association, savings bank, or other banking institution 92319
that is incorporated or organized under the laws of any state; 92320

(4) Any corporation organized under 12 U.S.C. 611 to 631; 92321

(5) Any agency or branch of a foreign depository as 92322
defined in 12 U.S.C. 3101; 92323

(6) A company licensed as a small business investment 92324
company under the "Small Business Investment Act of 1958," 72 92325
Stat. 689, 15 U.S.C. 661, as amended; or 92326

(7) A company chartered under the "Farm Credit Act of 92327
1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended. 92328

Corporations or institutions organized under the "Federal 92329
Farm Loan Act" and amendments thereto, insurance companies, and 92330
credit unions shall not be considered financial institutions or 92331
dealers in intangibles within the meaning of such sections. 92332

~~(B)~~ ~~(1)~~ (B) "Dealer in intangibles" includes every person 92333
who keeps an office or other place of business in this state and 92334
engages at such office or other place in a business that 92335
consists primarily of lending money, or discounting, buying, or 92336
selling bills of exchange, drafts, acceptances, notes, 92337
mortgages, or other evidences of indebtedness, or of buying or 92338
selling bonds, stocks, or other investment securities, whether 92339
on the person's own account with a view to profit, or as agent 92340
or broker for others, with a view to profit or personal 92341
earnings. Dealer in intangibles excludes institutions used 92342
exclusively for charitable purposes, insurance companies, and 92343
financial institutions. The investment of funds as personal 92344

accumulations or as business reserves or working capital does 92345
not constitute engaging in a business within the meaning of this 92346
division; but a person who, having engaged in a business that 92347
consists primarily of lending money, or discounting, buying, or 92348
selling bills of exchange, drafts, acceptances, notes, 92349
mortgages, or other evidences of indebtedness on the person's 92350
own account, remains in business primarily for the purpose of 92351
realizing upon the assets of the business is deemed a dealer in 92352
intangibles, though not presently engaged in a business that 92353
consists primarily of lending money or discounting or buying 92354
such securities. 92355

~~(2) The tax commissioner shall adopt a rule defining 92356~~
~~"primarily" as that term is used in division (B) (1) of this 92357~~
~~section. 92358~~

(C) "Insurance company" includes every corporation, 92359
association, and society engaged in the business of insurance of 92360
any character, or engaged in the business of entering into 92361
contracts substantially amounting to insurance of any character, 92362
or of indemnifying or guaranteeing against loss or damage, or 92363
acting as surety on bonds or undertakings. "Insurance company" 92364
also includes any health insuring corporation as defined in 92365
section 1751.01 of the Revised Code. 92366

(D) "Domestic insurance company" includes every insurance 92367
company organized and existing under the laws of this state, and 92368
every unincorporated association and society formed under the 92369
laws of this state for the purpose of engaging in said business, 92370
except a company, association, or society that is an insurance 92371
holding company affiliate controlled by a nonresident affiliate 92372
and has risks in this state formerly written by its foreign 92373
affiliates in a total amount exceeding the risks outstanding on 92374

the taxpayer's latest annual report that arise from business 92375
initially written by it in this state; and excludes every 92376
foreign insurance company. As used in this division, terms 92377
defined in section 3901.32 of the Revised Code have the same 92378
meanings given to them in that section. 92379

(E) "Foreign insurance company" includes every insurance 92380
company organized or existing under the laws of any other state, 92381
territory, country, or the United States and every insurance 92382
holding company affiliate excepted under division (D) of this 92383
section. 92384

(F) "Credit union" means a nonprofit cooperative financial 92385
institution organized or chartered under the laws of this state, 92386
of another state, or of the United States. 92387

Sec. 5725.23. Taxes, interest, and penalties may be 92388
recovered from a delinquent domestic insurance company or person 92389
in an action brought in the name of the state in the court of 92390
common pleas of Franklin county or any county in which such 92391
company or person has an office or place of business, and such 92392
court shall have jurisdiction of such action regardless of the 92393
amount involved. The attorney general, on request of the 92394
superintendent of insurance or tax commissioner, shall institute 92395
such action in the court of common pleas of Franklin county or 92396
any other county the superintendent or commissioner directs. In 92397
any such action, it shall be sufficient to allege that the tax, 92398
interest, and penalty sought to be recovered stand charged on 92399
the tax list of domestic insurance company franchise taxes ~~or~~ 92400
~~intangible property taxes~~ in the office of the treasurer of 92401
state and have been unpaid for a period of forty-five days after 92402
having been placed thereon. Sums recovered in any such action 92403
shall be paid into the state treasury and distributed as 92404

provided in section 5725.24 of the Revised Code. 92405

Sec. 5726.03. (A) (1) Annually, on or before the fifteenth 92406
day of October, the reporting person for each taxpayer shall 92407
make a report in writing to the tax commissioner, in such form 92408
as the commissioner prescribes, and shall remit to the 92409
commissioner the amount of tax shown to be due on the report. 92410
The remittance shall be made payable to the treasurer of state. 92411
~~The commissioner shall make available, on the official internet~~ 92412
~~web site of the department of taxation, copies of the forms~~ 92413
~~prescribed by the commissioner for the purpose of making the~~ 92414
~~annual report.~~ 92415

(2) An annual report shall be signed by the president, 92416
vice-president, secretary, treasurer, general manager, 92417
superintendent, or managing agent in this state of the reporting 92418
person. 92419

(3) An annual report shall contain the facts, figures, 92420
computations, and attachments that result in the determination 92421
of the amount of tax due from a taxpayer under this chapter. 92422

(B) (1) In the case of a financial institution described in 92423
division (H) (1) of section 5726.01 of the Revised Code, the 92424
annual report filed for a taxable year shall list, and include 92425
information related to, each person includable in an FR Y-9 92426
filed by the reporting person for that taxable year. 92427

(2) In the case of a financial institution described in 92428
division (H) (2) or (3) of section 5726.01 of the Revised Code, 92429
the annual report for a taxable year shall list, and include 92430
information related to, each person includable in a call report 92431
filed by the reporting person for that taxable year. 92432

(C) (1) The reporting person for a taxpayer shall remit 92433

each tax payment and, if required by the commissioner, file each 92434
annual or estimated tax report electronically. The commissioner 92435
may require reporting persons to use the Ohio business gateway 92436
as defined in section 718.01 of the Revised Code to file reports 92437
and remit the tax, or may provide another means for reporting 92438
persons to file and remit the tax electronically. 92439

(2) The payment of taxes as provided in division (C) of 92440
this section shall not affect a taxpayer's obligation to file an 92441
annual report required under division (A) of this section. 92442

(3) The reporting person for a taxpayer that is required 92443
to remit tax payments electronically under this section may 92444
apply to the tax commissioner, in the manner prescribed by the 92445
commissioner, to be excused from that requirement. The 92446
commissioner may excuse the taxpayer from the requirements of 92447
division (C) of this section for good cause. 92448

(4) If the reporting person for a taxpayer that is 92449
required to remit tax payments or file reports electronically 92450
under this section fails to do so, the commissioner may impose a 92451
penalty not to exceed the following: 92452

(a) For either of the first two reports the person so 92453
fails, five per cent of the amount of the payment that was 92454
required to be remitted; 92455

(b) For the third and any subsequent reports the person so 92456
fails, ten per cent of the amount of the payment that was 92457
required to be remitted. 92458

The penalty imposed under this section is in addition to 92459
any other penalty or charge imposed under this chapter and shall 92460
be considered as revenue arising from the tax levied under this 92461
chapter. A penalty may be collected by assessment in the manner 92462

prescribed by section 5726.20 of the Revised Code. ~~The tax-~~ 92463
~~commissioner may abate all or a portion of such a penalty and~~ 92464
~~may adopt rules governing such abatements.~~ 92465

Sec. 5726.20. (A) The tax commissioner may make an 92466
assessment, based on any information in the commissioner's 92467
possession, against any person that fails to file a return or 92468
report or pay any tax as required by this chapter. The reporting 92469
person for a taxpayer shall file the annual report required 92470
under section 5726.03 of the Revised Code and remit the tax 92471
imposed by this chapter. Each person included in the annual 92472
report of the taxpayer is jointly and severally liable for the 92473
tax imposed by this chapter and any penalties and interest 92474
thereon. If the reporting person fails, for any reason, to file 92475
and remit any tax, the amount due may be collected by assessment 92476
against the reporting person and against any or all other 92477
persons required to be included in the annual report of the 92478
taxpayer as provided in section 5703.90 of the Revised Code. The 92479
commissioner shall make the assessment in the manner provided in 92480
this section. The commissioner shall give the person assessed 92481
written notice of the assessment as provided in section 5703.37 92482
of the Revised Code. With the notice, the commissioner shall 92483
provide instructions on the manner in which to petition for 92484
reassessment and request a hearing with respect to the petition. 92485

(B) No assessment shall be made or issued against a person 92486
under this section more than four years after the later of the 92487
final date the report subject to assessment was required to be 92488
filed or the date such report was filed. Such time limit may be 92489
extended if both the person and the commissioner consent in 92490
writing to the extension or if an agreement waiving or extending 92491
the time limit has been entered into pursuant to section 122.171 92492
of the Revised Code. Any such extension shall extend the four- 92493

year time limit prescribed in division (A) of section 5726.30 of 92494
the Revised Code for the same period of time. There shall be no 92495
bar or limit to an assessment against a person that fails to 92496
file a report subject to assessment as required by this chapter, 92497
or that files a fraudulent report. 92498

(C) Unless the person assessed, within sixty days after 92499
service of the notice of assessment, files with the tax 92500
commissioner, ~~either in person or by certified mail,~~ a written 92501
petition for reassessment signed by the person or the person's 92502
authorized agent having knowledge of the facts, the assessment 92503
shall become final, and the amount of the assessment is due and 92504
payable from the person assessed to the treasurer of state. A 92505
petition shall indicate the objections of the person assessed, 92506
but additional objections may be raised in writing if received 92507
by the commissioner prior to the date shown on the final 92508
determination. If a petition for reassessment has been properly 92509
filed, the commissioner shall proceed under section 5703.60 of 92510
the Revised Code. 92511

(D) (1) After an assessment becomes final, if any portion 92512
of the assessment, including any accrued interest, remains 92513
unpaid, a certified copy of the tax commissioner's entry making 92514
the assessment final may be filed in the office of the clerk of 92515
the court of common pleas in the county in which the person 92516
resides or has its principal place of business in this state, or 92517
in the office of the clerk of court of common pleas of Franklin 92518
county. 92519

(2) Immediately upon the filing of the entry, the clerk 92520
shall enter judgment for the state against the person assessed 92521
in the amount shown on the entry. The judgment may be filed by 92522
the clerk in a loose-leaf book entitled, "special judgments for 92523

the financial institution tax" and shall have the same effect as 92524
other judgments. Execution shall issue upon the judgment at the 92525
request of the tax commissioner, and all laws applicable to 92526
sales on execution shall apply to sales made under the judgment. 92527

(3) If the assessment is not paid in its entirety within 92528
sixty days after the day the assessment was issued, the portion 92529
of the assessment consisting of tax due shall bear interest at 92530
the rate per annum prescribed by section 5703.47 of the Revised 92531
Code from the date the tax commissioner issues the assessment 92532
until the date the assessment is paid or until it is certified 92533
to the attorney general for collection under section 131.02 of 92534
the Revised Code, whichever comes first. If the unpaid portion 92535
of the assessment is certified to the attorney general for 92536
collection, the entire unpaid portion of the assessment shall 92537
bear interest at the rate per annum prescribed by section 92538
5703.47 of the Revised Code from the date of certification until 92539
the date it is paid in its entirety. Interest shall be paid in 92540
the same manner as the tax and may be collected by the issuance 92541
of an assessment under this section. 92542

(E) If the tax commissioner believes that collection of 92543
the tax imposed by this chapter will be jeopardized unless 92544
proceedings to collect or secure collection of the tax are 92545
instituted without delay, the commissioner may issue a jeopardy 92546
assessment against the person liable for the tax. Immediately 92547
upon the issuance of the jeopardy assessment, the commissioner 92548
shall file an entry with the clerk of the court of common pleas 92549
in the manner prescribed by division (D) of this section. Notice 92550
of the jeopardy assessment shall be served on the person 92551
assessed or the person's authorized agent in the manner provided 92552
in section 5703.37 of the Revised Code within five days of the 92553
filing of the entry with the clerk. The total amount assessed 92554

shall be immediately due and payable, unless the person assessed 92555
files a petition for reassessment in accordance with division 92556
(C) of this section and provides security in a form satisfactory 92557
to the commissioner and in an amount sufficient to satisfy the 92558
unpaid balance of the assessment. Full or partial payment of the 92559
assessment shall not prejudice the commissioner's consideration 92560
of the petition for reassessment. 92561

(F) The tax commissioner shall immediately forward to the 92562
treasurer of state all amounts the commissioner receives under 92563
this section. Such amounts shall be considered as revenue 92564
arising from the tax imposed by this chapter. 92565

(G) If the tax commissioner possesses information 92566
indicating that the amount of tax a taxpayer is required to pay 92567
under this chapter exceeds the amount the reporting person for 92568
the taxpayer paid, the tax commissioner may audit a sample of 92569
the taxpayer's gross receipts over a representative period of 92570
time to ascertain the amount of tax due, and may issue an 92571
assessment based on the audit. The tax commissioner shall make a 92572
good faith effort to reach agreement with the taxpayer in 92573
selecting a representative sample. The tax commissioner may 92574
apply a sampling method only if the commissioner has prescribed 92575
the method by rule. 92576

(H) If the whereabouts of a person subject to this chapter 92577
is not known to the tax commissioner, the secretary of state is 92578
hereby deemed to be that person's agent for purposes of service 92579
of process or notice of any assessment, action, or proceedings 92580
instituted in this state against the person under this chapter. 92581
Such process or notice shall be served on such person by the 92582
commissioner or by an agent of the commissioner by leaving a 92583
true and attested copy of the process or notice at the office of 92584

the secretary of state at least fifteen days before the return 92585
day of such process or notice, and by sending a copy of the 92586
process or notice to such person by ordinary mail, with an 92587
endorsement thereon of the service upon the secretary of state, 92588
addressed to such person at the person's last known address. 92589

Sec. 5726.21. (A) In addition to any other penalty imposed 92590
by this chapter or Chapter 5703. of the Revised Code, the 92591
following penalties shall apply: 92592

(1) If a taxpayer required to file any report under this 92593
chapter fails to make and file the report within the time 92594
prescribed, a penalty may be imposed not exceeding the greater 92595
of fifty dollars per month or fraction of a month, not to exceed 92596
five hundred dollars, or five per cent per month or fraction of 92597
a month, not to exceed fifty per cent of the tax required to be 92598
shown on the report, for each month or fraction of a month 92599
elapsing between the due date and the date on which the report 92600
is filed. 92601

(2) If a taxpayer fails to pay the amount of tax required 92602
to be paid under this chapter, except for estimated tax under 92603
section 5726.06 of the Revised Code, by the dates prescribed in 92604
this chapter for payment, a penalty may be imposed not exceeding 92605
fifteen per cent of the delinquent payment. 92606

(3) If a taxpayer files what purports to be a report 92607
required by this chapter that does not contain information upon 92608
which the substantial correctness of the report may be judged or 92609
contains information that on its face indicates that the report 92610
is substantially incorrect, and the filing of the report in that 92611
manner is due to a position that is frivolous or a desire that 92612
is apparent from the report to delay or impede the 92613
administration of the tax levied under this chapter, a penalty 92614

of up to five hundred dollars may be imposed. 92615

(4) If a taxpayer makes a fraudulent attempt to evade the 92616
reporting or payment of the tax required to be shown on any 92617
report required under this chapter, a penalty may be imposed not 92618
exceeding the greater of one thousand dollars or one hundred per 92619
cent of the tax required to be shown on the report. 92620

(5) If a taxpayer makes a false or fraudulent claim for a 92621
refund under this chapter, a penalty may be imposed not 92622
exceeding the greater of one thousand dollars or one hundred per 92623
cent of the claim. 92624

(B) The tax commissioner may collect any penalty imposed 92625
by this section in the same manner as the tax levied under this 92626
chapter. Penalties so collected shall be considered as revenue 92627
arising from the tax levied under this chapter. 92628

(C) For purposes of this section, the tax required to be 92629
shown on the report shall be reduced by the amount of any part 92630
of the tax paid on or before the date prescribed for filing the 92631
report. 92632

~~(D) The tax commissioner may abate all or a portion of any 92633
penalties imposed under this section and may adopt rules 92634
governing such abatements. 92635~~

Sec. 5727.08. On or before the first day of March, 92636
annually, each public utility and interexchange 92637
telecommunications company, and, for tax years 2009 and 92638
thereafter, each public utility property lessor, shall file a 92639
report with the tax commissioner, on a form prescribed by the 92640
tax commissioner. The report shall include such information as 92641
the tax commissioner requires to enable the tax commissioner to 92642
make any assessment or apportionment required under this 92643

chapter. 92644

The report shall be signed by either the owner of the 92645
public utility, interexchange telecommunications company, or 92646
public utility property lessor or the president, secretary, 92647
treasurer, or another duly authorized person. 92648

If such a public utility, interexchange telecommunications 92649
company, or lessor fails to file the report on or before the 92650
first day of March, or the date it is due under an extension 92651
allowed pursuant to section 5727.48 of the Revised Code, or 92652
fails to accurately report all taxable property, the tax 92653
commissioner may impose a penalty of up to fifty per cent of the 92654
taxable value of the property that was not timely or accurately 92655
reported. However, if such a public utility, company, or lessor 92656
files, within sixty days after the first day of March or the 92657
extended due date, the report or an amended report and discloses 92658
all items of taxable property that are required by this chapter 92659
to be reported, the penalty shall not be more than five per cent 92660
of the taxable value that was not timely or accurately reported. 92661
The penalty shall be added to and considered a part of the total 92662
taxable value of the property that was not timely or accurately 92663
reported, ~~and may be abated in whole or in part by the tax~~ 92664
~~commissioner pursuant to a petition for reassessment filed under~~ 92665
~~section 5727.47 of the Revised Code.~~ 92666

Sec. 5727.25. (A) Except as provided in division (B) of 92667
this section, within forty-five days after the last day of 92668
March, June, September, and December, each natural gas company 92669
or combined company subject to the excise tax imposed by section 92670
5727.24 of the Revised Code shall file a return with the tax 92671
commissioner, in such form as the commissioner prescribes, and 92672
pay the full amount of the tax due on its taxable gross receipts 92673

for the preceding calendar quarter. All payments made under this 92674
division shall be made electronically in accordance with section 92675
5727.311 of the Revised Code. 92676

(B) Any natural gas company or combined company subject to 92677
the excise tax imposed by this section that has an annual tax 92678
liability for the preceding calendar year ending on the thirty- 92679
first day of December of less than three hundred twenty-five 92680
thousand dollars may elect to file an annual return with the tax 92681
commissioner, in such form as the commissioner prescribes, for 92682
the next year. A company that elects to file an annual return 92683
for the calendar year shall file the return and remit the taxes 92684
due on its taxable gross receipts within forty-five days after 92685
the thirty-first day of December. The minimum tax for a natural 92686
gas company or combined company subject to this division shall 92687
be fifty dollars, and the company shall not be required to remit 92688
the tax due electronically. 92689

(C) A return required to be filed under division (A) or 92690
(B) of this section shall show the amount of tax due from the 92691
company for the period covered by the return and any other 92692
information as prescribed by the tax commissioner. A return 92693
shall be considered filed when received by the commissioner. The 92694
commissioner may extend the time for making and filing returns 92695
and paying the tax. 92696

(D) Any natural gas company or combined company that fails 92697
to file a return or pay the full amount of the tax due within 92698
the period prescribed under this section shall pay an additional 92699
charge of fifty dollars or ten per cent of the tax required to 92700
be paid for the reporting period, whichever is greater. If any 92701
tax due is not paid timely in accordance with this section, the 92702
company liable for the tax shall pay interest, calculated at the 92703

rate per annum prescribed by section 5703.47 of the Revised 92704
Code, from the date the tax payment was due to the date of 92705
payment or to the date an assessment was issued, whichever 92706
occurs first. The tax commissioner may collect any additional 92707
charge or interest imposed by this section by assessment in the 92708
manner provided in section 5727.26 of the Revised Code. ~~The~~ 92709
~~commissioner may abate all or a portion of the additional charge~~ 92710
~~and may adopt rules governing such abatements.~~ 92711

(E) The taxes, additional charges, penalties, and interest 92712
collected under sections 5727.24 to 5727.29 of the Revised Code 92713
shall be credited in accordance with section 5727.45 of the 92714
Revised Code. 92715

Sec. 5727.26. (A) The tax commissioner may make an 92716
assessment, based on any information in the commissioner's 92717
possession, against any natural gas company or combined company 92718
that fails to file a return or pay any tax, interest, or 92719
additional charge as required by sections 5727.24 to 5727.29 of 92720
the Revised Code. The commissioner shall give the company 92721
assessed written notice of the assessment as provided in section 92722
5703.37 of the Revised Code. With the notice, the commissioner 92723
shall provide instructions on how to petition for reassessment 92724
and request a hearing on the petition. A penalty of up to 92725
fifteen per cent may be added to all amounts assessed under this 92726
section. ~~The tax commissioner may adopt rules providing for the~~ 92727
~~imposition and remission of the penalty.~~ 92728

(B) Unless the company assessed, within sixty days after 92729
service of the notice of assessment, files with the tax 92730
commissioner, ~~either personally or by certified mail,~~ a written 92731
petition signed by the company's authorized agent having 92732
knowledge of the facts, the assessment becomes final, and the 92733

amount of the assessment is due and payable from the company 92734
assessed to the commissioner. The petition shall indicate the 92735
objections of the company assessed, but additional objections 92736
may be raised in writing if received by the commissioner prior 92737
to the date shown on the final determination. 92738

If a petition for reassessment has been properly filed, 92739
the commissioner shall proceed under section 5703.60 of the 92740
Revised Code. 92741

(C) After an assessment becomes final, if any portion of 92742
the assessment, including accrued interest, remains unpaid, a 92743
certified copy of the tax commissioner's entry making the 92744
assessment final may be filed in the office of the clerk of the 92745
court of common pleas in the county in which the natural gas 92746
company's or combined company's principal place of business is 92747
located, or in the office of the clerk of court of common pleas 92748
of Franklin county. 92749

Immediately on the filing of the entry, the clerk shall 92750
enter judgment for the state against the company assessed in the 92751
amount shown on the entry. The judgment may be filed by the 92752
clerk in a loose-leaf book entitled, "special judgments for the 92753
public utility excise tax on natural gas and combined 92754
companies," and shall have the same effect as other judgments. 92755
Execution shall issue upon the judgment at the request of the 92756
tax commissioner, and all laws applicable to sales on execution 92757
shall apply to sales made under the judgment. 92758

If the assessment is not paid in its entirety within sixty 92759
days after the day the assessment was issued, the portion of the 92760
assessment consisting of tax due shall bear interest at the rate 92761
per annum prescribed by section 5703.47 of the Revised Code from 92762
the day the tax commissioner issues the assessment until it is 92763

paid or until it is certified to the attorney general for 92764
collection under section 131.02 of the Revised Code, whichever 92765
comes first. If the unpaid portion of the assessment is 92766
certified to the attorney general for collection, the entire 92767
unpaid portion of the assessment shall bear interest at the rate 92768
per annum prescribed by section 5703.47 of the Revised Code from 92769
the date of certification until the date it is paid in its 92770
entirety. Interest shall be paid in the same manner as the tax 92771
and may be collected by the issuance of an assessment under this 92772
section. 92773

(D) If the tax commissioner believes that collection of 92774
the tax will be jeopardized unless proceedings to collect or 92775
secure collection of the tax are instituted without delay, the 92776
commissioner may issue a jeopardy assessment against the company 92777
liable for the tax. Immediately upon the issuance of the 92778
jeopardy assessment, the commissioner shall file an entry with 92779
the clerk of the court of common pleas in the manner prescribed 92780
by division (C) of this section. Notice of the jeopardy 92781
assessment shall be served on the company assessed or the 92782
company's authorized agent in the manner provided in section 92783
5703.37 of the Revised Code within five days of the filing of 92784
the entry with the clerk. The total amount assessed is 92785
immediately due and payable, unless the company assessed files a 92786
petition for reassessment in accordance with division (B) of 92787
this section and provides security in a form satisfactory to the 92788
commissioner and in an amount sufficient to satisfy the unpaid 92789
balance of the assessment. Full or partial payment of the 92790
assessment does not prejudice the commissioner's consideration 92791
of the petition for reassessment. 92792

(E) The tax commissioner shall immediately forward to the 92793
treasurer of state all amounts that the tax commissioner 92794

receives under this section, and such amounts shall be 92795
considered revenue arising from the tax imposed by section 92796
5727.24 of the Revised Code. 92797

(F) No assessment shall be made or issued against a 92798
natural gas company or combined company for the tax imposed by 92799
section 5727.24 of the Revised Code more than four years after 92800
the return date for the period in which the tax was reported, or 92801
more than four years after the return for the period was filed, 92802
whichever is later. 92803

Sec. 5727.38. On or before the first Monday of November, 92804
annually, the tax commissioner may assess an excise tax against 92805
a public utility subject to the excise tax under section 5727.30 92806
of the Revised Code. The tax shall be computed by multiplying 92807
the taxable gross receipts as determined by the commissioner 92808
under section 5727.33 of the Revised Code by six and three- 92809
fourths per cent in the case of pipe-line companies, and four 92810
and three-fourths per cent in the case of all other companies. 92811
The minimum tax for any such company for owning property or 92812
doing business in this state shall be fifty dollars. The 92813
assessment shall be ~~mailed to the taxpayer~~served on the public 92814
utility in the manner prescribed by section 5703.37 of the 92815
Revised Code. 92816

Sec. 5727.42. (A) The tax commissioner shall collect the 92817
excise tax imposed by section 5727.30 of the Revised Code and 92818
the taxpayer shall pay all taxes and any penalties thereon. 92819
Payments of the tax may be made by mail, in person, 92820
electronically if required to do so by section 5727.311 of the 92821
Revised Code, or by any other means authorized by the 92822
commissioner. The commissioner may adopt rules concerning the 92823
methods and timeliness of payment. 92824

(B) Each tax assessment issued pursuant to this section 92825
shall separately reflect the taxes and any penalty due, and any 92826
other information considered necessary. ~~The commissioner shall~~ 92827
~~mail the assessment to the taxpayer, and the mailing of it shall~~ 92828
~~be prima-facie evidence of receipt thereof by the taxpayer.~~ 92829
The assessment shall be served on the taxpayer in the manner 92830
prescribed by section 5703.37 of the Revised Code. 92831

(C) The commissioner shall refund taxes levied and 92832
payments made for the tax imposed by section 5727.30 of the 92833
Revised Code as provided in this section, ~~but no refund shall be~~ 92834
~~made to a taxpayer having a delinquent claim certified pursuant~~ 92835
~~to this section that remains unpaid. The commissioner may~~ 92836
~~consult the attorney general regarding such claims.~~ 92837

(D) After receiving any excise tax annual statement for 92838
the tax imposed by section 5727.30 of the Revised Code, the 92839
commissioner shall: 92840

(1) Ascertain the difference between the total taxes owed 92841
and the sum of all payments made for that year. 92842

(2) If the difference is a deficiency, the commissioner 92843
shall issue an assessment. 92844

(3) If the difference is an excess, the commissioner shall 92845
issue a refund of that amount to the taxpayer. If the amount of 92846
the refund is less than that claimed by the taxpayer, the 92847
taxpayer, within sixty days of the issuance of the refund, may 92848
provide to the commissioner additional information to support 92849
the claim or may request a hearing. Upon receiving such 92850
information or request within that time, the commissioner shall 92851
follow the same procedures set forth in divisions (C) and (D) of 92852
section 5703.70 of the Revised Code for the determination of 92853

refund applications.

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If the taxpayer has a deficiency for one tax year and an
excess for another tax year, or any combination thereof for more
than two years, the commissioner may determine the net result
and, depending on such result, proceed to issue an assessment or
certify a refund.

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(E) If a taxpayer fails to pay the amount of taxes
required to be paid, or fails to make an estimated payment on or
before the due date prescribed in division (B) of section
5727.31 of the Revised Code, the commissioner shall impose a
penalty in the amount of fifteen per cent of the unpaid amount,
and the commissioner shall issue an assessment for the unpaid
amount and penalty. Unless a timely petition for reassessment is
filed under section 5727.47 of the Revised Code, the attorney
general shall proceed to collect the delinquent taxes and
penalties thereon in the manner prescribed by law and notify the
commissioner of all collections.

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(F) If a taxpayer entitled to a refund under this section
is indebted to the state for any tax or fee administered by the
tax commissioner, or any charge, penalty, or interest arising
from such a tax or fee, the amount refundable may be applied in
satisfaction of that debt. If the amount refundable is less than
the amount of the debt, it may be applied in partial
satisfaction of the debt. If the amount refundable is greater
than the amount of the debt, the amount remaining after
satisfaction of the debt shall be refunded.

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Sec. 5727.47. (A) Notice of each assessment certified or
issued pursuant to section 5727.23 or 5727.38 of the Revised
Code shall be ~~mailed to the public utility, and its mailing~~
~~shall be prima-facie evidence of its receipt by the public~~

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~~utility to which it is addressed~~served on the public utility or
public utility property lessor in the manner prescribed by
section 5703.37 of the Revised Code. With the notice, the tax
commissioner shall provide instructions on how to petition for
reassessment and request a hearing on the petition. If a public
utility objects to such an assessment, it may file with the
commissioner, ~~either personally or by certified mail,~~ within
sixty days after the mailing of the notice of assessment a
written petition for reassessment signed by the utility's
authorized agent having knowledge of the facts. The date the
commissioner receives the petition shall be considered the date
of filing. The petition shall indicate the utility's objections,
but additional objections may be raised in writing if received
by the commissioner prior to the date shown on the final
determination.

In the case of a petition seeking a reduction in taxable
value filed with respect to an assessment certified under
section 5727.23 of the Revised Code, the petitioner shall state
in the petition the total amount of reduction in taxable value
sought by the petitioner. If the petitioner objects to the
percentage of true value at which taxable property is assessed
by the commissioner, the petitioner shall state in the petition
the total amount of reduction in taxable value sought both with
and without regard to the objection pertaining to the percentage
of true value at which its taxable property is assessed. If a
petitioner objects to the commissioner's apportionment of the
taxable value of the petitioner's taxable property, the
petitioner shall distinctly state in the petition that the
petitioner objects to the commissioner's apportionment, and,
within forty-five days after filing the petition for
reassessment, shall submit the petitioner's proposed

apportionment of the taxable value of its taxable property among 92915
taxing districts. If a petitioner that objects to the 92916
commissioner's apportionment fails to state its objections to 92917
that apportionment in its petition for reassessment or fails to 92918
submit its proposed apportionment within forty-five days after 92919
filing the petition for reassessment, the commissioner shall 92920
dismiss the petitioner's objection to the commissioner's 92921
apportionment, and the taxable value of the petitioner's taxable 92922
property, subject to any adjustment to taxable value pursuant to 92923
the petition or appeal, shall be apportioned in the manner used 92924
by the commissioner in the preliminary or amended preliminary 92925
assessment certified under section 5727.23 of the Revised Code. 92926

If an additional objection seeking a reduction in taxable 92927
value in excess of the reduction stated in the original petition 92928
is properly and timely raised with respect to an assessment 92929
issued under section 5727.23 of the Revised Code, the petitioner 92930
shall state the total amount of the reduction in taxable value 92931
sought in the additional objection both with and without regard 92932
to any reduction in taxable value pertaining to the percentage 92933
of true value at which taxable property is assessed. If a 92934
petitioner fails to state the reduction in taxable value sought 92935
in the original petition or in additional objections properly 92936
raised after the petition is filed, the commissioner shall 92937
notify the petitioner of the failure in the manner provided in 92938
section 5703.37 of the Revised Code. If the petitioner fails to 92939
notify the commissioner in writing of the reduction in taxable 92940
value sought in the petition or in an additional objection 92941
within thirty days after receiving the commissioner's notice, 92942
the commissioner shall dismiss the petition or the additional 92943
objection in which that reduction is sought. 92944

(B) (1) Subject to divisions (B) (2) and (3) of this 92945

section, a public utility filing a petition for reassessment 92946
regarding an assessment certified or issued under section 92947
5727.23 or 5727.38 of the Revised Code shall pay the tax with 92948
respect to the assessment objected to as required by law. The 92949
acceptance of any tax payment by the tax commissioner or any 92950
county treasurer shall not prejudice any claim for taxes on 92951
final determination by the commissioner or final decision by the 92952
board of tax appeals or any court. 92953

(2) If a public utility properly and timely files a 92954
petition for reassessment regarding an assessment certified 92955
under section 5727.23 of the Revised Code, the petitioner shall 92956
pay the tax as prescribed by divisions (B) (2) (a), (b), and (c) 92957
of this section: 92958

(a) If the petitioner does not object to the 92959
commissioner's apportionment of the taxable value of the 92960
petitioner's taxable property, the petitioner is not required to 92961
pay the part of the tax otherwise due on the taxable value that 92962
the petitioner seeks to have reduced, subject to division (B) (2) 92963
(c) of this section. 92964

(b) If the petitioner objects to the commissioner's 92965
apportionment of the taxable value of the petitioner's taxable 92966
property, the petitioner is not required to pay the tax 92967
otherwise due on the part of the taxable value apportioned to 92968
any taxing district that the petitioner objects to, subject to 92969
division (B) (2) (c) of this section. If, pursuant to division (A) 92970
of this section, the petitioner has, in a proper and timely 92971
manner, apportioned taxable value to a taxing district to which 92972
the commissioner did not apportion the petitioner's taxable 92973
value, the petitioner shall pay the tax due on the taxable value 92974
that the petitioner has apportioned to the taxing district, 92975

subject to division (B) (2) (c) of this section. 92976

(c) If a petitioner objects to the percentage of true 92977
value at which taxable property is assessed by the commissioner, 92978
the petitioner shall pay the tax due on the basis of the 92979
percentage of true value at which the public utility's taxable 92980
property is assessed by the commissioner. In any case, the 92981
petitioner's payment of tax shall not be less than the amount of 92982
tax due based on the taxable value reflected on the last appeal 92983
notice issued by the commissioner under division (C) of this 92984
section. Until the county auditor receives notification under 92985
division (E) of this section and proceeds under section 5727.471 92986
of the Revised Code to issue any refund that is found to be due, 92987
the county auditor shall not issue a refund for any increase in 92988
the reduction in taxable value that is sought by a petitioner 92989
later than forty-five days after the petitioner files the 92990
original petition as required under division (A) of this 92991
section. 92992

(3) Any part of the tax that, under division (B) (2) (a) or 92993
(b) of this section, is not paid shall be collected upon receipt 92994
of the notification as provided in section 5727.471 of the 92995
Revised Code with interest thereon computed in the same manner 92996
as interest is computed under division (E) of section 5715.19 of 92997
the Revised Code, subject to any correction of the assessment by 92998
the commissioner under division (E) of this section or the final 92999
judgment of the board of tax appeals or a court to which the 93000
board's final judgment is appealed. The penalty imposed under 93001
section 323.121 of the Revised Code shall apply only to the 93002
unpaid portion of the tax if the petitioner's tax payment is 93003
less than the amount of tax due based on the taxable value 93004
reflected on the last appeal notice issued by the commissioner 93005
under division (C) of this section. 93006

(C) Upon receipt of a properly filed petition for 93007
reassessment with respect to an assessment certified under 93008
section 5727.23 of the Revised Code, the tax commissioner shall 93009
notify the treasurer of state or the auditor of each county to 93010
which the assessment objected to has been certified. In the case 93011
of a petition with respect to an assessment certified under 93012
section 5727.23 of the Revised Code, the commissioner shall 93013
issue an appeal notice within thirty days after receiving the 93014
amount of the taxable value reduction and apportionment changes 93015
sought by the petitioner in the original petition or in any 93016
additional objections properly and timely raised by the 93017
petitioner. The appeal notice shall indicate the amount of the 93018
reduction in taxable value sought in the petition or in the 93019
additional objections and the extent to which the reduction in 93020
taxable value and any change in apportionment requested by the 93021
petitioner would affect the commissioner's apportionment of the 93022
taxable value among taxing districts in the county as shown in 93023
the assessment. If a petitioner is seeking a reduction in 93024
taxable value on the basis of a lower percentage of true value 93025
than the percentage at which the commissioner assessed the 93026
petitioner's taxable property, the appeal notice shall indicate 93027
the reduction in taxable value sought by the petitioner without 93028
regard to the reduction sought on the basis of the lower 93029
percentage and shall indicate that the petitioner is required to 93030
pay tax on the reduced taxable value determined without regard 93031
to the reduction sought on the basis of a lower percentage of 93032
true value, as provided under division (B) (2) (c) of this 93033
section. The appeal notice shall include a statement that the 93034
reduced taxable value and the apportionment indicated in the 93035
notice are not final and are subject to adjustment by the 93036
commissioner or by the board of tax appeals or a court on 93037
appeal. If the commissioner finds an error in the appeal notice, 93038

the commissioner may amend the notice, but the notice is only 93039
for informational and tax payment purposes; the notice is not 93040
subject to appeal by any person. The commissioner also shall 93041
~~mail~~ provide a copy of the appeal notice to the petitioner. Upon 93042
the request of a taxing authority, the county auditor may 93043
disclose to the taxing authority the extent to which a reduction 93044
in taxable value sought by a petitioner would affect the 93045
apportionment of taxable value to the taxing district or 93046
districts under the taxing authority's jurisdiction, but such a 93047
disclosure does not constitute a notice required by law to be 93048
given for the purpose of section 5717.02 of the Revised Code. 93049

(D) If the petitioner requests a hearing on the petition, 93050
the tax commissioner shall assign a time and place for the 93051
hearing on the petition and notify the petitioner of such time 93052
and place, but the commissioner may continue the hearing from 93053
time to time as necessary. 93054

(E) The tax commissioner may make corrections to the 93055
assessment as the commissioner finds proper. The commissioner 93056
shall serve a copy of the commissioner's final determination on 93057
the petitioner in the manner provided in section 5703.37 of the 93058
Revised Code. The commissioner's decision in the matter shall be 93059
final, subject to appeal under section 5717.02 of the Revised 93060
Code. With respect to a final determination issued for an 93061
assessment certified under section 5727.23 of the Revised Code, 93062
the commissioner also shall transmit a copy of the final 93063
determination to the applicable county auditor. In the absence 93064
of any further appeal, or when a decision of the board of tax 93065
appeals or of any court to which the decision has been appealed 93066
becomes final, the commissioner shall notify the public utility 93067
and, as appropriate, shall proceed under section 5727.42 of the 93068
Revised Code, or notify the applicable county auditor, who shall 93069

proceed under section 5727.471 of the Revised Code. 93070

The notification made under this division is not subject 93071
to further appeal. 93072

(F) On appeal, no adjustment shall be made in the tax 93073
commissioner's assessment certified under section 5727.23 of the 93074
Revised Code that reduces the taxable value of a petitioner's 93075
taxable property by an amount that exceeds the reduction sought 93076
by the petitioner in its petition for reassessment or in any 93077
additional objections properly and timely raised after the 93078
petition is filed with the commissioner. 93079

Sec. 5727.48. The tax commissioner, ~~on application by a~~ 93080
~~public utility,~~ may extend to ~~the~~ a public utility a further 93081
specified time, not to exceed thirty days, within which to file 93082
any report or statement required by this chapter to be filed 93083
with the commissioner, except reports required by sections 93084
5727.24 to 5727.29 of the Revised Code. A public utility ~~must~~ 93085
~~file such an application, in writing, with the commissioner~~ 93086
shall request this extension, in the form and manner prescribed 93087
by the commissioner, on or before the date that the report or 93088
statement is otherwise required to be filed. 93089

Sec. 5727.60. If a person fails to file a report within 93090
the time prescribed by section 5727.08 or 5727.31 of the Revised 93091
Code, including any extensions of time granted by the tax 93092
commissioner, a penalty of fifty dollars per month, not to 93093
exceed five hundred dollars, may be imposed for each month or 93094
fraction of a month elapsing between the due date of the report, 93095
including any extensions, and the date the report was filed. The 93096
penalty under this section for failing to file a report required 93097
by section 5727.08 of the Revised Code shall be paid into the 93098
state general revenue fund. The penalty under this section for 93099

failing to file the report required by section 5727.31 of the Revised Code shall be deposited into the state treasury in the same manner as the tax, and the commissioner may collect the penalty by assessment pursuant to section 5727.38 of the Revised Code. ~~The tax commissioner may abate this penalty in full or in part.~~

Sec. 5727.82. (A) (1) Except as provided in divisions (A) (3) and (D) of this section, by the twentieth day of each month, each electric distribution company required to pay the tax imposed by section 5727.81 of the Revised Code shall file with the tax commissioner a return as prescribed by the tax commissioner and shall make payment of the full amount of tax due for the preceding month. The electric distribution company shall make payment to the tax commissioner unless required to remit the payment electronically as provided in section 5727.83 of the Revised Code.

(2) By the twentieth day of May, August, November, and February, each natural gas distribution company required to pay the tax imposed by section 5727.811 of the Revised Code shall file with the tax commissioner a return as prescribed by the tax commissioner and shall make payment to the tax commissioner of the full amount of tax due for the preceding quarter.

(3) If the electric distribution company required to pay the tax imposed by section 5727.81 of the Revised Code is a municipal electric utility, it may retain in its general fund that portion of the tax on the kilowatt hours distributed to end users located within the boundaries of the municipal corporation. However, the municipal electric utility shall make payment in accordance with division (A) (1) of this section of the tax due on the kilowatt hours distributed to end users

located outside the boundaries of the municipal corporation. 93130

(4) By the twentieth day of each month, each self- 93131
assessing purchaser that under division (C) of section 5727.81 93132
of the Revised Code pays directly to the tax commissioner the 93133
tax imposed by section 5727.81 of the Revised Code shall file 93134
with the tax commissioner a return as prescribed by the tax 93135
commissioner and shall make payment of the full amount of the 93136
tax due for the preceding month. 93137

(5) As prescribed by the tax commissioner, a return shall 93138
be signed by the company or self-assessing purchaser required to 93139
file it, or an authorized employee, officer, or agent of the 93140
company or purchaser. The return shall be deemed filed when 93141
received by the tax commissioner. 93142

(B) Any natural gas distribution company, electric 93143
distribution company, or self-assessing purchaser required by 93144
this section to file a return who fails to file it and pay the 93145
tax within the period prescribed shall pay an additional charge 93146
of fifty dollars or ten per cent of the tax required to be paid 93147
for the reporting period, whichever is greater. The tax 93148
commissioner may collect the additional charge by assessment 93149
pursuant to section 5727.89 of the Revised Code. ~~The~~ 93150
~~commissioner may abate all or a portion of the additional charge~~ 93151
~~and may adopt rules governing such abatements.~~ 93152

(C) If any tax due is not paid timely in accordance with 93153
this section, the natural gas distribution company, electric 93154
distribution company, or self-assessing purchaser liable for the 93155
tax shall pay interest, calculated at the rate per annum 93156
prescribed by section 5703.47 of the Revised Code, from the date 93157
the tax payment was due to the date of payment or to the date an 93158
assessment is issued, whichever occurs first. Interest shall be 93159

paid in the same manner as the tax, and the commissioner may 93160
collect the interest by assessment pursuant to section 5727.89 93161
of the Revised Code. 93162

(D) Not later than the tenth day of each month, a 93163
qualified end user not making the election to self-assess under 93164
division (C) of section 5727.81 of the Revised Code shall report 93165
in writing to the electric distribution company that distributes 93166
electricity to the end user the kilowatt hours that were 93167
consumed as a qualified end user in a qualifying manufacturing 93168
process for the prior month and the number of days, if any, on 93169
which the end user was not a qualified end user. For each 93170
calendar day during that month, a qualified end user shall 93171
report the kilowatt hours that were not used in a qualifying 93172
manufacturing process. For each calendar day the end user was 93173
not a qualified end user, the end user shall report in writing 93174
to the electric distribution company the total number of 93175
kilowatt hours used on that day, and the electric distribution 93176
company shall pay the tax imposed under section 5727.81 of the 93177
Revised Code on each kilowatt hour that was not distributed to a 93178
qualified end user in a qualifying manufacturing process. The 93179
electric distribution company may rely in good faith on a 93180
qualified end user's report filed under this division. If it is 93181
determined that the end user was not a qualified end user for 93182
any calendar day or the quantity of electricity used by the 93183
qualified end user in a qualifying manufacturing process was 93184
overstated, the tax commissioner shall assess and collect any 93185
tax imposed under section 5727.81 of the Revised Code directly 93186
from the qualified end user. As requested by the commissioner, 93187
each end user reporting to an electric distribution company that 93188
it is a qualified end user shall provide documentation to the 93189
commissioner that establishes the volume of electricity consumed 93190

daily by the qualified end user and the total number of kilowatt 93191
hours consumed in a qualifying manufacturing process. 93192

Sec. 5727.83. (A) A natural gas distribution company, an 93193
electric distribution company, or a self-assessing purchaser 93194
shall remit each tax payment electronically as prescribed by 93195
divisions (B) and (C) of this section. 93196

The tax commissioner shall notify each natural gas 93197
distribution company, electric distribution company, and self- 93198
assessing purchaser of the obligation to remit taxes 93199
electronically by using the Ohio business gateway, as defined in 93200
section 718.01 of the Revised Code, or another means of 93201
electronic payment. Failure by the commissioner to notify a 93202
company or self-assessing purchaser subject to this section to 93203
remit taxes electronically does not relieve the company or self- 93204
assessing purchaser of its obligation to remit taxes in that 93205
manner. 93206

(B) A natural gas distribution company, an electric 93207
distribution company, or a self-assessing purchaser required by 93208
this section to remit payments electronically shall remit such 93209
payments on or before the dates specified under section 5727.82 93210
of the Revised Code. The payment of taxes electronically does 93211
not affect a company's or self-assessing purchaser's obligation 93212
to file a return as required under section 5727.82 of the 93213
Revised Code. 93214

(C) A natural gas distribution company, an electric 93215
distribution company, or a self-assessing purchaser required by 93216
this section to remit taxes electronically may apply to the tax 93217
commissioner in the manner prescribed by the commissioner to be 93218
excused from that requirement. The commissioner may excuse the 93219
company or self-assessing purchaser from electronic remittance 93220

for good cause shown for the period of time requested by the 93221
company or self-assessing purchaser or for a portion of that 93222
period. The commissioner shall notify the company or self- 93223
assessing purchaser of the commissioner's decision as soon as is 93224
practicable. 93225

(D) If a natural gas distribution company, an electric 93226
distribution company, or a self-assessing purchaser required by 93227
this section to remit taxes electronically remits those taxes by 93228
some means other than electronically as prescribed by this 93229
section , and the tax commissioner determines that such failure 93230
was not due to reasonable cause or was due to willful neglect, 93231
the commissioner may collect an additional charge by assessment 93232
in the manner prescribed by section 5727.89 of the Revised Code. 93233
The additional charge shall equal five per cent of the amount of 93234
the taxes required to be paid electronically, but shall not 93235
exceed five thousand dollars. Any additional charge assessed 93236
under this section is in addition to any other penalty or charge 93237
imposed under this chapter, and shall be considered as revenue 93238
arising from the tax imposed under this chapter. ~~The tax-~~ 93239
~~commissioner may abate all or a portion of such a charge and may~~ 93240
~~adopt rules governing such abatements.~~ 93241

No additional charge shall be assessed under this division 93242
against a natural gas distribution company, an electric 93243
distribution company, or a self-assessing purchaser that has 93244
been notified of its obligation to remit taxes electronically 93245
under this section and that remits its first two tax payments 93246
after such notification by some other means. The additional 93247
charge may be assessed upon the remittance of any subsequent tax 93248
payment that the company or purchaser remits by some means other 93249
than electronically. 93250

Sec. 5727.89. (A) The tax commissioner may make an 93251
assessment, based on any information in the commissioner's 93252
possession, against any natural gas distribution company, 93253
electric distribution company, self-assessing purchaser, or 93254
qualified end user that fails to file a return or pay any tax, 93255
interest, or additional charge as required by sections 5727.80 93256
to 5727.95 of the Revised Code. 93257

When information in the possession of the tax commissioner 93258
indicates that a person liable for the tax imposed by section 93259
5727.81 or 5727.811 of the Revised Code has not paid the full 93260
amount of tax due, the commissioner may audit a representative 93261
sample of the person's business and may issue an assessment 93262
based on the audit. The commissioner shall give the person 93263
assessed written notice of the assessment in the manner provided 93264
in section 5703.37 of the Revised Code. With the notice, the 93265
commissioner shall provide instructions on how to petition for 93266
reassessment and request a hearing on the petition. 93267

The tax commissioner may issue an assessment for which the 93268
tax imposed by section 5727.81 or 5727.811 of the Revised Code 93269
was due and unpaid on the date the person was informed by an 93270
agent of the tax commissioner of an investigation or audit of 93271
the person. Any payment of the tax for the period covered by the 93272
assessment, after the person is so informed, shall be credited 93273
against the assessment. 93274

A penalty of up to fifteen per cent may be added to all 93275
amounts assessed under this section. ~~The commissioner may adopt~~ 93276
~~rules providing for the imposition and remission of penalties.~~ 93277

(B) Unless the party assessed files with the tax 93278
commissioner within sixty days after service of the notice of 93279
assessment, ~~either personally or by certified mail,~~ a written 93280

petition for reassessment signed by the party assessed or that 93281
party's authorized agent having knowledge of the facts, the 93282
assessment becomes final and the amount of the assessment is due 93283
and payable from the party assessed to the treasurer of state. 93284
The petition shall indicate the objections of the party 93285
assessed, but additional objections may be raised in writing if 93286
received by the commissioner prior to the date shown on the 93287
final determination. If the petition has been properly filed, 93288
the commissioner shall proceed under section 5703.60 of the 93289
Revised Code. 93290

(C) After an assessment becomes final, if any portion of 93291
the assessment, including accrued interest, remains unpaid, a 93292
certified copy of the tax commissioner's entry making the 93293
assessment final may be filed in the office of the clerk of the 93294
court of common pleas in the county in which the party assessed 93295
resides or in which the party's business is conducted. If the 93296
party assessed maintains no place of business in this state and 93297
is not a resident of this state, the certified copy of the entry 93298
may be filed in the office of the clerk of the court of common 93299
pleas of Franklin county. 93300

Immediately upon the filing of the entry, the clerk shall 93301
enter a judgment for the state against the person assessed in 93302
the amount shown on the entry. The judgment may be filed by the 93303
clerk in a loose-leaf book entitled "special judgments for the 93304
distribution excise taxes," and shall have the same effect as 93305
other judgments. Execution shall issue upon the judgment at the 93306
request of the tax commissioner, and all laws applicable to 93307
sales on execution shall apply to sales made under the judgment. 93308

If the assessment is not paid in its entirety within sixty 93309
days after the day the assessment was issued, the portion of the 93310

assessment consisting of tax due shall bear interest at the rate 93311
per annum prescribed by section 5703.47 of the Revised Code from 93312
the day the tax commissioner issues the assessment until the day 93313
the assessment is paid or until it is certified to the attorney 93314
general for collection under section 131.02 of the Revised Code, 93315
whichever comes first. If the unpaid portion of the assessment 93316
is certified to the attorney general for collection, the entire 93317
unpaid portion of the assessment shall bear interest at the rate 93318
per annum prescribed by section 5703.47 of the Revised Code from 93319
the date of certification until the date it is paid in its 93320
entirety. Interest shall be paid in the same manner as the tax 93321
and may be collected by the issuance of an assessment under this 93322
section. 93323

(D) If the tax commissioner believes that collection of 93324
the tax imposed by section 5727.81 or 5727.811 of the Revised 93325
Code will be jeopardized unless proceedings to collect or secure 93326
collection of the tax are instituted without delay, the 93327
commissioner may issue a jeopardy assessment against the person 93328
liable for the tax. Immediately upon the issuance of the 93329
jeopardy assessment, the commissioner shall file an entry with 93330
the clerk of the court of common pleas in the manner prescribed 93331
by division (C) of this section. Notice of the jeopardy 93332
assessment shall be served on the party assessed or the party's 93333
legal representative within five days of the filing of the entry 93334
with the clerk. The total amount assessed is immediately due and 93335
payable, unless the party assessed files a petition for 93336
reassessment in accordance with division (B) of this section and 93337
provides security in a form satisfactory to the commissioner and 93338
in an amount sufficient to satisfy the unpaid balance of the 93339
assessment. Full or partial payment of the assessment does not 93340
prejudice the commissioner's consideration of the petition for 93341

reassessment. 93342

(E) All money collected by the tax commissioner under this 93343
section shall be paid to the treasurer of state, and when paid 93344
shall be considered as revenue arising from the taxes imposed by 93345
sections 5727.81 and 5727.811 of the Revised Code. 93346

Sec. 5728.09. (A) Any person who fails to file timely the 93347
return required by section 5728.08 of the Revised Code may be 93348
required to pay an additional charge equal to the greater of 93349
fifty dollars or ten per cent of the tax due. ~~The tax~~ 93350
~~commissioner may adopt rules providing for the imposition and~~ 93351
~~remission of the additional charges.~~ Any additional charge 93352
imposed under this section may be collected through an 93353
assessment as provided in section 5728.10 of the Revised Code. 93354

(B) If the tax imposed by this chapter, or any portion of 93355
that tax, whether determined by the tax commissioner or the 93356
taxpayer, is not paid on or before the date prescribed in 93357
section 5728.08 of the Revised Code, interest shall be collected 93358
and paid in the same manner as the tax, upon that unpaid amount 93359
at the rate per annum prescribed by section 5703.47 of the 93360
Revised Code from the date prescribed for payment of the tax 93361
until it is paid or until the day an assessment is issued under 93362
section 5728.10 of the Revised Code, whichever occurs first. Any 93363
interest imposed under this chapter may be collected through an 93364
assessment as provided in section 5728.10 of the Revised Code. 93365

Sec. 5728.10. (A) If any person required to file a fuel 93366
use tax return by sections 5728.01 to 5728.14 of the Revised 93367
Code, fails to file the return within the time prescribed by 93368
those sections, files an incomplete return, files an incorrect 93369
return, or fails to remit the full amount of the tax due for the 93370
period covered by the return, the tax commissioner may make an 93371

assessment against the person, based upon any information in the 93372
commissioner's possession, for the period for which the tax was 93373
due. 93374

No assessment shall be made against any person for any tax 93375
imposed by this chapter more than four years after the return 93376
date for the period for which the tax was due or more than four 93377
years after the return for the period was filed, whichever is 93378
later. This section does not bar an assessment against any 93379
person who fails to file a fuel use tax return as required by 93380
this chapter, or who files a fraudulent fuel use tax return. 93381

A penalty of up to fifteen per cent may be added to the 93382
amount of every assessment made pursuant to this section. ~~The~~ 93383
~~commissioner may adopt rules providing for the imposition and~~ 93384
~~remission of penalties added to assessments made under this~~ 93385
~~section.~~ 93386

The commissioner shall give the party assessed written 93387
notice of the assessment in the manner provided in section 93388
5703.37 of the Revised Code. With the notice, the commissioner 93389
shall provide instructions on how to petition for reassessment 93390
and request a hearing on the petition. 93391

(B) Unless the party assessed files with the tax 93392
commissioner within sixty days after service of the notice of 93393
assessment, ~~either personally or by certified mail,~~ a written 93394
petition for reassessment, signed by the party assessed, or by 93395
the party's authorized agent having knowledge of the facts, the 93396
assessment becomes final and the amount of the assessment is due 93397
and payable from the party assessed to the treasurer of state. 93398
The petition shall indicate the objections of the party 93399
assessed, but additional objections may be raised in writing if 93400
received by the commissioner prior to the date shown on the 93401

final determination. If the petition has been properly filed, 93402
the commissioner shall proceed under section 5703.60 of the 93403
Revised Code. 93404

(C) After an assessment becomes final, if any portion of 93405
the assessment remains unpaid, including accrued interest, a 93406
certified copy of the tax commissioner's entry making the 93407
assessment final may be filed in the office of the clerk of the 93408
court of common pleas in the county in which the party's place 93409
of business is located or the county in which the party assessed 93410
resides. If the party maintains no office in this state and is 93411
not a resident of this state, the certified copy of the entry 93412
may be filed in the office of the clerk of the court of common 93413
pleas of Franklin county. 93414

Immediately upon the filing of the entry, the clerk shall 93415
enter a judgment for the state of Ohio against the party 93416
assessed in the amount shown on the entry. The judgment may be 93417
filed by the clerk in a loose-leaf book entitled "special 93418
judgments for state fuel use tax," and shall have the same 93419
effect as other judgments. Execution shall issue upon the 93420
judgment upon the request of the commissioner, and all laws 93421
applicable to sales on execution shall apply to sales made under 93422
the judgment. 93423

If the assessment is not paid within sixty days after the 93424
day the assessment was issued, the portion of the assessment 93425
consisting of tax due shall bear interest at the rate per annum 93426
prescribed by section 5703.47 of the Revised Code from the day 93427
the commissioner issues the assessment until it is paid or until 93428
it is certified to the attorney general for collection under 93429
section 131.02 of the Revised Code, whichever comes first. If 93430
the unpaid portion of the assessment is certified to the 93431

attorney general for collection, the entire unpaid portion of 93432
the assessment shall bear interest at the rate per annum 93433
prescribed by section 5703.47 of the Revised Code from the date 93434
of certification until the date it is paid in its entirety. 93435
Interest shall be paid in the same manner as the tax and may be 93436
collected by the issuance of an assessment under this section. 93437

(D) All money collected by the tax commissioner under this 93438
section shall be paid into the state treasury in the same manner 93439
as the revenues deriving from the taxes imposed by section 93440
5728.06 of the Revised Code. 93441

Sec. 5729.10. If a company fails to pay the tax levied by 93442
section 5729.03 of the Revised Code, or to make any partial 93443
payment thereof as required by law after a statement thereof has 93444
been made and mailed to it, or if the annual statement required 93445
by law to be made by it is false or incorrect, the 93446
superintendent of insurance may revoke the license of such 93447
company doing business in this state. Upon failure to pay the 93448
tax or to make partial payment thereof according to law, the 93449
~~superintendent~~treasurer of state shall certify that fact to the 93450
attorney general, who shall thereupon begin an action against 93451
the company in the court of common pleas of Franklin county, or 93452
any other county ~~he~~the attorney general elects, to recover the 93453
amount of the tax. If such company ceases to do business in this 93454
state, it shall thereupon make a report to the superintendent of 93455
the gross amount of premiums not theretofore reported as 93456
provided in section 5729.02 or 5729.04 of the Revised Code 93457
received by it from policies covering risks within this state 93458
prior to such discontinuance of business, after deducting return 93459
premiums and considerations received for reinsurance not 93460
theretofore so reported, and shall forthwith pay to the 93461
~~superintendent~~treasurer of state a like per cent of tax 93462

thereon. 93463

Sec. 5733.022. (A) Subject to division (C) of this 93464
section, if a taxpayer's total liability for taxes imposed by 93465
section 5733.06 of the Revised Code, after reduction for all 93466
nonrefundable credits allowed the taxpayer, exceeds fifty 93467
thousand dollars, the taxpayer shall remit each tax payment for 93468
the tax year electronically as prescribed by divisions (B) and 93469
(C) of this section. 93470

The tax commissioner shall notify each taxpayer required 93471
to remit taxes electronically of the taxpayer's obligation to do 93472
so. Failure by the commissioner to notify a taxpayer subject to 93473
this section to remit taxes electronically does not relieve the 93474
taxpayer of its obligation to remit taxes in that manner. 93475

(B) Taxpayers required by this section to remit payments 93476
electronically shall remit such payments in the manner 93477
prescribed by the tax commissioner. 93478

Except as otherwise provided in this paragraph, the 93479
electronic payment of taxes does not affect a taxpayer's 93480
obligation to file the annual corporation report or the 93481
declaration of estimated tax report as required under sections 93482
5733.02 and 5733.021 of the Revised Code. 93483

(C) If two or more taxpayers have elected or are required 93484
to file a combined report under section 5733.052 of the Revised 93485
Code, the tax liability of those taxpayers for purposes of 93486
division (A) of this section is the aggregate tax liability of 93487
those taxpayers after reduction for nonrefundable credits 93488
allowed the taxpayers. 93489

(D) A taxpayer required by this section to remit taxes 93490
electronically may apply to the tax commissioner in the manner 93491

prescribed by the commissioner to be excused from that 93492
requirement. The commissioner may excuse the taxpayer from 93493
electronic remittance for good cause shown for the period of 93494
time requested by the taxpayer or for a portion of that period. 93495
The commissioner shall notify the taxpayer of the commissioner's 93496
decision as soon as is practicable. 93497

(E) If a taxpayer required by this section to remit taxes 93498
electronically remits those taxes by some means other than 93499
electronically as prescribed by this section, and the tax 93500
commissioner determines that such failure was not due to 93501
reasonable cause or was due to willful neglect, the commissioner 93502
may collect an additional charge by assessment in the manner 93503
prescribed by section 5733.11 of the Revised Code. The 93504
additional charge shall equal five per cent of the amount of the 93505
taxes or estimated tax payments required to be paid 93506
electronically, but shall not exceed five thousand dollars. Any 93507
additional charge assessed under this section is in addition to 93508
any other penalty or charge imposed under this chapter, and 93509
shall be considered as revenue arising from the taxes imposed 93510
under this chapter. ~~The commissioner may remit all or a portion~~ 93511
~~of such a charge and may adopt rules governing such remission.~~ 93512

No additional charge shall be assessed under this division 93513
against a taxpayer that has been notified of its obligation to 93514
remit taxes electronically under this section and that remits 93515
its first two tax payments after such notification by some other 93516
means . The additional charge may be assessed upon the 93517
remittance of any subsequent tax payment that the taxpayer 93518
remits by some means other than electronically. 93519

Sec. 5735.062. (A) If the tax commissioner so requires, 93520
the dealer shall remit each monthly tax payment electronically 93521

as prescribed by division (B) of this section. 93522

The commissioner shall notify each dealer required to 93523
remit taxes electronically of the dealer's obligation to do so. 93524
Failure by the commissioner to notify a dealer subject to this 93525
section to remit taxes electronically does not relieve the 93526
dealer of its obligation to remit taxes electronically. 93527

(B) Dealers required by division (A) of this section to 93528
remit payments electronically shall remit such payments through 93529
the Ohio business gateway, as defined in section 718.01 of the 93530
Revised Code, or in another manner as prescribed by the 93531
commissioner. Required payments shall be remitted on or before 93532
the dates specified under section 5735.06 of the Revised Code. 93533
The payment of taxes electronically does not affect a dealer's 93534
obligation to file the monthly return as required under section 93535
5735.06 of the Revised Code. 93536

A dealer required by this section to remit taxes 93537
electronically may apply to the commissioner to be excused from 93538
that requirement. The commissioner may excuse the dealer from 93539
the electronic remittance requirement for good cause shown for 93540
the period of time requested by the dealer or for a portion of 93541
that period. 93542

(C) If a dealer required by this section to remit taxes 93543
electronically fails to do so, the commissioner may impose a 93544
penalty on the dealer not to exceed one of the following: 93545

(1) For the first return period the dealer fails to remit 93546
taxes electronically, the greater of twenty-five dollars or five 93547
per cent of the amount of the payment required to be remitted; 93548

(2) For the second or any subsequent return period the 93549
dealer fails to remit taxes electronically, the greater of fifty 93550

dollars or ten per cent of the amount of the payment required to 93551
be remitted. 93552

The penalty imposed under division (C) of this section is 93553
in addition to any other penalty imposed under this chapter and 93554
shall be considered as revenue arising from the taxes imposed 93555
under this chapter. A penalty may be collected by assessment in 93556
the manner prescribed by section 5735.12 of the Revised Code. 93557
~~The commissioner may abate all or a portion of a penalty.~~ 93558

(D) The commissioner may adopt rules necessary to 93559
administer this section. 93560

Sec. 5735.12. (A) Any person required by this chapter to 93561
file reports or pay the tax levied by this chapter who fails to 93562
do so within the time prescribed may be liable for an additional 93563
charge not exceeding the greater of ten per cent of the person's 93564
tax liability for that month or fifty dollars. ~~The tax-~~ 93565
~~commissioner may remit all or a portion of the additional charge~~ 93566
~~and may adopt rules relating to the remission of all or a~~ 93567
~~portion of the charge.~~ 93568

If any person required by this chapter to file reports or 93569
pay the taxes, interest, or additional charge levied by this 93570
chapter fails to file the report, files an incomplete or 93571
incorrect report, or fails to remit the full amount of the tax, 93572
interest, or additional charge due for the period covered by the 93573
report, the commissioner may make an assessment against the 93574
person based upon any information in the commissioner's 93575
possession. 93576

No assessment shall be made against any motor fuel dealer 93577
for taxes imposed by this chapter more than four years after the 93578
date on which the report on which the assessment was based was 93579

due or was filed, whichever is later. This section does not bar 93580
an assessment against any motor fuel dealer who fails to file a 93581
report required by section 5735.06 of the Revised Code, or who 93582
files a fraudulent motor fuel tax report. 93583

A penalty of up to fifteen per cent may be added to the 93584
amount of every assessment made under this section. The 93585
commissioner may adopt rules providing for the imposition and 93586
remission of penalties added to assessments made under this 93587
section. 93588

The commissioner shall give the party assessed written 93589
notice of the assessment in the manner provided in section 93590
5703.37 of the Revised Code. With the notice, the commissioner 93591
shall provide instructions on how to petition for reassessment 93592
and request a hearing on the petition. 93593

(B) Unless the party assessed files with the tax 93594
commissioner within sixty days after service of the notice of 93595
assessment, ~~either personally or by certified mail,~~ a written 93596
petition for reassessment in writing, signed by the party 93597
assessed or that party's authorized agent having knowledge of 93598
the facts, the assessment becomes final and the amount of the 93599
assessment is due and payable from the party assessed to the 93600
treasurer of state. The petition shall indicate the objections 93601
of the party assessed, but additional objections may be raised 93602
in writing if received by the commissioner prior to the date 93603
shown on the final determination. If the petition has been 93604
properly filed, the commissioner shall proceed under section 93605
5703.60 of the Revised Code. 93606

(C) After an assessment becomes final, if any portion of 93607
the assessment remains unpaid, including accrued interest, a 93608
certified copy of the tax commissioner's entry making the 93609

assessment final may be filed in the office of the clerk of the 93610
court of common pleas in the county in which the party assessed 93611
resides or in which the business of the party assessed is 93612
conducted. If the party assessed maintains no place of business 93613
in this state and is not a resident of this state, the certified 93614
copy of the entry may be filed in the office of the clerk of the 93615
court of common pleas of Franklin county. 93616

Immediately upon the filing of the entry, the clerk shall 93617
enter a judgment for the state against the party assessed in the 93618
amount shown on the entry. The judgment may be filed by the 93619
clerk in a loose-leaf book entitled "special judgments for state 93620
motor fuel tax," and shall have the same effect as other 93621
judgments. Execution shall issue upon the judgment upon the 93622
request of the tax commissioner, and all laws applicable to 93623
sales on execution shall apply to sales made under the judgment. 93624

If the assessment is not paid in its entirety within sixty 93625
days after the day the assessment was issued, the portion of the 93626
assessment consisting of tax due shall bear interest at the rate 93627
per annum prescribed by section 5703.47 of the Revised Code from 93628
the day the commissioner issues the assessment until it is paid 93629
or until it is certified to the attorney general for collection 93630
under section 131.02 of the Revised Code, whichever comes first. 93631
If the unpaid portion of the assessment is certified to the 93632
attorney general for collection, the entire unpaid portion of 93633
the assessment shall bear interest at the rate per annum 93634
prescribed by section 5703.47 of the Revised Code from the date 93635
of certification until the date it is paid in its entirety. 93636
Interest shall be paid in the same manner as the tax and may be 93637
collected by the issuance of an assessment under this section. 93638

(D) All money collected by the tax commissioner under this 93639

section shall be paid to the treasurer of state, and when paid 93640
shall be considered as revenue arising from the tax imposed by 93641
this chapter. 93642

(E) If the tax commissioner determines that the 93643
commissioner has erroneously refunded motor fuel tax to any 93644
person, the commissioner may make an assessment against the 93645
person for recovery of the erroneously refunded tax. 93646

Sec. 5735.121. (A) If the tax commissioner finds that any 93647
person liable for tax under this chapter is about to depart from 93648
the state, remove property from the state, conceal self, or 93649
conceal the person's property, or do any other act tending to 93650
prejudice, obstruct, or render wholly or partly ineffectual 93651
proceedings to collect the tax, unless proceedings are commenced 93652
without delay, or if the commissioner believes that the 93653
collection of the amount due from any person will be jeopardized 93654
by delay, the commissioner may issue a jeopardy assessment 93655
against the person for the amount of the tax, plus a penalty of 93656
up to fifteen per cent. Upon issuance of a jeopardy assessment 93657
under this division, the total amount assessed shall immediately 93658
be due and payable unless security is provided pursuant to 93659
division (C) of this section. Any assessment issued under this 93660
section shall bear interest in the manner prescribed in section 93661
5735.12 of the Revised Code. 93662

(B) The commissioner immediately shall file an entry with 93663
the clerk of the court of common pleas in the same manner and 93664
with the same effect as provided in section 5735.12 of the 93665
Revised Code. Notice of the jeopardy assessment shall be served 93666
on the person assessed or the legal representative of the person 93667
assessed, as provided in section 5703.37 of the Revised Code, 93668
within five days of the filing of the entry. The person assessed 93669

may petition for reassessment within sixty days of receipt of 93670
the notice of jeopardy assessment in the same manner as provided 93671
in section 5735.12 of the Revised Code. Full or partial payment 93672
of the assessment shall not prejudice the commissioner's 93673
consideration of the merits of the assessment as contested by 93674
the petition for reassessment. Upon notification of the 93675
existence of the judgment filed pursuant to this division, any 93676
public official having control or custody of any funds or 93677
property of the person assessed immediately shall pay or deliver 93678
the funds or property to the commissioner as full or partial 93679
satisfaction of the jeopardy assessment. However, funds or 93680
property needed as evidence in criminal proceedings or that is 93681
expected to be forfeited pursuant to Chapter 2981. of the 93682
Revised Code, need not be relinquished by the public official. 93683
Upon disposition of criminal and forfeiture proceedings, funds 93684
and property not needed as evidence and not forfeited shall be 93685
delivered to the commissioner. 93686

(C) If the person subject to a jeopardy assessment files a 93687
petition for reassessment and posts security satisfactory to the 93688
commissioner in an amount sufficient to satisfy the unpaid 93689
balance of the assessment, execution on the judgment shall be 93690
stayed pending disposition of the petition for reassessment and 93691
all appeals resulting from the petition. If the security is 93692
sufficient to satisfy the full amount of the assessment, the 93693
commissioner shall return any funds or property of the person 93694
that previously were seized. Upon satisfaction of the 93695
assessment, the commissioner shall order the security released 93696
and the judgment vacated. 93697

~~(D) The commissioner may adopt rules providing for the 93698~~
~~imposition and remission of penalties added to assessments made 93699~~
~~under this section. 93700~~

Sec. 5736.05. (A) Any taxpayer that fails to file a return 93701
or pay the full amount of the tax due within the period 93702
prescribed therefor under this chapter shall pay a penalty in an 93703
amount not exceeding the greater of fifty dollars or ten per 93704
cent of the tax required to be paid for the tax period. 93705

(B) (1) If any additional tax is found to be due, the tax 93706
commissioner may impose an additional penalty of up to fifteen 93707
per cent on the additional tax found to be due. 93708

(2) Any delinquent payments of the tax made after a 93709
taxpayer is notified of an audit or a tax discrepancy by the 93710
commissioner is subject to the penalty imposed by division (B) 93711
of this section. If an assessment is issued under section 93712
5736.09 of the Revised Code in connection with such delinquent 93713
payments, the payments shall be credited to the assessment. 93714

(C) If a person required to remit taxes or file a return 93715
electronically under section 5736.04 of the Revised Code fails 93716
to do so, the commissioner may impose a penalty not to exceed 93717
the following: 93718

(1) For either of the first two calendar quarters the 93719
person so fails, five per cent of the amount of the payment that 93720
was required to be remitted; 93721

(2) For the third and any subsequent calendar quarters the 93722
person so fails, ten per cent of the amount of the payment that 93723
was required to be remitted. 93724

(D) The tax commissioner may collect any penalty or 93725
interest imposed by this section in the same manner as the tax 93726
imposed under this chapter. Penalties and interest so collected 93727
shall be considered as revenue arising from the tax imposed 93728
under this chapter. 93729

~~(E) The tax commissioner may abate all or a portion of any~~ 93730
~~penalties imposed under this section and may adopt rules~~ 93731
~~governing such abatements.~~ 93732

~~(F)~~ If any tax due is not timely paid in accordance with 93733
this chapter, the taxpayer shall pay interest, calculated at the 93734
rate per annum prescribed by section 5703.47 of the Revised 93735
Code, from the date the tax payment was due to the date of 93736
payment or to the date an assessment was issued, whichever 93737
occurs first. 93738

Sec. 5736.09. (A) The tax commissioner may make an 93739
assessment, based on any information in the commissioner's 93740
possession, against any person that fails to file a return or 93741
pay any ~~tax~~ amounts as required by this chapter. The 93742
commissioner shall give the person assessed written notice of 93743
the assessment as provided in section 5703.37 of the Revised 93744
Code. With the notice, the commissioner shall provide 93745
instructions on the manner in which to petition for reassessment 93746
and request a hearing with respect to the petition. 93747

(B) Unless the person assessed, within sixty days after 93748
service of the notice of assessment, files with the 93749
commissioner, ~~either personally or by certified mail,~~ a written 93750
petition signed by the person or the person's authorized agent 93751
having knowledge of the facts, the assessment becomes final, and 93752
the amount of the assessment is due and payable from the person 93753
assessed to the treasurer of state. The petition shall indicate 93754
the objections of the person assessed, but additional objections 93755
may be raised in writing if received by the commissioner prior 93756
to the date shown on the final determination. 93757

If a petition for reassessment has been properly filed, 93758
the commissioner shall proceed under section 5703.60 of the 93759

Revised Code.

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(C) (1) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county.

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(2) Immediately upon the filing of the entry, the clerk shall enter judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the petroleum activity tax" and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

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(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this

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section. 93790

(D) If the commissioner believes that collection of the 93791
tax will be jeopardized unless proceedings to collect or secure 93792
collection of the tax are instituted without delay, the 93793
commissioner may issue a jeopardy assessment against the person 93794
liable for the tax. Immediately upon the issuance of the 93795
jeopardy assessment, the commissioner shall file an entry with 93796
the clerk of the court of common pleas in the manner prescribed 93797
by division (C) of this section. Notice of the jeopardy 93798
assessment shall be served on the person assessed or the 93799
person's authorized agent in the manner provided in section 93800
5703.37 of the Revised Code within five days of the filing of 93801
the entry with the clerk. The total amount assessed is 93802
immediately due and payable, unless the person assessed files a 93803
petition for reassessment in accordance with division (B) of 93804
this section and provides security in a form satisfactory to the 93805
commissioner and in an amount sufficient to satisfy the unpaid 93806
balance of the assessment. Full or partial payment of the 93807
assessment does not prejudice the commissioner's consideration 93808
of the petition for reassessment. 93809

(E) The commissioner shall immediately forward to the 93810
treasurer of state all amounts the commissioner receives under 93811
this section, and such amounts shall be considered as revenue 93812
arising from the tax imposed under this chapter. 93813

(F) Except as otherwise provided in this division, no 93814
assessment shall be made or issued against a taxpayer for ~~the~~ 93815
~~tax~~ amounts imposed under this chapter more than four years 93816
after the due date for the filing of the return or application 93817
for the tax period for which the ~~tax~~ amount was reported, or 93818
more than four years after the return or application for the tax 93819

period was filed, whichever is later. The time limit may be 93820
extended if both the taxpayer and the commissioner consent in 93821
writing to the extension or enter into an agreement waiving or 93822
extending the time limit. Any such extension shall extend the 93823
four-year time limit in division (A) of section 5736.08 of the 93824
Revised Code for the same period of time. Nothing in this 93825
division bars an assessment against a taxpayer that fails to 93826
file a return required by this chapter or that files a 93827
fraudulent return. 93828

(G) If the commissioner possesses information that 93829
indicates that the amount of tax a taxpayer is required to pay 93830
under this chapter exceeds the amount the taxpayer paid, the 93831
commissioner may audit a sample of the taxpayer's calculated 93832
gross receipts over a representative period of time to ascertain 93833
the amount of tax due, and may issue an assessment based on the 93834
audit. The commissioner shall make a good faith effort to reach 93835
agreement with the taxpayer in selecting a representative 93836
sample. The commissioner may apply a sampling method only if the 93837
commissioner has prescribed the method by rule. 93838

(H) If the whereabouts of a person subject to this chapter 93839
is not known to the commissioner, the commissioner shall follow 93840
the procedures under section 5703.37 of the Revised Code. 93841

Sec. 5739.027. (A) Notwithstanding sections 5739.02, 93842
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 93843
5741.023 of the Revised Code, the tax due on the sale to a 93844
consumer who is a nonresident of this state of a watercraft or 93845
outboard motor required to be titled pursuant to Chapter 1548. 93846
of the Revised Code, or on the sale of a watercraft documented 93847
or to be documented with the United States coast guard, shall be 93848
~~the lesser of the combined tax rate in effect at the location of~~ 93849

~~the vendor or the sales, use, or similar excise tax that the~~ 93850
~~consumer would owe in the state of the consumer's intended~~ 93851
~~titling, registration, or use of the watercraft or outboard~~ 93852
~~motor~~ amount of tax that would be due under this chapter and 93853
Chapter 5741. of the Revised Code if the total combined rate was 93854
six per cent, if all of the following apply: 93855

(1) The consumer immediately will remove the watercraft or 93856
outboard motor from this state for use outside this state; 93857

(2) The consumer will title or register the watercraft or 93858
outboard motor in another state, if such titling or registration 93859
is required; 93860

(3) The consumer will pay all applicable sales, use, or 93861
similar excise taxes due in the state of titling, registration, 93862
or use; 93863

(4) The state of titling, registration, or use grants a 93864
credit against its sales, use, or similar excise tax for tax 93865
paid to this state; 93866

(5) The consumer executes the affidavit specified in 93867
division (C) of this section. 93868

The vendor shall collect the tax and remit it to the state 93869
in the manner specified by the tax commissioner. 93870

(B) If all of the conditions specified in division (A) of 93871
this section exist, except that the state of titling, 93872
registration, or use does not grant a credit for sales or use 93873
tax paid to this state, or that the consumer's ownership or use 93874
of the watercraft or outboard motor is exempt or otherwise not 93875
taxable in such other state, the consumer may take title to and 93876
possession of the watercraft or outboard motor without payment 93877
of any sales or use tax to this state. 93878

(C) Every nonresident consumer who purchases a watercraft 93879
or outboard motor, as described in division (A) of this section, 93880
for immediate removal from this state shall execute an affidavit 93881
in duplicate, in such form as the tax commissioner specifies, 93882
affirming such facts and specifying the consumer's tax liability 93883
in the intended state of titling, registration, or use. The 93884
affidavit shall be given to the vendor. The vendor shall retain 93885
a copy of the affidavit and file another copy with the clerk of 93886
the court of common pleas if the vendor is procuring an Ohio 93887
title on behalf of the consumer. The original copy of the 93888
affidavit shall be filed with the tax commissioner in the manner 93889
prescribed by the tax commissioner. 93890

(D) If the vendor procures a title on behalf of the 93891
nonresident consumer from the clerk of the court of common pleas 93892
of the county where the vendor is located on the sale of a 93893
watercraft or outboard motor, the vendor shall file the 93894
affidavit specified in division (C) of this section with the 93895
clerk. The clerk shall issue the title without requiring payment 93896
of a sales or use tax. 93897

(E) If the watercraft or outboard motor is purchased by a 93898
corporation described in division (B)(6) of section 5739.01 of 93899
the Revised Code, for purposes of this section the state of 93900
residence of the consumer shall be the state of residence of the 93901
principal shareholder. 93902

(F) For purposes of this section, the consideration 93903
received for watercraft trailers not required to be titled 93904
pursuant to Chapter 4505. of the Revised Code and other 93905
accessories, which are transferred to a nonresident consumer 93906
with the watercraft or outboard motor, is part of the price of 93907
the watercraft or outboard motor, provided that such 93908

consideration is included in the price of the watercraft or 93909
outboard motor as reported by the vendor. Tangible personal 93910
property sold separately to the nonresident consumer shall be 93911
taxed as otherwise provided in this chapter and Chapter 5741. of 93912
the Revised Code. 93913

(G) A vendor who in good faith accepts an affidavit 93914
provided by a nonresident consumer pursuant to division (C) of 93915
this section may rely upon the representations made in the 93916
affidavit. 93917

(H) All provisions of this chapter and of Chapter 5741. of 93918
the Revised Code that are not inconsistent with this section 93919
apply to transactions described in this section. 93920

(I) Any vendor who makes sales described in this section 93921
shall file with the tax commissioner any supplemental report or 93922
return the tax commissioner considers necessary for the 93923
efficient administration and enforcement of this section. 93924

Sec. 5739.032. (A) If the total amount of tax required to 93925
be paid by a permit holder under section 5739.031 of the Revised 93926
Code for any calendar year equals or exceeds seventy-five 93927
thousand dollars, the permit holder shall remit each monthly tax 93928
payment in the second ensuing and each succeeding year 93929
electronically as prescribed by division (B) of this section. 93930

If a permit holder's tax payment for each of two 93931
consecutive years is less than seventy-five thousand dollars, 93932
the permit holder is relieved of the requirement to remit taxes 93933
electronically for the year that next follows the second of the 93934
consecutive years in which the tax payment is less than that 93935
amount, and is relieved of that requirement for each succeeding 93936
year, unless the tax payment in a subsequent year equals or 93937

exceeds seventy-five thousand dollars. 93938

Failure by the tax commissioner to notify a permit holder 93939
subject to this section to remit taxes electronically does not 93940
relieve the permit holder of its obligation to remit taxes in 93941
that manner. 93942

(B) Permit holders required by division (A) of this 93943
section to remit payments electronically shall remit such 93944
payments by using the Ohio business gateway, as defined in 93945
section 718.01 of the Revised Code, or another means of 93946
electronic payment, and as follows: 93947

(1) On or before the twenty-third day of each month, a 93948
permit holder shall remit an amount equal to seventy-five per 93949
cent of the anticipated tax liability for that month. 93950

(2) On or before the twenty-third day of each month, a 93951
permit holder shall report the taxes due for the previous month 93952
and shall remit that amount, less any amounts paid for that 93953
month as required by division (B) (1) of this section. 93954

The electronic payment of taxes does not affect a permit 93955
holder's obligation to file the monthly return as required under 93956
section 5739.031 of the Revised Code. 93957

(C) (1) (a) If a permit holder that is required to remit 93958
payments under division (B) of this section fails to make a 93959
payment, or makes a payment under division (B) (1) of this 93960
section that is less than seventy-five per cent of the actual 93961
liability for that month, the commissioner may impose an 93962
additional charge not to exceed five per cent of that unpaid 93963
amount. 93964

(b) Division (C) (1) (a) of this section does not apply if 93965
the permit holder's payment under division (B) (1) of this 93966

section is equal to or greater than seventy-five per cent of the 93967
permit holder's reported liability for the same month in the 93968
immediately preceding calendar year. 93969

(2) If a permit holder required by this section to remit 93970
taxes electronically remits those taxes by some means other than 93971
electronically as prescribed by this section and the tax 93972
commissioner determines that such failure was not due to 93973
reasonable cause or was due to willful neglect, the commissioner 93974
may impose an additional charge not to exceed the lesser of five 93975
per cent of the amount of the taxes required to be paid 93976
electronically or five thousand dollars. 93977

(3) Any additional charge imposed under division (C) (1) or 93978
(2) of this section is in addition to any other penalty or 93979
charge imposed under this chapter, and shall be considered as 93980
revenue arising from taxes imposed under this chapter. An 93981
additional charge may be collected by assessment in the manner 93982
prescribed by section 5739.13 of the Revised Code. ~~The tax-~~ 93983
~~commissioner may waive all or a portion of such a charge and may~~ 93984
~~adopt rules governing such waiver.~~ 93985

No additional charge shall be imposed under division (C) 93986
(2) of this section against a permit holder that has been 93987
notified of its obligation to remit taxes electronically under 93988
this section and that remits its first two tax payments after 93989
such notification by some other means. The additional charge may 93990
be imposed upon the remittance of any subsequent tax payment 93991
that the permit holder remits by some means other than 93992
electronically. 93993

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor 93994
has paid taxes to the tax commissioner or the commissioner's 93995
agent, the commissioner shall refund to the vendor the amount of 93996

taxes paid, and any penalties assessed with respect to such 93997
taxes, if the vendor has refunded to the consumer the full 93998
amount of taxes the consumer paid illegally or erroneously or if 93999
the vendor has illegally or erroneously billed the consumer but 94000
has not collected the taxes from the consumer. 94001

(B) When, pursuant to this chapter, a consumer has paid 94002
taxes directly to the tax commissioner or the commissioner's 94003
agent, and the payment or assessment was illegal or erroneous, 94004
the commissioner shall refund to the consumer the full amount of 94005
illegal or erroneous taxes paid and any penalties assessed with 94006
respect to such taxes. 94007

(C) The commissioner shall refund to the consumer amounts 94008
paid illegally or erroneously to a vendor only if: 94009

(1) The commissioner has not refunded the tax to the 94010
vendor and the vendor has not refunded the tax to the consumer; 94011
or 94012

(2) The consumer has received a refund from a manufacturer 94013
or other person, other than the vendor, of the full purchase 94014
price, but not the tax, paid to the vendor in settlement of a 94015
complaint by the consumer about the property or service 94016
purchased. 94017

The commissioner may require the consumer to obtain or the 94018
vendor to provide a written statement confirming that the vendor 94019
has not refunded the tax to the consumer and has not filed an 94020
application for refund of the tax with the commissioner. 94021

(D) Subject to division (E) of this section, an 94022
application for refund shall be filed with the tax commissioner 94023
on the form prescribed by the commissioner within four years 94024
from the date of the illegal or erroneous payment, unless the 94025

vendor or consumer waives the time limitation under division (A) 94026
(3) of section 5739.16 of the Revised Code. If the time 94027
limitation is waived, the refund application period shall be 94028
extended for the same period as the waiver. 94029

(E) An application for refund shall be filed in accordance 94030
with division (D) of this section unless a person is subject to 94031
an assessment that is subject to the time limit of division (B) 94032
of section 5703.58 of the Revised Code for amounts not reported 94033
and paid between the four-year time limit described in division 94034
(D) of this section and the seven-year limit described in 94035
division (B) of section 5703.58 of the Revised Code, in which 94036
case the person may file an application within six months after 94037
the date the assessment is issued. Any refund allowed under this 94038
division shall not exceed the amount of the assessment due for 94039
the same period. 94040

(F) On the filing of an application for a refund, the 94041
commissioner shall determine the amount of refund to which the 94042
applicant is entitled. If the amount is not less than that 94043
claimed, the commissioner shall certify that amount to the 94044
director of budget and management and the treasurer of state for 94045
payment from the tax refund fund created by section 5703.052 of 94046
the Revised Code. If the amount is less than that claimed, the 94047
commissioner shall proceed in accordance with section 5703.70 of 94048
the Revised Code. 94049

(G) When a refund is granted under this section, it shall 94050
include interest thereon as provided by section 5739.132 of the 94051
Revised Code, except that no such interest shall be granted when 94052
a refund is granted for illegal or erroneous payments made 94053
pursuant to a direct payment permit issued under section 94054
5739.031 of the Revised Code or division (I) of section 122.175 94055

of the Revised Code.

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Sec. 5739.102. A person who is liable for a tax levied under section 5739.101 of the Revised Code shall file a return with the tax commissioner showing the person's taxable gross receipts from sales described under division (B) (1) or (2) or (C) of that section. The tax commissioner shall prescribe the form of the return, and the six- or twelve-month reporting period. The person shall file the return on or before the last day of the month following the end of the reporting period prescribed by the commissioner, and shall include with the return payment of the tax for the period. The remittance shall be made payable to the treasurer of state.

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Upon receipt of a return, the tax commissioner shall credit any money included with it to the resort area excise tax fund, which is hereby created. Within forty-five days after the end of each month, the commissioner shall provide for the distribution of all money paid during that month into the resort area excise tax fund to the appropriate municipal corporations and townships, after first subtracting and crediting to the general revenue fund one per cent to cover the costs of administering the excise tax.

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If a person liable for the tax fails to file a return or pay the tax as required under this section and the rules of the tax commissioner, the person shall pay an additional charge of the greater of fifty dollars or ten per cent of the tax due for the return period. The additional charge shall be considered revenue arising from the tax levied under section 5739.101 of the Revised Code, and may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. ~~The tax commissioner may remit all or a portion of the charge.~~

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Sec. 5739.12. (A) (1) Each person who has or is required to 94086
have a vendor's license, on or before the twenty-third day of 94087
each month, shall make and file a return for the preceding month 94088
in the form prescribed by the tax commissioner, and shall pay 94089
the tax shown on the return to be due. The return shall be filed 94090
electronically using the Ohio business gateway, as defined in 94091
section 718.01 of the Revised Code, the Ohio telefile system, or 94092
any other electronic means prescribed by the commissioner. 94093
Payment of the tax shown on the return to be due shall be made 94094
electronically in a manner approved by the commissioner. The 94095
commissioner may require a vendor that operates from multiple 94096
locations or has multiple vendor's licenses to report all tax 94097
liabilities on one consolidated return. The return shall show 94098
the amount of tax due from the vendor to the state for the 94099
period covered by the return and such other information as the 94100
commissioner deems necessary for the proper administration of 94101
this chapter. The commissioner may extend the time for making 94102
and filing returns and paying the tax, and may require that the 94103
return for the last month of any annual or semiannual period, as 94104
determined by the commissioner, be a reconciliation return 94105
detailing the vendor's sales activity for the preceding annual 94106
or semiannual period. The reconciliation return shall be filed 94107
by the last day of the month following the last month of the 94108
annual or semiannual period. ~~The commissioner may remit all or~~ 94109
~~any part of amounts or penalties that may become due under this~~ 94110
~~chapter and may adopt rules relating thereto.~~ Such return shall 94111
be filed electronically as directed by the tax commissioner, and 94112
payment of the amount of tax shown to be due thereon, after 94113
deduction of any discount provided for under this section, shall 94114
be made electronically in a manner approved by the tax 94115
commissioner. 94116

(2) Any person required to file returns and make payments 94117
electronically under division (A) (1) of this section may apply 94118
to the tax commissioner on a form prescribed by the commissioner 94119
to be excused from that requirement. For good cause shown, the 94120
commissioner may excuse the person from that requirement and may 94121
permit the person to file the returns and make the payments 94122
required by this section by nonelectronic means. 94123

(B) (1) If the return is filed and the amount of tax shown 94124
thereon to be due is paid on or before the date such return is 94125
required to be filed, the vendor shall be entitled to a discount 94126
of three-fourths of one per cent of the amount shown to be due 94127
on the return. 94128

(2) A vendor that has selected a certified service 94129
provider as its agent shall not be entitled to the discount if 94130
the certified service provider receives a monetary allowance 94131
pursuant to section 5739.06 of the Revised Code for performing 94132
the vendor's sales and use tax functions in this state. Amounts 94133
paid to the clerk of courts pursuant to section 4505.06 of the 94134
Revised Code shall be subject to the applicable discount. The 94135
discount shall be in consideration for prompt payment to the 94136
clerk of courts and for other services performed by the vendor 94137
in the collection of the tax. 94138

(C) (1) Upon application to the tax commissioner, a vendor 94139
who is required to file monthly returns may be relieved of the 94140
requirement to report and pay the actual tax due, provided that 94141
the vendor agrees to remit to the commissioner payment of not 94142
less than an amount determined by the commissioner to be the 94143
average monthly tax liability of the vendor, based upon a review 94144
of the returns or other information pertaining to such vendor 94145
for a period of not less than six months nor more than two years 94146

immediately preceding the filing of the application. Vendors who 94147
agree to the above conditions shall make and file an annual or 94148
semiannual reconciliation return, as prescribed by the 94149
commissioner. The reconciliation return shall be filed 94150
electronically as directed by the tax commissioner, and payment 94151
of the amount of tax shown to be due thereon, after deduction of 94152
any discount provided in this section, shall be made 94153
electronically in a manner approved by the commissioner. Failure 94154
of a vendor to comply with any of the above conditions may 94155
result in immediate reinstatement of the requirement of 94156
reporting and paying the actual tax liability on each monthly 94157
return, and the commissioner may at the commissioner's 94158
discretion deny the vendor the right to report and pay based 94159
upon the average monthly liability for a period not to exceed 94160
two years. The amount ascertained by the commissioner to be the 94161
average monthly tax liability of a vendor may be adjusted, based 94162
upon a review of the returns or other information pertaining to 94163
the vendor for a period of not less than six months nor more 94164
than two years preceding such adjustment. 94165

(2) The commissioner may authorize vendors whose tax 94166
liability is not such as to merit monthly returns, as 94167
ascertained by the commissioner upon the basis of administrative 94168
costs to the state, to make and file returns at less frequent 94169
intervals. When returns are filed at less frequent intervals in 94170
accordance with such authorization, the vendor shall be allowed 94171
the discount provided in this section in consideration for 94172
prompt payment with the return, provided the return is filed and 94173
payment is made of the amount of tax shown to be due thereon, at 94174
the time specified by the commissioner, but a vendor that has 94175
selected a certified service provider as its agent shall not be 94176
entitled to the discount. 94177

(D) Any vendor who fails to file a return or to pay the full amount of the tax shown on the return to be due in the manner prescribed under this section and the rules of the commissioner may, for each such return, be required to forfeit and pay into the state treasury an additional charge not exceeding fifty dollars or ten per cent of the tax required to be paid for the reporting period, whichever is greater, as revenue arising from the tax imposed by this chapter, and such sum may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. ~~The commissioner may remit all or a portion of the additional charge and may adopt rules relating to the imposition and remission of the additional charge.~~

(E) If the amount required to be collected by a vendor from consumers is in excess of the applicable percentage of the vendor's receipts from sales that are taxable under section 5739.02 of the Revised Code, or in the case of sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, in excess of the percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code, such excess shall be remitted along with the remittance of the amount of tax due under section 5739.10 of the Revised Code.

(F) The commissioner, if the commissioner deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than monthly periods.

(G) Any vendor required to file a return and pay the tax under this section whose total payment for a year equals or exceeds the amount shown in division (A) of section 5739.122 of

the Revised Code is subject to the accelerated tax payment 94208
requirements in divisions (B) and (C) of that section. For a 94209
vendor that operates from multiple locations or has multiple 94210
vendor's licenses, in determining whether the vendor's total 94211
payment equals or exceeds the amount shown in division (A) of 94212
that section, the vendor's total payment amount shall be the 94213
amount of the vendor's total tax liability for the previous 94214
calendar year for all of the vendor's locations or licenses. 94215

Sec. 5739.122. (A) If the total amount of tax required to 94216
be paid by a vendor under section 5739.12 of the Revised Code 94217
for any calendar year equals or exceeds seventy-five thousand 94218
dollars, the vendor shall remit each monthly tax payment in the 94219
second ensuing and each succeeding tax year on an accelerated 94220
basis as prescribed by divisions (B) and (C) of this section. 94221

If a vendor's tax payment for each of two consecutive 94222
years is less than seventy-five thousand dollars, the vendor is 94223
relieved of the requirement to remit taxes in the manner 94224
prescribed by this section for the year that next follows the 94225
second of the consecutive years in which the tax payment is less 94226
than that amount, and is relieved of that requirement for each 94227
succeeding year, unless the tax payment in a subsequent year 94228
equals or exceeds seventy-five thousand dollars. 94229

The tax commissioner shall notify each vendor required to 94230
make accelerated tax payments of the vendor's obligation to do 94231
so and shall maintain an updated list of those vendors. Failure 94232
by the tax commissioner to notify a vendor subject to this 94233
section to remit taxes on an accelerated basis does not relieve 94234
the vendor of its obligation to remit taxes as provided under 94235
division (B) of this section. 94236

(B) Vendors required by division (A) of this section to 94237

make accelerated tax payments shall electronically remit such 94238
payments to the tax commissioner in a manner approved by the 94239
commissioner, as follows: 94240

(1) On or before the twenty-third day of each month, a 94241
vendor shall remit an amount equal to seventy-five per cent of 94242
the anticipated tax liability for that month. 94243

(2) On or before the twenty-third day of each month, a 94244
vendor shall report the taxes collected for the previous month 94245
and shall remit that amount, less any amounts paid for that 94246
month as required by division (B)(1) of this section. 94247

The payment of taxes on an accelerated basis under this 94248
section does not affect a vendor's obligation to file returns 94249
and pay the tax shown on the returns to be due as required under 94250
section 5739.12 of the Revised Code. 94251

(C) A vendor required by this section to remit taxes on an 94252
accelerated basis may apply to the tax commissioner, in the 94253
manner prescribed by the commissioner, to be excused from that 94254
requirement. The commissioner may excuse the vendor from 94255
remittance on an accelerated basis for good cause shown for the 94256
period of time requested by the vendor or for a portion of that 94257
period. 94258

(D) (1) (a) If a vendor that is required to remit payments 94259
under division (B) of this section fails to make a payment 94260
required under division (B)(1) of this section, or makes a 94261
payment under division (B)(1) of this section that is less than 94262
seventy-five per cent of the actual liability for that month, 94263
the commissioner may impose an additional charge not to exceed 94264
five per cent of that unpaid amount. 94265

(b) Division (D)(1)(a) of this section does not apply if 94266

the vendor's payment under division (B)(1) of this section is 94267
equal to or greater than seventy-five per cent of the vendor's 94268
reported liability for the same month in the immediately 94269
preceding calendar year. 94270

(2) Any additional charge imposed under division (D)(1) 94271
of this section is in addition to any other penalty or charge 94272
imposed under this chapter, and shall be considered as revenue 94273
arising from taxes imposed under this chapter. An additional 94274
charge may be collected by assessment in the manner prescribed 94275
by section 5739.13 of the Revised Code. ~~The tax commissioner may~~ 94276
~~waive all or a portion of such a charge and may adopt rules~~ 94277
~~governing such waiver.~~ 94278

Sec. 5739.124. (A) If required by the tax commissioner, a 94279
permit holder required to make payments under section 5739.032 94280
of the Revised Code shall file all returns and reports 94281
electronically. The commissioner may require the permit holder 94282
to use the Ohio business gateway, as defined in section 718.01 94283
of the Revised Code, or any other electronic means approved by 94284
the commissioner, to file the returns and reports, or to remit 94285
the tax, in lieu of the manner prescribed under section 5739.032 94286
of the Revised Code. 94287

(B) A person required under this section to file reports 94288
and returns electronically may apply to the tax commissioner to 94289
be excused from that requirement. Applications shall be made on 94290
a form prescribed by the commissioner. The commissioner may 94291
approve the application for good cause. 94292

(C)(1) If a person required to file a report or return 94293
electronically under this section fails to do so, the tax 94294
commissioner may impose an additional charge not to exceed the 94295
following: 94296

(a) For each of the first two failures, five per cent of 94297
the amount required to be reported on the report or return; 94298

(b) For the third and any subsequent failure, ten per cent 94299
of the amount required to be reported on the report or return. 94300

(2) The charges authorized under division (C) (1) of this 94301
section are in addition to any other charge or penalty 94302
authorized under this chapter, and shall be considered as 94303
revenue arising from taxes imposed under this chapter. An 94304
additional charge may be collected by assessment in the manner 94305
prescribed by section 5739.13 of the Revised Code. ~~The~~ 94306
~~commissioner may waive all or a portion of such a charge and may~~ 94307
~~adopt rules governing such waiver.~~ 94308

Sec. 5739.13. (A) If any vendor collects the tax imposed 94309
by or pursuant to section 5739.02, 5739.021, 5739.023, or 94310
5739.026 of the Revised Code, and fails to remit the tax to the 94311
state as prescribed, or on the sale of a motor vehicle, 94312
watercraft, or outboard motor required to be titled, fails to 94313
remit payment to a clerk of a court of common pleas as provided 94314
in section 1548.06 or 4505.06 of the Revised Code, the vendor 94315
shall be personally liable for any tax collected and not 94316
remitted. The tax commissioner may make an assessment against 94317
such vendor based upon any information in the commissioner's 94318
possession. 94319

If any vendor fails to collect the tax or any consumer 94320
fails to pay the tax imposed by or pursuant to section 5739.02, 94321
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 94322
transaction subject to the tax, the vendor or consumer shall be 94323
personally liable for the amount of the tax applicable to the 94324
transaction. The commissioner may make an assessment against 94325
either the vendor or consumer, as the facts may require, based 94326

upon any information in the commissioner's possession. 94327

An assessment against a vendor when the tax imposed by or 94328
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 94329
the Revised Code has not been collected or paid, shall not 94330
discharge the purchaser's or consumer's liability to reimburse 94331
the vendor for the tax applicable to such transaction. 94332

An assessment issued against either, pursuant to this 94333
section, shall not be considered an election of remedies, nor a 94334
bar to an assessment against the other for the tax applicable to 94335
the same transaction, provided that no assessment shall be 94336
issued against any person for the tax due on a particular 94337
transaction if the tax on that transaction actually has been 94338
paid by another. 94339

The commissioner may make an assessment against any vendor 94340
who fails to file a return or remit the proper amount of tax 94341
required by this chapter, or against any consumer who fails to 94342
pay the proper amount of tax required by this chapter. When 94343
information in the possession of the commissioner indicates that 94344
the amount required to be collected or paid under this chapter 94345
is greater than the amount remitted by the vendor or paid by the 94346
consumer, the commissioner may audit a sample of the vendor's 94347
sales or the consumer's purchases for a representative period, 94348
to ascertain the per cent of exempt or taxable transactions or 94349
the effective tax rate and may issue an assessment based on the 94350
audit. The commissioner shall make a good faith effort to reach 94351
agreement with the vendor or consumer in selecting a 94352
representative sample. 94353

The commissioner may make an assessment, based on any 94354
information in the commissioner's possession, against any person 94355
who fails to file a return or remit the proper amount of tax 94356

required by section 5739.102 of the Revised Code. 94357

The commissioner may issue an assessment on any 94358
transaction for which any tax imposed under this chapter or 94359
Chapter 5741. of the Revised Code was due and unpaid on the date 94360
the vendor or consumer was informed by an agent of the tax 94361
commissioner of an investigation or audit. If the vendor or 94362
consumer remits any payment of the tax for the period covered by 94363
the assessment after the vendor or consumer was informed of the 94364
investigation or audit, the payment shall be credited against 94365
the amount of the assessment. 94366

The commissioner shall give the party assessed written 94367
notice of the assessment in the manner provided in section 94368
5703.37 of the Revised Code. With the notice, the commissioner 94369
shall provide instructions on how to petition for reassessment 94370
and request a hearing on the petition. 94371

(B) Unless the party assessed files with the commissioner 94372
within sixty days after service of the notice of assessment, ~~7-~~ 94373
~~either personally or by certified mail,~~ a written petition for 94374
reassessment, signed by the party assessed or that party's 94375
authorized agent having knowledge of the facts, the assessment 94376
becomes final and the amount of the assessment is due from the 94377
party assessed and payable to the treasurer of state and 94378
remitted to the tax commissioner. The petition shall indicate 94379
the objections of the party assessed, but additional objections 94380
may be raised in writing if received by the commissioner prior 94381
to the date shown on the final determination. If the petition 94382
has been properly filed, the commissioner shall proceed under 94383
section 5703.60 of the Revised Code. 94384

(C) After an assessment becomes final, if any portion of 94385
the assessment remains unpaid, including accrued interest, a 94386

certified copy of the commissioner's entry making the assessment 94387
final may be filed in the office of the clerk of the court of 94388
common pleas in the county in which the place of business of the 94389
party assessed is located or the county in which the party 94390
assessed resides. If the party assessed maintains no place of 94391
business in this state and is not a resident of this state, the 94392
certified copy of the entry may be filed in the office of the 94393
clerk of the court of common pleas of Franklin county. 94394

Immediately upon the filing of the entry, the clerk shall 94395
enter a judgment for the state against the party assessed in the 94396
amount shown on the entry. The judgment may be filed by the 94397
clerk in a loose-leaf book entitled "special judgments for 94398
state, county, and transit authority retail sales tax" or, if 94399
appropriate, "special judgments for resort area excise tax," and 94400
shall have the same effect as other judgments. Execution shall 94401
issue upon the judgment upon the request of the tax 94402
commissioner, and all laws applicable to sales on execution 94403
shall apply to sales made under the judgment except as otherwise 94404
provided in this chapter. 94405

If the assessment is not paid in its entirety within sixty 94406
days after the date the assessment was issued, the portion of 94407
the assessment consisting of tax due shall bear interest at the 94408
rate per annum prescribed by section 5703.47 of the Revised Code 94409
from the day the tax commissioner issues the assessment until 94410
the assessment is paid or until it is certified to the attorney 94411
general for collection under section 131.02 of the Revised Code, 94412
whichever comes first. If the unpaid portion of the assessment 94413
is certified to the attorney general for collection, the entire 94414
unpaid portion of the assessment shall bear interest at the rate 94415
per annum prescribed by section 5703.47 of the Revised Code from 94416
the date of certification until the date it is paid in its 94417

entirety. Interest shall be paid in the same manner as the tax 94418
and may be collected by issuing an assessment under this 94419
section. 94420

(D) All money collected by the tax commissioner under this 94421
section shall be paid to the treasurer of state, and when paid 94422
shall be considered as revenue arising from the taxes imposed by 94423
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 94424

Sec. 5739.133. (A) A penalty may be added to every amount 94425
assessed under section 5739.13 or 5739.15 of the Revised Code as 94426
follows: 94427

(1) In the case of an assessment against a person who 94428
fails to collect and remit the tax required by this chapter or 94429
Chapter 5741. of the Revised Code, up to fifty per cent of the 94430
amount assessed; 94431

(2) In the case of a person whom the tax commissioner 94432
believes has collected the tax but failed to remit it to the 94433
state as required by this chapter or Chapter 5741. of the 94434
Revised Code, up to fifty per cent of the amount assessed; 94435

(3) In the case of all other assessments, up to fifteen 94436
per cent of the amount assessed. 94437

No amount assessed under section 5739.13 or 5739.15 of the 94438
Revised Code shall be subject to a penalty under this section in 94439
excess of fifty per cent of the amount assessed. 94440

(B) All assessments issued under section 5739.13 and 94441
5739.15 of the Revised Code shall include preassessment interest 94442
computed at the rate per annum prescribed by section 5703.47 of 94443
the Revised Code. Beginning January 1, 1988, preassessment 94444
interest shall begin to accrue on the first day of January of 94445
the year following the date on which the person assessed was 94446

required to report and pay the tax under this chapter or Chapter 5741. of the Revised Code, and shall run until the date of the notice of assessment. If an assessment is issued within the first twelve months after the interest begins to accrue, no preassessment interest shall be assessed. With respect to taxes required to be paid under this chapter or Chapter 5741. of the Revised Code on or after January 1, 1998, interest shall accrue as prescribed in division (A) of section 5739.132 of the Revised Code.

~~(C) The commissioner may adopt rules providing for the imposition and remission of any penalty provided for under this section.~~

Sec. 5739.31. (A) (1) No person shall engage in the business of selling at retail or sell at retail incidental to any other regularly conducted business without having a license therefor, as required by sections 5739.01 to 5739.31 of the Revised Code.

(2) No person shall engage in the business of selling at retail as a transient vendor, as defined in section 5739.17 of the Revised Code, without first having obtained a license as required by that section.

(B) No person shall continue to engage in the business of selling at retail or sell at retail incidental to any other regularly conducted business after the license issued to that person pursuant to section 5739.17 of the Revised Code has been suspended by the tax commissioner under division (B) (2) of section 5739.30 of the Revised Code, nor shall any person obtain a new license from ~~the~~ any county auditor or the tax commissioner while such suspension is in effect. If a corporation's license has been suspended, none of its officers,

or employees having control or supervision of or charged with 94477
the responsibility of filing returns and making payments of tax 94478
due, shall obtain a license from ~~the~~ any county auditor or the 94479
tax commissioner during the period of such suspension. The tax 94480
commissioner may cancel any licenses granted while the 94481
suspension is in effect. 94482

Sec. 5739.99. (A) Whoever violates section 5739.26 or 94483
5739.29 of the Revised Code ~~shall be fined not less than twenty-~~ 94484
~~five nor more than one hundred dollars~~ is guilty of a minor 94485
misdemeanor for a first offense; for each subsequent offense 94486
such person shall, ~~if a corporation, be fined not less than one~~ 94487
~~hundred nor more than five hundred dollars, or if an individual,~~ 94488
~~or a member of a partnership, firm, or association, be fined not~~ 94489
~~less than twenty-five nor more than one hundred dollars, or~~ 94490
~~imprisoned not more than sixty days, or both~~ this guilty of a 94491
misdemeanor of the third degree. 94492

(B) Whoever violates division (A) of section 5739.30 of 94493
the Revised Code ~~shall be fined not less than one hundred nor~~ 94494
~~more than one thousand dollars, or imprisoned not more than~~ 94495
~~sixty days, or both~~ this guilty of a misdemeanor of the third 94496
degree. 94497

(C) (1) Whoever violates division (A) (1) of section 5739.31 94498
of the Revised Code ~~shall be fined not less than twenty-five nor~~ 94499
~~more than one hundred dollars~~ is guilty of a minor misdemeanor 94500
for a first offense. If the ~~offender~~ person previously has been 94501
convicted of a violation of division (A) (1) of section 5739.31 94502
of the Revised Code, the ~~offender~~ person is guilty of a 94503
misdemeanor of the first degree. If the person previously has 94504
been convicted of two or more violations of division (A) (1) of 94505
section 5739.31 of the Revised Code, the person is guilty of a 94506

felony of the fourth degree.

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(2) Whoever violates division (A) (2) of section 5739.31 of the Revised Code ~~shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than ten days, or both,~~ is guilty of a minor misdemeanor for the first offense; for each subsequent offense, each such person ~~shall be fined not less than one thousand dollars nor more than twenty-five hundred dollars, or imprisoned not more than thirty days, or both~~ is guilty of a misdemeanor of the fourth degree. The motor vehicles and goods of any person charged with violating division (A) (2) of section 5739.31 of the Revised Code may be impounded and held pending the disposition of the charge, and may be sold at auction by the county sheriff in the manner prescribed by law to satisfy any fine imposed by this division.

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(3) Whoever violates division (B) of section 5739.31 of the Revised Code is guilty of a misdemeanor of the first degree for the first offense; on each subsequent offense, the person is guilty of a felony of the fourth degree. Each day that business is conducted while a vendor's license is suspended constitutes a separate offense.

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(D) Except as otherwise provided in this section, whoever violates sections 5739.01 to 5739.31 of the Revised Code, or any lawful rule promulgated by the department of taxation under authority of such sections, shall be fined not less than twenty-five nor more than one hundred dollars.

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(E) Whoever violates section 5739.12 of the Revised Code by failing to remit to the state the tax collected under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code is guilty of a felony of the fourth degree and shall suffer the

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loss of the person's vendor's license as required by section 94537
5739.17 of the Revised Code. A person shall not be eligible for 94538
a vendor's license for two years following conviction. 94539

(F) Whoever violates division (E) of section 5739.17 of 94540
the Revised Code is guilty of failure to display a transient 94541
vendor's license, a minor misdemeanor. A sheriff or police 94542
officer in a municipal corporation may enforce this division. 94543
The prosecuting attorney of a county shall inform the tax 94544
commissioner of any instance when a complaint is brought against 94545
a transient vendor pursuant to this division. 94546

(G) Whoever violates section 5739.103 of the Revised Code 94547
shall be fined not less than twenty-five nor more than one 94548
hundred dollars. If the offender previously has been convicted 94549
of violating that section, the offender is guilty of a felony of 94550
the fourth degree. 94551

(H) The penalties provided in this section are in addition 94552
to any penalties imposed by the tax commissioner under section 94553
5739.133 of the Revised Code. 94554

Sec. 5741.121. (A) If the total amount of tax required to 94555
be paid by a seller or consumer under section 5741.12 of the 94556
Revised Code for any year equals or exceeds seventy-five 94557
thousand dollars, the seller or consumer shall remit each 94558
monthly tax payment in the second ensuing and each succeeding 94559
year on an accelerated basis as prescribed by division (B) of 94560
this section. 94561

If a seller's or consumer's tax payment for each of two 94562
consecutive years is less than seventy-five thousand dollars, 94563
the seller or consumer is relieved of the requirement to remit 94564
taxes on an accelerated basis for the year that next follows 94565

the second of the consecutive years in which the tax payment is 94566
less than that amount, and is relieved of that requirement for 94567
each succeeding year, unless the tax payment in a subsequent 94568
year equals or exceeds seventy-five thousand dollars. 94569

The tax commissioner shall notify each seller or consumer 94570
required to make accelerated tax payments of the seller's or 94571
consumer's obligation to do so and shall maintain an updated 94572
list of those sellers and consumers. Failure by the tax 94573
commissioner to notify a seller or consumer subject to this 94574
section to remit taxes on an accelerated basis does not relieve 94575
the seller or consumer of the obligation to remit taxes as 94576
provided under division (B) of this section. 94577

(B) Sellers and consumers required by division (A) of this 94578
section to make accelerated tax payments shall electronically 94579
remit such payments to the tax commissioner, in a manner 94580
approved by the commissioner, as follows: 94581

(1) On or before the twenty-third day of each month, a 94582
seller or consumer shall remit an amount equal to seventy-five 94583
per cent of the anticipated tax liability for that month. 94584

(2) On or before the twenty-third day of each month, a 94585
seller shall report the taxes collected and a consumer shall 94586
report the taxes due for the previous month and shall remit that 94587
amount, less any amounts paid for that month as required by 94588
division (B) (1) of this section. 94589

The payment of taxes on an accelerated basis under this 94590
section does not affect a seller's or consumer's obligation to 94591
file returns and pay the tax shown on the returns to be due as 94592
required under section 5741.12 of the Revised Code. 94593

(C) A seller or consumer required by this section to remit 94594

taxes on an accelerated basis may apply to the tax commissioner 94595
in the manner prescribed by the commissioner to be excused from 94596
that requirement. The commissioner may excuse the seller or 94597
consumer from remittance on an accelerated basis for good cause 94598
shown for the period of time requested by the seller or consumer 94599
or for a portion of that period. 94600

(D) (1) (a) If a seller or consumer that is required to 94601
remit payments under division (B) of this section fails to make 94602
a payment required under division (B) (1) of this section, or 94603
makes a payment under division (B) (1) of this section that is 94604
less than seventy-five per cent of the actual liability for that 94605
month, the commissioner may impose an additional charge not to 94606
exceed five per cent of that unpaid amount. 94607

(b) Division (D) (1) (a) of this section does not apply if 94608
the seller's or consumer's payment under division (B) (1) of this 94609
section is equal to or greater than seventy-five per cent of the 94610
seller's or consumer's reported liability for the same month in 94611
the immediately preceding calendar year. 94612

(2) Any additional charge imposed under division (D) (1) 94613
of this section is in addition to any other penalty or charge 94614
imposed under this chapter, and shall be considered as revenue 94615
arising from taxes imposed under this chapter. An additional 94616
charge may be collected by assessment in the manner prescribed 94617
by section 5741.13 of the Revised Code. ~~The tax commissioner may~~ 94618
~~waive all or a portion of such a charge and may adopt rules~~ 94619
~~governing such waiver.~~ 94620

Sec. 5741.122. (A) If required by the tax commissioner, a 94621
person required to make payments under section 5741.121 of the 94622
Revised Code shall file all returns and reports electronically. 94623
The commissioner may require the person to use the Ohio business 94624

gateway, as defined in section 718.01 of the Revised Code, or 94625
any other electronic means approved by the commissioner, to file 94626
the returns and reports, or to remit the tax, in lieu of the 94627
manner prescribed under section 5741.121 of the Revised Code. 94628

(B) A person required under this section to file reports 94629
and returns electronically may apply to the tax commissioner to 94630
be excused from that requirement. Applications shall be made on 94631
a form prescribed by the commissioner. The commissioner may 94632
approve the application for good cause. 94633

(C) (1) If a person required to file a report or return 94634
electronically under this section fails to do so, the tax 94635
commissioner may impose an additional charge not to exceed the 94636
following: 94637

(a) For each of the first two failures, five per cent of 94638
the amount required to be reported on the report or return; 94639

(b) For the third and any subsequent failure, ten per cent 94640
of the amount required to be reported on the report or return. 94641

(2) The charges authorized under division (C) (1) of this 94642
section are in addition to any other charge or penalty 94643
authorized under this chapter, and shall be considered as 94644
revenue arising from taxes imposed under this chapter. An 94645
additional charge may be collected by assessment in the manner 94646
prescribed by section 5741.13 of the Revised Code. ~~The~~ 94647
~~commissioner may waive all or a portion of such a charge and may~~ 94648
~~adopt rules governing such waiver.~~ 94649

Sec. 5743.01. As used in this chapter: 94650

(A) "Person" includes individuals, firms, partnerships, 94651
associations, joint-stock companies, corporations, combinations 94652
of individuals of any form, and the state and any of its 94653

political subdivisions. 94654

(B) "Wholesale dealer" includes only those persons: 94655

(1) Who bring in or cause to be brought into this state 94656
unstamped cigarettes purchased directly from the manufacturer, 94657
producer, or importer of cigarettes for sale in this state but 94658
does not include persons who bring in or cause to be brought 94659
into this state cigarettes with respect to which no evidence of 94660
tax payment is required thereon as provided in section 5743.04 94661
of the Revised Code; or 94662

(2) Who are engaged in the business of selling cigarettes, 94663
tobacco products, or vapor products to others for the purpose of 94664
resale. 94665

"Wholesale dealer" does not include any cigarette 94666
manufacturer, export warehouse proprietor, or importer with a 94667
valid permit under 26 U.S.C. 5713 if that person sells 94668
cigarettes in this state only to wholesale dealers holding valid 94669
and current licenses under section 5743.15 of the Revised Code 94670
or to an export warehouse proprietor or another manufacturer. 94671

(C) "Retail dealer" includes: 94672

(1) In reference to dealers in cigarettes, every person 94673
other than a wholesale dealer engaged in the business of selling 94674
cigarettes in this state, regardless of whether the person is 94675
located in this state or elsewhere, and regardless of quantity, 94676
amount, or number of sales; 94677

(2) In reference to dealers in tobacco products, any 94678
person in this state engaged in the business of selling tobacco 94679
products to ultimate consumers in this state, regardless of 94680
quantity, amount, or number of sales; 94681

(3) In reference to dealers in vapor products, any person 94682
in this state engaged in the business of selling vapor products 94683
to ultimate consumers in this state, regardless of quantity, 94684
amount, or number of sales. 94685

(D) "Sale" includes exchange, barter, gift, offer for 94686
sale, and distribution, and includes transactions in interstate 94687
or foreign commerce. 94688

(E) "Cigarettes" includes any roll for smoking made wholly 94689
or in part of tobacco, irrespective of size or shape, and 94690
whether or not such tobacco is flavored, adulterated, or mixed 94691
with any other ingredient, the wrapper or cover of which is made 94692
of paper, reconstituted cigarette tobacco, homogenized cigarette 94693
tobacco, cigarette tobacco sheet, or any similar materials other 94694
than cigar tobacco. 94695

(F) "Package" means the individual package, box, or other 94696
container in or from which retail sales of cigarettes are 94697
normally made or intended to be made. 94698

(G) "Storage" includes any keeping or retention of 94699
cigarettes, tobacco products, or vapor products for use or 94700
consumption in this state. 94701

(H) "Use" includes the exercise of any right or power 94702
incidental to the ownership of cigarettes, tobacco products, or 94703
vapor products. 94704

(I) "Tobacco product" or "other tobacco product" means any 94705
product made from tobacco, other than cigarettes, that is made 94706
for smoking or chewing, or both, and snuff. 94707

(J) "Wholesale price" means the invoice price, including 94708
all federal excise taxes, at which the manufacturer of the 94709
tobacco product sells the tobacco product to unaffiliated 94710

distributors, excluding any discounts based on the method of 94711
payment of the invoice or on time of payment of the invoice. If 94712
the taxpayer buys from other than a manufacturer, "wholesale 94713
price" means the invoice price, including all federal excise 94714
taxes and excluding any discounts based on the method of payment 94715
of the invoice or on time of payment of the invoice. 94716

(K) "Distributor" means: 94717

(1) Any manufacturer who sells, barter, exchanges, or 94718
distributes tobacco products to a retail dealer in the state, 94719
except when selling to a retail dealer that has filed with the 94720
manufacturer a signed statement agreeing to pay and be liable 94721
for the tax imposed by section 5743.51 of the Revised Code; 94722

(2) Any wholesale dealer located in the state who receives 94723
tobacco products from a manufacturer, or who receives tobacco 94724
products on which the tax imposed by this chapter has not been 94725
paid; 94726

(3) Any wholesale dealer located outside the state who 94727
sells, barter, exchanges, or distributes tobacco products to a 94728
wholesale or retail dealer in the state; or 94729

(4) Any retail dealer who receives tobacco products on 94730
which the tax has not or will not be paid by another 94731
distributor, including a retail dealer that has filed a signed 94732
statement with a manufacturer in which the retail dealer agrees 94733
to pay and be liable for the tax that would otherwise be imposed 94734
on the manufacturer by section 5743.51 of the Revised Code. 94735

(L) "Taxpayer" means any person liable for the tax imposed 94736
by section 5743.51, 5743.62, or 5743.63 of the Revised Code. 94737

(M) "Seller" means any person located outside this state 94738
engaged in the business of selling tobacco products or vapor 94739

products to consumers for storage, use, or other consumption in 94740
this state. 94741

(N) "Manufacturer" means any person who manufactures and 94742
sells cigarettes, tobacco products, or vapor products. 94743

(O) "Importer" means any person that is authorized, under 94744
a valid permit issued under Section 5713 of the Internal Revenue 94745
Code, to import finished cigarettes into the United States, 94746
either directly or indirectly. 94747

(P) ~~"Little cigar" means any roll for smoking, other than~~ 94748
~~cigarettes, made wholly or in part of tobacco that uses an~~ 94749
~~integrated cellulose acetate filter or other filter and is~~ 94750
~~wrapped in any substance containing tobacco, other than natural~~ 94751
~~leaf tobacco.~~ 94752

~~(Q)~~ "Premium cigar" means any roll for smoking, other than 94753
cigarettes ~~and little cigars~~, that is made wholly or in part of 94754
tobacco and that has all of the following characteristics: 94755

(1) The binder and wrapper of the roll consist entirely of 94756
leaf tobacco. 94757

(2) The roll contains no filter or tip, nor any mouthpiece 94758
consisting of a material other than tobacco. 94759

(3) The weight of one thousand such rolls is at least six 94760
pounds. 94761

~~(R)~~ (Q) "Maximum tax amount" means fifty-one dollar and 94762
fifty-eight cents plus the tax adjustment factor computed under 94763
this division. 94764

In April of each year beginning in ~~2018~~2027, the tax 94765
commissioner shall compute a tax adjustment factor by 94766
multiplying fifty-one dollar and fifty-eight cents by the 94767

cumulative percentage increase in the consumer price index (all 94768
items, all urban consumers) prepared by the bureau of labor 94769
statistics of the United States department of labor from January 94770
1, ~~2017~~2026, to the last day of December of the preceding year 94771
and rounding the resulting product to the nearest one cent; 94772
provided, that the tax adjustment factor for any year shall not 94773
be less than that for the immediately preceding year. The 94774
maximum tax amount resulting from the computation of the tax 94775
adjustment factor applies on and after the ensuing first day of 94776
July through the thirtieth day of June thereafter. 94777

~~(S)~~(R) "Secondary manufacturer" means any person in this 94778
state engaged in the business of repackaging, reconstituting, 94779
diluting, or reprocessing a vapor product for resale to 94780
consumers. 94781

~~(T)~~(S) "Vapor product" means ~~any~~ either of the following: 94782

(1) Any liquid solution or other substance that ~~(1)~~ 94783
contains nicotine and ~~(2)~~ is depleted as it is used in an 94784
electronic smoking product. 94785

(2) Any noncombustible product containing nicotine that is 94786
not made of tobacco and is intended for human consumption, 94787
whether chewed, absorbed, dissolved, or ingested by any other 94788
means. 94789

"Vapor product" does not include any solution or substance 94790
regulated as a drug, device, or combination product under 94791
Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 94792
U.S.C. 301, et seq. 94793

~~(U)~~(T) "Electronic smoking product" means any 94794
noncombustible product, other than a cigarette or tobacco 94795
product, that (1) contains or is designed to use vapor products 94796

and (2) employs a heating element, power source, electronic 94797
circuit, or other electronic, chemical, or mechanical means, 94798
regardless of shape or size, that can be used to produce vapor 94799
from the vapor product. "Electronic smoking product" includes, 94800
but is not limited to, an electronic cigarette, electronic 94801
cigar, electronic cigarillo, electronic pipe, electronic hookah, 94802
vape pen, vaporizer, or similar product or device, but does not 94803
include any product regulated as a drug, device, or combination 94804
product under Chapter V of the "Federal Food, Drug, and Cosmetic 94805
Act," 21 U.S.C. 301, et seq. 94806

~~(V)~~ (U) "Vapor distributor" means any person that: 94807

(1) Sells vapor products to a retail dealer; 94808

(2) Is a retail dealer that receives vapor products with 94809
respect to which the tax imposed by this chapter has not or will 94810
not be paid by another person that is a vapor distributor; 94811

(3) Is a secondary manufacturer; 94812

(4) Is a wholesale dealer located in this state that 94813
receives vapor products from a manufacturer, or receives vapor 94814
products on which the tax imposed by this chapter has not been 94815
paid; 94816

(5) Is a wholesale dealer located outside this state that 94817
sells vapor products to a wholesale dealer in this state. 94818

~~(W)~~ (V) "Vapor volume" means one of the following, as 94819
applicable: 94820

(1) If a vapor product is sold in liquid form, one-tenth 94821
of one milliliter of vapor product; 94822

(2) If the vapor product is sold in a nonliquid form, one- 94823
tenth of one gram of vapor product. 94824

Sec. 5743.02. To provide revenues for the general revenue fund, an excise tax on sales of cigarettes is hereby levied at the rate of ~~eighty~~ one hundred fifty-five mills on each cigarette.

Only one sale of the same article shall be used in computing the amount of tax due.

The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.05 of the Revised Code. The balance of taxes collected under such section, after the credits to the tax refund fund, shall be paid into the general revenue fund.

Sec. 5743.025. ~~In addition to the return required by section 5743.03 of the Revised Code,~~ This section applies to, in the case of the levy or increase of a county tax under section 5743.021, 5743.024, or 5743.026 of the Revised Code, each retail dealer of cigarettes in a that county in which a tax is levied under section 5743.021, 5743.024, or 5743.026 of the Revised Code and each wholesale dealer or, in the case of an increase in the rate of tax levied under section 5743.02 of the Revised Code, all wholesale and retail dealers. In addition to the return required by section 5743.03 of the Revised Code, each dealer to whom this section applies shall, within thirty days after the date on which the tax or rate increase takes effect, make and file a return, on forms prescribed by the tax commissioner, showing the total number of cigarettes which such ~~retail~~ dealer had on hand as of the beginning of business on the date on which the tax or rate increase takes effect, and such other information as the commissioner deems necessary for the

administration of section 5743.02, 5743.021, 5743.024, or 94855
5743.026 of the Revised Code. Each such ~~retail~~-dealer shall 94856
deliver the return together with a remittance of the additional 94857
amount of tax due on the cigarettes shown on such return to the 94858
commissioner. Any ~~retail~~-dealer of cigarettes who fails to file 94859
a return under this section shall, for each day the ~~retail~~- 94860
dealer so fails, forfeit and pay into the state treasury the sum 94861
of one dollar as revenue arising from the tax imposed by section 94862
5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code, as 94863
applicable, and such sum may be collected by assessment in the 94864
manner provided in section 5743.081 of the Revised Code. For 94865
thirty days after the effective date of a tax or rate increase 94866
imposed by section 5743.02, 5743.021, 5743.024, or 5743.026 of 94867
the Revised Code, a ~~retail~~-dealer may possess for sale or sell 94868
in the state or county in which the tax is levied, as 94869
applicable, cigarettes not bearing the stamp required by section 94870
5743.03 of the Revised Code to evidence payment of the ~~county~~- 94871
tax but on which the tax has or will be paid. 94872

Sec. 5743.05. The tax commissioner shall sell all stamps 94873
provided for by section 5743.03 of the Revised Code. The stamps 94874
shall be sold at their face value, except the commissioner 94875
shall, by rule, authorize the sale of stamps to wholesale 94876
dealers in this state, or to wholesale dealers outside this 94877
state, at a discount of ~~not less than one and eight-tenths per-~~ 94878
~~cent or more than ten per cent of their face value~~three cents 94879
per stamp, as a commission for affixing and canceling the 94880
stamps. 94881

The commissioner, by rule, shall authorize the delivery of 94882
stamps to wholesale dealers in this state and to wholesale 94883
dealers outside this state on credit. If such a dealer has not 94884
been in good credit standing with this state for five 94885

consecutive years preceding the purchase, the commissioner shall 94886
require the dealer to file with the commissioner a bond to the 94887
state in the amount and in the form prescribed by the 94888
commissioner, with surety to the satisfaction of the 94889
commissioner, conditioned on payment to the commissioner within 94890
thirty days or the following twenty-third day of June, whichever 94891
comes first for stamps delivered within that time. If such a 94892
dealer has been in good credit standing with this state for five 94893
consecutive years preceding the purchase, the commissioner shall 94894
not require that the dealer file such a bond but shall require 94895
payment for the stamps within thirty days after purchase of the 94896
stamps or the following twenty-third day of June, whichever 94897
comes first. Stamps sold to a dealer not required to file a bond 94898
shall be sold at face value. The maximum amount that may be sold 94899
on credit to a dealer not required to file a bond shall equal 94900
one hundred ten per cent of the dealer's average monthly 94901
purchases over the preceding calendar year. The maximum amount 94902
shall be adjusted to reflect any changes in the tax rate and may 94903
be adjusted, upon application to the commissioner by the dealer, 94904
to reflect changes in the business operations of the dealer. The 94905
maximum amount shall be applicable to the period between the 94906
first day of July to the following twenty-third day of June. 94907
Payment by a dealer not required to file a bond shall be 94908
remitted by electronic funds transfer as prescribed by section 94909
5743.051 of the Revised Code. If a dealer not required to file a 94910
bond fails to make the payment in full within the required 94911
payment period, the commissioner shall not thereafter sell 94912
stamps to that dealer until the dealer pays the outstanding 94913
amount, including penalty and interest on that amount as 94914
prescribed in this chapter, and the commissioner thereafter may 94915
require the dealer to file a bond until the dealer is restored 94916
to good standing. The commissioner shall limit delivery of 94917

stamps on credit to the period running from the first day of 94918
July of the fiscal year until the twenty-third day of the 94919
following June. Any discount allowed as a commission for 94920
affixing and canceling stamps shall be allowed with respect to 94921
sales of stamps on credit. 94922

The commissioner shall redeem and pay for any destroyed, 94923
unused, or spoiled tax stamps at their net value, and shall 94924
refund to wholesale dealers the net amount of state and county 94925
taxes paid erroneously or paid on cigarettes that have been sold 94926
in interstate or foreign commerce or that have become unsalable, 94927
and the net amount of county taxes that were paid on cigarettes 94928
that have been sold at retail or for retail sale outside a 94929
taxing county. 94930

An application for a refund of tax shall be filed with the 94931
commissioner, on the form prescribed by the commissioner for 94932
that purpose, within three years from the date the tax stamps 94933
are destroyed or spoiled, from the date of the erroneous 94934
payment, or from the date that cigarettes on which taxes have 94935
been paid have been sold in interstate or foreign commerce or 94936
have become unsalable. 94937

On the filing of the application, the commissioner shall 94938
determine the amount of refund to which the applicant is 94939
entitled, payable from receipts of the state tax, and, if 94940
applicable, payable from receipts of a county tax. If the amount 94941
is not less than that claimed, the commissioner shall certify 94942
the amount to the director of budget and management and 94943
treasurer of state for payment from the tax refund fund created 94944
by section 5703.052 of the Revised Code. If the amount is less 94945
than that claimed, the commissioner shall proceed in accordance 94946
with section 5703.70 of the Revised Code. 94947

If a refund is granted for payment of an illegal or 94948
erroneous assessment issued by the department, the refund shall 94949
include interest on the amount of the refund from the date of 94950
the overpayment. The interest shall be computed at the rate per 94951
annum prescribed by section 5703.47 of the Revised Code. 94952

Sec. 5743.051. This section applies to any wholesale or 94953
retail cigarette dealer required by section 5743.05 of the 94954
Revised Code to remit payment for tax stamps electronically. The 94955
tax commissioner shall notify each dealer of the dealer's 94956
obligation to do so and shall maintain an updated list of those 94957
dealers. Failure by the commissioner to notify a dealer subject 94958
to this section to remit taxes electronically does not relieve 94959
the dealer of its obligation to remit taxes in that manner. 94960

A dealer required to remit payments electronically shall 94961
remit such payments to the commissioner in the manner approved 94962
by the commissioner and within the time prescribed for such a 94963
dealer by section 5743.05 of the Revised Code. 94964

A dealer required to remit taxes electronically may apply 94965
to the commissioner in the manner prescribed by the commissioner 94966
to be excused from that requirement. The commissioner may excuse 94967
the dealer from electronic remittance for good cause shown for 94968
the period of time requested by the dealer or for a portion of 94969
that period. 94970

If a dealer required to remit taxes electronically remits 94971
those taxes by some other means, and the commissioner determines 94972
that such failure was not due to reasonable cause or was due to 94973
willful neglect, the commissioner may collect an additional 94974
charge by assessment in the manner prescribed by section 94975
5743.081 of the Revised Code. The additional charge shall equal 94976
five per cent of the amount of the taxes required to be paid 94977

electronically but shall not exceed five thousand dollars. Any 94978
additional charge assessed under this section is in addition to 94979
any other penalty or charge imposed under this chapter and shall 94980
be considered as revenue arising from taxes imposed under this 94981
chapter. ~~The commissioner may abate all or a portion of such a~~ 94982
~~charge and may adopt rules governing such remissions.~~ 94983

No additional charge shall be assessed under this section 94984
against a dealer that has been notified of its obligation to 94985
remit taxes electronically under this section and that remits 94986
its first two tax payments after such notification by some other 94987
means. The additional charge may be assessed upon the remittance 94988
of any subsequent tax payment that the dealer remits by some 94989
means other than electronically. 94990

Sec. 5743.081. (A) If any wholesale dealer or retail 94991
dealer fails to pay the tax levied under section 5743.02, 94992
5743.021, 5743.024, or 5743.026 of the Revised Code as required 94993
by sections 5743.01 to 5743.20 of the Revised Code, and by the 94994
rules of the tax commissioner, or fails to collect the tax from 94995
the purchaser or consumer, the commissioner may make an 94996
assessment against the wholesale or retail dealer based upon any 94997
information in the commissioner's possession. 94998

The commissioner may make an assessment against any 94999
wholesale or retail dealer who fails to file a return required 95000
by section 5743.03 or 5743.025 of the Revised Code. 95001

No assessment shall be made against any wholesale or 95002
retail dealer for any taxes imposed under section 5743.02, 95003
5743.021, 5743.024, or 5743.026 of the Revised Code more than 95004
three years after the last day of the calendar month that 95005
immediately follows the monthly period prescribed in section 95006
5743.03 of the Revised Code in which the sale was made, or more 95007

than three years after the return for the month in which the 95008
sale was made is filed, whichever is later. This section does 95009
not bar an assessment against any wholesale or retail dealer who 95010
fails to file a return as required by section 5743.025 or 95011
5743.03 of the Revised Code, or who files a fraudulent return. 95012

A penalty of up to thirty per cent may be added to the 95013
amount of every assessment made under this section. ~~The~~ 95014
~~commissioner may adopt rules providing for the imposition and~~ 95015
~~remission of penalties added to assessments made under this~~ 95016
~~section.~~ 95017

The commissioner shall give the party assessed written 95018
notice of the assessment in the manner provided in section 95019
5703.37 of the Revised Code. The notice shall specify separately 95020
any portion of the assessment that represents a county tax. With 95021
the notice, the commissioner shall provide instructions on how 95022
to petition for reassessment and request a hearing on the 95023
petition. 95024

(B) Unless the party assessed files with the tax 95025
commissioner within sixty days after service of the notice of 95026
assessment, ~~either personally or by certified mail,~~ a written 95027
petition for reassessment signed by the party assessed or that 95028
party's authorized agent having knowledge of the facts, the 95029
assessment becomes final and the amount of the assessment is due 95030
and payable from the party assessed to the treasurer of state. 95031
The petition shall indicate the objections of the party 95032
assessed, but additional objections may be raised in writing if 95033
received by the commissioner prior to the date shown on the 95034
final determination. If the petition has been properly filed, 95035
the commissioner shall proceed under section 5703.60 of the 95036
Revised Code. 95037

(C) After an assessment becomes final, if any portion of 95038
the assessment remains unpaid, including accrued interest, a 95039
certified copy of the tax commissioner's entry making the 95040
assessment final may be filed in the office of the clerk of the 95041
court of common pleas in the county in which the wholesale or 95042
retail dealer's place of business is located or the county in 95043
which the party assessed resides. If the party assessed 95044
maintains no place of business in this state and is not a 95045
resident of this state, the certified copy of the entry may be 95046
filed in the office of the clerk of the court of common pleas of 95047
Franklin county. 95048

Immediately upon the filing of the commissioner's entry, 95049
the clerk shall enter a judgment for the state against the party 95050
assessed in the amount shown on the entry. The judgment may be 95051
filed by the clerk in a loose-leaf book entitled "special 95052
judgments for state cigarette sales tax," and shall have the 95053
same effect as other judgments. Execution shall issue upon the 95054
judgment upon the request of the tax commissioner, and all laws 95055
applicable to sales on execution shall apply to sales made under 95056
the judgment, except as otherwise provided in sections 5743.01 95057
to 5743.20 of the Revised Code. 95058

If the assessment is not paid in its entirety within sixty 95059
days after the assessment was issued, the portion of the 95060
assessment consisting of tax due shall bear interest at the rate 95061
per annum prescribed by section 5703.47 of the Revised Code from 95062
the day the commissioner issues the assessment until it is paid 95063
or until it is certified to the attorney general for collection 95064
under section 131.02 of the Revised Code, whichever comes first. 95065
If the unpaid portion of the assessment is certified to the 95066
attorney general for collection, the entire unpaid portion of 95067
the assessment shall bear interest at the rate per annum 95068

prescribed by section 5703.47 of the Revised Code from the date 95069
of certification until the date it is paid in its entirety. 95070
Interest shall be paid in the same manner as the tax and may be 95071
collected by the issuance of an assessment under this section. 95072

(D) All money collected by the tax commissioner under this 95073
section shall be paid to the treasurer of state, and when paid 95074
shall be considered as revenue arising from the taxes imposed by 95075
sections 5743.01 to 5743.20 of the Revised Code. 95076

Sec. 5743.082. (A) If the tax commissioner finds that a 95077
wholesale dealer or retail dealer, liable for tax under sections 95078
5743.01 to 5743.20 of the Revised Code, is about to depart from 95079
the state, remove the wholesale or retail dealer's property from 95080
the state, conceal the wholesale or retail dealer's person or 95081
property, or do any other act tending to prejudice, obstruct, or 95082
render wholly or partly ineffectual proceedings to collect the 95083
tax, unless the proceedings are commenced without delay, or if 95084
the commissioner believes that the collection of the amount due 95085
from any wholesale dealer or retail dealer will be jeopardized 95086
by delay, the commissioner may issue a jeopardy assessment 95087
against the wholesale or retail dealer for the amount of the 95088
tax, plus a penalty of up to thirty per cent. Upon issuance of a 95089
jeopardy assessment under this division, the total amount 95090
assessed shall immediately be due and payable unless security is 95091
provided pursuant to division (C) of this section. Any 95092
assessment issued under this section shall bear interest as 95093
prescribed by section 5743.081 of the Revised Code. 95094

(B) The commissioner immediately shall file an entry with 95095
the clerk of the court of common pleas in the same manner and 95096
with the same effect as provided in section 5743.081 of the 95097
Revised Code. Notice of the jeopardy assessment shall be served 95098

on the dealer assessed or the dealer's legal representative, as 95099
provided in section 5703.37 of the Revised Code, within five 95100
days of the filing of the entry. The dealer assessed may 95101
petition for reassessment within sixty days of receipt of the 95102
notice of jeopardy assessment in the same manner as provided in 95103
section 5743.081 of the Revised Code. Full or partial payment of 95104
the assessment shall not prejudice the commissioner's 95105
consideration of the merits of the assessment as contested by 95106
the petition for reassessment. Upon notification of the 95107
existence of the judgment filed pursuant to this division, any 95108
public official having control or custody of any funds or 95109
property of the person assessed immediately shall pay or deliver 95110
the funds or property to the commissioner as full or partial 95111
satisfaction of the jeopardy assessment. However, funds or 95112
property needed as evidence in criminal proceedings or that is 95113
expected to be forfeited pursuant to Chapter 2981. of the 95114
Revised Code, need not be relinquished by the public official. 95115
Upon disposition of criminal and forfeiture proceedings, funds 95116
and property not needed as evidence and not forfeited shall be 95117
delivered to the commissioner. 95118

(C) If the dealer subject to a jeopardy assessment files a 95119
petition for reassessment and posts security satisfactory to the 95120
commissioner in an amount sufficient to satisfy the unpaid 95121
balance of the assessment, execution on the judgment shall be 95122
stayed pending disposition of the petition for reassessment and 95123
all appeals resulting from the petition. If the security is 95124
sufficient to satisfy the full amount of the assessment, the 95125
commissioner shall return any funds or property of the dealer 95126
that previously were seized. Upon satisfaction of the assessment 95127
the commissioner shall order the security released and the 95128
judgment vacated. 95129

~~(D) The commissioner may adopt rules providing for the~~ 95130
~~imposition and remission of penalties imposed under this~~ 95131
~~section.~~ 95132

Sec. 5743.32. To provide revenue for the general revenue 95133
fund of the state, an excise tax is hereby levied on the use, 95134
consumption, or storage for consumption of cigarettes by 95135
consumers in this state at the rate of eighty one hundred fifty- 95136
five mills on each cigarette. The tax shall not apply if the tax 95137
levied by section 5743.02 of the Revised Code has been paid. 95138

The money received into the state treasury from the excise 95139
tax levied by this section shall be credited to the general 95140
revenue fund. 95141

Sec. 5743.51. (A) To provide revenue for the general 95142
revenue fund of the state, an excise tax on tobacco products and 95143
vapor products is hereby levied at one of the following rates: 95144

(1) For tobacco products other than ~~little cigars or~~ 95145
premium cigars, seventeen-forty-two per cent of the wholesale 95146
price of the tobacco product received by a distributor or sold 95147
by a manufacturer to a retail dealer located in this state. 95148

(2) ~~Thirty-seven per cent of the wholesale price of little~~ 95149
~~cigars received by a distributor or sold by a manufacturer to a~~ 95150
~~retail dealer located in this state.~~ 95151

~~(3)~~ For premium cigars received by a distributor or sold 95152
by a manufacturer to a retail dealer located in this state, the 95153
lesser of seventeen-forty-two per cent of the wholesale price of 95154
such premium cigars or the maximum tax amount per each such 95155
premium cigar. 95156

~~(4)~~ (3) For vapor products, ~~one cent~~ two cents multiplied 95157
by the vapor volume of vapor products the first time the 95158

products are received by a vapor distributor in this state. 95159

Each distributor or vapor distributor who brings tobacco 95160
products or vapor products, or causes tobacco products or vapor 95161
products to be brought, into this state for distribution within 95162
this state, or any out-of-state distributor or vapor distributor 95163
who sells tobacco products or vapor products to wholesale or 95164
retail dealers located in this state for resale by those 95165
wholesale or retail dealers is liable for the tax imposed by 95166
this section. Only one sale of the same article shall be used in 95167
computing the amount of the tax due. If a vapor product is 95168
repackaged, reconstituted, diluted, or reprocessed, the 95169
subsequent sale of that vapor product shall be considered 95170
another sale of the same article for purposes of computing the 95171
amount of tax due. 95172

(B) The treasurer of state shall place to the credit of 95173
the tax refund fund created by section 5703.052 of the Revised 95174
Code, out of the receipts from the tax levied by this section, 95175
amounts equal to the refunds certified by the tax commissioner 95176
pursuant to section 5743.53 of the Revised Code. The balance of 95177
the taxes collected under this section shall be paid into the 95178
general revenue fund. 95179

(C) The commissioner may adopt rules as are necessary to 95180
assist in the enforcement and administration of sections 5743.51 95181
to 5743.66 of the Revised Code, ~~including rules providing for~~ 95182
~~the remission of penalties imposed.~~ 95183

(D) A manufacturer is not liable for payment of the tax 95184
imposed by this section for sales of tobacco products or vapor 95185
products to a retail dealer that has filed a signed statement 95186
with the manufacturer in which the retail dealer agrees to pay 95187
and be liable for the tax, as long as the manufacturer has 95188

provided a copy of the statement to the tax commissioner. 95189

Sec. 5743.52. (A) Each distributor of tobacco products or 95190
vapor distributor subject to the tax levied by section 5743.51 95191
of the Revised Code, on or before the twenty-third day of each 95192
month, shall file with the tax commissioner a return for the 95193
preceding month showing any information the tax commissioner 95194
finds necessary for the proper administration of this chapter, 95195
together with remittance of the tax due. The return and payment 95196
of the tax required by this section shall be filed and made 95197
electronically on or before the twenty-third day of the month 95198
following the reporting period. ~~If the return is filed and the~~ 95199
~~amount of tax shown on the return to be due is paid on or before~~ 95200
~~the date the return is required to be filed, the distributor or~~ 95201
~~vapor distributor is entitled to a discount equal to two and~~ 95202
~~five-tenths per cent of the amount shown on the return to be~~ 95203
~~due.~~ 95204

(B) Any person who fails to timely file the return and 95205
make payment of taxes as required under this section, section 95206
5743.62, or section 5743.63 of the Revised Code may be required 95207
to pay an additional charge not exceeding the greater of fifty 95208
dollars or ten per cent of the tax due. Any additional charge 95209
imposed under this section may be collected by assessment as 95210
provided in section 5743.56 of the Revised Code. 95211

(C) If any tax due is not paid timely in accordance with 95212
this section or section 5743.62 or 5743.63 of the Revised Code, 95213
the person liable for the tax shall pay interest, calculated at 95214
the rate per annum as prescribed by section 5703.47 of the 95215
Revised Code, from the date the tax payment was due to the date 95216
of payment or to the date an assessment is issued under section 95217
5743.56 of the Revised Code, whichever occurs first. The 95218

commissioner may collect such interest by assessment pursuant to 95219
section 5743.56 of the Revised Code. 95220

(D) The commissioner may authorize the filing of returns 95221
and the payment of the tax required by this section, section 95222
5743.62, or section 5743.63 of the Revised Code for periods 95223
longer than a calendar month. 95224

(E) The commissioner may order any taxpayer to file with 95225
the commissioner security to the satisfaction of the 95226
commissioner conditioned upon filing the return and paying the 95227
taxes required under this section, section 5743.62, or section 95228
5743.63 of the Revised Code if the commissioner believes that 95229
the collection of the tax may be in jeopardy. 95230

Sec. 5743.56. (A) Any person required to pay the tax 95231
imposed by section 5743.51, 5743.62, or 5743.63 of the Revised 95232
Code is personally liable for the tax. The tax commissioner may 95233
make an assessment, based upon any information in the 95234
commissioner's possession, against any person who fails to file 95235
a return or pay any tax, interest, or additional charge as 95236
required by this chapter. The commissioner shall give the person 95237
assessed written notice of such assessment in the manner 95238
provided in section 5703.37 of the Revised Code. With the 95239
notice, the commissioner shall provide instructions on how to 95240
petition for reassessment and request a hearing on the petition. 95241

(B) When the information in the possession of the tax 95242
commissioner indicates that a person liable for the tax imposed 95243
by section 5743.51, 5743.62, or 5743.63 of the Revised Code has 95244
not paid the full amount of tax due, the commissioner may audit 95245
a representative sample of the person's business and may issue 95246
an assessment based on such audit. 95247

(C) A penalty of up to fifteen per cent may be added to 95248
all amounts assessed under this section. ~~The tax commissioner~~ 95249
~~may adopt rules providing for the imposition and remission of~~ 95250
~~such penalties.~~ 95251

(D) Unless the person assessed files with the tax 95252
commissioner within sixty days after service of the notice of 95253
assessment, ~~either personally or by certified mail,~~ a written 95254
petition for reassessment signed by the person assessed or that 95255
person's authorized agent having knowledge of the facts, the 95256
assessment becomes final and the amount of the assessment is due 95257
and payable from the person assessed to the treasurer of state. 95258
A petition shall indicate the objections of the person assessed, 95259
but additional objections may be raised in writing if received 95260
by the commissioner prior to the date shown on the final 95261
determination. If the petition has been properly filed, the 95262
commissioner shall proceed under section 5703.60 of the Revised 95263
Code. 95264

(E) After an assessment becomes final, if any portion of 95265
the assessment, including accrued interest, remains unpaid, a 95266
certified copy of the tax commissioner's entry making the 95267
assessment final may be filed in the office of the clerk of the 95268
court of common pleas in the county in which the person assessed 95269
resides or in which the person assessed conducts business. If 95270
the person assessed maintains no place of business in this state 95271
and is not a resident of this state, the certified copy of the 95272
entry may be filed in the office of the clerk of the court of 95273
common pleas of Franklin county. 95274

Immediately upon the filing of the entry, the clerk shall 95275
enter a judgment for the state against the person assessed in 95276
the amount shown on the entry. The judgment may be filed by the 95277

clerk in a loose-leaf book entitled "special judgments for state tobacco products tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment is issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(F) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the legal representative of the person assessed, as provided in section 5703.37 of the Revised Code, within five days of the filing of

the entry with the clerk. The total amount assessed is 95309
immediately due and payable, unless the person assessed files a 95310
petition for reassessment in accordance with division (D) of 95311
this section and provides security in a form satisfactory to the 95312
commissioner and in an amount sufficient to satisfy the unpaid 95313
balance of the assessment. Full or partial payment of the 95314
assessment does not prejudice the commissioner's consideration 95315
of the petition for reassessment. 95316

(G) All money collected by the tax commissioner under this 95317
section shall be paid to the treasurer of state as revenue 95318
arising from the tax imposed by sections 5743.51, 5743.62, and 95319
5743.63 of the Revised Code. 95320

Sec. 5743.62. (A) To provide revenue for the general 95321
revenue fund of the state, an excise tax is hereby levied on the 95322
seller of tobacco products or vapor products in this state at 95323
one of the following rates: 95324

(1) For tobacco products other than ~~little cigars or~~ 95325
premium cigars, seventeen-forty-two per cent of the wholesale 95326
price of the tobacco product whenever the tobacco product is 95327
delivered to a consumer in this state for the storage, use, or 95328
other consumption of such tobacco products. 95329

(2) ~~For little cigars, thirty-seven per cent of the~~ 95330
~~wholesale price of the little cigars whenever the little cigars~~ 95331
~~are delivered to a consumer in this state for the storage, use,~~ 95332
~~or other consumption of the little cigars.~~ 95333

~~(3)~~ For premium cigars, whenever the premium cigars are 95334
delivered to a consumer in this state for the storage, use, or 95335
other consumption of the premium cigars, the lesser of ~~seventeen~~ 95336
forty-two per cent of the wholesale price of such premium cigars 95337

or the maximum tax amount per each such premium cigar. 95338

~~(4)~~ (3) For vapor products, ~~one cent~~ two cents multiplied 95339
by the vapor volume of vapor products when the vapor products 95340
are delivered to a consumer in this state for the storage, use, 95341
or other consumption of the vapor products. 95342

The tax imposed by this section applies only to sellers 95343
having substantial nexus with this state, as defined in section 95344
5741.01 of the Revised Code. 95345

(B) A seller of tobacco products or vapor products who has 95346
substantial nexus with this state as defined in section 5741.01 95347
of the Revised Code shall register with the tax commissioner and 95348
supply any information concerning the seller's contacts with 95349
this state as may be required by the tax commissioner. A seller 95350
who does not have substantial nexus with this state may 95351
voluntarily register with the tax commissioner. A seller who 95352
voluntarily registers with the tax commissioner is entitled to 95353
the same benefits and is subject to the same duties and 95354
requirements as a seller required to be registered with the tax 95355
commissioner under this division. 95356

(C) Each seller of tobacco products or vapor products 95357
subject to the tax levied by this section, on or before the 95358
twenty-third day of each month, shall file with the tax 95359
commissioner a return for the preceding month showing any 95360
information the tax commissioner finds necessary for the proper 95361
administration of sections 5743.51 to 5743.66 of the Revised 95362
Code, together with remittance of the tax due, payable to the 95363
treasurer of state. The return and payment of the tax required 95364
by this section shall be filed in such a manner that it is 95365
received by the tax commissioner on or before the twenty-third 95366
day of the month following the reporting period. ~~If the return~~ 95367

~~is filed and the amount of the tax shown on the return to be due~~ 95368
~~is paid on or before the date the return is required to be~~ 95369
~~filed, the seller is entitled to a discount equal to two and~~ 95370
~~five-tenths per cent of the amount shown on the return to be~~ 95371
~~due.~~ 95372

(D) The tax commissioner shall immediately forward to the 95373
treasurer of state all money received from the tax levied by 95374
this section, and the treasurer shall credit the amount to the 95375
general revenue fund. 95376

(E) Each seller of tobacco products or vapor products 95377
subject to the tax levied by this section shall mark on the 95378
invoices of tobacco products or vapor products sold that the tax 95379
levied by that section has been paid and shall indicate the 95380
seller's account number as assigned by the tax commissioner. 95381

Sec. 5743.63. (A) To provide revenue for the general 95382
revenue fund of the state, an excise tax is hereby levied on the 95383
storage, use, or other consumption of tobacco products or vapor 95384
products at one of the following rates: 95385

(1) For tobacco products other than ~~little cigars or~~ 95386
premium cigars, seventeen-forty-two per cent of the wholesale 95387
price of the tobacco product. 95388

(2) ~~For little cigars, thirty-seven per cent of the~~ 95389
~~wholesale price of the little cigars.~~ 95390

~~(3)~~ For premium cigars, the lesser of seventeen-forty-two 95391
per cent of the wholesale price of the premium cigars or the 95392
maximum tax amount per each premium cigar. 95393

~~(4)~~ (3) For vapor products, one-cent-two cents multiplied 95394
by the vapor volume of the vapor products. 95395

The tax levied under division (A) of this section is 95396
imposed only if the tax has not been paid by the seller as 95397
provided in section 5743.62 of the Revised Code, or by the 95398
distributor or vapor distributor as provided in section 5743.51 95399
of the Revised Code. 95400

(B) Each person subject to the tax levied by this section, 95401
on or before the twenty-third day of each month, shall file with 95402
the tax commissioner a return for the preceding month showing 95403
any information the commissioner finds necessary for the proper 95404
administration of sections 5743.51 to 5743.66 of the Revised 95405
Code, together with remittance of the tax due, payable to the 95406
treasurer of state. The return and payment of the tax required 95407
by this section shall be filed in such a manner that it is 95408
received by the commissioner on or before the twenty-third day 95409
of the month following the reporting period. 95410

(C) The tax commissioner shall immediately forward to the 95411
treasurer of state all money received from the tax levied by 95412
this section, and the treasurer shall credit the amount to the 95413
general revenue fund. 95414

Sec. 5743.99. (A) (1) Except as provided in division (A) (2) 95415
of this section, whoever violates section 5743.10, 5743.11, or 95416
5743.12 or division (C) of section 5743.54 of the Revised Code 95417
is guilty of a misdemeanor of the first degree. If the offender 95418
has been previously convicted of an offense under this division, 95419
violation is a felony of the fourth degree. 95420

(2) Unless the total number of cigarettes exceeds one 95421
thousand two hundred, an individual who violates section 5743.10 95422
of the Revised Code is guilty of a minor misdemeanor. If the 95423
offender has been previously convicted of an offense under this 95424
division, violation is a misdemeanor of the first degree. 95425

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a felony of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the second degree.

(C) Whoever violates section 5743.19, 5743.41~~or~~, 5743.42, or 5743.61 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a misdemeanor of the third degree.

(D) Whoever violates section 5743.21 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fifth degree.

(E) Whoever violates division (F) of section 5743.03 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(F) Whoever violates any provision of this chapter, or any rule promulgated by the tax commissioner under authority of this chapter, for the violation of which no penalty is provided elsewhere, is guilty of a misdemeanor of the fourth degree.

(G) In addition to any other penalty imposed upon a person convicted of a violation of section 5743.112 or 5743.60 of the Revised Code who was the operator of a motor vehicle used in the violation, the court may suspend for not less than thirty days or more than three years the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. If the court imposes such a suspension, the court shall send a copy of

its suspension order and determination to the registrar of motor 95455
vehicles, and the registrar, pursuant to the order and 95456
determination, shall impose a suspension of the same duration. 95457
No judge shall suspend the first thirty days of suspension of an 95458
offender's license, permit, or privilege required by this 95459
division. The court, in lieu of suspending the offender's 95460
driver's or commercial driver's license or permit or nonresident 95461
operating privilege, instead may require the offender to perform 95462
community service for a number of hours determined by the court. 95463

Sec. 5745.03. (A) For each taxable year, each taxpayer 95464
shall file an annual report with the tax commissioner not later 95465
than the fifteenth day of the fourth month after the end of the 95466
taxpayer's taxable year, and shall remit with that report the 95467
amount of tax due as shown on the report less the amount paid 95468
for the year under section 5745.04 of the Revised Code. The 95469
~~remittance shall be made in the form prescribed by the~~ 95470
~~commissioner. If the amount payable with the report exceeds one~~ 95471
~~thousand dollars, the taxpayer shall remit the any amount due~~ 95472
with the report electronically in a manner prescribed by the 95473
commissioner. The commissioner shall credit ninety-eight and 95474
one-half per cent of such remittances to the municipal income 95475
tax fund, which is hereby created in the state treasury, and 95476
credit the remainder to the municipal income tax administrative 95477
fund, which is hereby created in the state treasury. 95478

(B) Any taxpayer that has been granted an extension for 95479
filing a federal income tax return ~~may request shall~~ 95480
automatically receive an extension for filing the return 95481
required under this section ~~by filing with the tax commissioner~~ 95482
~~a copy of the taxpayer's request for the federal filing~~ 95483
~~extension. The request shall be filed not later than the last~~ 95484
~~day for filing the return as required under division (A) of this~~ 95485

~~section. If such a request is properly and timely filed, and the~~ 95486
~~commissioner shall extend the last day for filing the return~~ 95487
~~required under this section for the same period for which the~~ 95488
~~federal filing extension was granted. The commissioner may deny~~ 95489
~~the filing extension request only if the taxpayer fails to~~ 95490
~~timely file the request, fails to file a copy of the federal~~ 95491
~~extension request, owes past due taxes, interest, or penalty~~ 95492
~~under this chapter, or has failed to file a required report or~~ 95493
~~other document for a prior taxable year to the fifteenth day of~~ 95494
~~the eleventh month after the last day of the taxable year to~~ 95495
~~which the return relates.~~ 95496
The granting of an extension under 95497
this section does not extend the last day for paying taxes 95498
without penalty pursuant to this chapter unless the commissioner 95499
extends the payment date.

(C) A taxpayer that has not requested or received an 95500
extension for filing the taxpayer's federal income tax return 95501
may request that the commissioner grant the taxpayer a seven 95502
month extension of the date for filing the taxpayer's tax 95503
return. If the commissioner receives the request on or before 95504
the date the tax return is due, the commissioner shall grant the 95505
taxpayer's extension request. 95506

(D) The annual report shall include statements of the 95507
following facts as of the last day of the taxpayer's taxable 95508
year: 95509

(1) The name of the taxpayer; 95510

~~(2) The name of the state or country under the laws of~~ 95511
~~which it is incorporated;~~ 95512

~~(3) The location of its principal office in this state~~ 95513
~~and, in the case of a taxpayer organized under the laws of~~ 95514

~~another state, the principal place of business in this state and 95515~~
~~the name and address of the officer or agent of the taxpayer in 95516~~
~~charge of the business conducted in this state;— 95517~~

~~(4) The names of the president, secretary, treasurer, and 95518~~
~~statutory agent in this state, with the post-office address of 95519~~
~~each;— 95520~~

~~(5)~~ (2) The date on which the taxpayer's taxable year 95521
begins and ends; 95522

~~(6)~~ (3) The taxpayer's federal taxable income during the 95523
taxpayer's taxable year; 95524

~~(7)~~ (4) Any other information the tax commissioner requires 95525
for the proper administration of this chapter. 95526

~~(D)~~ (E) The tax commissioner may require any reports 95527
required under this chapter to be filed in an electronic format. 95528

~~(E)~~ (F) A municipal corporation may not require a taxpayer 95529
required to file a report under this section to file a report of 95530
the taxpayer's income, but a municipal corporation may require a 95531
taxpayer to report to the municipal corporation the value of the 95532
taxpayer's real and tangible personal property situated in the 95533
municipal corporation, compensation paid by the taxpayer to its 95534
employees in the municipal corporation, and sales made in the 95535
municipal corporation by the taxpayer, to the extent necessary 95536
for the municipal corporation to compute the taxpayer's 95537
municipal property, payroll, and sales factors for the municipal 95538
corporation. 95539

~~(F)~~ (G) On or before the thirty-first day of January each 95540
year, each municipal corporation imposing a tax on income shall 95541
certify to the tax commissioner the rate of the tax in effect on 95542
the first day of January of that year. If any municipal 95543

corporation fails to certify its income tax rate as required by 95544
this division, the commissioner shall notify the director of 95545
budget and management, who, upon receiving such notification, 95546
shall withhold from each payment made to the municipal 95547
corporation under section 5745.05 of the Revised Code fifty per 95548
cent of the amount of the payment otherwise due the municipal 95549
corporation under that section as computed on the basis of the 95550
tax rate most recently certified until the municipal corporation 95551
certifies the tax rate in effect on the first day of January of 95552
that year. 95553

The tax rate used to determine the tax payable to a 95554
municipal corporation under this section for a taxpayer's 95555
taxable year shall be the tax rate in effect in a municipal 95556
corporation on the first day of January in that taxable year. If 95557
a taxpayer's taxable year is for a period less than twelve 95558
months that does not include the first day of January, the tax 95559
rate used to determine the tax payable to a municipal 95560
corporation under this section for the taxpayer's taxable year 95561
shall be the tax rate in effect in a municipal corporation on 95562
the first day of January in the preceding taxable year. 95563

Sec. 5745.04. (A) As used in this section, "combined tax 95564
liability" means the total of a taxpayer's income tax 95565
liabilities to all municipal corporations in this state for a 95566
taxable year. 95567

(B) Each taxpayer shall file a declaration of estimated 95568
tax report with, and remit estimated taxes to, the tax 95569
commissioner, payable to the treasurer of state, at the times 95570
and in the amounts prescribed in divisions (B)(1) to (4) of this 95571
section. The first taxable year a taxpayer is subject to this 95572
chapter, the estimated taxes the taxpayer is required to remit 95573

under this section shall be based solely on the current taxable 95574
year and not on the liability for the preceding taxable year. 95575

(1) Not less than twenty-five per cent of the combined tax 95576
liability for the preceding taxable year or twenty per cent of 95577
the combined tax liability for the current taxable year shall 95578
have been remitted not later than the fifteenth day of the 95579
fourth month after the end of the preceding taxable year. 95580

(2) Not less than fifty per cent of the combined tax 95581
liability for the preceding taxable year or forty per cent of 95582
the combined tax liability for the current taxable year shall 95583
have been remitted not later than the fifteenth day of the sixth 95584
month after the end of the preceding taxable year. 95585

(3) Not less than seventy-five per cent of the combined 95586
tax liability for the preceding taxable year or sixty per cent 95587
of the combined tax liability for the current taxable year shall 95588
have been remitted not later than the fifteenth day of the ninth 95589
month after the end of the preceding taxable year. 95590

(4) Not less than one hundred per cent of the combined tax 95591
liability for the preceding taxable year or eighty per cent of 95592
the combined tax liability for the current taxable year shall 95593
have been remitted not later than the fifteenth day of the 95594
twelfth month after the end of the preceding taxable year. 95595

(C) Each taxpayer shall report on the declaration of 95596
estimated tax report the portion of the remittance that the 95597
taxpayer estimates that it owes to each municipal corporation 95598
for the taxable year. 95599

(D) Upon receiving a declaration of estimated tax report 95600
and remittance of estimated taxes under this section, the tax 95601
commissioner shall credit ninety-eight and one-half per cent of 95602

the remittance to the municipal income tax fund and credit the 95603
remainder to the municipal income tax administrative fund. 95604

(E) ~~If any remittance of estimated taxes is for one~~ 95605
~~thousand dollars or more, the~~ The taxpayer shall make the 95606
remittance of estimated taxes electronically as prescribed by 95607
section 5745.041 of the Revised Code. 95608

(F) Notwithstanding section 5745.08 or 5745.09 of the 95609
Revised Code, no penalty or interest shall be imposed on a 95610
taxpayer if the declaration of estimated tax report is properly 95611
filed, and the estimated tax is paid, within the time prescribed 95612
by division (B) of this section. 95613

Sec. 5745.041. Any taxpayer required by section 5745.03 or 95614
5745.04 of the Revised Code to remit tax payments electronically 95615
shall remit such payments in the manner prescribed by the tax 95616
commissioner. Except as otherwise provided in this paragraph, 95617
the payment of taxes electronically does not affect a taxpayer's 95618
obligation to file reports under this chapter. 95619

A taxpayer required to remit taxes electronically may 95620
apply to the tax commissioner in the manner prescribed by the 95621
commissioner to be excused from that requirement. The 95622
commissioner may excuse the taxpayer from the requirement for 95623
good cause shown for the period of time requested by the 95624
taxpayer or for a portion of that period. 95625

If a taxpayer required by this section to remit taxes 95626
electronically remits those taxes by some means other than 95627
electronically as prescribed by this section, and the 95628
commissioner determines that such failure was not due to 95629
reasonable cause or was due to willful neglect, the commissioner 95630
may collect an additional charge by assessment in the manner 95631

prescribed by section 5745.12 of the Revised Code. The 95632
additional charge shall equal five per cent of the amount of the 95633
taxes or estimated tax payments required to be paid 95634
electronically, but shall not exceed five thousand dollars. Any 95635
additional charge assessed under this section is in addition to 95636
any other penalty or charge imposed under this chapter, and 95637
shall be considered as revenue arising from municipal income 95638
taxes collected under this chapter. ~~The commissioner may remit~~ 95639
~~all or a portion of such a charge and may adopt rules governing~~ 95640
~~such remission.~~ 95641

No additional charge shall be assessed under this section 95642
against a taxpayer that has been notified of its obligation to 95643
remit taxes electronically under this section and that remits 95644
its first two tax payments after such notification by some other 95645
means. The additional charge may be assessed upon the remittance 95646
of any subsequent tax payment that the taxpayer remits by some 95647
means other than electronically. 95648

Sec. 5745.08. (A) The following penalties shall apply 95649
under the circumstances indicated: 95650

(1) If a taxpayer required to file a report or remit tax 95651
as required by this chapter fails to make and file the report 95652
within the time prescribed, including any extensions of time 95653
granted by the tax commissioner, the tax commissioner may impose 95654
a penalty not exceeding the greater of fifty dollars per month 95655
or fraction of a month, not to exceed five hundred dollars, or 95656
five per cent per month or fraction of a month, not to exceed 95657
fifty per cent, of the tax required to be shown on the report, 95658
for each month or fraction of a month elapsing between the due 95659
date, including extensions of the due date, and the day on which 95660
the report is filed. 95661

(2) If a taxpayer fails to timely pay any amount of 95662
~~estimated tax required to be paid under division (B) of section~~ 95663
~~5745.04 of the Revised Code by the dates prescribed for~~ 95664
~~payment~~ this chapter, the tax commissioner may impose a penalty 95665
~~not to exceed twice the interest charged under section 5745.09~~ 95666
~~of the Revised Code for the delinquent payment~~ equal to fifteen 95667
per cent of the amount not timely paid. 95668

(3) If a taxpayer files what purports to be a report 95669
required by this chapter that does not contain information upon 95670
which the substantial correctness of the report may be judged or 95671
contains information that on its face indicates that the report 95672
is substantially incorrect, and the filing of the report in that 95673
manner is due to a position that is frivolous or a desire that 95674
is apparent from the report to delay or impede the 95675
administration of this chapter, a penalty of up to five hundred 95676
dollars may be imposed. 95677

(4) If a taxpayer makes a fraudulent attempt to evade the 95678
reporting or payment of the tax required to be shown on any 95679
report required under this chapter, a penalty may be imposed not 95680
exceeding the greater of one thousand dollars or one hundred per 95681
cent of the tax required to be shown on the report. 95682

(5) If any person makes a false or fraudulent claim for a 95683
refund under section 5745.11 of the Revised Code, a penalty may 95684
be imposed not exceeding the greater of one thousand dollars or 95685
one hundred per cent of the claim. Any penalty imposed under 95686
division (A) (5) of this section, any refund issued on the claim, 95687
and interest on any refund from the date of the refund, may be 95688
assessed under section 5745.12 of the Revised Code without 95689
regard to any time limitation for the assessment imposed by 95690
division (A) of that section. 95691

(B) For the purposes of this section, the tax required to
be shown on the report shall be reduced by the amount of any
part of the tax paid on or before the date, including extensions
of the date, prescribed for filing the report.

(C) Each penalty imposed under this section shall be in
addition to any other penalty provided in this section. ~~All or~~
~~part of any penalty imposed under this section may be abated by~~
~~the commissioner. The tax commissioner may adopt rules governing~~
~~the imposition and abatement of such penalties.~~

(D) All amounts collected under this section from a
taxpayer shall be considered as taxes collected under this
chapter and shall be credited and distributed to municipal
corporations in the same proportions as the taxpayer's taxes are
distributed for the reporting period under section 5745.05 of
the Revised Code or, if the taxpayer has filed the annual report
for the year under section 5745.03 of the Revised Code, in the
amounts found to be due such municipal corporations on the basis
of the annual report.

Sec. 5745.09. (A) In case of any underpayment of the
estimated tax under section 5745.04 of the Revised Code, ~~there~~
~~shall be added~~ the tax commissioner may add to the tax an amount
determined at the rate per annum prescribed by section 5703.47
of the Revised Code upon the amount of underpayment for the
period of underpayment.

(B) The amount of the underpayment shall be the excess of
division (B) (1) over division (B) (2) of this section:

(1) The amount of the estimated tax payment that would be
required to be paid for the taxable year if the total estimated
tax were equal to the total tax shown to be due on the annual

report, or if no report was filed, the tax for such year; 95721

(2) The amount, if any, of the estimated tax paid on or 95722
before the last day prescribed for such payment. 95723

(C) The period of the underpayment shall run from the date 95724
the estimated tax payment was required to be made to the date on 95725
which such payment is made. For purposes of this section, a 95726
payment of estimated tax on any payment date shall be considered 95727
a payment of any previous underpayment only to the extent such 95728
payment exceeds the amount of the payment presently due. 95729

(D) All amounts collected under this section shall be 95730
considered as taxes collected under this chapter and shall be 95731
credited and distributed to municipal corporations in the same 95732
proportions as the taxpayer's taxes are distributed for the 95733
reporting period under section 5745.05 of the Revised Code or, 95734
if the taxpayer has filed the annual report for the year under 95735
section 5745.03 of the Revised Code, in the amounts found to be 95736
due to such municipal corporations on the basis of the annual 95737
report. 95738

Sec. 5745.12. (A) If any taxpayer required to file a 95739
report under this chapter fails to file the report within the 95740
time prescribed, files an incorrect report, or fails to remit 95741
the full amount of the tax due for the period covered by the 95742
report, the tax commissioner may make an assessment against the 95743
taxpayer for any deficiency for the period for which the report 95744
or tax is due, based upon any information in the commissioner's 95745
possession. 95746

The tax commissioner shall not make or issue an assessment 95747
against a taxpayer more than three years after the later of the 95748
final date the report subject to assessment was required to be 95749

filed or the date the report was filed. Such time limit may be 95750
extended if both the taxpayer and the commissioner consent in 95751
writing to the extension. Any such extension shall extend the 95752
three-year time limit in section 5745.11 of the Revised Code for 95753
the same period of time. There shall be no bar or limit to an 95754
assessment against a taxpayer that fails to file a report 95755
subject to assessment as required by this chapter, or that files 95756
a fraudulent report. The commissioner shall give the taxpayer 95757
assessed written notice of the assessment as provided in section 95758
5703.37 of the Revised Code. With the notice, the commissioner 95759
shall provide instructions on how to petition for reassessment 95760
and request a hearing on the petition. 95761

(B) Unless the taxpayer assessed files with the tax 95762
commissioner within sixty days after service of the notice of 95763
assessment, ~~either personally or by certified mail,~~ a written 95764
petition for reassessment signed by the authorized agent of the 95765
taxpayer assessed having knowledge of the facts, the assessment 95766
becomes final, and the amount of the assessment is due and 95767
payable from the taxpayer to the treasurer of state. The 95768
petition shall indicate the taxpayer's objections, but 95769
additional objections may be raised in writing if received by 95770
the commissioner prior to the date shown on the final 95771
determination. If the petition has been properly filed, the 95772
commissioner shall proceed under section 5703.60 of the Revised 95773
Code. 95774

(C) After an assessment becomes final, if any portion of 95775
the assessment remains unpaid, including accrued interest, a 95776
certified copy of the tax commissioner's entry making the 95777
assessment final may be filed in the office of the clerk of the 95778
court of common pleas in the county in which the taxpayer has an 95779
office or place of business in this state, the county in which 95780

the taxpayer's statutory agent is located, or Franklin county. 95781

Immediately upon the filing of the entry, the clerk shall 95782
enter a judgment against the taxpayer assessed in the amount 95783
shown on the entry. The judgment may be filed by the clerk in a 95784
loose-leaf book entitled "special judgments for municipal income 95785
taxes," and shall have the same effect as other judgments. 95786
Execution shall issue upon the judgment upon the request of the 95787
tax commissioner, and all laws applicable to sales on execution 95788
shall apply to sales made under the judgment. 95789

If the assessment is not paid in its entirety within sixty 95790
days after the day the assessment was issued, the portion of the 95791
assessment consisting of tax due shall bear interest at the rate 95792
per annum prescribed by section 5703.47 of the Revised Code from 95793
the day the commissioner issues the assessment until the 95794
assessment is paid or until it is certified to the attorney 95795
general for collection under section 131.02 of the Revised Code, 95796
whichever comes first. If the unpaid portion of the assessment 95797
is certified to the attorney general for collection, the entire 95798
unpaid portion of the assessment shall bear interest at the rate 95799
per annum prescribed by section 5703.47 of the Revised Code from 95800
the date of certification until the date it is paid in its 95801
entirety. Interest shall be paid in the same manner as the tax 95802
and may be collected by issuing an assessment under this 95803
section. 95804

(D) All money collected under this section shall be 95805
credited and distributed to the municipal corporation to which 95806
the money is owed based on the assessment issued under this 95807
section. 95808

(E) If the tax commissioner believes that collection of 95809
the tax imposed by this chapter will be jeopardized unless 95810

proceedings to collect or secure collection of the tax are 95811
instituted without delay, the commissioner may issue a jeopardy 95812
assessment against the taxpayer liable for the tax. Immediately 95813
upon the issuance of the jeopardy assessment, the commissioner 95814
shall file an entry with the clerk of the court of common pleas 95815
in the manner prescribed by division (C) of this section. Notice 95816
of the jeopardy assessment shall be served on the taxpayer 95817
assessed or the taxpayer's legal representative in the manner 95818
provided in section 5703.37 of the Revised Code within five days 95819
of the filing of the entry with the clerk. The total amount 95820
assessed is immediately due and payable, unless the taxpayer 95821
assessed files a petition for reassessment in accordance with 95822
division (B) of this section and provides security in a form 95823
satisfactory to the commissioner and in an amount sufficient to 95824
satisfy the unpaid balance of the assessment. Full or partial 95825
payment of the assessment does not prejudice the commissioner's 95826
consideration of the petition for reassessment. 95827

(F) Notwithstanding the fact that a petition for 95828
reassessment is pending, the taxpayer may pay all or a portion 95829
of the assessment that is the subject of the petition. The 95830
acceptance of a payment by the treasurer of state does not 95831
prejudice any claim for refund upon final determination of the 95832
petition. 95833

If upon final determination of the petition an error in 95834
the assessment is corrected by the tax commissioner, upon 95835
petition so filed or pursuant to a decision of the board of tax 95836
appeals or any court to which the determination or decision has 95837
been appealed, so that the amount due from the taxpayer under 95838
the corrected assessment is less than the portion paid, there 95839
shall be issued to the taxpayer, its assigns, or legal 95840
representative a refund in the amount of the overpayment as 95841

provided by section 5745.11 of the Revised Code, with interest 95842
on that amount as provided by section 5745.11 of the Revised 95843
Code. 95844

Sec. 5747.01. Except as otherwise expressly provided or 95845
clearly appearing from the context, any term used in this 95846
chapter that is not otherwise defined in this section has the 95847
same meaning as when used in a comparable context in the laws of 95848
the United States relating to federal income taxes or if not 95849
used in a comparable context in those laws, has the same meaning 95850
as in section 5733.40 of the Revised Code. Any reference in this 95851
chapter to the Internal Revenue Code includes other laws of the 95852
United States relating to federal income taxes. 95853

As used in this chapter: 95854

(A) "Adjusted gross income" or "Ohio adjusted gross 95855
income" means federal adjusted gross income, as defined and used 95856
in the Internal Revenue Code, adjusted as provided in this 95857
section: 95858

(1) Add interest or dividends on obligations or securities 95859
of any state or of any political subdivision or authority of any 95860
state, other than this state and its subdivisions and 95861
authorities. 95862

(2) Add interest or dividends on obligations of any 95863
authority, commission, instrumentality, territory, or possession 95864
of the United States to the extent that the interest or 95865
dividends are exempt from federal income taxes but not from 95866
state income taxes. 95867

(3) Deduct interest or dividends on obligations of the 95868
United States and its territories and possessions or of any 95869
authority, commission, or instrumentality of the United States 95870

to the extent that the interest or dividends are included in 95871
federal adjusted gross income but exempt from state income taxes 95872
under the laws of the United States. 95873

(4) Deduct disability and survivor's benefits to the 95874
extent included in federal adjusted gross income. 95875

(5) Deduct the following, to the extent not otherwise 95876
deducted or excluded in computing federal or Ohio adjusted gross 95877
income: 95878

(a) Benefits under Title II of the Social Security Act and 95879
tier 1 railroad retirement; 95880

(b) Railroad retirement benefits, other than tier 1 95881
railroad retirement benefits, to the extent such amounts are 95882
exempt from state taxation under federal law. 95883

(6) Deduct the amount of wages and salaries, if any, not 95884
otherwise allowable as a deduction but that would have been 95885
allowable as a deduction in computing federal adjusted gross 95886
income for the taxable year, had the work opportunity tax credit 95887
allowed and determined under sections 38, 51, and 52 of the 95888
Internal Revenue Code not been in effect. 95889

(7) Deduct any interest or interest equivalent on public 95890
obligations and purchase obligations to the extent that the 95891
interest or interest equivalent is included in federal adjusted 95892
gross income. 95893

(8) Add any loss or deduct any gain resulting from the 95894
sale, exchange, or other disposition of public obligations to 95895
the extent that the loss has been deducted or the gain has been 95896
included in computing federal adjusted gross income. 95897

(9) Deduct or add amounts, as provided under section 95898

5747.70 of the Revised Code, related to contributions made to or 95899
tuition units purchased under a qualified tuition program 95900
established pursuant to section 529 of the Internal Revenue 95901
Code. 95902

(10) (a) Deduct, to the extent not otherwise allowable as a 95903
deduction or exclusion in computing federal or Ohio adjusted 95904
gross income for the taxable year, the amount the taxpayer paid 95905
during the taxable year for medical care insurance and qualified 95906
long-term care insurance for the taxpayer, the taxpayer's 95907
spouse, and dependents. No deduction for medical care insurance 95908
under division (A) (10) (a) of this section shall be allowed 95909
either to any taxpayer who is eligible to participate in any 95910
subsidized health plan maintained by any employer of the 95911
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 95912
entitled to, or on application would be entitled to, benefits 95913
under part A of Title XVIII of the "Social Security Act," 49 95914
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 95915
division (A) (10) (a) of this section, "subsidized health plan" 95916
means a health plan for which the employer pays any portion of 95917
the plan's cost. The deduction allowed under division (A) (10) (a) 95918
of this section shall be the net of any related premium refunds, 95919
related premium reimbursements, or related insurance premium 95920
dividends received during the taxable year. 95921

(b) Deduct, to the extent not otherwise deducted or 95922
excluded in computing federal or Ohio adjusted gross income 95923
during the taxable year, the amount the taxpayer paid during the 95924
taxable year, not compensated for by any insurance or otherwise, 95925
for medical care of the taxpayer, the taxpayer's spouse, and 95926
dependents, to the extent the expenses exceed seven and one-half 95927
per cent of the taxpayer's federal adjusted gross income. 95928

(c) For purposes of division (A)(10) of this section, 95929
"medical care" has the meaning given in section 213 of the 95930
Internal Revenue Code, subject to the special rules, 95931
limitations, and exclusions set forth therein, and "qualified 95932
long-term care" has the same meaning given in section 7702B(c) 95933
of the Internal Revenue Code. Solely for purposes of division 95934
(A)(10)(a) of this section, "dependent" includes a person who 95935
otherwise would be a "qualifying relative" and thus a 95936
"dependent" under section 152 of the Internal Revenue Code but 95937
for the fact that the person fails to meet the income and 95938
support limitations under section 152(d)(1)(B) and (C) of the 95939
Internal Revenue Code. 95940

(11)(a) Deduct any amount included in federal adjusted 95941
gross income solely because the amount represents a 95942
reimbursement or refund of expenses that in any year the 95943
taxpayer had deducted as an itemized deduction pursuant to 95944
section 63 of the Internal Revenue Code and applicable United 95945
States department of the treasury regulations. The deduction 95946
otherwise allowed under division (A)(11)(a) of this section 95947
shall be reduced to the extent the reimbursement is attributable 95948
to an amount the taxpayer deducted under this section in any 95949
taxable year. 95950

(b) Add any amount not otherwise included in Ohio adjusted 95951
gross income for any taxable year to the extent that the amount 95952
is attributable to the recovery during the taxable year of any 95953
amount deducted or excluded in computing federal or Ohio 95954
adjusted gross income in any taxable year. 95955

(12) Deduct any portion of the deduction described in 95956
section 1341(a)(2) of the Internal Revenue Code, for repaying 95957
previously reported income received under a claim of right, that 95958

meets both of the following requirements: 95959

(a) It is allowable for repayment of an item that was 95960
included in the taxpayer's adjusted gross income for a prior 95961
taxable year and did not qualify for a credit under division (A) 95962
or (B) of section 5747.05 of the Revised Code for that year; 95963

(b) It does not otherwise reduce the taxpayer's adjusted 95964
gross income for the current or any other taxable year. 95965

(13) Deduct an amount equal to the deposits made to, and 95966
net investment earnings of, a medical savings account during the 95967
taxable year, in accordance with section 3924.66 of the Revised 95968
Code. The deduction allowed by division (A) (13) of this section 95969
does not apply to medical savings account deposits and earnings 95970
otherwise deducted or excluded for the current or any other 95971
taxable year from the taxpayer's federal adjusted gross income. 95972

(14) (a) Add an amount equal to the funds withdrawn from a 95973
medical savings account during the taxable year, and the net 95974
investment earnings on those funds, when the funds withdrawn 95975
were used for any purpose other than to reimburse an account 95976
holder for, or to pay, eligible medical expenses, in accordance 95977
with section 3924.66 of the Revised Code; 95978

(b) Add the amounts distributed from a medical savings 95979
account under division (A) (2) of section 3924.68 of the Revised 95980
Code during the taxable year. 95981

(15) Add any amount claimed as a credit under section 95982
5747.059 of the Revised Code to the extent that such amount 95983
satisfies either of the following: 95984

(a) The amount was deducted or excluded from the 95985
computation of the taxpayer's federal adjusted gross income as 95986
required to be reported for the taxpayer's taxable year under 95987

the Internal Revenue Code; 95988

(b) The amount resulted in a reduction of the taxpayer's 95989
federal adjusted gross income as required to be reported for any 95990
of the taxpayer's taxable years under the Internal Revenue Code. 95991

(16) Deduct the amount contributed by the taxpayer to an 95992
individual development account program established by a county 95993
department of job and family services pursuant to sections 95994
329.11 to 329.14 of the Revised Code for the purpose of matching 95995
funds deposited by program participants. On request of the tax 95996
commissioner, the taxpayer shall provide any information that, 95997
in the tax commissioner's opinion, is necessary to establish the 95998
amount deducted under division (A)(16) of this section. 95999

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 96000
(v) of this section, add five-sixths of the amount of 96001
depreciation expense allowed by subsection (k) of section 168 of 96002
the Internal Revenue Code, including the taxpayer's 96003
proportionate or distributive share of the amount of 96004
depreciation expense allowed by that subsection to a pass- 96005
through entity in which the taxpayer has a direct or indirect 96006
ownership interest. 96007

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) 96008
of this section, add five-sixths of the amount of qualifying 96009
section 179 depreciation expense, including the taxpayer's 96010
proportionate or distributive share of the amount of qualifying 96011
section 179 depreciation expense allowed to any pass-through 96012
entity in which the taxpayer has a direct or indirect ownership 96013
interest. 96014

(iii) Subject to division (A)(17)(a)(v) of this section, 96015
for taxable years beginning in 2012 or thereafter, if the 96016

increase in income taxes withheld by the taxpayer is equal to or 96017
greater than ten per cent of income taxes withheld by the 96018
taxpayer during the taxpayer's immediately preceding taxable 96019
year, "two-thirds" shall be substituted for "five-sixths" for 96020
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 96021

(iv) Subject to division (A) (17) (a) (v) of this section, 96022
for taxable years beginning in 2012 or thereafter, a taxpayer is 96023
not required to add an amount under division (A) (17) of this 96024
section if the increase in income taxes withheld by the taxpayer 96025
and by any pass-through entity in which the taxpayer has a 96026
direct or indirect ownership interest is equal to or greater 96027
than the sum of (I) the amount of qualifying section 179 96028
depreciation expense and (II) the amount of depreciation expense 96029
allowed to the taxpayer by subsection (k) of section 168 of the 96030
Internal Revenue Code, and including the taxpayer's 96031
proportionate or distributive shares of such amounts allowed to 96032
any such pass-through entities. 96033

(v) If a taxpayer directly or indirectly incurs a net 96034
operating loss for the taxable year for federal income tax 96035
purposes, to the extent such loss resulted from depreciation 96036
expense allowed by subsection (k) of section 168 of the Internal 96037
Revenue Code and by qualifying section 179 depreciation expense, 96038
"the entire" shall be substituted for "five-sixths of the" for 96039
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 96040

The tax commissioner, under procedures established by the 96041
commissioner, may waive the add-backs related to a pass-through 96042
entity if the taxpayer owns, directly or indirectly, less than 96043
five per cent of the pass-through entity. 96044

(b) Nothing in division (A) (17) of this section shall be 96045
construed to adjust or modify the adjusted basis of any asset. 96046

(c) To the extent the add-back required under division (A) 96047
(17) (a) of this section is attributable to property generating 96048
nonbusiness income or loss allocated under section 5747.20 of 96049
the Revised Code, the add-back shall be situated to the same 96050
location as the nonbusiness income or loss generated by the 96051
property for the purpose of determining the credit under 96052
division (A) of section 5747.05 of the Revised Code. Otherwise, 96053
the add-back shall be apportioned, subject to one or more of the 96054
four alternative methods of apportionment enumerated in section 96055
5747.21 of the Revised Code. 96056

(d) For the purposes of division (A) (17) (a) (v) of this 96057
section, net operating loss carryback and carryforward shall not 96058
include the allowance of any net operating loss deduction 96059
carryback or carryforward to the taxable year to the extent such 96060
loss resulted from depreciation allowed by section 168(k) of the 96061
Internal Revenue Code and by the qualifying section 179 96062
depreciation expense amount. 96063

(e) For the purposes of divisions (A) (17) and (18) of this 96064
section: 96065

(i) "Income taxes withheld" means the total amount 96066
withheld and remitted under sections 5747.06 and 5747.07 of the 96067
Revised Code by an employer during the employer's taxable year. 96068

(ii) "Increase in income taxes withheld" means the amount 96069
by which the amount of income taxes withheld by an employer 96070
during the employer's current taxable year exceeds the amount of 96071
income taxes withheld by that employer during the employer's 96072
immediately preceding taxable year. 96073

(iii) "Qualifying section 179 depreciation expense" means 96074
the difference between (I) the amount of depreciation expense 96075

directly or indirectly allowed to a taxpayer under section 179 96076
of the Internal Revised Code, and (II) the amount of 96077
depreciation expense directly or indirectly allowed to the 96078
taxpayer under section 179 of the Internal Revenue Code as that 96079
section existed on December 31, 2002. 96080

(18) (a) If the taxpayer was required to add an amount 96081
under division (A) (17) (a) of this section for a taxable year, 96082
deduct one of the following: 96083

(i) One-fifth of the amount so added for each of the five 96084
succeeding taxable years if the amount so added was five-sixths 96085
of qualifying section 179 depreciation expense or depreciation 96086
expense allowed by subsection (k) of section 168 of the Internal 96087
Revenue Code; 96088

(ii) One-half of the amount so added for each of the two 96089
succeeding taxable years if the amount so added was two-thirds 96090
of such depreciation expense; 96091

(iii) One-sixth of the amount so added for each of the six 96092
succeeding taxable years if the entire amount of such 96093
depreciation expense was so added. 96094

(b) If the amount deducted under division (A) (18) (a) of 96095
this section is attributable to an add-back allocated under 96096
division (A) (17) (c) of this section, the amount deducted shall 96097
be sitused to the same location. Otherwise, the ~~add-back~~ 96098
deduction shall be apportioned using the apportionment factors 96099
for the taxable year in which the deduction is taken, subject to 96100
one or more of the four alternative methods of apportionment 96101
enumerated in section 5747.21 of the Revised Code. 96102

(c) No deduction is available under division (A) (18) (a) of 96103
this section with regard to any depreciation allowed by section 96104

168(k) of the Internal Revenue Code and by the qualifying 96105
section 179 depreciation expense amount to the extent that such 96106
depreciation results in or increases a federal net operating 96107
loss carryback or carryforward. If no such deduction is 96108
available for a taxable year, the taxpayer may carry forward the 96109
amount not deducted in such taxable year to the next taxable 96110
year and add that amount to any deduction otherwise available 96111
under division (A) (18) (a) of this section for that next taxable 96112
year. The carryforward of amounts not so deducted shall continue 96113
until the entire addition required by division (A) (17) (a) of 96114
this section has been deducted. 96115

(19) Deduct, to the extent not otherwise deducted or 96116
excluded in computing federal or Ohio adjusted gross income for 96117
the taxable year, the amount the taxpayer received during the 96118
taxable year as reimbursement for life insurance premiums under 96119
section 5919.31 of the Revised Code. 96120

(20) Deduct, to the extent not otherwise deducted or 96121
excluded in computing federal or Ohio adjusted gross income for 96122
the taxable year, the amount the taxpayer received during the 96123
taxable year as a death benefit paid by the adjutant general 96124
under section 5919.33 of the Revised Code. 96125

(21) Deduct, to the extent included in federal adjusted 96126
gross income and not otherwise allowable as a deduction or 96127
exclusion in computing federal or Ohio adjusted gross income for 96128
the taxable year, military pay and allowances received by the 96129
taxpayer during the taxable year for active duty service in the 96130
United States army, air force, navy, marine corps, or coast 96131
guard or reserve components thereof or the national guard. The 96132
deduction may not be claimed for military pay and allowances 96133
received by the taxpayer while the taxpayer is stationed in this 96134

state. 96135

(22) Deduct, to the extent not otherwise allowable as a 96136
deduction or exclusion in computing federal or Ohio adjusted 96137
gross income for the taxable year and not otherwise compensated 96138
for by any other source, the amount of qualified organ donation 96139
expenses incurred by the taxpayer during the taxable year, not 96140
to exceed ten thousand dollars. A taxpayer may deduct qualified 96141
organ donation expenses only once for all taxable years 96142
beginning with taxable years beginning in 2007. 96143

For the purposes of division (A) (22) of this section: 96144

(a) "Human organ" means all or any portion of a human 96145
liver, pancreas, kidney, intestine, or lung, and any portion of 96146
human bone marrow. 96147

(b) "Qualified organ donation expenses" means travel 96148
expenses, lodging expenses, and wages and salary forgone by a 96149
taxpayer in connection with the taxpayer's donation, while 96150
living, of one or more of the taxpayer's human organs to another 96151
human being. 96152

(23) Deduct, to the extent not otherwise deducted or 96153
excluded in computing federal or Ohio adjusted gross income for 96154
the taxable year, amounts received by the taxpayer as retired 96155
personnel pay for service in the uniformed services or reserve 96156
components thereof, or the national guard, or received by the 96157
surviving spouse or former spouse of such a taxpayer under the 96158
survivor benefit plan on account of such a taxpayer's death. If 96159
the taxpayer receives income on account of retirement paid under 96160
the federal civil service retirement system or federal employees 96161
retirement system, or under any successor retirement program 96162
enacted by the congress of the United States that is established 96163

and maintained for retired employees of the United States 96164
government, and such retirement income is based, in whole or in 96165
part, on credit for the taxpayer's uniformed service, the 96166
deduction allowed under this division shall include only that 96167
portion of such retirement income that is attributable to the 96168
taxpayer's uniformed service, to the extent that portion of such 96169
retirement income is otherwise included in federal adjusted 96170
gross income and is not otherwise deducted under this section. 96171
Any amount deducted under division (A) (23) of this section is 96172
not included in a taxpayer's adjusted gross income for the 96173
purposes of section 5747.055 of the Revised Code. No amount may 96174
be deducted under division (A) (23) of this section on the basis 96175
of which a credit was claimed under section 5747.055 of the 96176
Revised Code. 96177

(24) Deduct, to the extent not otherwise deducted or 96178
excluded in computing federal or Ohio adjusted gross income for 96179
the taxable year, the amount the taxpayer received during the 96180
taxable year from the military injury relief fund created in 96181
section 5902.05 of the Revised Code. 96182

(25) Deduct, to the extent not otherwise deducted or 96183
excluded in computing federal or Ohio adjusted gross income for 96184
the taxable year, the amount the taxpayer received as a veterans 96185
bonus during the taxable year from the Ohio department of 96186
veterans services as authorized by Section 2r of Article VIII, 96187
Ohio Constitution. 96188

(26) Deduct, to the extent not otherwise deducted or 96189
excluded in computing federal or Ohio adjusted gross income for 96190
the taxable year, any income derived from a transfer agreement 96191
or from the enterprise transferred under that agreement under 96192
section 4313.02 of the Revised Code. 96193

(27) Deduct, to the extent not otherwise deducted or 96194
excluded in computing federal or Ohio adjusted gross income for 96195
the taxable year, Ohio college opportunity or federal Pell grant 96196
amounts received by the taxpayer or the taxpayer's spouse or 96197
dependent pursuant to section 3333.122 of the Revised Code or 20 96198
U.S.C. 1070a, et seq., and used to pay room or board furnished 96199
by the educational institution for which the grant was awarded 96200
at the institution's facilities, including meal plans 96201
administered by the institution. For the purposes of this 96202
division, receipt of a grant includes the distribution of a 96203
grant directly to an educational institution and the crediting 96204
of the grant to the enrollee's account with the institution. 96205

(28) Deduct from the portion of an individual's federal 96206
adjusted gross income that is business income, to the extent not 96207
otherwise deducted or excluded in computing federal adjusted 96208
gross income for the taxable year, one hundred twenty-five 96209
thousand dollars for each spouse if spouses file separate 96210
returns under section 5747.08 of the Revised Code or two hundred 96211
fifty thousand dollars for all other individuals. 96212

(29) Deduct, as provided under section 5747.78 of the 96213
Revised Code, contributions to ABLE savings accounts made in 96214
accordance with sections 113.50 to 113.56 of the Revised Code. 96215

(30) (a) Deduct, to the extent not otherwise deducted or 96216
excluded in computing federal or Ohio adjusted gross income 96217
during the taxable year, all of the following: 96218

(i) Compensation paid to a qualifying employee described 96219
in division (A) (14) (a) of section 5703.94 of the Revised Code to 96220
the extent such compensation is for disaster work conducted in 96221
this state during a disaster response period pursuant to a 96222
qualifying solicitation received by the employee's employer; 96223

(ii) Compensation paid to a qualifying employee described 96224
in division (A) (14) (b) of section 5703.94 of the Revised Code to 96225
the extent such compensation is for disaster work conducted in 96226
this state by the employee during the disaster response period 96227
on critical infrastructure owned or used by the employee's 96228
employer; 96229

(iii) Income received by an out-of-state disaster business 96230
for disaster work conducted in this state during a disaster 96231
response period, or, if the out-of-state disaster business is a 96232
pass-through entity, a taxpayer's distributive share of the 96233
pass-through entity's income from the business conducting 96234
disaster work in this state during a disaster response period, 96235
if, in either case, the disaster work is conducted pursuant to a 96236
qualifying solicitation received by the business. 96237

(b) All terms used in division (A) (30) of this section 96238
have the same meanings as in section 5703.94 of the Revised 96239
Code. 96240

(31) For a taxpayer who is a qualifying Ohio educator, 96241
deduct, to the extent not otherwise deducted or excluded in 96242
computing federal or Ohio adjusted gross income for the taxable 96243
year, the lesser of two hundred fifty dollars or the amount of 96244
expenses described in subsections (a) (2) (D) (i) and (ii) of 96245
section 62 of the Internal Revenue Code paid or incurred by the 96246
taxpayer during the taxpayer's taxable year in excess of the 96247
amount the taxpayer is authorized to deduct for that taxable 96248
year under subsection (a) (2) (D) of that section. 96249

(32) Deduct, to the extent not otherwise deducted or 96250
excluded in computing federal or Ohio adjusted gross income for 96251
the taxable year, amounts received by the taxpayer as a 96252
disability severance payment, computed under 10 U.S.C. 1212, 96253

following discharge or release under honorable conditions from 96254
the armed forces of the United States, as defined in section 96255
5907.01 of the Revised Code. 96256

(33) Deduct, to the extent not otherwise deducted or 96257
excluded in computing federal adjusted gross income or Ohio 96258
adjusted gross income, amounts not subject to tax due to an 96259
agreement entered into under division (A) (2) of section 5747.05 96260
of the Revised Code. 96261

(34) Deduct amounts as provided under section 5747.79 of 96262
the Revised Code related to the taxpayer's qualifying capital 96263
gains and deductible payroll. 96264

To the extent a qualifying capital gain described under 96265
division (A) (34) of this section is business income, the 96266
taxpayer shall deduct those gains under this division before 96267
deducting any such gains under division (A) (28) of this section. 96268

(35) (a) For taxable years beginning in or after 2026, 96269
deduct, to the extent not otherwise deducted or excluded in 96270
computing federal or Ohio adjusted gross income for the taxable 96271
year: 96272

(i) One hundred per cent of the capital gain received by 96273
the taxpayer in the taxable year from a qualifying interest in 96274
an Ohio venture capital operating company attributable to the 96275
company's investments in Ohio businesses during the period for 96276
which the company was an Ohio venture operating company; and 96277

(ii) Fifty per cent of the capital gain received by the 96278
taxpayer in the taxable year from a qualifying interest in an 96279
Ohio venture capital operating company attributable to the 96280
company's investments in all other businesses during the period 96281
for which the company was an Ohio venture operating company. 96282

(b) Add amounts previously deducted by the taxpayer under 96283
division (A) (35) (a) of this section if the director of 96284
development certifies to the tax commissioner that the 96285
requirements for the deduction were not met. 96286

(c) All terms used in division (A) (35) of this section 96287
have the same meanings as in section 122.851 of the Revised 96288
Code. 96289

(d) To the extent a capital gain described in division (A) 96290
(35) (a) of this section is business income, the taxpayer shall 96291
apply that division before applying division (A) (28) of this 96292
section. 96293

(36) Add, to the extent not otherwise included in 96294
computing federal or Ohio adjusted gross income for any taxable 96295
year, the taxpayer's proportionate share of the amount of the 96296
tax levied under section 5747.38 of the Revised Code and paid by 96297
an electing pass-through entity for the taxable year. 96298

Notwithstanding any provision of the Revised Code to the 96299
contrary, the portion of the addition required by division (A) 96300
(36) of this section related to the apportioned business income 96301
of the pass-through entity shall be considered business income 96302
under division (B) of this section. Such addition is eligible 96303
for the deduction in division (A) (28) of this section, subject 96304
to the applicable dollar limitations, and the tax rate 96305
prescribed by division (A) (4) (a) of section 5747.02 of the 96306
Revised Code. The taxpayer shall provide, upon request of the 96307
tax commissioner, any documentation necessary to verify the 96308
portion of the addition that is business income under this 96309
division. 96310

(37) Deduct, to the extent not otherwise deducted or 96311

excluded in computing federal or Ohio adjusted gross income for 96312
the taxable year, amounts delivered to a qualifying institution 96313
pursuant to section 3333.128 of the Revised Code for the benefit 96314
of the taxpayer or the taxpayer's spouse or dependent. 96315

(38) Deduct, to the extent not otherwise deducted or 96316
excluded in computing federal or Ohio adjusted gross income for 96317
the taxable year, amounts received under the Ohio adoption grant 96318
program pursuant to section ~~5101.191~~ 5180.451 of the Revised 96319
Code. 96320

(39) Deduct, to the extent included in federal adjusted 96321
gross income, income attributable to amounts provided to a 96322
taxpayer for any of the purposes for which an exclusion would 96323
have been authorized under section 139 of the Internal Revenue 96324
Code if the train derailment near the city of East Palestine on 96325
February 3, 2023, had been a qualified disaster pursuant to that 96326
section, or to compensate for lost business resulting from that 96327
derailment, if such amounts are provided by any of the 96328
following: 96329

(a) A federal, state, or local government agency; 96330

(b) A railroad company, as that term is defined in section 96331
5727.01 of the Revised Code; 96332

(c) Any subsidiary, insurer, or agent of a railroad 96333
company or any related person. 96334

Notwithstanding any provision to the contrary, the 96335
derailment is not required to meet the definition of a 96336
"qualified disaster" pursuant to section 139 of the Internal 96337
Revenue Code to qualify for the deduction under this section. 96338

(40) Deduct, to the extent included in federal adjusted 96339
gross income, income attributable to loan repayments on behalf 96340

of the taxpayer under the rural practice incentive program under 96341
section 3333.135 of the Revised Code. 96342

(41) Add any income taxes deducted in computing federal or 96343
Ohio adjusted gross income to the extent the income taxes were 96344
derived from income subject to a tax levied in another state or 96345
the District of Columbia when such tax was enacted for purposes 96346
of complying with internal revenue service notice 2020-75. 96347

Notwithstanding any provision of the Revised Code to the 96348
contrary, the portion of the addition required by division (A) 96349
(41) of this section related to the apportioned business income 96350
of the pass-through entity shall be considered business income 96351
under division (B) of this section. Such addition is eligible 96352
for the deduction in division (A) (28) of this section, subject 96353
to the applicable dollar limitations, and the tax rate 96354
prescribed by division (A) (4) (a) of section 5747.02 of the 96355
Revised Code. The taxpayer shall provide, upon request of the 96356
tax commissioner, any documentation necessary to verify the 96357
portion of the addition that is business income under this 96358
division. 96359

(42) Deduct amounts contributed to a homeownership savings 96360
account and calculated pursuant to divisions (B) and (C) of 96361
section 5747.85 of the Revised Code. 96362

(43) If the taxpayer is the account owner, add the amount 96363
of funds withdrawn from a homeownership savings account not used 96364
for eligible expenses, regardless of who deposited those funds. 96365
As used in division (A) (43) of this section, "homeownership 96366
savings account," "account owner," and "eligible expenses" have 96367
the same meanings as in section 5747.85 of the Revised Code. 96368

(B) "Business income" means income, including gain or 96369

loss, arising from transactions, activities, and sources in the 96370
regular course of a trade or business and includes income, gain, 96371
or loss from real property, tangible property, and intangible 96372
property if the acquisition, rental, management, and disposition 96373
of the property constitute integral parts of the regular course 96374
of a trade or business operation. "Business income" includes 96375
income, including gain or loss, from a partial or complete 96376
liquidation of a business, including, but not limited to, gain 96377
or loss from the sale or other disposition of goodwill or the 96378
sale of an equity or ownership interest in a business. 96379

As used in this division, the "sale of an equity or 96380
ownership interest in a business" means sales to which either or 96381
both of the following apply: 96382

(1) The sale is treated for federal income tax purposes as 96383
the sale of assets. 96384

(2) The seller materially participated, as described in 26 96385
C.F.R. 1.469-5T, in the activities of the business during the 96386
taxable year in which the sale occurs or during any of the five 96387
preceding taxable years. 96388

(C) "Nonbusiness income" means all income other than 96389
business income and may include, but is not limited to, 96390
compensation, rents and royalties from real or tangible personal 96391
property, capital gains, interest, dividends and distributions, 96392
patent or copyright royalties, or lottery winnings, prizes, and 96393
awards. 96394

(D) "Compensation" means any form of remuneration paid to 96395
an employee for personal services. 96396

(E) "Fiduciary" means a guardian, trustee, executor, 96397
administrator, receiver, conservator, or any other person acting 96398

in any fiduciary capacity for any individual, trust, or estate. 96399

(F) "Fiscal year" means an accounting period of twelve 96400
months ending on the last day of any month other than December. 96401

(G) "Individual" means any natural person. 96402

(H) "Internal Revenue Code" means the "Internal Revenue 96403
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 96404

(I) "Resident" means any of the following: 96405

(1) An individual who is domiciled in this state, subject 96406
to section 5747.24 of the Revised Code; 96407

(2) The estate of a decedent who at the time of death was 96408
domiciled in this state. The domicile tests of section 5747.24 96409
of the Revised Code are not controlling for purposes of division 96410
(I) (2) of this section. 96411

(3) A trust that, in whole or part, resides in this state. 96412
If only part of a trust resides in this state, the trust is a 96413
resident only with respect to that part. 96414

For the purposes of division (I) (3) of this section: 96415

(a) A trust resides in this state for the trust's current 96416
taxable year to the extent, as described in division (I) (3) (d) 96417
of this section, that the trust consists directly or indirectly, 96418
in whole or in part, of assets, net of any related liabilities, 96419
that were transferred, or caused to be transferred, directly or 96420
indirectly, to the trust by any of the following: 96421

(i) A person, a court, or a governmental entity or 96422
instrumentality on account of the death of a decedent, but only 96423
if the trust is described in division (I) (3) (e) (i) or (ii) of 96424
this section; 96425

(ii) A person who was domiciled in this state for the 96426
purposes of this chapter when the person directly or indirectly 96427
transferred assets to an irrevocable trust, but only if at least 96428
one of the trust's qualifying beneficiaries is domiciled in this 96429
state for the purposes of this chapter during all or some 96430
portion of the trust's current taxable year; 96431

(iii) A person who was domiciled in this state for the 96432
purposes of this chapter when the trust document or instrument 96433
or part of the trust document or instrument became irrevocable, 96434
but only if at least one of the trust's qualifying beneficiaries 96435
is a resident domiciled in this state for the purposes of this 96436
chapter during all or some portion of the trust's current 96437
taxable year. If a trust document or instrument became 96438
irrevocable upon the death of a person who at the time of death 96439
was domiciled in this state for purposes of this chapter, that 96440
person is a person described in division (I) (3) (a) (iii) of this 96441
section. 96442

(b) A trust is irrevocable to the extent that the 96443
transferor is not considered to be the owner of the net assets 96444
of the trust under sections 671 to 678 of the Internal Revenue 96445
Code. 96446

(c) With respect to a trust other than a charitable lead 96447
trust, "qualifying beneficiary" has the same meaning as 96448
"potential current beneficiary" as defined in section 1361(e) (2) 96449
of the Internal Revenue Code, and with respect to a charitable 96450
lead trust "qualifying beneficiary" is any current, future, or 96451
contingent beneficiary, but with respect to any trust 96452
"qualifying beneficiary" excludes a person or a governmental 96453
entity or instrumentality to any of which a contribution would 96454
qualify for the charitable deduction under section 170 of the 96455

Internal Revenue Code. 96456

(d) For the purposes of division (I)(3)(a) of this 96457
section, the extent to which a trust consists directly or 96458
indirectly, in whole or in part, of assets, net of any related 96459
liabilities, that were transferred directly or indirectly, in 96460
whole or part, to the trust by any of the sources enumerated in 96461
that division shall be ascertained by multiplying the fair 96462
market value of the trust's assets, net of related liabilities, 96463
by the qualifying ratio, which shall be computed as follows: 96464

(i) The first time the trust receives assets, the 96465
numerator of the qualifying ratio is the fair market value of 96466
those assets at that time, net of any related liabilities, from 96467
sources enumerated in division (I)(3)(a) of this section. The 96468
denominator of the qualifying ratio is the fair market value of 96469
all the trust's assets at that time, net of any related 96470
liabilities. 96471

(ii) Each subsequent time the trust receives assets, a 96472
revised qualifying ratio shall be computed. The numerator of the 96473
revised qualifying ratio is the sum of (1) the fair market value 96474
of the trust's assets immediately prior to the subsequent 96475
transfer, net of any related liabilities, multiplied by the 96476
qualifying ratio last computed without regard to the subsequent 96477
transfer, and (2) the fair market value of the subsequently 96478
transferred assets at the time transferred, net of any related 96479
liabilities, from sources enumerated in division (I)(3)(a) of 96480
this section. The denominator of the revised qualifying ratio is 96481
the fair market value of all the trust's assets immediately 96482
after the subsequent transfer, net of any related liabilities. 96483

(iii) Whether a transfer to the trust is by or from any of 96484
the sources enumerated in division (I)(3)(a) of this section 96485

shall be ascertained without regard to the domicile of the 96486
trust's beneficiaries. 96487

(e) For the purposes of division (I)(3)(a)(i) of this 96488
section: 96489

(i) A trust is described in division (I)(3)(e)(i) of this 96490
section if the trust is a testamentary trust and the testator of 96491
that testamentary trust was domiciled in this state at the time 96492
of the testator's death for purposes of the taxes levied under 96493
Chapter 5731. of the Revised Code. 96494

(ii) A trust is described in division (I)(3)(e)(ii) of 96495
this section if the transfer is a qualifying transfer described 96496
in any of divisions (I)(3)(f)(i) to (vi) of this section, the 96497
trust is an irrevocable inter vivos trust, and at least one of 96498
the trust's qualifying beneficiaries is domiciled in this state 96499
for purposes of this chapter during all or some portion of the 96500
trust's current taxable year. 96501

(f) For the purposes of division (I)(3)(e)(ii) of this 96502
section, a "qualifying transfer" is a transfer of assets, net of 96503
any related liabilities, directly or indirectly to a trust, if 96504
the transfer is described in any of the following: 96505

(i) The transfer is made to a trust, created by the 96506
decedent before the decedent's death and while the decedent was 96507
domiciled in this state for the purposes of this chapter, and, 96508
prior to the death of the decedent, the trust became irrevocable 96509
while the decedent was domiciled in this state for the purposes 96510
of this chapter. 96511

(ii) The transfer is made to a trust to which the 96512
decedent, prior to the decedent's death, had directly or 96513
indirectly transferred assets, net of any related liabilities, 96514

while the decedent was domiciled in this state for the purposes 96515
of this chapter, and prior to the death of the decedent the 96516
trust became irrevocable while the decedent was domiciled in 96517
this state for the purposes of this chapter. 96518

(iii) The transfer is made on account of a contractual 96519
relationship existing directly or indirectly between the 96520
transferor and either the decedent or the estate of the decedent 96521
at any time prior to the date of the decedent's death, and the 96522
decedent was domiciled in this state at the time of death for 96523
purposes of the taxes levied under Chapter 5731. of the Revised 96524
Code. 96525

(iv) The transfer is made to a trust on account of a 96526
contractual relationship existing directly or indirectly between 96527
the transferor and another person who at the time of the 96528
decedent's death was domiciled in this state for purposes of 96529
this chapter. 96530

(v) The transfer is made to a trust on account of the will 96531
of a testator who was domiciled in this state at the time of the 96532
testator's death for purposes of the taxes levied under Chapter 96533
5731. of the Revised Code. 96534

(vi) The transfer is made to a trust created by or caused 96535
to be created by a court, and the trust was directly or 96536
indirectly created in connection with or as a result of the 96537
death of an individual who, for purposes of the taxes levied 96538
under Chapter 5731. of the Revised Code, was domiciled in this 96539
state at the time of the individual's death. 96540

(g) The tax commissioner may adopt rules to ascertain the 96541
part of a trust residing in this state. 96542

(J) "Nonresident" means an individual or estate that is 96543

not a resident. An individual who is a resident for only part of 96544
a taxable year is a nonresident for the remainder of that 96545
taxable year. 96546

(K) "Pass-through entity" has the same meaning as in 96547
section 5733.04 of the Revised Code. 96548

(L) "Return" means the notifications and reports required 96549
to be filed pursuant to this chapter for the purpose of 96550
reporting the tax due and includes declarations of estimated tax 96551
when so required. 96552

(M) "Taxable year" means the calendar year or the 96553
taxpayer's fiscal year ending during the calendar year, or 96554
fractional part thereof, upon which the adjusted gross income is 96555
calculated pursuant to this chapter. 96556

(N) "Taxpayer" means any person subject to the tax imposed 96557
by section 5747.02 of the Revised Code or any pass-through 96558
entity that makes the election under division (D) of section 96559
5747.08 of the Revised Code. 96560

(O) "Dependents" means one of the following: 96561

(1) For taxable years beginning on or after January 1, 96562
2018, and before January 1, 2026, dependents as defined in the 96563
Internal Revenue Code; 96564

(2) For all other taxable years, dependents as defined in 96565
the Internal Revenue Code and as claimed in the taxpayer's 96566
federal income tax return for the taxable year or which the 96567
taxpayer would have been permitted to claim had the taxpayer 96568
filed a federal income tax return. 96569

(P) "Principal county of employment" means, in the case of 96570
a nonresident, the county within the state in which a taxpayer 96571

performs services for an employer or, if those services are 96572
performed in more than one county, the county in which the major 96573
portion of the services are performed. 96574

(Q) As used in sections 5747.50 to 5747.55 of the Revised 96575
Code: 96576

(1) "Subdivision" means any county, municipal corporation, 96577
park district, or township. 96578

(2) "Essential local government purposes" includes all 96579
functions that any subdivision is required by general law to 96580
exercise, including like functions that are exercised under a 96581
charter adopted pursuant to the Ohio Constitution. 96582

(R) "Overpayment" means any amount already paid that 96583
exceeds the figure determined to be the correct amount of the 96584
tax. 96585

(S) "Taxable income" or "Ohio taxable income" applies only 96586
to estates and trusts, and means federal taxable income, as 96587
defined and used in the Internal Revenue Code, adjusted as 96588
follows: 96589

(1) Add interest or dividends, net of ordinary, necessary, 96590
and reasonable expenses not deducted in computing federal 96591
taxable income, on obligations or securities of any state or of 96592
any political subdivision or authority of any state, other than 96593
this state and its subdivisions and authorities, but only to the 96594
extent that such net amount is not otherwise includible in Ohio 96595
taxable income and is described in either division (S) (1) (a) or 96596
(b) of this section: 96597

(a) The net amount is not attributable to the S portion of 96598
an electing small business trust and has not been distributed to 96599
beneficiaries for the taxable year; 96600

(b) The net amount is attributable to the S portion of an 96601
electing small business trust for the taxable year. 96602

(2) Add interest or dividends, net of ordinary, necessary, 96603
and reasonable expenses not deducted in computing federal 96604
taxable income, on obligations of any authority, commission, 96605
instrumentality, territory, or possession of the United States 96606
to the extent that the interest or dividends are exempt from 96607
federal income taxes but not from state income taxes, but only 96608
to the extent that such net amount is not otherwise includible 96609
in Ohio taxable income and is described in either division (S) 96610
(1) (a) or (b) of this section; 96611

(3) Add the amount of personal exemption allowed to the 96612
estate pursuant to section 642(b) of the Internal Revenue Code; 96613

(4) Deduct interest or dividends, net of related expenses 96614
deducted in computing federal taxable income, on obligations of 96615
the United States and its territories and possessions or of any 96616
authority, commission, or instrumentality of the United States 96617
to the extent that the interest or dividends are exempt from 96618
state taxes under the laws of the United States, but only to the 96619
extent that such amount is included in federal taxable income 96620
and is described in either division (S) (1) (a) or (b) of this 96621
section; 96622

(5) Deduct the amount of wages and salaries, if any, not 96623
otherwise allowable as a deduction but that would have been 96624
allowable as a deduction in computing federal taxable income for 96625
the taxable year, had the work opportunity tax credit allowed 96626
under sections 38, 51, and 52 of the Internal Revenue Code not 96627
been in effect, but only to the extent such amount relates 96628
either to income included in federal taxable income for the 96629
taxable year or to income of the S portion of an electing small 96630

business trust for the taxable year; 96631

(6) Deduct any interest or interest equivalent, net of 96632
related expenses deducted in computing federal taxable income, 96633
on public obligations and purchase obligations, but only to the 96634
extent that such net amount relates either to income included in 96635
federal taxable income for the taxable year or to income of the 96636
S portion of an electing small business trust for the taxable 96637
year; 96638

(7) Add any loss or deduct any gain resulting from sale, 96639
exchange, or other disposition of public obligations to the 96640
extent that such loss has been deducted or such gain has been 96641
included in computing either federal taxable income or income of 96642
the S portion of an electing small business trust for the 96643
taxable year; 96644

(8) Except in the case of the final return of an estate, 96645
add any amount deducted by the taxpayer on both its Ohio estate 96646
tax return pursuant to section 5731.14 of the Revised Code, and 96647
on its federal income tax return in determining federal taxable 96648
income; 96649

(9) (a) Deduct any amount included in federal taxable 96650
income solely because the amount represents a reimbursement or 96651
refund of expenses that in a previous year the decedent had 96652
deducted as an itemized deduction pursuant to section 63 of the 96653
Internal Revenue Code and applicable treasury regulations. The 96654
deduction otherwise allowed under division (S) (9) (a) of this 96655
section shall be reduced to the extent the reimbursement is 96656
attributable to an amount the taxpayer or decedent deducted 96657
under this section in any taxable year. 96658

(b) Add any amount not otherwise included in Ohio taxable 96659

income for any taxable year to the extent that the amount is 96660
attributable to the recovery during the taxable year of any 96661
amount deducted or excluded in computing federal or Ohio taxable 96662
income in any taxable year, but only to the extent such amount 96663
has not been distributed to beneficiaries for the taxable year. 96664

(10) Deduct any portion of the deduction described in 96665
section 1341(a)(2) of the Internal Revenue Code, for repaying 96666
previously reported income received under a claim of right, that 96667
meets both of the following requirements: 96668

(a) It is allowable for repayment of an item that was 96669
included in the taxpayer's taxable income or the decedent's 96670
adjusted gross income for a prior taxable year and did not 96671
qualify for a credit under division (A) or (B) of section 96672
5747.05 of the Revised Code for that year. 96673

(b) It does not otherwise reduce the taxpayer's taxable 96674
income or the decedent's adjusted gross income for the current 96675
or any other taxable year. 96676

(11) Add any amount claimed as a credit under section 96677
5747.059 of the Revised Code to the extent that the amount 96678
satisfies either of the following: 96679

(a) The amount was deducted or excluded from the 96680
computation of the taxpayer's federal taxable income as required 96681
to be reported for the taxpayer's taxable year under the 96682
Internal Revenue Code; 96683

(b) The amount resulted in a reduction in the taxpayer's 96684
federal taxable income as required to be reported for any of the 96685
taxpayer's taxable years under the Internal Revenue Code. 96686

(12) Deduct any amount, net of related expenses deducted 96687
in computing federal taxable income, that a trust is required to 96688

report as farm income on its federal income tax return, but only 96689
if the assets of the trust include at least ten acres of land 96690
satisfying the definition of "land devoted exclusively to 96691
agricultural use" under section 5713.30 of the Revised Code, 96692
regardless of whether the land is valued for tax purposes as 96693
such land under sections 5713.30 to 5713.38 of the Revised Code. 96694
If the trust is a pass-through entity investor, section 5747.231 96695
of the Revised Code applies in ascertaining if the trust is 96696
eligible to claim the deduction provided by division (S)(12) of 96697
this section in connection with the pass-through entity's farm 96698
income. 96699

Except for farm income attributable to the S portion of an 96700
electing small business trust, the deduction provided by 96701
division (S)(12) of this section is allowed only to the extent 96702
that the trust has not distributed such farm income. 96703

(13) Add the net amount of income described in section 96704
641(c) of the Internal Revenue Code to the extent that amount is 96705
not included in federal taxable income. 96706

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be 96707
required to add or deduct under division ~~(A)(18)~~ (A)(17) or (18) 96708
of this section if the taxpayer's Ohio taxable income ~~were~~ was 96709
computed in the same manner as an individual's Ohio adjusted 96710
gross income is computed under this section. 96711

(15) Add, to the extent not otherwise included in 96712
computing taxable income or Ohio taxable income for any taxable 96713
year, the taxpayer's proportionate share of the amount of the 96714
tax levied under section 5747.38 of the Revised Code and paid by 96715
an electing pass-through entity for the taxable year. 96716

(16) Add any income taxes deducted in computing federal 96717

taxable income or Ohio taxable income to the extent the income 96718
taxes were derived from income subject to a tax levied in 96719
another state or the District of Columbia when such tax was 96720
enacted for purposes of complying with internal revenue service 96721
notice 2020-75. 96722

(T) "School district income" and "school district income 96723
tax" have the same meanings as in section 5748.01 of the Revised 96724
Code. 96725

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 96726
(7) of this section, "public obligations," "purchase 96727
obligations," and "interest or interest equivalent" have the 96728
same meanings as in section 5709.76 of the Revised Code. 96729

(V) "Limited liability company" means any limited 96730
liability company formed under former Chapter 1705. of the 96731
Revised Code as that chapter existed prior to February 11, 2022, 96732
Chapter 1706. of the Revised Code, or the laws of any other 96733
state. 96734

(W) "Pass-through entity investor" means any person who, 96735
during any portion of a taxable year of a pass-through entity, 96736
is a partner, member, shareholder, or equity investor in that 96737
pass-through entity. 96738

(X) "Banking day" has the same meaning as in section 96739
1304.01 of the Revised Code. 96740

(Y) "Month" means a calendar month. 96741

(Z) "Quarter" means the first three months, the second 96742
three months, the third three months, or the last three months 96743
of the taxpayer's taxable year. 96744

(AA) (1) "Modified business income" means the business 96745

income included in a trust's Ohio taxable income after such 96746
taxable income is first reduced by the qualifying trust amount, 96747
if any. 96748

(2) "Qualifying trust amount" of a trust means capital 96749
gains and losses from the sale, exchange, or other disposition 96750
of equity or ownership interests in, or debt obligations of, a 96751
qualifying investee to the extent included in the trust's Ohio 96752
taxable income, but only if the following requirements are 96753
satisfied: 96754

(a) The book value of the qualifying investee's physical 96755
assets in this state and everywhere, as of the last day of the 96756
qualifying investee's fiscal or calendar year ending immediately 96757
prior to the date on which the trust recognizes the gain or 96758
loss, is available to the trust. 96759

(b) The requirements of section 5747.011 of the Revised 96760
Code are satisfied for the trust's taxable year in which the 96761
trust recognizes the gain or loss. 96762

Any gain or loss that is not a qualifying trust amount is 96763
modified business income, qualifying investment income, or 96764
modified nonbusiness income, as the case may be. 96765

(3) "Modified nonbusiness income" means a trust's Ohio 96766
taxable income other than modified business income, other than 96767
the qualifying trust amount, and other than qualifying 96768
investment income, as defined in section 5747.012 of the Revised 96769
Code, to the extent such qualifying investment income is not 96770
otherwise part of modified business income. 96771

(4) "Modified Ohio taxable income" applies only to trusts, 96772
and means the sum of the amounts described in divisions (AA) (4) 96773
(a) to (c) of this section: 96774

(a) The fraction, calculated under section 5747.013, and 96775
applying section 5747.231 of the Revised Code, multiplied by the 96776
sum of the following amounts: 96777

(i) The trust's modified business income; 96778

(ii) The trust's qualifying investment income, as defined 96779
in section 5747.012 of the Revised Code, but only to the extent 96780
the qualifying investment income does not otherwise constitute 96781
modified business income and does not otherwise constitute a 96782
qualifying trust amount. 96783

(b) The qualifying trust amount multiplied by a fraction, 96784
the numerator of which is the sum of the book value of the 96785
qualifying investee's physical assets in this state on the last 96786
day of the qualifying investee's fiscal or calendar year ending 96787
immediately prior to the day on which the trust recognizes the 96788
qualifying trust amount, and the denominator of which is the sum 96789
of the book value of the qualifying investee's total physical 96790
assets everywhere on the last day of the qualifying investee's 96791
fiscal or calendar year ending immediately prior to the day on 96792
which the trust recognizes the qualifying trust amount. If, for 96793
a taxable year, the trust recognizes a qualifying trust amount 96794
with respect to more than one qualifying investee, the amount 96795
described in division (AA) (4) (b) of this section shall equal the 96796
sum of the products so computed for each such qualifying 96797
investee. 96798

(c) (i) With respect to a trust or portion of a trust that 96799
is a resident as ascertained in accordance with division (I) (3) 96800
(d) of this section, its modified nonbusiness income. 96801

(ii) With respect to a trust or portion of a trust that is 96802
not a resident as ascertained in accordance with division (I) (3) 96803

(d) of this section, the amount of its modified nonbusiness 96804
income satisfying the descriptions in divisions (B) (2) to (5) of 96805
section 5747.20 of the Revised Code, except as otherwise 96806
provided in division (AA) (4) (c) (ii) of this section. With 96807
respect to a trust or portion of a trust that is not a resident 96808
as ascertained in accordance with division (I) (3) (d) of this 96809
section, the trust's portion of modified nonbusiness income 96810
recognized from the sale, exchange, or other disposition of a 96811
debt interest in or equity interest in a section 5747.212 96812
entity, as defined in section 5747.212 of the Revised Code, 96813
without regard to division (A) of that section, shall not be 96814
allocated to this state in accordance with section 5747.20 of 96815
the Revised Code but shall be apportioned to this state in 96816
accordance with division (B) of section 5747.212 of the Revised 96817
Code without regard to division (A) of that section. 96818

If the allocation and apportionment of a trust's income 96819
under divisions (AA) (4) (a) and (c) of this section do not fairly 96820
represent the modified Ohio taxable income of the trust in this 96821
state, the alternative methods described in division (C) of 96822
section 5747.21 of the Revised Code may be applied in the manner 96823
and to the same extent provided in that section. 96824

(5) (a) Except as set forth in division (AA) (5) (b) of this 96825
section, "qualifying investee" means a person in which a trust 96826
has an equity or ownership interest, or a person or unit of 96827
government the debt obligations of either of which are owned by 96828
a trust. For the purposes of division (AA) (2) (a) of this section 96829
and for the purpose of computing the fraction described in 96830
division (AA) (4) (b) of this section, all of the following apply: 96831

(i) If the qualifying investee is a member of a qualifying 96832
controlled group on the last day of the qualifying investee's 96833

fiscal or calendar year ending immediately prior to the date on 96834
which the trust recognizes the gain or loss, then "qualifying 96835
investee" includes all persons in the qualifying controlled 96836
group on such last day. 96837

(ii) If the qualifying investee, or if the qualifying 96838
investee and any members of the qualifying controlled group of 96839
which the qualifying investee is a member on the last day of the 96840
qualifying investee's fiscal or calendar year ending immediately 96841
prior to the date on which the trust recognizes the gain or 96842
loss, separately or cumulatively own, directly or indirectly, on 96843
the last day of the qualifying investee's fiscal or calendar 96844
year ending immediately prior to the date on which the trust 96845
recognizes the qualifying trust amount, more than fifty per cent 96846
of the equity of a pass-through entity, then the qualifying 96847
investee and the other members are deemed to own the 96848
proportionate share of the pass-through entity's physical assets 96849
which the pass-through entity directly or indirectly owns on the 96850
last day of the pass-through entity's calendar or fiscal year 96851
ending within or with the last day of the qualifying investee's 96852
fiscal or calendar year ending immediately prior to the date on 96853
which the trust recognizes the qualifying trust amount. 96854

(iii) For the purposes of division (AA) (5) (a) (iii) of this 96855
section, "upper level pass-through entity" means a pass-through 96856
entity directly or indirectly owning any equity of another pass- 96857
through entity, and "lower level pass-through entity" means that 96858
other pass-through entity. 96859

An upper level pass-through entity, whether or not it is 96860
also a qualifying investee, is deemed to own, on the last day of 96861
the upper level pass-through entity's calendar or fiscal year, 96862
the proportionate share of the lower level pass-through entity's 96863

physical assets that the lower level pass-through entity 96864
directly or indirectly owns on the last day of the lower level 96865
pass-through entity's calendar or fiscal year ending within or 96866
with the last day of the upper level pass-through entity's 96867
fiscal or calendar year. If the upper level pass-through entity 96868
directly and indirectly owns less than fifty per cent of the 96869
equity of the lower level pass-through entity on each day of the 96870
upper level pass-through entity's calendar or fiscal year in 96871
which or with which ends the calendar or fiscal year of the 96872
lower level pass-through entity and if, based upon clear and 96873
convincing evidence, complete information about the location and 96874
cost of the physical assets of the lower pass-through entity is 96875
not available to the upper level pass-through entity, then 96876
solely for purposes of ascertaining if a gain or loss 96877
constitutes a qualifying trust amount, the upper level pass- 96878
through entity shall be deemed as owning no equity of the lower 96879
level pass-through entity for each day during the upper level 96880
pass-through entity's calendar or fiscal year in which or with 96881
which ends the lower level pass-through entity's calendar or 96882
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 96883
shall be construed to provide for any deduction or exclusion in 96884
computing any trust's Ohio taxable income. 96885

(b) With respect to a trust that is not a resident for the 96886
taxable year and with respect to a part of a trust that is not a 96887
resident for the taxable year, "qualifying investee" for that 96888
taxable year does not include a C corporation if both of the 96889
following apply: 96890

(i) During the taxable year the trust or part of the trust 96891
recognizes a gain or loss from the sale, exchange, or other 96892
disposition of equity or ownership interests in, or debt 96893
obligations of, the C corporation. 96894

(ii) Such gain or loss constitutes nonbusiness income. 96895

(6) "Available" means information is such that a person is 96896
able to learn of the information by the due date plus 96897
extensions, if any, for filing the return for the taxable year 96898
in which the trust recognizes the gain or loss. 96899

(BB) "Qualifying controlled group" has the same meaning as 96900
in section 5733.04 of the Revised Code. 96901

(CC) "Related member" has the same meaning as in section 96902
5733.042 of the Revised Code. 96903

(DD) (1) For the purposes of division (DD) of this section: 96904

(a) "Qualifying person" means any person other than a 96905
qualifying corporation. 96906

(b) "Qualifying corporation" means any person classified 96907
for federal income tax purposes as an association taxable as a 96908
corporation, except either of the following: 96909

(i) A corporation that has made an election under 96910
subchapter S, chapter one, subtitle A, of the Internal Revenue 96911
Code for its taxable year ending within, or on the last day of, 96912
the investor's taxable year; 96913

(ii) A subsidiary that is wholly owned by any corporation 96914
that has made an election under subchapter S, chapter one, 96915
subtitle A of the Internal Revenue Code for its taxable year 96916
ending within, or on the last day of, the investor's taxable 96917
year. 96918

(2) For the purposes of this chapter, unless expressly 96919
stated otherwise, no qualifying person indirectly owns any asset 96920
directly or indirectly owned by any qualifying corporation. 96921

(EE) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE) (3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(FF) "Uniformed services" means all of the following:

(1) "Armed forces of the United States" as defined in

section 5907.01 of the Revised Code; 96950

(2) The commissioned corps of the national oceanic and 96951
atmospheric administration; 96952

(3) The commissioned corps of the public health service. 96953

(GG) "Taxable business income" means the amount by which 96954
an individual's business income that is included in federal 96955
adjusted gross income exceeds the amount of business income the 96956
individual is authorized to deduct under division (A) (28) of 96957
this section for the taxable year. 96958

(HH) "Employer" does not include a franchisor with respect 96959
to the franchisor's relationship with a franchisee or an 96960
employee of a franchisee, unless the franchisor agrees to assume 96961
that role in writing or a court of competent jurisdiction 96962
determines that the franchisor exercises a type or degree of 96963
control over the franchisee or the franchisee's employees that 96964
is not customarily exercised by a franchisor for the purpose of 96965
protecting the franchisor's trademark, brand, or both. For 96966
purposes of this division, "franchisor" and "franchisee" have 96967
the same meanings as in 16 C.F.R. 436.1. 96968

(II) "Modified adjusted gross income" means Ohio adjusted 96969
gross income plus any amount deducted under divisions (A) (28) 96970
and (34) of this section for the taxable year. 96971

(JJ) "Qualifying Ohio educator" means an individual who, 96972
for a taxable year, qualifies as an eligible educator, as that 96973
term is defined in section 62 of the Internal Revenue Code, and 96974
who holds a certificate, license, or permit described in Chapter 96975
3319. or section 3301.071 of the Revised Code. 96976

(KK) "Professional employer organization," "professional 96977
employer organization agreement," and "professional employer 96978

organization reporting entity" have the same meanings as in 96979
section 4125.01 of the Revised Code. 96980

(LL) "Alternate employer organization" and "alternate 96981
employer organization agreement" have the same meanings as in 96982
section 4133.01 of the Revised Code. 96983

(MM) "Casino gaming" has the same meaning as in section 96984
3772.01 of the Revised Code, "lottery sports gaming" has the 96985
same meaning as in section 3770.23 of the Revised Code, "sports 96986
gaming" has the same meaning as in section 3775.01 of the 96987
Revised Code, and "video lottery terminal" has the same meaning 96988
as in section 3770.21 of the Revised Code. 96989

Sec. 5747.021. In addition to the tax levied under section 96990
5747.02 of the Revised Code, the tax commissioner shall charge 96991
the tax imposed on the school district income of an individual 96992
~~or estate~~ by a school district under Chapter 5748. of the 96993
Revised Code by multiplying the rate certified to be charged 96994
under such chapter by the taxpayer's school district income with 96995
respect to that district. 96996

Sec. 5747.05. As used in this section, "income tax" 96997
includes both a tax on net income and a tax measured by net 96998
income. 96999

The following credits shall be allowed against the 97000
aggregate income tax liability imposed by section 5747.02 of the 97001
Revised Code on individuals and estates: 97002

(A) (1) The amount of tax otherwise due under section 97003
5747.02 of the Revised Code on such portion of the combined 97004
adjusted gross income and taxable business income of any 97005
nonresident taxpayer that is not allocable or apportionable to 97006
this state pursuant to sections 5747.20 to 5747.23 of the 97007

Revised Code. The credit provided under this division shall not 97008
exceed the total tax due under section 5747.02 of the Revised 97009
Code. 97010

(2) The tax commissioner may enter into an agreement with 97011
the taxing authorities of any state or of the District of 97012
Columbia that imposes an income tax to provide that compensation 97013
paid in this state to a nonresident taxpayer shall not be 97014
subject to the tax levied in section 5747.02 of the Revised Code 97015
so long as compensation paid in such other state or in the 97016
District of Columbia to a resident taxpayer shall likewise not 97017
be subject to the income tax of such other state or of the 97018
District of Columbia. 97019

(B) The lesser of division (B) (1) or (2) of this section: 97020

(1) The aggregate amount of tax otherwise due under 97021
section 5747.02 of the Revised Code on such portion of the 97022
combined adjusted gross income and taxable business income of a 97023
resident taxpayer that in another state or in the District of 97024
Columbia is subjected to an income tax. The credit provided 97025
under division (B) (1) of this section shall not exceed the total 97026
tax due under section 5747.02 of the Revised Code. 97027

(2) The amount of income tax liability to another state or 97028
the District of Columbia on the portion of the combined adjusted 97029
gross income and taxable business income of a resident taxpayer 97030
that in another state or in the District of Columbia is 97031
subjected to an income tax. The credit provided under division 97032
(B) (2) of this section shall not exceed the total amount of tax 97033
otherwise due under section 5747.02 of the Revised Code. 97034

(3) For the purpose of divisions (B) (1) and (2) of this 97035
section, a resident taxpayer's combined adjusted gross income 97036

and taxable business income that is subject to an income tax 97037
levied in another state or in the District of Columbia includes 97038
income that is subject to either (a) a tax similar to the tax 97039
imposed by division (D) (1) (a) of section 5747.08 of the Revised 97040
Code or (b) a tax enacted for purposes of complying with 97041
internal revenue service notice 2020-75. In computing a resident 97042
taxpayer's income tax paid or accrued to another state or the 97043
District of Columbia, the deduction authorized by division (A) 97044
(28) of section 5747.01 of the Revised Code shall first be 97045
deducted against business income apportioned to this state. 97046

(4) If the credit provided under division (B) of this 97047
section is affected by a change in either the portion of the 97048
combined adjusted gross income and taxable business income of a 97049
resident taxpayer subjected to an income tax in another state or 97050
the District of Columbia or the amount of income tax liability 97051
that has been paid to another state or the District of Columbia, 97052
the taxpayer shall report the change to the tax commissioner 97053
within ninety days of the change in such form as the 97054
commissioner requires. 97055

(a) In the case of an underpayment, the report shall be 97056
accompanied by payment of any additional tax due as a result of 97057
the reduction in credit together with interest on the additional 97058
tax and is a return subject to assessment under section 5747.13 97059
of the Revised Code solely for the purpose of assessing any 97060
additional tax due under this division, together with any 97061
applicable penalty and interest. It shall not reopen the 97062
computation of the taxpayer's tax liability under this chapter 97063
from a previously filed return no longer subject to assessment 97064
except to the extent that such liability is affected by an 97065
adjustment to the credit allowed by division (B) of this 97066
section. 97067

(b) In the case of an overpayment, an application for
refund may be filed under this division within the ninety-day
period prescribed for filing the report even if it is beyond the
period prescribed in section 5747.11 of the Revised Code if it
otherwise conforms to the requirements of such section. An
application filed under this division shall only claim refund of
overpayments resulting from an adjustment to the credit allowed
by division (B) of this section unless it is also filed within
the time prescribed in section 5747.11 of the Revised Code. It
shall not reopen the computation of the taxpayer's tax liability
except to the extent that such liability is affected by an
adjustment to the credit allowed by division (B) of this
section.

(5) No credit shall be allowed under division (B) of this
section:

(a) For income tax paid or accrued to another state or to
the District of Columbia if the taxpayer, when computing federal
adjusted gross income, has directly or indirectly deducted, or
was required to directly or indirectly deduct, the amount of
that income tax;

Division (B) (5) (a) of this section does not apply to
income taxes included in the computation of Ohio adjusted gross
income under division (A) (41) of section 5747.01 of the Revised
Code and not deducted from Ohio adjusted gross income under
division (A) (28) of that section or to income taxes included in
Ohio taxable income under division (S) (16) of section 5747.01 of
the Revised Code.

(b) For compensation that is not subject to the income tax
of another state or the District of Columbia as the result of an
agreement entered into by the tax commissioner under division

(A) (3) of this section; or 97098

(c) For income tax paid or accrued to another state or the 97099
District of Columbia if the taxpayer fails to furnish such proof 97100
as the tax commissioner shall require that such income tax 97101
liability has been paid. 97102

(C) An individual who is a resident for part of a taxable 97103
year and a nonresident for the remainder of the taxable year is 97104
allowed the credits under divisions (A) and (B) of this section 97105
in accordance with rules prescribed by the tax commissioner. In 97106
no event shall the same income be subject to both credits. 97107

(D) The credit allowed under division (A) of this section 97108
shall be calculated based upon the amount of tax due under 97109
section 5747.02 of the Revised Code after subtracting any other 97110
credits that precede the credit under that division in the order 97111
required under section 5747.98 of the Revised Code. The credit 97112
allowed under division (B) of this section shall be calculated 97113
based upon the amount of tax due under section 5747.02 of the 97114
Revised Code after subtracting any other credits that precede 97115
the credit under that division in the order required under 97116
section 5747.98 of the Revised Code. 97117

(E) (1) On a joint return filed by a husband and wife, each 97118
of whom had adjusted gross income of at least five hundred 97119
dollars, exclusive of interest, dividends and distributions, 97120
royalties, rent, and capital gains, a credit equal to the lesser 97121
of six hundred fifty dollars or the percentage shown in column B 97122
that corresponds with the taxpayer's modified adjusted gross 97123
income, less exemptions for the taxable year, of the total 97124
amount of tax due after allowing for any other credit that 97125
precedes this credit as required under section 5747.98 of the 97126
Revised Code: 97127

97128

	1	2
A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	\$25,000 or less	20%
D	More than \$25,000 but not more than \$50,000	15%
E	More than \$50,000 but not more than \$75,000	10%
F	More than \$75,000	5%

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 97129
97130

(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. 97131
97132
97133

Sec. 5747.051. (A) As used in this section: 97134

(1) "Eligible taxpayer" means an individual who is a resident of this state and whose modified adjusted gross income, as shown on an individual or joint return, is greater than two thousand five hundred dollars but less than one of the following: 97135
97136
97137
97138
97139

(a) For spouses filing a joint return, ninety-four thousand dollars; 97140
97141

(b) For a spouse filing a separate return, fifty-six 97142
thousand five hundred dollars; 97143

(c) For all other taxpayers, sixty-nine thousand dollars. 97144

(2) "Phase-out threshold" means seventy-five thousand 97145
dollars for spouses filing a joint return, thirty-seven thousand 97146
five hundred dollars for a spouse filing a separate return, and 97147
fifty thousand dollars for all other taxpayers. 97148

(3) "Qualifying dependent" means a dependent who is under 97149
the age of seven on the last day of the taxable year. 97150

(B) A refundable credit is allowed against a taxpayer's 97151
aggregate tax liability under section 5747.02 of the Revised 97152
Code for an eligible taxpayer with one or more qualifying 97153
dependents. Only one such credit per return shall be allowed for 97154
each qualifying dependent. The amount of the credit for each 97155
qualifying dependent equals one of the following: 97156

(1) If the modified adjusted gross income of the eligible 97157
taxpayer and, if filing a joint return, the taxpayer's spouse 97158
does not exceed the applicable phase-out threshold, the lesser 97159
of one thousand dollars or five per cent of the difference 97160
between that modified adjusted gross income and two thousand 97161
five hundred dollars; 97162

(2) If the modified adjusted gross income of the eligible 97163
taxpayer and, if filing a joint return, the taxpayer's spouse 97164
exceeds the applicable phase-out threshold, one thousand dollars 97165
minus five per cent of the difference between that modified 97166
adjusted gross income, rounded up to the nearest one thousand 97167
dollars, and the phase-out threshold. 97168

(C) The taxpayer who claims the qualifying dependent as a 97169
dependent for the taxable year shall claim the credit authorized 97170

under this section on the basis of that dependent. 97171

(D) The credit shall be claimed in the order required 97172
under section 5747.98 of the Revised Code. If the amount of the 97173
credit exceeds the aggregate amount of tax otherwise due under 97174
section 5747.02 of the Revised Code after deduction of all other 97175
credits in that order, the taxpayer is entitled to a refund of 97176
the excess. 97177

Sec. 5747.062. As used in this section, "transferee": 97178

"Transferee" has the same meaning as in section 3770.10 of 97179
the Revised Code, and "recipient". 97180

"Recipient" includes a transferee. 97181

"Lottery prize award" does not include a prize award from 97182
a video lottery terminal and does not include winnings from 97183
lottery sports gaming, except that "lottery prize award" 97184
includes winnings from lottery sports gaming wagers placed 97185
through a terminal described in division (B) (3) of section 97186
3770.24 of the Revised Code. 97187

(A) (1) Before making any other deduction required by 97188
Chapter 3770. of the Revised Code, the state lottery commission 97189
shall deduct and withhold an amount equal to ~~four~~ three and one- 97190
half per cent of the payment from each lottery prize award 97191
payment that is of an amount for which reporting to the internal 97192
revenue service of the amount is required by section 6041 of the 97193
Internal Revenue Code, as amended. 97194

(2) On or before the tenth day of each month, the state 97195
lottery commission, and each transferee required to deduct and 97196
withhold amounts pursuant to section 3770.072 of the Revised 97197
Code, shall file a return and remit to the tax commissioner all 97198
amounts deducted and withheld pursuant to this section during 97199

the preceding month. 97200

(3) On or before the thirty-first day of January of each 97201
year, the state lottery commission, and each transferee required 97202
to deduct and withhold amounts pursuant to section 3770.072 of 97203
the Revised Code, shall file with the commissioner an annual 97204
return, in the form prescribed by the tax commissioner, 97205
indicating the total amount deducted and withheld pursuant to 97206
this section or section 3770.072 of the Revised Code during the 97207
preceding calendar year. At the time of filing that return, the 97208
state lottery commission or transferee shall remit any amount 97209
deducted and withheld during the preceding calendar year that 97210
was not previously remitted. 97211

(4) The state lottery commission, and each transferee 97212
required to deduct and withhold amounts pursuant to section 97213
3770.072 of the Revised Code, shall issue to each person with 97214
respect to whom tax has been deducted and withheld by the 97215
commission or transferee pursuant to this section or section 97216
3770.072 of the Revised Code during the preceding calendar year, 97217
an information return in the form prescribed by the 97218
commissioner. 97219

(B) (1) Division (B) (1) of this section does not apply to 97220
persons classified for federal income tax purposes as 97221
associations taxable as corporations. 97222

Amounts withheld pursuant to this section or section 97223
3770.072 of the Revised Code shall be allowed as a credit 97224
against payment of the tax imposed pursuant to section 5747.02 97225
of the Revised Code upon the lottery prize award recipient, upon 97226
a beneficiary of such a recipient, or upon any investor in such 97227
a recipient if the recipient is a pass-through entity or 97228
disregarded entity, and shall be treated as taxes paid by the 97229

recipient, beneficiary, or investor for purposes of section 97230
5747.09 of the Revised Code. The credit is available to the 97231
recipient, beneficiary, or investor even if the commission or 97232
transferee does not remit to the tax commissioner the amount 97233
withheld. 97234

(2) Division (B)(2) of this section applies only to 97235
persons classified for federal income tax purposes as 97236
associations taxable as corporations. 97237

Amounts withheld pursuant to this section or section 97238
3770.072 of the Revised Code shall be treated as a credit 97239
against the tax imposed pursuant to section 5733.06 of the 97240
Revised Code for the tax year immediately following the date on 97241
which those amounts are deducted and withheld, upon the lottery 97242
prize award recipient, upon a beneficiary of such a recipient, 97243
or upon an investor in such a recipient if the recipient is a 97244
pass-through entity or disregarded entity, and shall be treated 97245
as paid by the recipient, beneficiary, or investor on the date 97246
on which those amounts are deducted and withheld. The credit is 97247
a refundable credit and shall be claimed in the order required 97248
under section 5733.98 of the Revised Code. The credit is 97249
available to the recipient, beneficiary, or investor even if the 97250
commission or transferee does not remit to the tax commissioner 97251
the amount withheld. 97252

(3) Nothing in division (B)(1) or (2) of this section 97253
shall be construed to allow more than one person to claim the 97254
credit for any portion of each amount deducted and withheld. 97255

(C) Failure of the commission or any transferee to deduct 97256
and withhold the required amounts from lottery prize awards or 97257
to remit amounts withheld as required by this section and 97258
section 3770.072 of the Revised Code shall not relieve a 97259

taxpayer described in division (B) of this section from 97260
liability for the tax imposed by section 5733.06 or 5747.02 of 97261
the Revised Code. 97262

Sec. 5747.063. The requirements imposed under this section 97263
are in addition to the municipal income tax withholding 97264
requirements under section 718.031 of the Revised Code. As used 97265
in this section, "sports gaming proprietor" and "sports gaming 97266
facility" have the same meanings as in section 3775.01 of the 97267
Revised Code. 97268

(A) (1) ~~If~~ Subject to division (F) of this section, if a 97269
person's winnings from casino gaming or from sports gaming are 97270
an amount for which reporting to the internal revenue service of 97271
the amount is required by section 6041 of the Internal Revenue 97272
Code, as amended, a casino operator or sports gaming proprietor 97273
shall deduct and withhold Ohio income tax from the person's 97274
winnings at a rate of ~~four~~ three and one-half per cent of the 97275
amount won. A person's amount of winnings from casino gaming 97276
shall be determined each time the person exchanges amounts won 97277
in tokens, chips, casino credit, or other prepaid 97278
representations of value for cash or a cash equivalent. The 97279
casino operator or sports gaming proprietor shall issue, to a 97280
person from whose winnings an amount has been deducted and 97281
withheld, a receipt for the amount deducted and withheld, and 97282
also shall obtain from the person additional information that 97283
will be necessary for the casino operator or sports gaming 97284
proprietor to prepare the returns required by this section. 97285

(2) If a person's winnings from casino gaming or sports 97286
gaming require reporting to the internal revenue service under 97287
division (A) (1) of this section, the casino operator or sports 97288
gaming proprietor also shall require the person to state in 97289

writing, under penalty of falsification, whether the person is 97290
in default under a support order. 97291

(B) Amounts deducted and withheld by a casino operator or 97292
sports gaming proprietor are held in trust for the benefit of 97293
the state. 97294

(1) On or before the tenth day of each month, the casino 97295
operator or sports gaming proprietor shall file a return 97296
electronically with the tax commissioner identifying the persons 97297
from whose winnings amounts were deducted and withheld, the 97298
amount of each such deduction and withholding during the 97299
preceding calendar month, the amount of the winnings from which 97300
each such amount was withheld, the type of casino gaming or 97301
sports gaming that resulted in such winnings, and any other 97302
information required by the tax commissioner. With the return, 97303
the casino operator or sports gaming proprietor shall remit 97304
electronically to the commissioner all the amounts deducted and 97305
withheld during the preceding month. 97306

(2) (a) A casino operator or sports gaming proprietor shall 97307
maintain a record of each written statement provided under 97308
division (A) (2) of this section in which a person admits to 97309
being in default under a support order. The casino operator or 97310
sports gaming proprietor shall make these records available to 97311
the director of job and family services upon request. 97312

(b) A casino operator or sports gaming proprietor shall 97313
maintain copies of receipts issued under division (A) (1) of this 97314
section and of written statements provided under division (A) (2) 97315
of this section and shall make these copies available to the tax 97316
commissioner upon request. 97317

(c) A casino operator or sports gaming proprietor shall 97318

maintain the information described in divisions (B) (2) (a) and 97319
(b) of this section in accordance with section 5747.17 of the 97320
Revised Code and any rules adopted pursuant thereto. 97321

(3) Annually, on or before the thirty-first day of 97322
January, a casino operator or sports gaming proprietor shall 97323
file an annual return electronically with the tax commissioner 97324
indicating the total amount deducted and withheld during the 97325
preceding calendar year. The casino operator or sports gaming 97326
proprietor shall remit electronically with the annual return any 97327
amount that was deducted and withheld and that was not 97328
previously remitted. If the identity of a person and the amount 97329
deducted and withheld with respect to that person were omitted 97330
on a monthly return, that information shall be indicated on the 97331
annual return. 97332

(4) (a) A casino operator or sports gaming proprietor who 97333
fails to file a return and remit the amounts deducted and 97334
withheld is personally liable for the amount deducted and 97335
withheld and not remitted. The commissioner may impose a penalty 97336
up to one thousand dollars if a return is filed late, if amounts 97337
deducted and withheld are remitted late, if a return is not 97338
filed, or if amounts deducted and withheld are not remitted. 97339
Interest accrues on past due amounts deducted and withheld at 97340
the rate prescribed in section 5703.47 of the Revised Code. The 97341
commissioner may collect past due amounts deducted and withheld 97342
and penalties and interest thereon by assessment under section 97343
5747.13 of the Revised Code as if they were income taxes 97344
collected by an employer. 97345

(b) If a casino operator or sports gaming proprietor sells 97346
the casino facility or sports gaming facility, or otherwise 97347
quits the casino or sports gaming business, the amounts deducted 97348

and withheld and any penalties and interest thereon are 97349
immediately due and payable. The successor shall withhold an 97350
amount of the purchase money that is sufficient to cover the 97351
amounts deducted and withheld and penalties and interest thereon 97352
until the predecessor casino operator or sports gaming 97353
proprietor produces either a receipt from the commissioner 97354
showing that the amounts deducted and withheld and penalties and 97355
interest thereon have been paid or a certificate from the 97356
commissioner indicating that no amounts deducted and withheld or 97357
penalties and interest thereon are due. If the successor fails 97358
to withhold purchase money, the successor is personally liable 97359
for payment of the amounts deducted and withheld and penalties 97360
and interest thereon, up to the amount of the purchase money. 97361

(C) (1) Annually, on or before the thirty-first day of 97362
January, a casino operator or sports gaming proprietor shall 97363
issue an information return to each person with respect to whom 97364
an amount has been deducted and withheld during the preceding 97365
calendar year. The information return shall show the total 97366
amount deducted from the person's winnings by the casino 97367
operator or sports gaming proprietor during the preceding 97368
calendar year. 97369

(2) Annually, on or before the thirty-first day of 97370
January, a casino operator or sports gaming proprietor shall 97371
provide to the commissioner a copy of each information return 97372
issued under division (C) (1) of this section for the preceding 97373
calendar year. The commissioner may require that the copies be 97374
transmitted electronically. 97375

(D) Amounts deducted and withheld shall be allowed as a 97376
credit against payment of the tax imposed by section 5747.02 of 97377
the Revised Code and shall be treated as taxes paid for purposes 97378

of section 5747.09 of the Revised Code. This division applies 97379
only to the person for whom the amount is deducted and withheld. 97380

(E) The failure of a casino operator or sports gaming 97381
proprietor to deduct and withhold the required amount from a 97382
person's winnings does not relieve the person from liability for 97383
the tax imposed by section 5747.02 of the Revised Code with 97384
respect to those winnings. And compliance with this section does 97385
not relieve a casino operator or sports gaming proprietor or a 97386
person who has winnings from casino gaming or sports gaming from 97387
compliance with relevant provisions of federal tax laws. 97388

(F) A sports gaming proprietor that offers lottery sports 97389
gaming through a terminal described in division (B) (3) of 97390
section 3770.24 of the Revised Code shall not withhold amounts 97391
under this section from winnings from wagers placed through that 97392
terminal. The state lottery commission shall withhold amounts 97393
from those winnings under section 5747.062 of the Revised Code. 97394

(G) The commissioner shall prescribe the form of the 97395
receipt and returns required by this section. The director of 97396
job and family services shall prescribe the form of the 97397
statement required by this section. 97398

~~(G)~~ (H) The commissioner may adopt rules that are necessary 97399
to administer this section. 97400

Sec. 5747.064. The requirements imposed under this section 97401
are in addition to the municipal income tax withholding 97402
requirements under section 718.031 of the Revised Code. 97403

(A) As used in this section: 97404

~~(1) "Video lottery terminal", "video lottery sales agent"~~ 97405
has the same meaning as in section ~~3770.21~~ 3770.10 of the 97406
Revised Code. 97407

~~(2) "Lottery sports gaming" has the same meaning as in~~ 97408
~~section 3770.23 of the Revised Code.~~ 97409

(B) If a person's prize award from a video lottery 97410
~~terminal or from lottery sports gaming offered in a video~~ 97411
~~lottery terminal facility~~ is an amount for which reporting to 97412
the internal revenue service of the amount is required by 97413
section 6041 of the Internal Revenue Code, as amended, the video 97414
lottery sales agent shall deduct and withhold Ohio income tax 97415
from the person's prize award at a rate of ~~four~~ three and one- 97416
half per cent of the amount won. The video lottery sales agent 97417
shall issue, to a person from whose prize award an amount has 97418
been deducted or withheld, a receipt for the amount deducted and 97419
withheld, and also shall obtain from the person additional 97420
information that will be necessary for the video lottery sales 97421
agent to prepare the returns required by this section. 97422

(C) Amounts deducted and withheld by a video lottery sales 97423
agent are held in trust for the benefit of the state. 97424

(1) On or before the tenth day of each month, the video 97425
lottery sales agent shall file a return electronically with the 97426
tax commissioner identifying the persons from whose prize awards 97427
amounts were deducted and withheld, the amount of each such 97428
deduction and withholding during the preceding month, the amount 97429
of the prize award from which each such amount was withheld, and 97430
any other information required by the commissioner. With the 97431
return, the video lottery sales agent shall remit electronically 97432
to the commissioner all the amounts deducted and withheld during 97433
the preceding month. 97434

(2) A video lottery sales agent shall maintain a record of 97435
all receipts issued under division (B) of this section and shall 97436
make those records available to the commissioner upon request. 97437

Such records shall be maintained in accordance with section 97438
5747.17 of the Revised Code and any rules adopted pursuant 97439
thereto. 97440

(3) Annually, on or before the thirty-first day of 97441
January, a video lottery sales agent shall file an annual return 97442
electronically with the tax commissioner indicating the total 97443
amount deducted and withheld during the preceding calendar year. 97444
The video lottery sales agent shall remit electronically with 97445
the annual return any amount that was deducted and withheld and 97446
that was not previously remitted. If the identity of a person 97447
and the amount deducted and withheld with respect to that person 97448
were omitted on a monthly return, that information shall be 97449
indicated on the annual return. 97450

(4) (a) A video lottery sales agent who fails to file a 97451
return and remit the amounts deducted and withheld is personally 97452
liable for the amount deducted and withheld and not remitted. 97453
The commissioner may impose a penalty of up to one thousand 97454
dollars if a return is filed late, if amounts deducted and 97455
withheld are remitted late, if a return is not filed, or if 97456
amounts deducted and withheld are not remitted. Interest accrues 97457
on past due amounts deducted and withheld at the rate prescribed 97458
in section 5703.47 of the Revised Code. The commissioner may 97459
collect past due amounts deducted and withheld and penalties and 97460
interest thereon by assessment under section 5747.13 of the 97461
Revised Code as if they were income taxes collected by an 97462
employer. 97463

(b) If a video lottery sales agent ceases to operate video 97464
lottery terminals, the amounts deducted and withheld and any 97465
penalties and interest thereon are immediately due and payable. 97466
A successor of the video lottery sales agent that purchases the 97467

video lottery terminals from the agent shall withhold an amount 97468
of the purchase money that is sufficient to cover the amounts 97469
deducted and withheld and penalties and interest thereon until 97470
the predecessor video lottery sales agent produces either a 97471
receipt from the tax commissioner showing that the amounts 97472
deducted and withheld and penalties and interest thereon have 97473
been paid or a certificate from the commissioner indicating that 97474
no amounts deducted and withheld or penalties and interest 97475
thereon are due. If the successor fails to withhold purchase 97476
money, the successor is personally liable for payment of the 97477
amounts deducted and withheld and penalties and interest 97478
thereon, up to the amount of the purchase money. 97479

~~(D)~~ (1) (D) Annually, on or before the thirty-first day of 97480
January, a video lottery sales agent shall issue an information 97481
return to each person with respect to whom an amount has been 97482
deducted and withheld during the preceding calendar year. The 97483
information return shall show the total amount deducted from the 97484
person's prize award by the video lottery sales agent during the 97485
preceding year. 97486

~~(2) Annually, on or before the thirty-first day of~~ 97487
~~January, a lottery sales agent shall provide to the tax~~ 97488
~~commissioner a copy of each information return issued under~~ 97489
~~division (D) (1) of this section for the preceding calendar year.~~ 97490
~~The commissioner may require that such copies be transmitted~~ 97491
~~electronically.~~ 97492

(E) Amounts deducted and withheld shall be allowed as a 97493
credit against payment of the tax imposed by section 5747.02 of 97494
the Revised Code and shall be treated as taxes paid for purposes 97495
of section 5747.09 of the Revised Code. This division applies 97496
only to the person for whom the amount is deducted and withheld. 97497

(F) The failure of a video lottery sales agent to deduct 97498
and withhold the required amount from a person's prize award 97499
does not relieve the person from liability for the tax imposed 97500
by section 5747.02 of the Revised Code with respect to that 97501
income. Compliance with this section does not relieve a video 97502
lottery sales agent or a person who has a prize award from 97503
compliance with relevant provisions of federal tax laws. 97504

(G) The commissioner shall prescribe the form of the 97505
receipt and returns required by this section and may promulgate 97506
any rules necessary to administer the section. 97507

Sec. 5747.07. (A) As used in this section: 97508

(1) "Partial weekly withholding period" means a period 97509
during which an employer directly, indirectly, or constructively 97510
pays compensation to, or credits compensation to the benefit of, 97511
an employee, and that consists of a consecutive Saturday, 97512
Sunday, Monday, and Tuesday or a consecutive Wednesday, 97513
Thursday, and Friday. There are two partial weekly withholding 97514
periods each week, except that a partial weekly withholding 97515
period cannot extend from one calendar year into the next 97516
calendar year; if the first day of January falls on a day other 97517
than Saturday or Wednesday, the partial weekly withholding 97518
period ends on the thirty-first day of December and there are 97519
three partial weekly withholding periods during that week. 97520

(2) "Undeposited taxes" means the taxes an employer is 97521
required to deduct and withhold from an employee's compensation 97522
pursuant to section 5747.06 of the Revised Code that have not 97523
been remitted to the tax commissioner pursuant to this section 97524
or section 5747.072 of the Revised Code. 97525

(3) A "week" begins on Saturday and concludes at the end 97526

of the following Friday. 97527

(4) ~~"Professional employer organization," "professional
employer organization agreement," and "professional employer
organization reporting entity" have the same meanings as in
section 4125.01 of the Revised Code.~~ 97528
97529
97530
97531

~~(5) "Alternate employer organization" and "alternate
employer organization agreement" have the same meanings as in
section 4133.01 of the Revised Code.~~ 97532
97533
97534

~~(6)~~ "Client employer" has the same meaning as in section 97535
4125.01 of the Revised Code in the context of a professional 97536
employer organization or a professional employer organization 97537
reporting entity, or the same meaning as in section 4133.01 of 97538
the Revised Code in the context of an alternate employer 97539
organization. 97540

(B) Except as provided in divisions (C) and (D) of this 97541
section and in division (A) of section 5747.072 of the Revised 97542
Code, every employer required to deduct and withhold any amount 97543
under section 5747.06 of the Revised Code shall file a return 97544
and shall pay the amount required by law as follows: 97545

(1) An employer who accumulates or is required to 97546
accumulate undeposited taxes of one hundred thousand dollars or 97547
more during a partial weekly withholding period shall make the 97548
payment of the undeposited taxes by the close of the first 97549
banking day after the day on which the accumulation reaches one 97550
hundred thousand dollars. If required under division (I) of this 97551
section, the payment shall be made electronically under section 97552
5747.072 of the Revised Code. 97553

(2) Except as required by division (B) (1) of this section, 97554
an employer whose actual or required payments under this section 97555

were at least eighty-four thousand dollars during the twelve- 97556
month period ending on the thirtieth day of June of the 97557
preceding calendar year shall make the payment of undeposited 97558
taxes within three banking days after the close of a partial 97559
weekly withholding period during which the employer was required 97560
to deduct and withhold any amount under this chapter. If 97561
required under division (I) of this section, the payment shall 97562
be made electronically under section 5747.072 of the Revised 97563
Code. 97564

(3) Except as required by divisions (B)(1) and (2) of this 97565
section, if an employer's actual or required payments were more 97566
than two thousand dollars during the twelve-month period ending 97567
on the thirtieth day of June of the preceding calendar year, the 97568
employer shall make the payment of undeposited taxes for each 97569
month during which they were required to be withheld no later 97570
than fifteen days following the last day of that month. The 97571
employer shall file the return prescribed by the tax 97572
commissioner with the payment. 97573

(4) Except as required by divisions (B)(1), (2), and (3) 97574
of this section, an employer shall make the payment of 97575
undeposited taxes for each calendar quarter during which they 97576
were required to be withheld no later than the last day of the 97577
month following the last day of March, June, September, and 97578
December each year. The employer shall file the return 97579
prescribed by the tax commissioner with the payment. 97580

(C) The return and payment schedules prescribed by 97581
divisions (B)(1) and (2) of this section do not apply to the 97582
return and payment of undeposited school district income taxes 97583
arising from taxes levied pursuant to Chapter 5748. of the 97584
Revised Code. Undeposited school district income taxes shall be 97585

returned and paid pursuant to divisions (B) (3) and (4) of this section, as applicable.

(D) (1) The requirements of division (B) of this section are met if the amount paid is not less than ninety-five per cent of the actual tax withheld or required to be withheld for the prior quarterly, monthly, or partial weekly withholding period, and the underpayment is not due to willful neglect. Any underpayment of withheld tax shall be paid within thirty days of the date on which the withheld tax was due without regard to division (D) (1) of this section. An employer described in division (B) (1) or (2) of this section shall make the payment electronically under section 5747.072 of the Revised Code.

(2) If the tax commissioner believes that quarterly or monthly payments would result in a delay that might jeopardize the remittance of withholding payments, the commissioner may order that the payments be made weekly, or more frequently if necessary, and the payments shall be made no later than three banking days following the close of the period for which the jeopardy order is made. An order requiring weekly or more frequent payments shall be delivered to the employer in the manner provided in section 5703.37 of the Revised Code and remains in effect until the commissioner notifies the employer to the contrary.

(3) If compelling circumstances exist concerning the remittance of undeposited taxes, the commissioner may order the employer to make payments under any of the payment schedules under division (B) of this section. The order shall be delivered to the employer in the manner provided in section 5703.37 of the Revised Code and shall remain in effect until the commissioner notifies the employer to the contrary. For purposes of division

(D) (3) of this section, "compelling circumstances" exist if 97616
either or both of the following are true: 97617

(a) Based upon annualization of payments made or required 97618
to be made during the preceding calendar year and during the 97619
current calendar year, the employer would be required for the 97620
next calendar year to make payments under division (B) (2) of 97621
this section. 97622

(b) Based upon annualization of payments made or required 97623
to be made during the current calendar year, the employer would 97624
be required for the next calendar year to make payments under 97625
division (B) (2) of this section. 97626

(E) (1) In addition to other returns required to be filed 97627
and payments required to be made under this section, every 97628
employer required to deduct and withhold taxes shall file, not 97629
later than the thirty-first day of January of each year, an 97630
annual return covering, but not limited to, both the aggregate 97631
amount deducted and withheld and the aggregate amount required 97632
to be deducted and withheld during the entire preceding year for 97633
the tax imposed under section 5747.02 of the Revised Code and 97634
for each tax imposed under Chapter 5748. of the Revised Code. At 97635
the time of filing that return, the employer shall pay over any 97636
amounts of undeposited taxes for the preceding year, whether 97637
actually deducted and withheld or required to be deducted and 97638
withheld, that have not been previously paid. The employer shall 97639
make the annual report, to each employee and to the tax 97640
commissioner, of the compensation paid and each tax withheld, as 97641
the commissioner by rule may prescribe. 97642

(2) Each employer required to deduct and withhold any tax 97643
is liable for the payment of that amount required to be deducted 97644
and withheld, whether or not the tax has in fact been withheld, 97645

unless the failure to withhold was based upon the employer's 97646
good faith in reliance upon the statement of the employee as to 97647
liability, and the amount shall be deemed to be a special fund 97648
in trust for the general revenue fund. 97649

(F) Each employer shall file with the employer's annual 97650
return the following items of information on employees for whom 97651
withholding is required under section 5747.06 of the Revised 97652
Code: 97653

(1) The full name of each employee, the employee's 97654
address, the employee's school district of residence, and in the 97655
case of a nonresident employee, the employee's principal county 97656
of employment; 97657

(2) The social security number of each employee; 97658

(3) The total amount of compensation paid before any 97659
deductions to each employee for the period for which the annual 97660
return is made; 97661

(4) The amount of the tax imposed by section 5747.02 of 97662
the Revised Code and the amount of each tax imposed under 97663
Chapter 5748. of the Revised Code withheld from the compensation 97664
of the employee for the period for which the annual return is 97665
made. The commissioner may extend upon good cause the period for 97666
filing any notice or return required to be filed under this 97667
section and may adopt rules relating to extensions of time. If 97668
the extension results in an extension of time for the payment of 97669
the amounts withheld with respect to which the return is filed, 97670
the employer shall pay, at the time the amount withheld is paid, 97671
an amount of interest computed at the rate per annum prescribed 97672
by section 5703.47 of the Revised Code on that amount withheld, 97673
from the day that amount was originally required to be paid to 97674

the day of actual payment or to the day an assessment is issued 97675
under section 5747.13 of the Revised Code, whichever occurs 97676
first. 97677

(5) In addition to all other interest charges and 97678
penalties imposed, all amounts of taxes withheld or required to 97679
be withheld and remaining unpaid after the day the amounts are 97680
required to be paid shall bear interest from the date prescribed 97681
for payment at the rate per annum prescribed by section 5703.47 97682
of the Revised Code on the amount unpaid, in addition to the 97683
amount withheld, until paid or until the day an assessment is 97684
issued under section 5747.13 of the Revised Code, whichever 97685
occurs first. 97686

(G) An employee of a corporation, limited liability 97687
company, or business trust having control or supervision of or 97688
charged with the responsibility of filing the report and making 97689
payment, or an officer, member, manager, or trustee of a 97690
corporation, limited liability company, or business trust who is 97691
responsible for the execution of the corporation's, limited 97692
liability company's, or business trust's fiscal 97693
responsibilities, shall be personally liable for failure to file 97694
the report or pay the tax due as required by this section. The 97695
dissolution, termination, or bankruptcy of a corporation, 97696
limited liability company, or business trust does not discharge 97697
a responsible officer's, member's, manager's, employee's, or 97698
trustee's liability for a failure of the corporation, limited 97699
liability company, or business trust to file returns or pay tax 97700
due. 97701

(H) If an employer required to deduct and withhold income 97702
tax from compensation and to pay that tax to the state under 97703
sections 5747.06 and 5747.07 of the Revised Code sells the 97704

employer's business or stock of merchandise or quits the 97705
employer's business, the taxes required to be deducted and 97706
withheld and paid to the state pursuant to those sections prior 97707
to that time, together with any interest and penalties imposed 97708
on those taxes, become due and payable immediately, and that 97709
person shall make a final return within fifteen days after the 97710
date of selling or quitting business. The employer's successor 97711
shall withhold a sufficient amount of the purchase money to 97712
cover the amount of the taxes, interest, and penalties due and 97713
unpaid, until the former owner produces a receipt from the tax 97714
commissioner showing that the taxes, interest, and penalties 97715
have been paid or a certificate indicating that no such taxes 97716
are due. If the purchaser of the business or stock of 97717
merchandise fails to withhold purchase money, the purchaser 97718
shall be personally liable for the payment of the taxes, 97719
interest, and penalties accrued and unpaid during the operation 97720
of the business by the former owner. If the amount of taxes, 97721
interest, and penalties outstanding at the time of the purchase 97722
exceeds the total purchase money, the tax commissioner in the 97723
commissioner's discretion may adjust the liability of the seller 97724
or the responsibility of the purchaser to pay that liability to 97725
maximize the collection of withholding tax revenue. 97726

(I) An employer whose actual or required payments under 97727
this section exceeded eighty-four thousand dollars during the 97728
twelve-month period ending on the thirtieth day of June of the 97729
preceding calendar year shall make all payments required by this 97730
section for the year electronically under section 5747.072 of 97731
the Revised Code. 97732

(J) (1) Every professional employer organization, 97733
professional employer organization reporting entity, and 97734
alternate employer organization shall file a report with the tax 97735

commissioner within thirty days after commencing business in 97736
this state that includes all of the following information: 97737

(a) The name, address, number the employer receives from 97738
the secretary of state to do business in this state, if 97739
applicable, and federal employer identification number of each 97740
client employer of the organization or entity; 97741

(b) The date that each client employer became a client of 97742
the organization or entity; 97743

(c) The names and mailing addresses of the chief executive 97744
officer and the chief financial officer of each client employer 97745
for taxation of the client employer. 97746

(2) Beginning with the calendar quarter ending after a 97747
professional employer organization, professional employer 97748
organization reporting entity, or alternate employer 97749
organization files the report required under division (J)(1) of 97750
this section, and every calendar quarter thereafter, the 97751
organization or entity shall file an updated report with the tax 97752
commissioner. The organization or entity shall file the updated 97753
report not later than the last day of the month following the 97754
end of the calendar quarter and shall include all of the 97755
following information in the report: 97756

(a) If an entity became a client employer of the 97757
professional employer organization, professional employer 97758
organization reporting entity, or alternate employer 97759
organization at any time during the calendar quarter, all of the 97760
information required under division (J)(1) of this section for 97761
each new client employer; 97762

(b) If an entity terminated the professional employer 97763
organization agreement or the alternate employer organization 97764

agreement between the entity and the professional employer 97765
organization, professional employer organization reporting 97766
entity, or alternate employer organization, as applicable, at 97767
any time during the calendar quarter, the information described 97768
in division (J) (1) (a) of this section for that entity, the date 97769
during the calendar quarter that the entity ceased being a 97770
client of the organization or reporting entity, if applicable, 97771
or the date the entity ceased business operations in this state, 97772
if applicable; 97773

(c) If the name or mailing address of the chief executive 97774
officer or the chief financial officer of a client employer has 97775
changed since the professional employer organization, 97776
professional employer organization reporting entity, or 97777
alternate employer organization previously submitted a report 97778
under division (J) (1) or (2) of this section, the updated name 97779
or mailing address, or both, of the chief executive officer or 97780
the chief financial officer, as applicable; 97781

(d) If none of the events described in divisions (J) (2) (a) 97782
to (c) of this section occurred during the calendar quarter, a 97783
statement of that fact. 97784

Sec. 5747.071. (A) As used in this section: 97785

(1) "Retirement system" means the public employees 97786
retirement system, state teachers retirement system, school 97787
employees retirement system, Ohio police and fire pension fund, 97788
state highway patrol retirement system, and any municipal 97789
retirement system. 97790

(2) "Retirement plan" means a person, other than a 97791
retirement system, that manages a group or individual retirement 97792
account, fund, or plan. 97793

(3) "Benefits" means all annuities, allowances, pensions,
and other benefits paid by a retirement system or retirement
plan. 97794
97795
97796

~~(3)~~(4) "Recipient" means any person receiving benefits
from a retirement system or retirement plan. 97797
97798

(B) Any recipient may request the recipient's retirement
system or retirement plan to deduct and withhold from the 97799
recipient's benefits an amount during the calendar year 97800
reasonably estimated to be equal to the tax due from the 97801
recipient under this chapter and Chapter 5748. of the Revised 97802
Code for the year with respect to the recipient's benefits from 97803
the retirement system or retirement plan that are included in 97804
the recipient's adjusted gross income. The request shall be made 97805
pursuant to an application filed with the retirement system or 97806
retirement plan, on a form the system or plan shall supply, and 97807
shall include ~~the an estimate of from~~ the recipient of the 97808
amount of state income taxes that will be due in the ensuing 97809
calendar year with respect to the benefits from the retirement 97810
system or retirement plan. 97811
97812

(C) A retirement system or retirement plan with which an 97813
application is filed under this section, commencing with the 97814
calendar year following the year in which the application is 97815
filed, shall withhold from the benefits of the recipient an 97816
amount that equals for the calendar year, the amount of taxes 97817
that the recipient estimated would be due for the year. The 97818
amount to be withheld for a calendar year shall be apportioned 97819
throughout the calendar year. 97820

(D) A recipient may submit an amended application to 97821
increase or decrease the amount that will be withheld by the 97822
retirement system or retirement plan in an ensuing year. 97823

(E) A retirement system or retirement plan that withholds 97824
a portion of the benefits of a recipient under this section 97825
shall file returns and pay the amounts withheld in accordance 97826
with the requirements of section 5747.07 of the Revised Code. 97827
The tax commissioner may collect from a retirement plan past due 97828
amounts deducted and withheld and penalties and interest thereon 97829
by assessment under section 5747.13 of the Revised Code as if 97830
those amounts were income taxes collected by an employer. 97831

(F) Every retirement system or retirement plan required to 97832
deduct and withhold tax from benefits pursuant to this section 97833
shall furnish to the recipient, with respect to the benefits 97834
paid to the recipient during the calendar year, on or before the 97835
thirty-first day of January of the succeeding year, a written 97836
statement showing the amount of benefits deducted and withheld 97837
as state income tax, any amount deducted and withheld as school 97838
district income tax for each applicable school district, and 97839
such other information as the tax commissioner requires. 97840

(G) A retirement system or the tax commissioner may adopt 97841
rules governing withholding under this section. 97842

Sec. 5747.072. (A) Any employer required by section 97843
5747.07 of the Revised Code to remit undeposited taxes 97844
electronically shall do so by using the Ohio business gateway, 97845
as defined in section 718.01 of the Revised Code, or another 97846
means of electronic payment on or before the dates specified 97847
under that section. The tax commissioner shall notify each such 97848
employer of the employer's obligation to remit undeposited taxes 97849
electronically. Failure by the commissioner to notify an 97850
employer subject to this section to remit taxes electronically 97851
does not relieve the employer of its obligation to remit taxes 97852
in that manner. 97853

The payment of taxes electronically does not affect an 97854
employer's obligation to file the annual return as required 97855
under divisions (E) and (F) of section 5747.07 of the Revised 97856
Code. 97857

An employer required by this section to remit taxes 97858
electronically may apply to the commissioner to be excused from 97859
that requirement. The commissioner may excuse the employer from 97860
electronic remittance for good cause shown for the period of 97861
time requested by the employer or a portion of that period. The 97862
commissioner shall notify the employer of the commissioner's 97863
decision as soon as is practicable. 97864

(B) If an employer required by this section to remit 97865
undeposited taxes electronically remits those taxes by some 97866
other means, and the tax commissioner determines that such 97867
failure was not due to reasonable cause or was due to willful 97868
neglect, the commissioner may collect an additional charge by 97869
assessment in the manner prescribed by section 5747.13 of the 97870
Revised Code. The additional charge shall equal five per cent of 97871
the amount of the undeposited taxes, but shall not exceed five 97872
thousand dollars. Any additional charge assessed under this 97873
section is in addition to any other penalty or charge imposed by 97874
this chapter, and shall be considered as revenue arising from 97875
the taxes imposed by this chapter. ~~The commissioner may remit~~ 97876
~~all or a portion of such a charge and may adopt rules governing~~ 97877
~~such remission.~~ 97878

No additional charge shall be assessed under this division 97879
against an employer that has been notified of its obligation to 97880
remit taxes electronically under this section and that remits 97881
its first two tax payments after such notification by some other 97882
means. The additional charge may be assessed upon the remittance 97883

of any subsequent tax payment that the employer remits by some 97884
means other than electronically. 97885

Sec. 5747.073. (A) As used in this section: 97886

(1) "Bulk filer" means a payroll service provider or 97887
similar entity that is registered with the tax commissioner to 97888
submit employer withholding tax returns in accordance with this 97889
section. 97890

(2) "Payroll service provider" means a third party that 97891
assists an employer with payroll administration and state 97892
employer withholding tax obligations. A payroll service provider 97893
may include a professional employer organization or alternate 97894
employer organization. 97895

(3) "Client company" means an employer on whose behalf a 97896
bulk filer agrees to submit employer withholding returns in 97897
accordance with this section. 97898

(B) (1) An employer may elect to use a bulk filer to comply 97899
with its state and school district income tax withholding 97900
obligations under this chapter. 97901

(2) (a) Within five days after becoming a client company, 97902
the employer shall notify the tax commissioner, in a format 97903
prescribed by the commissioner, of the name of the approved bulk 97904
filer it is electing to use and the taxes the bulk filer will be 97905
remitting on its behalf. 97906

(b) When using a bulk filer, the client company shall 97907
maintain all registrations required by the tax commissioner 97908
related to electronic filing and payment of the amounts 97909
described in divisions (A) and (E) of section 5747.06 of the 97910
Revised Code. 97911

(C) (1) The tax commissioner shall approve each bulk filer 97912
before the bulk filer can file withholding tax returns on behalf 97913
of client companies. The commissioner shall prescribe guidelines 97914
and conditions of participation in the bulk file program that 97915
include standards of conduct, software tests, and file formats. 97916

(2) The commissioner shall maintain a list of approved 97917
bulk filers on the department of taxation's official web site. 97918
Such information is not prohibited from disclosure under section 97919
5703.21 of the Revised Code. 97920

(3) Each bulk filer shall comply with all requirements of 97921
law pertaining to employers maintaining an office or transacting 97922
business in this state and paying compensation to an employee 97923
who is a taxpayer. 97924

(4) A bulk filer that is not a professional employer 97925
organization, professional employer organization reporting 97926
entity, or alternate employer organization shall file a report 97927
in the same manner and frequency as required of a professional 97928
employer organization, professional employer organization 97929
reporting entity, or alternate employer organization under 97930
division (J) of section 5747.07 of the Revised Code. For 97931
purposes of this division, "client company" shall be substituted 97932
for "client employer" wherever "client employer" appears in that 97933
division. 97934

(D) All returns, reports, and payments filed or remitted 97935
by a bulk filer shall be made through an electronic means as 97936
prescribed by the tax commissioner, regardless of the bulk 97937
filer's number of client companies, or the number of returns, 97938
reports, or payments being filed or remitted. The bulk filer 97939
shall register for and maintain all accounts needed to 97940
electronically make such filings and payments. 97941

(E) (1) A bulk filer's authorization under this section is 97942
valid until either of the following events occurs: 97943

(a) The bulk filer dissolves, loses its existence as the 97944
result of a merger, or otherwise ceases business; 97945

(b) The authorization is rescinded or suspended by the tax 97946
commissioner for failure to meet the guidelines and conditions 97947
of participation in the bulk file program, including any 97948
guidelines or conditions established or modified after the bulk 97949
filer receives its authorization. 97950

(2) A bulk filer shall notify its client companies within 97951
five days after the bulk filer's authorization is rescinded, 97952
suspended, or is otherwise no longer valid or active. If an 97953
entity no longer meets the requirements to be a bulk filer, the 97954
client companies of the former bulk filer shall immediately 97955
resume their state and school district withholding filing and 97956
payment obligations under this chapter. 97957

(F) (1) The tax commissioner may collect past due amounts 97958
from a bulk filer, including penalties and interest thereon, by 97959
assessment under section 5747.13 of the Revised Code as if the 97960
amounts were taxes collected by an employer. 97961

(2) A bulk filer is subject to all applicable penalties 97962
under Title LVII of the Revised Code as if the bulk filer were 97963
the client company. 97964

(3) Notwithstanding the commissioner's authority under 97965
division (F) (1) of this section, a client company remains 97966
subject to assessment if its bulk filer fails to timely file all 97967
returns or reports, or to timely remit any payment, on the 97968
client company's behalf. The use of a bulk filer does not 97969
abrogate the ability of the commissioner to hold employees, 97970

officers, members, managers, or trustees of the client company 97971
personally liable under division (G) of section 5747.07 of the 97972
Revised Code. 97973

(4) Any liability assessed against both a bulk filer and a 97974
client company shall be joint and several. 97975

(5) A client company is not responsible for filings or 97976
amounts that a bulk filer fails to make or remit on behalf of 97977
another client company. 97978

(6) A bulk filer is subject to division (H) of section 97979
5747.07 of the Revised Code as if it were an employer subject to 97980
that section. 97981

(G) A bulk filer may file a refund application pursuant to 97982
section 5747.11 of the Revised Code on behalf of one or more of 97983
its client companies. 97984

Sec. 5747.08. An annual return with respect to the tax 97985
imposed by section 5747.02 of the Revised Code and each tax 97986
imposed under Chapter 5748. of the Revised Code shall be made by 97987
every taxpayer for any taxable year for which the taxpayer is 97988
liable for the tax imposed by that section or under that 97989
chapter, unless the total credits allowed under division (E) of 97990
section 5747.05 and divisions (F) and (G) of section 5747.055 of 97991
the Revised Code for the year are equal to or exceed the tax 97992
imposed by section 5747.02 of the Revised Code, in which case no 97993
return shall be required unless the taxpayer is liable for a tax 97994
imposed pursuant to Chapter 5748. of the Revised Code. 97995

(A) If an individual is deceased, any return or notice 97996
required of that individual under this chapter shall be made and 97997
filed by that decedent's executor, administrator, or other 97998
person charged with the property of that decedent. 97999

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D) (1) (a) Except as otherwise provided in division (D) (1) (b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D) (2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b) (i) A pass-through entity shall not include in such a 98031
single return any investor that is a trust to the extent that 98032
any direct or indirect current, future, or contingent 98033
beneficiary of the trust is a person subject to the tax imposed 98034
under section 5733.06 of the Revised Code. 98035

(ii) A pass-through entity shall not include in such a 98036
single return any investor that is itself a pass-through entity 98037
to the extent that any direct or indirect investor in the second 98038
pass-through entity is a person subject to the tax imposed under 98039
section 5733.06 of the Revised Code. 98040

(c) Except as provided by division (L) of this section, 98041
nothing in division (D) of this section precludes the tax 98042
commissioner from requiring such investors to file the return 98043
and make the payment of taxes and related interest, penalty, and 98044
interest penalty required by this section or section 5747.02, 98045
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 98046
of this section precludes such an investor from filing the 98047
annual return under this section, utilizing the refundable 98048
credit equal to the investor's proportionate share of the tax 98049
paid by the pass-through entity on behalf of the investor under 98050
division (I) of this section, and making the payment of taxes 98051
imposed under section 5747.02 of the Revised Code. Nothing in 98052
division (D) of this section shall be construed to provide to 98053
such an investor or pass-through entity any additional deduction 98054
or credit, other than the credit provided by division (I) of 98055
this section, solely on account of the entity's filing a return 98056
in accordance with this section. Such a pass-through entity also 98057
shall make the filing and payment of estimated taxes on behalf 98058
of the pass-through entity investors other than an investor that 98059
is a person subject to the tax imposed under section 5733.06 of 98060
the Revised Code. 98061

(2) For the purposes of this section, "business credits"	98062
means the credits listed in section 5747.98 of the Revised Code	98063
excluding the following credits:	98064
(a) The retirement income credit under division (B) of	98065
section 5747.055 of the Revised Code;	98066
(b) The senior citizen credit under division (F) of	98067
section 5747.055 of the Revised Code;	98068
(c) The lump sum distribution credit under division (G) of	98069
section 5747.055 of the Revised Code;	98070
(d) The dependent care credit under section 5747.054 of	98071
the Revised Code;	98072
(e) The lump sum retirement income credit under division	98073
(C) of section 5747.055 of the Revised Code;	98074
(f) The lump sum retirement income credit under division	98075
(D) of section 5747.055 of the Revised Code;	98076
(g) The lump sum retirement income credit under division	98077
(E) of section 5747.055 of the Revised Code;	98078
(h) The credit for displaced workers who pay for job	98079
training under section 5747.27 of the Revised Code;	98080
(i) The twenty-dollar personal exemption credit under	98081
section 5747.022 of the Revised Code;	98082
(j) The joint filing credit under division (E) of section	98083
5747.05 of the Revised Code;	98084
(k) The nonresident credit under division (A) of section	98085
5747.05 of the Revised Code;	98086
(l) The credit for a resident's out-of-state income under	98087
division (B) of section 5747.05 of the Revised Code;	98088

(m) The earned income tax credit under section 5747.71 of the Revised Code;	98089 98090
(n) The lead abatement credit under section 5747.26 of the Revised Code;	98091 98092
(o) The credit for education expenses under section 5747.72 of the Revised Code;	98093 98094
(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	98095 98096
<u>(q) The credit for qualifying dependents under section 5747.051 of the Revised Code;</u>	98097 98098
<u>(r) The credit for rehabilitating a historic owner-occupied residential property under section 5747.761 of the Revised Code.</u>	98099 98100 98101
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	98102 98103 98104 98105 98106 98107 98108 98109
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through	98110 98111 98112 98113 98114 98115 98116 98117

entity investors for unpaid or underpaid taxes, interest, 98118
interest penalty, or penalties as a result of the pass-through 98119
entity's making the election provided for under division (D) of 98120
this section. For the purposes of division (D) of this section, 98121
"correct tax due" means the tax that would have been paid by the 98122
pass-through entity had the single return been filed in a manner 98123
reflecting the commissioner's findings. Nothing in division (D) 98124
of this section shall be construed to make or hold a pass- 98125
through entity liable for tax attributable to a pass-through 98126
entity investor's income from a source other than the pass- 98127
through entity electing to file the single return. 98128

(E) If a husband and wife file a joint federal income tax 98129
return for a taxable year, they shall file a joint return under 98130
this section for that taxable year, and their liabilities are 98131
joint and several, but, if the federal income tax liability of 98132
either spouse is determined on a separate federal income tax 98133
return, they shall file separate returns under this section. 98134

If either spouse is not required to file a federal income 98135
tax return and either or both are required to file a return 98136
pursuant to this chapter, they may elect to file separate or 98137
joint returns, and, pursuant to that election, their liabilities 98138
are separate or joint and several. If a husband and wife file 98139
separate returns pursuant to this chapter, each must claim the 98140
taxpayer's own exemption, but not both, as authorized under 98141
section 5747.02 of the Revised Code on the taxpayer's own 98142
return. 98143

(F) Each return or notice required to be filed under this 98144
section shall contain the signature of the taxpayer or the 98145
taxpayer's duly authorized agent and of the person who prepared 98146
the return for the taxpayer, and shall include the taxpayer's 98147

social security number. Each return shall be verified by a 98148
declaration under the penalties of perjury. The tax commissioner 98149
shall prescribe the form that the signature and declaration 98150
shall take. 98151

(G) Each return or notice required to be filed under this 98152
section shall be made and filed as required by section 5747.04 98153
of the Revised Code, on or before the fifteenth day of April of 98154
each year, on forms that the tax commissioner shall prescribe, 98155
together with remittance made payable to the treasurer of state 98156
in the combined amount of the state and all school district 98157
income taxes shown to be due on the form. 98158

Upon good cause shown, the commissioner may extend the 98159
period for filing any notice or return required to be filed 98160
under this section and may adopt rules relating to extensions. 98161
If the extension results in an extension of time for the payment 98162
of any state or school district income tax liability with 98163
respect to which the return is filed, the taxpayer shall pay at 98164
the time the tax liability is paid an amount of interest 98165
computed at the rate per annum prescribed by section 5703.47 of 98166
the Revised Code on that liability from the time that payment is 98167
due without extension to the time of actual payment. Except as 98168
provided in section 5747.132 of the Revised Code, in addition to 98169
all other interest charges and penalties, all taxes imposed 98170
under this chapter or Chapter 5748. of the Revised Code and 98171
remaining unpaid after they become due, except combined amounts 98172
due of one dollar or less, bear interest at the rate per annum 98173
prescribed by section 5703.47 of the Revised Code until paid or 98174
until the day an assessment is issued under section 5747.13 of 98175
the Revised Code, whichever occurs first. 98176

If the commissioner considers it necessary in order to 98177

ensure the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) The amounts withheld pursuant to section 5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code shall be allowed to the ultimate recipient of the income as credits against payment of the appropriate taxes imposed on the ultimate recipient by section 5747.02 and under Chapter 5748. of the Revised Code. As used in this division, "ultimate recipient" means the person who is required to report income from which amounts are withheld pursuant to section 5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code on the annual return required to be filed under this section.

(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit

provided in this chapter to be claimed more than once. For the 98208
purpose of computing any interest, penalty, or interest penalty, 98209
the investor shall be deemed to have paid the refundable credit 98210
provided by this division on the day that the pass-through 98211
entity paid the estimated tax or the tax giving rise to the 98212
credit. 98213

(J) The tax commissioner shall ensure that each return 98214
required to be filed under this section includes a box that the 98215
taxpayer may check to authorize a paid tax preparer who prepared 98216
the return to communicate with the department of taxation about 98217
matters pertaining to the return. The return or instructions 98218
accompanying the return shall indicate that by checking the box 98219
the taxpayer authorizes the department of taxation to contact 98220
the preparer concerning questions that arise during the 98221
processing of the return and authorizes the preparer only to 98222
provide the department with information that is missing from the 98223
return, to contact the department for information about the 98224
processing of the return or the status of the taxpayer's refund 98225
or payments, and to respond to notices about mathematical 98226
errors, offsets, or return preparation that the taxpayer has 98227
received from the department and has shown to the preparer. 98228

(K) The tax commissioner shall permit individual taxpayers 98229
to instruct the department of taxation to cause any refund of 98230
overpaid taxes to be deposited directly into a checking account, 98231
savings account, or an individual retirement account or 98232
individual retirement annuity, or preexisting college savings 98233
plan or program account offered by the Ohio tuition trust 98234
authority under Chapter 3334. of the Revised Code, as designated 98235
by the taxpayer, when the taxpayer files the annual return 98236
required by this section electronically. 98237

(L) If, for the taxable year, a nonresident or trust that 98238
is the owner of an electing pass-through entity, as defined in 98239
section 5747.38 of the Revised Code, does not have Ohio adjusted 98240
gross income or, in the case of a trust, modified Ohio taxable 98241
income other than from one or more electing pass-through 98242
entities, the nonresident or trust shall not be required to file 98243
an annual return under this section. Nothing in this division 98244
precludes such an owner from filing the annual return under this 98245
section, utilizing the refundable credit under section 5747.39 98246
of the Revised Code equal to the owner's proportionate share of 98247
the tax levied under section 5747.38 of the Revised Code and 98248
paid by the electing pass-through entity, and making the payment 98249
of taxes imposed under section 5747.02 of the Revised Code. 98250

(M) The tax commissioner may adopt rules to administer 98251
this section. 98252

Sec. 5747.082. (A) As used in this section: 98253

(1) "Electronic technology" means electronic technology 98254
acceptable to the tax commissioner under division (B) of this 98255
section. 98256

(2) "Original tax return" means any report, return, or 98257
other tax document required to be filed under this chapter for 98258
the purpose of reporting the taxes due under, and withholdings 98259
required by, this chapter. "Original tax return" does not 98260
include an amended return or any declaration or form required by 98261
or filed in connection with section 5747.09 of the Revised Code. 98262

(3) "Related member" has the same meaning as in section 98263
5733.042 of the Revised Code. 98264

(4) "Tax return preparer" means any person that operates a 98265
business that prepares, or directly or indirectly employs 98266

another person to prepare, for a taxpayer an original tax return 98267
in exchange for compensation or remuneration from the taxpayer 98268
or the taxpayer's related member. With respect to the 98269
preparation of a return or application for refund under this 98270
chapter, "tax return preparer" does not include an individual 98271
who performs only one or more of the following activities: 98272

(a) Furnishes typing, reproducing, or other mechanical 98273
assistance; 98274

(b) Prepares an application for refund or a return on 98275
behalf of an employer by whom the individual is regularly and 98276
continuously employed, or on behalf of an officer or employee of 98277
that employer; 98278

(c) Prepares as a fiduciary an application for refund or a 98279
return; 98280

(d) Prepares an application for refund or a return for a 98281
taxpayer in response to a notice of deficiency issued to the 98282
taxpayer or the taxpayer's related member, or in response to a 98283
waiver of restriction after the commencement of an audit of the 98284
taxpayer or the taxpayer's related member. 98285

(B) Divisions (C) and (D) of this section apply to the 98286
filing of original tax returns that are due in a calendar year 98287
only if the tax commissioner, by the last day of the calendar 98288
year immediately preceding the calendar year in which such 98289
returns are due, has published on the department of taxation's 98290
official internet web site at least one method of electronic 98291
technology acceptable to the commissioner for filing such 98292
returns. 98293

(C) A tax return preparer that prepares more than eleven 98294
original tax returns during any calendar year shall use 98295

electronic technology to file with the tax commissioner all 98296
original tax returns prepared by the tax return preparer. This 98297
division does not apply to a tax return preparer in any calendar 98298
year if, during the previous calendar year, the tax return 98299
preparer prepared not more than ten original tax returns. 98300

(D) If a tax return preparer required by this section to 98301
submit original tax returns by electronic technology files an 98302
original tax return by some means other than by electronic 98303
technology, the tax commissioner shall impose a penalty of fifty 98304
dollars for each return in excess of eleven in any calendar year 98305
that is not filed by electronic technology. ~~Upon good cause~~ 98306
~~shown by the tax return preparer, the tax commissioner may waive~~ 98307
~~all or any portion of the penalty or may refund all or any~~ 98308
~~portion of the penalty the tax return preparer has paid.~~ 98309

Sec. 5747.09. (A) As used in this section: 98310

(1) "Estimated taxes" means the amount that the taxpayer 98311
estimates to be the taxpayer's combined tax liability under this 98312
chapter and Chapter 5748. of the Revised Code for the current 98313
taxable year. 98314

(2) "Tax liability" means the total taxes due for the 98315
taxable year, after allowing any credit to which the taxpayer is 98316
entitled, but prior to applying any estimated tax payment, 98317
withholding payment, or refund from another tax year. 98318

(3) "Taxes paid" include payments of estimated taxes made 98319
under division (C) of this section, taxes withheld from the 98320
taxpayer's compensation, and tax refunds applied by the taxpayer 98321
in payment of estimated taxes. 98322

(4) "Required installment" means a payment equal to 98323
twenty-five per cent of the lesser of the following: 98324

(a) Ninety per cent of the tax liability for the taxable 98325
year; 98326

(b) One hundred per cent of the tax liability shown on the 98327
return of a taxpayer for the preceding taxable year. 98328

Division (A) (4) (b) of this section applies only if the 98329
taxpayer filed a return under section 5747.08 of the Revised 98330
Code for the preceding taxable year and if the preceding taxable 98331
year was a twelve-month taxable year. 98332

(B) Every taxpayer shall make declaration of estimated 98333
taxes for the current taxable year, in the form that the tax 98334
commissioner shall prescribe, if the amount payable as estimated 98335
taxes, less the amount to be withheld from the taxpayer's 98336
compensation, is more than five hundred dollars. For purposes of 98337
this section, taxes withheld from compensation shall be 98338
considered as paid in equal amounts on each payment date unless 98339
the taxpayer establishes the dates on which all amounts were 98340
actually withheld, in which case the amounts withheld shall be 98341
considered as paid on the dates on which the amounts were 98342
actually withheld. Taxpayers filing joint returns pursuant to 98343
section 5747.08 of the Revised Code shall file joint 98344
declarations of estimated taxes. A taxpayer may amend a 98345
declaration under rules prescribed by the commissioner. A 98346
taxpayer having a taxable year of less than twelve months shall 98347
make a declaration under rules prescribed by the commissioner. 98348
The declaration of estimated taxes for an individual under a 98349
disability shall be made and filed by the person who is required 98350
to file the income tax return. 98351

The declaration of estimated taxes shall be filed on or 98352
before the fifteenth day of April of each year or on or before 98353
the fifteenth day of the fourth month after the taxpayer becomes 98354

subject to tax for the first time. 98355

Taxpayers reporting on a fiscal year basis shall file a 98356
declaration on or before the fifteenth day of the fourth month 98357
after the beginning of each fiscal year or period. 98358

The declaration shall be filed upon a form prescribed by 98359
the commissioner and furnished by or obtainable from the 98360
commissioner. 98361

The original declaration or any subsequent amendment may 98362
be increased or decreased on or before any subsequent quarterly 98363
payment day as provided in this section. 98364

(C) The required portion of the tax liability for the 98365
taxable year that shall be paid through estimated taxes made 98366
payable to the treasurer of state, including the application of 98367
tax refunds to estimated taxes, and withholding on or before the 98368
applicable payment date shall be as follows: 98369

(1) On or before the fifteenth day of the fourth month 98370
after the beginning of the taxable year, twenty-two and one-half 98371
per cent of the tax liability for the taxable year; 98372

(2) On or before the fifteenth day of the sixth month 98373
after the beginning of the taxable year, forty-five per cent of 98374
the tax liability for the taxable year; 98375

(3) On or before the fifteenth day of the ninth month 98376
after the beginning of the taxable year, sixty-seven and one- 98377
half per cent of the tax liability for the taxable year; 98378

(4) On or before the fifteenth day of the first month of 98379
the following taxable year, ninety per cent of the tax liability 98380
for the taxable year. 98381

When an amended return has been filed, the unpaid balance 98382

shown due on the amended return shall be paid in equal 98383
installments on or before the remaining payment dates. 98384

On or before the fifteenth day of the fourth month of the 98385
year following that for which the declaration or amended 98386
declaration was filed, an annual return shall be filed and any 98387
balance which may be due shall be paid with the return in 98388
accordance with section 5747.08 of the Revised Code. 98389

(D) In the case of any underpayment of estimated taxes, an 98390
interest penalty shall be added to the taxes for the tax year at 98391
the rate per annum prescribed by section 5703.47 of the Revised 98392
Code upon the amount of underpayment for the period of 98393
underpayment, unless the underpayment is due to reasonable cause 98394
as described in division (E) of this section. The amount of the 98395
underpayment shall be determined as follows: 98396

(1) For the first payment of estimated taxes each year, 98397
the required installment less the amount of taxes paid by the 98398
date prescribed for that payment; 98399

(2) For the second payment of estimated taxes each year, 98400
the required installment less the amount of taxes paid by the 98401
date prescribed for that payment; 98402

(3) For the third payment of estimated taxes each year, 98403
the required installment less the amount of taxes paid by the 98404
date prescribed for that payment; 98405

(4) For the fourth payment of estimated taxes each year, 98406
the required installment less the amount of taxes paid by the 98407
date prescribed for that payment. 98408

The period of the underpayment shall run from the day the 98409
estimated payment was required to be made to the date on which 98410
the payment is made. For purposes of this section, a payment of 98411

estimated taxes on or before any payment date shall be 98412
considered a payment of any previous underpayment only to the 98413
extent the payment of estimated taxes exceeds the amount of the 98414
payment presently required to be paid to avoid any penalty. 98415

The tax commissioner may abate, in whole or in part, the 98416
interest penalty imposed under division (D) of this section. Any 98417
such penalty imposed shall be in lieu of any other interest 98418
charge or penalty imposed for failure to file an estimated 98419
return and make estimated payments as required by this section. 98420

(E) An underpayment of estimated taxes determined under 98421
division (D) of this section shall be due to reasonable cause 98422
and the interest penalty imposed by this section shall not be 98423
added to the taxes for the tax year if either of the following 98424
apply: 98425

(1) The amount of tax that was paid equals at least ninety 98426
per cent of the tax liability for the current taxable year, 98427
determined by annualizing the income received during the year up 98428
to the end of the month immediately preceding the month in which 98429
the payment is due; 98430

(2) The amount of tax that was paid equals at least one 98431
hundred per cent of the taxliability shown on the return of the 98432
taxpayer for the preceding taxable year, provided that the 98433
immediately preceding taxable year reflected a period of twelve 98434
months and the taxpayer filed a return under section 5747.08 of 98435
the Revised Code for that year. 98436

The tax commissioner may waive the requirement for filing 98437
a declaration of estimated taxes for any class of taxpayers 98438
after finding that the waiver is reasonable and proper in view 98439
of administrative costs and other factors. 98440

Sec. 5747.10. (A) As used in this section: 98441

(1) "Audited partnership" means a partnership subject to 98442
an examination by the internal revenue service pursuant to 98443
subchapter C, chapter 63, subtitle F of the Internal Revenue 98444
Code resulting in a federal adjustment. 98445

(2) (a) "Direct investor" means a partner or other investor 98446
that holds a direct interest in a pass-through entity. 98447

(b) "Indirect investor" means a partner or other investor 98448
that holds an interest in a pass-through entity that itself 98449
holds an interest, directly or through another indirect partner 98450
or other investor, in a pass-through entity. 98451

(3) "Exempt partner" means a partner that is neither a 98452
pass-through entity nor a person subject to the tax imposed by 98453
section 5747.02 of the Revised Code. 98454

(4) "Federal adjustment" means a change to an item or 98455
amount required to be determined under the Internal Revenue Code 98456
that directly or indirectly affects a taxpayer's aggregate tax 98457
liability under section 5747.02 or Chapter 5748. of the Revised 98458
Code and that results from an action or examination by the 98459
internal revenue service, or from the filing of an amended 98460
federal tax return, a claim for a federal tax refund, or an 98461
administrative adjustment request filed by a partnership under 98462
section 6227 of the Internal Revenue Code. 98463

(5) "Federal adjustments return" means the form or other 98464
document prescribed by the tax commissioner for use by a 98465
taxpayer in reporting final federal adjustments. 98466

(6) "State partnership representative" means either of the 98467
following: 98468

(a) The person who served as the partnership's 98469
representative for federal income tax purposes, pursuant to 98470
section 6223(a) of the Internal Revenue Code, during the 98471
corresponding federal partnership audit; 98472

(b) The person designated, on a form prescribed by the tax 98473
commissioner, to serve as the partnership's representative 98474
during the state partnership audit. The commissioner may 98475
establish reasonable qualifications and procedures for a person 98476
to be designated as a state partnership representative under 98477
this division. 98478

(7) A federal adjustment is "final" or "agreed to or 98479
finally determined for federal income tax purposes" on any of 98480
the following: 98481

(a) The day after which the period for appeal of a federal 98482
assessment has expired; 98483

(b) The date on a refund check issued by the internal 98484
revenue service; or 98485

(c) For agreements required to be signed by the internal 98486
revenue service and the taxpayer or audited partnership, the 98487
date on which the last party signed the agreement. 98488

(B) (1) If any of the facts, figures, computations, or 98489
attachments required in a taxpayer's annual return to determine 98490
the tax charged by this chapter or Chapter 5748. of the Revised 98491
Code must be altered as the result of a final federal 98492
adjustment, and the federal adjustment is not required to be 98493
reported under division (C) of this section, the taxpayer shall 98494
file an amended return with the tax commissioner in such form as 98495
the commissioner requires. The amended return shall be filed not 98496
later than ninety days after the federal adjustment has been 98497

agreed to or finally determined for federal income tax purposes. 98498

(2) "One hundred eighty" shall be substituted for "ninety" 98499
in divisions (B)(1) and (E)(1) of this section if, for any 98500
taxable year, the final federal adjustment results from taxes 98501
paid by the taxpayer on an amount described in division (A)(32) 98502
of section 5747.01 of the Revised Code. 98503

(C) Except for adjustments required to be reported for 98504
federal purposes pursuant to section 6225(a)(2) of the Internal 98505
Revenue Code and adjustments that are taken into account on a 98506
federal amended return or similar report filed pursuant to 98507
section 6225(c)(2) of the Internal Revenue Code, partnerships 98508
and partners shall report final federal adjustments and make 98509
payments as required under division (C) of this section. 98510

(1) With respect to an action required or permitted to be 98511
taken by a partnership under this section, and any petition for 98512
reassessment or appeal to the board of tax appeals or any court 98513
with respect to such an action, the state partnership 98514
representative shall have the sole authority to act on behalf of 98515
the audited partnership, and the partnership's direct and 98516
indirect investors shall be bound by those actions. 98517

(2) Unless an audited partnership makes the election under 98518
division (C)(3) of this section: 98519

(a) The audited partnership, through its state partnership 98520
representative, shall do all of the following within ninety days 98521
after the federal adjustment is final: 98522

(i) File a federal adjustments return with the tax 98523
commissioner, including a copy of the notifications provided 98524
under division (C)(2)(a)(ii) of this section; 98525

(ii) Notify each of its direct investors, on a form 98526

prescribed by the commissioner, of the investor's distributive 98527
share of the final federal adjustments; 98528

(iii) File an amended tax return on behalf of its 98529
nonresident direct investors and pay any additional tax that 98530
would have been due under sections 5733.41 and 5747.41, or 98531
division (D) of section 5747.08, of the Revised Code with 98532
respect to those direct investors had the final federal 98533
adjustments been reported properly on the original filing. 98534

(b) Each direct investor that is subject to the tax 98535
imposed by section 5747.02 of the Revised Code shall file an 98536
original or amended tax return to include the investor's 98537
distributive share of the adjustments reported to the direct 98538
investor under division (C) (2) (a) of this section, and pay any 98539
additional tax due, within ninety days after the audited 98540
partnership files its federal adjustments return with the 98541
commissioner. 98542

(c) (i) Each direct and indirect investor of an audited 98543
partnership that is a pass-through entity and all investors in 98544
such a pass-through entity that are subject to the filing and 98545
payment requirements of Chapters 5733. and 5747. of the Revised 98546
Code are subject to the reporting and payment requirements of 98547
division (C) (2) or, upon a timely election, division (C) (3) of 98548
this section. 98549

(ii) Such direct and indirect investors shall make the 98550
required returns and payments within ninety days after the 98551
deadline for filing and furnishing statements under section 98552
6226(b) (4) of the Internal Revenue Code and applicable treasury 98553
regulations. 98554

(3) If an audited partnership makes the election under 98555

this division, the audited partnership, through its state 98556
partnership representative, shall do all of the following within 98557
ninety days after all federal adjustments are final: 98558

(a) File a federal adjustments return with the tax 98559
commissioner indicating the partnership has made the election 98560
under division (C) (3) of this section; 98561

(b) Pay the amount of combined additional tax due under 98562
division (D) (2) of this section, calculated by multiplying the 98563
highest rate of tax set forth in section 5747.02 of the Revised 98564
Code by the sum of the following: 98565

(i) The distributive shares of the final federal 98566
adjustments that are allocable or apportionable to this state of 98567
each investor who is a nonresident taxpayer or pass-through 98568
entity; 98569

(ii) The distributive share of the final federal 98570
adjustments for each investor who is a resident taxpayer. 98571

(c) Notify each of its direct investors, on a form 98572
prescribed by the commissioner, of the investor's distributive 98573
share of the final federal adjustments and the amount paid on 98574
their behalf pursuant to division (C) (3) (b) of this section. 98575

(4) (a) A direct investor of an audited partnership is not 98576
required to file an amended return or pay tax otherwise due 98577
under section 5747.02 of the Revised Code if the audited 98578
partnership properly reports and pays the tax under division (C) 98579
(3) of this section. 98580

(b) (i) Nothing in division (C) of this section precludes a 98581
direct or indirect investor in the audited partnership from 98582
filing a return to report the investor's share of the final 98583
federal adjustments. Such an investor who files a return and 98584

reports the income related to the final federal adjustments is 98585
entitled to a refundable credit for taxes paid by the audited 98586
partnership under division (C) (3) (b) of this section. The credit 98587
shall be computed and claimed in the same manner as the credit 98588
allowed under division (I) of section 5747.08 of the Revised 98589
Code. 98590

(ii) Notwithstanding division (C) (4) (b) (i) of this 98591
section, an exempt partner, whether a direct or indirect 98592
investor, may file an application for refund of its 98593
proportionate share of the amounts erroneously paid by the 98594
audited partnership pursuant to division (C) (3) (b) of this 98595
section on the exempt partner's behalf. 98596

(5) Upon request by an audited partnership, the tax 98597
commissioner may agree, in writing, to allow an alternative 98598
method of reporting and payment than required by division (C) (2) 98599
or (3) of this section. The request must be submitted to the 98600
commissioner in writing before the applicable deadline for 98601
filing a return under division (C) (2) (a) or (3) of this section. 98602
The commissioner's decision on whether to enter into an 98603
agreement under this division is not subject to further 98604
administrative review or appeal. 98605

(6) Nothing in division (C) of this section precludes 98606
either of the following: 98607

(a) A resident taxpayer from filing a return to claim the 98608
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 98609
(B) (2) of section 5747.02 of the Revised Code based upon any 98610
amounts paid by the audited partnership on such investor's 98611
behalf to another state. 98612

(b) The tax commissioner from issuing an assessment under 98613

this chapter against any direct or indirect investor for taxes 98614
due from the investor if an audited partnership, or direct and 98615
indirect investor of an audited partnership that is a pass- 98616
through entity, fails to timely file any return or remit any 98617
payment required by this section or underreports income or 98618
underpays tax on behalf of an indirect investor who is a 98619
resident taxpayer. 98620

(D) In the case of an underpayment, and unless otherwise 98621
agreed to in writing by the tax commissioner: 98622

(1) The taxpayer's amended return shall be accompanied by 98623
payment of any combined additional tax due together with 98624
interest thereon. An amended return required by this section is 98625
a return subject to assessment under section 5747.13 of the 98626
Revised Code for the purpose of assessing any additional tax due 98627
under this section, together with any applicable penalty and 98628
interest. It shall not reopen those facts, figures, 98629
computations, or attachments from a previously filed return no 98630
longer subject to assessment that are not affected, either 98631
directly or indirectly, by the final federal adjustment to the 98632
taxpayer's federal income tax return. 98633

(2) The audited partnership's federal adjustments return 98634
shall be accompanied by payment of any combined additional tax 98635
due together with interest thereon. The federal adjustments 98636
return required by this section is a return subject to 98637
assessment under section 5747.13 of the Revised Code for the 98638
purpose of assessing any additional tax due under this section, 98639
together with any applicable penalty and interest. It shall not 98640
reopen those facts, figures, computations, or attachments from a 98641
previously filed return no longer subject to assessment that are 98642
not affected, either directly or indirectly, by the final 98643

federal adjustment. 98644

(3) The tax commissioner may accept estimated payments of 98645
the tax arising from pending federal adjustments before the date 98646
for filing a federal adjustments return. The commissioner may 98647
adopt rules for the payment of such estimated taxes. 98648

(E) In the case of an overpayment, and unless otherwise 98649
agreed to in writing by the tax commissioner: 98650

(1) A taxpayer may file an application for refund under 98651
this division within the ninety-day period prescribed for filing 98652
the amended return even if it is filed beyond the period 98653
prescribed in section 5747.11 of the Revised Code if it 98654
otherwise conforms to the requirements of such section. An 98655
application filed under this division shall claim refund of 98656
overpayments resulting from alterations to only those facts, 98657
figures, computations, or attachments required in the taxpayer's 98658
annual return that are affected, either directly or indirectly, 98659
by the final federal adjustment to the taxpayer's federal income 98660
tax return unless it is also filed within the time prescribed in 98661
section 5747.11 of the Revised Code. It shall not reopen those 98662
facts, figures, computations, or attachments that are not 98663
affected, either directly or indirectly, by the adjustment to 98664
the taxpayer's federal income tax return. 98665

(2) (a) Except as otherwise provided in division (E) (2) (b) 98666
of this section, an audited partnership may file an application 98667
for a refund under this division within the ninety-day period 98668
prescribed for filing the federal adjustments return, even if it 98669
is filed beyond the period prescribed by section 5747.11 of the 98670
Revised Code, if it otherwise conforms to the requirements of 98671
that section. An application filed under this division may claim 98672
a refund of overpayments resulting only from final federal 98673

adjustments unless it is also filed within the time prescribed 98674
by section 5747.11 of the Revised Code. It shall not reopen 98675
those facts, figures, computations, or attachments that are not 98676
affected, either directly or indirectly, by the federal 98677
adjustment. 98678

(b) An audited partnership may not file an application for 98679
refund under division (E) of this section based on final federal 98680
adjustments described in section 6225(a)(2) of the Internal 98681
Revenue Code. 98682

(3) Any refund granted to a pass-through entity filing an 98683
application for refund under division (E) of this section shall 98684
be reduced by amounts previously claimed as a credit under 98685
section 5747.059 or division (I) of section 5747.08 of the 98686
Revised Code by the pass-through entity's direct or indirect 98687
investors. 98688

(F) Excluding the deadline in division (C)(2)(c)(ii) of 98689
this section, an audited partnership, or a direct or indirect 98690
investor of an audited partnership that is a pass-through 98691
entity, may automatically extend the deadline for reporting, 98692
payments, and refunds under this section by sixty days if the 98693
entity has ten thousand or more direct investors and notifies 98694
the commissioner of such extension, in writing, before the 98695
unextended deadline. 98696

Sec. 5747.13. (A) If any employer collects the tax imposed 98697
by section 5747.02 or under Chapter 5748. of the Revised Code 98698
and fails to remit the tax as required by law, or fails to 98699
collect the tax, the employer is personally liable for any 98700
amount collected that the employer fails to remit, or any amount 98701
that the employer fails to collect. If any taxpayer fails to 98702
file a return or fails to pay the tax imposed by section 5747.02 98703

or under Chapter 5748. of the Revised Code, the taxpayer is 98704
personally liable for the amount of the tax. 98705

If any employer, taxpayer, qualifying entity, or electing 98706
pass-through entity required to file a return under this chapter 98707
fails to file the return within the time prescribed, files an 98708
incorrect return, fails to remit the full amount of the taxes 98709
due for the period covered by the return, or fails to remit any 98710
additional tax due as a result of a reduction in the amount of 98711
the credit allowed under division (B) of section 5747.05 of the 98712
Revised Code together with interest on the additional tax within 98713
the time prescribed by that division, the tax commissioner may 98714
make an assessment against any person liable for any deficiency 98715
for the period for which the return is or taxes are due, based 98716
upon any information in the commissioner's possession. 98717

An assessment issued against either the employer or the 98718
taxpayer pursuant to this section shall not be considered an 98719
election of remedies or a bar to an assessment against the other 98720
for failure to report or pay the same tax. No assessment shall 98721
be issued against any person if the tax actually has been paid 98722
by another. 98723

No assessment shall be made or issued against an employer, 98724
a taxpayer, a qualifying entity, or an electing pass-through 98725
entity more than four years after the final date the return 98726
subject to assessment was required to be filed or the date the 98727
return was filed, whichever is later. However, the commissioner 98728
may assess any balance due as the result of a reduction in the 98729
credit allowed under division (B) of section 5747.05 of the 98730
Revised Code, including applicable penalty and interest, within 98731
four years of the date on which the taxpayer reports a change in 98732
either the portion of the taxpayer's adjusted gross income 98733

subjected to an income tax or tax measured by income in another 98734
state or the District of Columbia, or the amount of liability 98735
for an income tax or tax measured by income to another state or 98736
the District of Columbia, as required by division (B) (4) of 98737
section 5747.05 of the Revised Code. Such time limits may be 98738
extended if both the employer, taxpayer, qualifying entity, or 98739
electing pass-through entity and the commissioner consent in 98740
writing to the extension or if an agreement waiving or extending 98741
the time limits has been entered into pursuant to section 98742
122.171 of the Revised Code. Any such extension shall extend the 98743
four-year time limit in division (B) of section 5747.11 of the 98744
Revised Code for the same period of time. There shall be no bar 98745
or limit to an assessment against an employer for taxes withheld 98746
from employees and not remitted to the state, against an 98747
employer, a taxpayer, a qualifying entity, or an electing pass- 98748
through entity that fails to file a return subject to assessment 98749
as required by this chapter, or against an employer, a taxpayer, 98750
a qualifying entity, or an electing pass-through entity that 98751
files a fraudulent return. 98752

The commissioner shall give the party assessed written 98753
notice of the assessment in the manner provided in section 98754
5703.37 of the Revised Code. With the notice, the commissioner 98755
shall provide instructions on how to petition for reassessment 98756
and request a hearing on the petition. 98757

(B) Unless the party assessed files with the tax 98758
commissioner within sixty days after service of the notice of 98759
assessment, ~~either personally or by certified mail,~~ a written 98760
petition for reassessment, signed by the party assessed or that 98761
party's authorized agent having knowledge of the facts, the 98762
assessment becomes final, and the amount of the assessment is 98763
due and payable from the party assessed to the commissioner with 98764

remittance made payable to the treasurer of state. The petition 98765
shall indicate the objections of the party assessed, but 98766
additional objections may be raised in writing if received by 98767
the commissioner prior to the date shown on the final 98768
determination. If the petition has been properly filed, the 98769
commissioner shall proceed under section 5703.60 of the Revised 98770
Code. 98771

(C) After an assessment becomes final, if any portion of 98772
the assessment remains unpaid, including accrued interest, a 98773
certified copy of the tax commissioner's entry making the 98774
assessment final may be filed in the office of the clerk of the 98775
court of common pleas in the county in which the employer's, 98776
taxpayer's, qualifying entity's, or electing pass-through 98777
entity's place of business is located or the county in which the 98778
party assessed resides. If the party assessed is not a resident 98779
of this state, the certified copy of the entry may be filed in 98780
the office of the clerk of the court of common pleas of Franklin 98781
county. 98782

Immediately upon the filing of the entry, the clerk shall 98783
enter a judgment against the party assessed in the amount shown 98784
on the entry. The judgment shall be filed by the clerk in one of 98785
two loose-leaf books, one entitled "special judgments for state 98786
and school district income taxes," and the other entitled 98787
"special judgments for qualifying entity and electing pass- 98788
through entity taxes." The judgment shall have the same effect 98789
as other judgments. Execution shall issue upon the judgment upon 98790
the request of the tax commissioner, and all laws applicable to 98791
sales on execution shall apply to sales made under the judgment. 98792

If the assessment is not paid in its entirety within sixty 98793
days after the assessment was issued, the portion of the 98794

assessment consisting of tax due shall bear interest at the rate 98795
per annum prescribed by section 5703.47 of the Revised Code from 98796
the day the tax commissioner issues the assessment until it is 98797
paid or until it is certified to the attorney general for 98798
collection under section 131.02 of the Revised Code, whichever 98799
comes first. If the unpaid portion of the assessment is 98800
certified to the attorney general for collection, the entire 98801
unpaid portion of the assessment shall bear interest at the rate 98802
per annum prescribed by section 5703.47 of the Revised Code from 98803
the date of certification until the date it is paid in its 98804
entirety. Interest shall be paid in the same manner as the tax 98805
and may be collected by the issuance of an assessment under this 98806
section. 98807

(D) All money collected under this section shall be 98808
considered as revenue arising from the taxes imposed by this 98809
chapter or Chapter 5733. or 5748. of the Revised Code, as 98810
appropriate. 98811

(E) If the party assessed files a petition for 98812
reassessment under division (B) of this section, the person, on 98813
or before the last day the petition may be filed, shall pay the 98814
assessed amount, including assessed interest and assessed 98815
penalties, if any of the following conditions exists: 98816

(1) The person files a tax return reporting Ohio adjusted 98817
gross income, less the exemptions allowed by section 5747.025 of 98818
the Revised Code, in an amount less than one cent, and the 98819
reported amount is not based on the computations required under 98820
division (A) of section 5747.01 or section 5747.025 of the 98821
Revised Code. 98822

(2) The person files a tax return that the tax 98823
commissioner determines to be incomplete, false, fraudulent, or 98824

frivolous. 98825

(3) The person fails to file a tax return, and the basis 98826
for this failure is not either of the following: 98827

(a) An assertion that the person has no nexus with this 98828
state; 98829

(b) The computations required under division (A) of 98830
section 5747.01 of the Revised Code or the application of 98831
credits allowed under this chapter has the result that the 98832
person's tax liability is less than one dollar and one cent. 98833

(F) Notwithstanding the fact that a petition for 98834
reassessment is pending, the petitioner may pay all or a portion 98835
of the assessment that is the subject of the petition. The 98836
acceptance of a payment by the treasurer of state does not 98837
prejudice any claim for refund upon final determination of the 98838
petition. 98839

If upon final determination of the petition an error in 98840
the assessment is corrected by the tax commissioner, upon 98841
petition so filed or pursuant to a decision of the board of tax 98842
appeals or any court to which the determination or decision has 98843
been appealed, so that the amount due from the party assessed 98844
under the corrected assessment is less than the portion paid, 98845
there shall be issued to the petitioner or to the petitioner's 98846
assigns or legal representative a refund in the amount of the 98847
overpayment as provided by section 5747.11 of the Revised Code, 98848
with interest on that amount as provided by such section, 98849
subject to section 5747.12 of the Revised Code. 98850

Sec. 5747.15. (A) In addition to any other penalty imposed 98851
by this chapter or Chapter 5703. of the Revised Code, the 98852
following penalties shall apply: 98853

(1) If a taxpayer, a qualifying entity, an electing pass-through entity, or an employer required to file any report or return, including an informational notice, report, or return, under this chapter fails to make and file the report or return within the time prescribed, including any extensions of time granted by the tax commissioner, a penalty may be imposed not exceeding the greater of fifty dollars per month or fraction of a month, not to exceed five hundred dollars, or five per cent per month or fraction of a month, not to exceed fifty per cent, of the sum of the taxes required to be shown on the report or return, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which filed.

(2) If a taxpayer fails to pay any amount of tax required to be paid under section 5733.41 or Chapters 5747. or 5748. of the Revised Code, except estimated tax under section 5747.09 or 5747.43 of the Revised Code, by the dates prescribed for payment, a penalty may be imposed not exceeding twice the applicable interest charged under division (G) of section 5747.08 of the Revised Code for the delinquent payment.

(3) (a) If an employer fails to pay any amount of tax imposed by section 5747.02 of the Revised Code and required to be paid under this chapter by the dates prescribed for payment, a penalty may be imposed not exceeding the sum of ten per cent of the delinquent payment plus twice the interest charged under division (F) (5) of section 5747.07 of the Revised Code for the delinquent payment.

(b) If a qualifying entity or an electing pass-through entity fails to pay any amount of tax imposed by section 5733.41, 5747.38, or 5747.41 of the Revised Code and required to

be paid under this chapter by the dates prescribed for payment, 98884
a penalty may be imposed not exceeding the sum of ten per cent 98885
of the delinquent payment plus twice the applicable interest 98886
charged under division (G) of section 5747.08 of the Revised 98887
Code for the delinquent payment. 98888

(4) (a) If an employer withholds from employees the tax 98889
imposed by section 5747.02 of the Revised Code and fails to 98890
remit the tax withheld to the state as required by this chapter 98891
on or before the dates prescribed for payment, a penalty may be 98892
imposed not exceeding fifty per cent of the delinquent payment. 98893

(b) If a qualifying entity withholds any amount of tax 98894
imposed under section 5747.41 of the Revised Code from an 98895
individual's qualifying amount and fails to remit that amount to 98896
the state as required by sections 5747.42 to 5747.453 of the 98897
Revised Code on or before the dates prescribed for payment, a 98898
penalty may be imposed not exceeding fifty per cent of the 98899
delinquent payment. 98900

(5) If a taxpayer, a qualifying entity, an electing pass- 98901
through entity, or an employer files what purports to be a 98902
return required by this chapter that does not contain 98903
information upon which the substantial correctness of the return 98904
may be judged or contains information that on its face indicates 98905
that the return is substantially incorrect, and the filing of 98906
the return in that manner is due to a position that is frivolous 98907
or a desire that is apparent from the return to delay or impede 98908
the administration of the tax levied by section 5733.41, 98909
5747.02, 5747.38, or 5747.41, or Chapter 5748. of the Revised 98910
Code, a penalty of up to five hundred dollars may be imposed. 98911

(6) If a taxpayer, a qualifying entity, or an electing 98912
pass-through entity makes a fraudulent attempt to evade the 98913

reporting or payment of the tax required to be shown on any 98914
return required under this chapter, a penalty may be imposed not 98915
exceeding the greater of one thousand dollars or one hundred per 98916
cent of the tax required to be shown on the return. 98917

(7) If any person makes a false or fraudulent claim for a 98918
refund under this chapter, a penalty may be imposed not 98919
exceeding the greater of one thousand dollars or one hundred per 98920
cent of the claim. The penalty imposed under division (A) (7) of 98921
this section, any refund issued on the claim, and interest on 98922
any refund from the date of the refund, may be assessed under 98923
section 5747.13 of the Revised Code as tax, penalty, or interest 98924
imposed under section 5733.41, 5747.02, 5747.38, or 5747.41 of 98925
the Revised Code, without regard to whether the person making 98926
the claim is otherwise subject to the provisions of this chapter 98927
or Chapter 5733. of the Revised Code, and without regard to any 98928
time limitation for the assessment imposed by division (A) of 98929
section 5747.13 of the Revised Code. 98930

(B) For purposes of this section, the taxes required to be 98931
shown on the return shall be reduced by the amount of any part 98932
of the taxes paid on or before the date, including any 98933
extensions of the date, prescribed for filing the return. 98934

(C) Any penalty imposed under this section shall be in 98935
addition to all other penalties imposed under this section. ~~All~~ 98936
~~or part of any penalty imposed under this section may be abated~~ 98937
~~by the commissioner. All or part of any penalty imposed under~~ 98938
~~this section may be abated by the commissioner if the taxpayer,~~ 98939
~~qualifying entity, electing pass-through entity, or employer~~ 98940
~~shows that the failure to comply with the provisions of this~~ 98941
~~chapter is due to reasonable cause and not willful neglect.~~ 98942

Sec. 5747.40. Any term used in sections 5747.40 to 5747.43 98943

of the Revised Code has the same meaning as defined in section 98944
5733.40 of the Revised Code. 98945

The purpose of sections 5747.40 to 5747.43 of the Revised 98946
Code is to complement and to reinforce the tax levied under 98947
section 5747.02 of the Revised Code. Those sections do not apply 98948
to a pass-through entity if all of the investors of the pass- 98949
through entity are resident taxpayers for the purposes of this 98950
chapter for the entire qualifying taxable year of the pass- 98951
through entity, or to a trust if all of the beneficiaries of the 98952
trust are resident taxpayers for the purposes of this chapter 98953
for the entire qualifying taxable year of the trust, except that 98954
sections 5747.42 and 5747.43 of the Revised Code apply to all 98955
pass-through entities that elect to be subject to the tax levied 98956
under section 5747.38 of the Revised Code. 98957

Sec. 5747.42. (A) In addition to the other returns 98958
required to be filed and other remittances required to be made 98959
pursuant to this chapter, every qualifying entity or electing 98960
pass-through entity that is subject to the tax imposed by 98961
section 5733.41, 5747.38, or 5747.41 of the Revised Code shall 98962
file an annual return as follows: 98963

(1) For a qualifying entity, on or before the fifteenth 98964
day of the fourth month following the end of the entity's 98965
qualifying taxable year; 98966

(2) For an electing pass-through entity, on or before the 98967
fifteenth day of April following the end of the entity's taxable 98968
year that ends in the preceding calendar year. 98969

Each entity shall also remit to the tax commissioner, with 98970
the remittance made payable to the treasurer of state, the 98971
amount of the taxes shown to be due on the return, less the 98972

amount paid for the taxable year on a declaration of estimated 98973
tax report filed by the taxpayer as provided by section 5747.43 98974
of the Revised Code. Remittance shall be made in the form 98975
prescribed by the tax commissioner, including electronically if 98976
required by section 5747.44 of the Revised Code. 98977

A domestic qualifying entity shall not dissolve, and a 98978
foreign qualifying entity shall not withdraw or retire from 98979
business in this state, without filing the tax returns and 98980
paying the taxes charged for the year in which such dissolution 98981
or withdrawal occurs. 98982

(B) The tax commissioner shall furnish qualifying entities 98983
or electing pass-through entities, upon request, copies of the 98984
forms prescribed by the commissioner for the purpose of making 98985
the returns required by sections 5747.42 to 5747.453 of the 98986
Revised Code. 98987

(C) The annual return required by this section shall be 98988
signed by the applicable entity's trustee or other fiduciary, or 98989
president, vice-president, secretary, treasurer, general 98990
manager, general partner, superintendent, or managing agent in 98991
this state. The annual return shall contain the facts, figures, 98992
computations, and attachments that result in the tax charged by 98993
section 5733.41, 5747.38, or 5747.41 of the Revised Code. Each 98994
entity also shall file with its annual return all of the 98995
following: 98996

(1) In the case of the tax charged by section 5733.41 or 98997
5747.41 of the Revised Code, the full name and address of each 98998
qualifying investor or qualifying beneficiary unless the 98999
qualifying entity submits such information in accordance with 99000
division (D) of this section; 99001

(2) In the case of the tax charged by section 5733.41 or 5747.41 of the Revised Code, the social security number, federal employer identification number, or other identifying number of each qualifying investor or qualifying beneficiary, unless the taxpayer submits that information in accordance with division (D) of this section;

(3) In the case of the tax charged by section 5747.38 of the Revised Code, the full name and address and the social security number, federal employer identification number, or other identifying number of each owner of the electing pass-through entity, unless the entity submits such information in accordance with division (D) of this section;

(4) The amount of tax imposed by sections 5733.41 and 5747.41 or by section 5747.38 of the Revised Code, and the amount of the tax paid by the entity, for the applicable taxable year covered by the annual return;

(5) The amount of tax imposed by sections 5733.41 and 5747.41 or by section 5747.38 of the Revised Code that is attributable to each qualifying investor, qualifying beneficiary, or owner, as applicable, unless the entity submits this information in accordance with division (D) of this section.

(D) On the date the annual return is due, including extensions of time, if any, the applicable entity may be required ~~by rule~~ to transmit electronically or by magnetic media the information set forth in division (C) of this section. The tax commissioner may adopt rules governing the format for the transmission of such information. The tax commissioner may exempt an entity or a class of entities from the requirements imposed by this division.

(E) Upon good cause shown, the tax commissioner may extend 99032
the period for filing any return required to be filed under this 99033
section or section 5747.43 or 5747.44 of the Revised Code and 99034
for transmitting any information required to be transmitted 99035
under those sections. The tax commissioner may adopt rules 99036
relating to extensions of time to file and to transmit. At the 99037
time an entity pays any tax imposed under section 5733.41, 99038
5747.38, or 5747.41 of the Revised Code or estimated tax as 99039
required under section 5747.43 of the Revised Code, the entity 99040
also shall pay interest computed at the rate per annum 99041
prescribed by section 5703.47 of the Revised Code on that tax or 99042
estimated tax, from the time the tax or estimated tax originally 99043
was required to be paid, without consideration of any filing 99044
extensions, to the time of actual payment. Nothing in this 99045
division shall be construed to abate, modify, or limit the 99046
imposition of any penalties imposed for the failure to timely 99047
pay taxes under this chapter or Chapter 5733. of the Revised 99048
Code without consideration of any filing extensions. 99049

Sec. 5747.43. (A) As used in this section: 99050

(1) "Estimated taxes" means the amount that a qualifying 99051
entity or electing pass-through entity estimates to be the sum 99052
of its liability under sections 5733.41 and 5747.41 or section 99053
5747.38 of the Revised Code for its current qualifying taxable 99054
year or taxable year, as applicable. 99055

(2) "Tax liability" means the total of the taxes and 99056
withholding taxes due under sections 5733.41 and 5747.41 of the 99057
Revised Code or the tax due under section 5747.38 of the Revised 99058
Code for the applicable taxable year prior to applying any 99059
estimated tax payment or refund from another year. 99060

(3) "Taxes paid" includes payments of estimated taxes made 99061

under division (C) of this section and tax refunds applied by 99062
the qualifying entity or electing pass-through entity in payment 99063
of estimated taxes. 99064

(4) "Required installment" means a payment equal to 99065
twenty-five per cent of the lesser of the following: 99066

(a) Ninety per cent of the tax liability for the 99067
qualifying taxable year; 99068

(b) One hundred per cent of the tax liability shown on the 99069
return of a qualifying entity or an electing pass-through entity 99070
for the preceding taxable year. 99071

Division (A) (4) (b) of this section applies only if the 99072
entity filed a return under section 5747.42 of the Revised Code 99073
for the preceding taxable year and if the preceding taxable year 99074
was a twelve-month taxable year. 99075

(B) In addition to the return required to be filed 99076
pursuant to section 5747.42 of the Revised Code, each qualifying 99077
entity or electing pass-through entity that is subject to the 99078
tax imposed under section 5733.41 and to the withholding tax 99079
imposed by section 5747.41 of the Revised Code or that is 99080
subject to the tax imposed under section 5747.38 of the Revised 99081
Code shall file an estimated tax return and pay a portion of the 99082
entity's tax liability for its taxable year. The portion of 99083
those taxes required to be paid, and the last day prescribed for 99084
payment thereof, shall be as prescribed by divisions (B) (1), 99085
(2), (3), and (4) of this section: 99086

(1) On or before the fifteenth day of the fourth month 99087
~~following after the last day of the first quarter of beginning~~ 99088
of the entity's taxable year, twenty-two and one-half per cent 99089
of the entity's estimated tax liability for that taxable year; 99090

(2) On or before the fifteenth day of the sixth month 99091
~~following after the last day of the second quarter of beginning~~ 99092
of the entity's taxable year, forty-five per cent of the 99093
entity's estimated tax liability for that taxable year; 99094

(3) On or before the fifteenth day of the ninth month 99095
~~following after the last day of the third quarter of beginning~~ 99096
of the entity's taxable year, sixty-seven and one-half per cent 99097
of the entity's estimated tax liability for that taxable year; 99098

(4) On or before the fifteenth day of the first month 99099
~~following of the last day of the fourth quarter of the entity's~~ 99100
following taxable year, ninety per cent of the entity's 99101
estimated tax liability for that taxable year. 99102

Payments of estimated taxes shall be made payable to the 99103
treasurer of state. 99104

(C) If a payment of estimated taxes is not paid in the 99105
full amount required under division (B) of this section, a 99106
penalty ~~shall~~ may be added to the taxes charged for the 99107
qualifying taxable year or taxable year, as applicable, unless 99108
the underpayment is due to reasonable cause as described in 99109
division (D) of this section. The penalty shall accrue at the 99110
rate per annum prescribed by section 5703.47 of the Revised Code 99111
upon the amount of underpayment from the day the estimated 99112
payment was required to be made to the day the payment is made. 99113

The amount of the underpayment upon which the penalty 99114
shall accrue shall be determined as follows: 99115

(1) For the first payment of estimated taxes each year, 99116
the required installment less the amount of taxes paid by the 99117
date prescribed for that payment; 99118

(2) For the second payment of estimated taxes each year, 99119

the required installment less the amount of taxes paid by the 99120
date prescribed for that payment; 99121

(3) For the third payment of estimated taxes each year, 99122
the required installment less the amount of taxes paid by the 99123
date prescribed for that payment; 99124

(4) For the fourth payment of estimated taxes each year, 99125
the required installment less the amount of taxes paid by the 99126
date prescribed for that payment. 99127

For the purposes of this section, a payment of estimated 99128
taxes on or before any payment date shall be considered a 99129
payment of a previous underpayment only to the extent the 99130
payment of estimated taxes exceeds the amount of the payment 99131
presently required to be paid to avoid any penalty. 99132

The tax commissioner may abate, in whole or in part, the 99133
penalty imposed under division (C) of this section. Any such 99134
penalty is in lieu of any other interest charge or penalty 99135
imposed for failure to file a declaration of estimated tax 99136
report and make estimated payments as required by this section. 99137

(D) An underpayment of estimated taxes determined under 99138
division (C) of this section is due to reasonable cause if any 99139
of the following apply: 99140

(1) The amount of tax that was paid equals at least ninety 99141
per cent of the tax liability for the current taxable year, 99142
determined by annualizing the income received during that year 99143
up to the end of the month immediately preceding the month in 99144
which the payment is due; 99145

(2) The amount of tax liability that was paid equals at 99146
least ninety per cent of the tax liability for the current 99147
taxable year; 99148

(3) The amount of tax liability that was paid equals at 99149
least one hundred per cent of the tax liability shown on the 99150
return of the entity for the preceding taxable year, provided 99151
that the immediately preceding taxable year reflected a period 99152
of twelve months and the entity filed a return under section 99153
5747.42 of the Revised Code for that year. 99154

(E) (1) Divisions (B) and (C) of this section do not apply 99155
for a taxable year if either of the following applies to the 99156
entity: 99157

(a) For the immediately preceding taxable year, the entity 99158
computes in good faith and in a reasonable manner that the sum 99159
of its adjusted qualifying amounts or its qualifying taxable 99160
income, as applicable, is ten thousand dollars or less. 99161

(b) For the taxable year the entity computes in good faith 99162
and in a reasonable manner that the sum of its adjusted 99163
qualifying amounts or its qualifying taxable income, as 99164
applicable, is ten thousand dollars or less. 99165

(2) Notwithstanding any other provision of Title LVII of 99166
the Revised Code to the contrary, the entity shall establish by 99167
a preponderance of the evidence that its computation of the 99168
adjusted qualifying amounts or qualifying taxable income, as 99169
applicable, for the immediately preceding taxable year and the 99170
taxable year was, in fact, made in good faith and in a 99171
reasonable manner. 99172

(F) The tax commissioner may waive the requirement for 99173
filing a declaration of estimated taxes for any class of 99174
qualifying entities if the commissioner finds the waiver is 99175
reasonable and proper in view of administrative costs and other 99176
factors. 99177

(G) Estimated taxes paid by a qualifying entity or an 99178
electing pass-through entity may be applied to satisfy the 99179
entity's tax liability under section 5733.41, 5747.38, or 99180
5747.41 of the Revised Code. Nothing in this section authorizes 99181
such an entity to apply estimated taxes paid against more than 99182
one tax. 99183

Sec. 5747.44. (A) If a qualifying entity's or an electing 99184
pass-through entity's total liability for taxes imposed under 99185
sections 5733.41 and 5747.41 or under section 5747.38 of the 99186
Revised Code exceeds one hundred eighty thousand dollars for the 99187
second preceding taxable year or qualifying taxable year, as 99188
applicable, the entity shall make all payments required under 99189
sections 5747.42 and 5747.43 or under section 5747.38 of the 99190
Revised Code electronically in the manner prescribed by the tax 99191
commissioner. 99192

The tax commissioner shall notify each qualifying entity 99193
and electing pass-through entity required to remit taxes 99194
electronically of the entity's obligation to do so. Failure by 99195
the commissioner to notify an entity subject to this section to 99196
remit taxes electronically does not relieve the entity of its 99197
obligation to remit taxes in that manner. 99198

(B) Except as otherwise provided in this division, the 99199
payment of taxes electronically does not affect a qualifying 99200
entity's or an electing pass-through entity's obligation to file 99201
the returns required under sections 5747.42 and 5747.43 of the 99202
Revised Code. 99203

(C) A qualifying entity or an electing pass-through entity 99204
required by this section to remit taxes electronically may apply 99205
to the tax commissioner in the manner prescribed by the 99206
commissioner to be excused from that requirement. The 99207

commissioner may excuse the entity from electronic remittance 99208
for good cause shown for the period of time requested by the 99209
entity or for a portion of that period. The commissioner shall 99210
notify the entity of the commissioner's decision as soon as is 99211
practicable. 99212

(D) If a qualifying entity or an electing pass-through 99213
entity required by this section to remit taxes electronically 99214
remits those taxes by some means other than electronically as 99215
prescribed by this section, and the tax commissioner determines 99216
that such failure was not due to reasonable cause or was due to 99217
willful neglect, the commissioner may collect an additional 99218
charge by assessment in the manner prescribed by section 5747.13 99219
of the Revised Code. The additional charge shall equal five per 99220
cent of the amount of the taxes required to be paid 99221
electronically, but shall not exceed five thousand dollars. Any 99222
additional charge assessed under this section is in addition to 99223
any other penalty or charge imposed under this chapter or 99224
Chapter 5733. of the Revised Code, and shall be considered as 99225
revenue arising from the taxes imposed under sections 5733.41 99226
and 5747.41 or under section 5747.38 of the Revised Code. ~~The~~ 99227
~~commissioner may remit all or a portion of such a charge and may~~ 99228
~~adopt rules governing such remission.~~ 99229

No additional charge shall be assessed under this division 99230
against a qualifying entity or an electing pass-through entity 99231
that has been notified of its obligation to remit taxes 99232
electronically under this section and that remits its first two 99233
tax payments after such notification by some other means. The 99234
additional charge may be assessed upon the remittance of any 99235
subsequent tax payment that the entity remits by some means 99236
other than electronically. 99237

Sec. 5747.761. (A) As used in this section, "certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.312 of the Revised Code. 99238
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(B) There is allowed a refundable credit against an individual's aggregate tax liability under section 5747.02 of the Revised Code for an individual that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.312 of the Revised Code. The credit shall equal twenty-five per cent of the amount of qualified rehabilitation expenditures indicated on the certificate. The credit shall be claimed for the taxable year specified in the certificate and in the order required under section 5747.98 of the Revised Code. 99241
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(C) If the credit allowed for any taxable year exceeds the aggregate amount of tax otherwise due under section 5747.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by section 5747.98 of the Revised Code, the excess shall be refunded to the taxpayer. 99250
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(D) An individual claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the taxable year to which the credit was applied and shall make the certificate available for inspection by the tax commissioner upon the request of the commissioner during that period. 99255
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Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order: 99261
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Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement 99265
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income credits under divisions (C), (D), and (E) of that	99267
section;	99268
Either the senior citizen credit under division (F) of	99269
section 5747.055 of the Revised Code or the lump sum	99270
distribution credit under division (G) of that section;	99271
The dependent care credit under section 5747.054 of the	99272
Revised Code;	99273
The credit for displaced workers who pay for job training	99274
under section 5747.27 of the Revised Code;	99275
The campaign contribution credit under section 5747.29 of	99276
the Revised Code;	99277
The twenty-dollar personal exemption credit under section	99278
5747.022 of the Revised Code;	99279
The joint filing credit under division (G) <u>(E)</u> of section	99280
5747.05 of the Revised Code;	99281
The earned income credit under section 5747.71 of the	99282
Revised Code;	99283
The nonrefundable credit for education expenses under	99284
section 5747.72 of the Revised Code;	99285
The nonrefundable credit for donations to scholarship	99286
granting organizations under section 5747.73 of the Revised	99287
Code;	99288
The nonrefundable credit for tuition paid to a	99289
nonchartered nonpublic school under section 5747.75 of the	99290
Revised Code;	99291
The nonrefundable vocational job credit under section	99292
5747.057 of the Revised Code;	99293

The nonrefundable job retention credit under division (B)	99294
of section 5747.058 of the Revised Code;	99295
The enterprise zone credit under section 5709.66 of the	99296
Revised Code;	99297
The credit for beginning farmers who participate in a	99298
financial management program under division (B) of section	99299
5747.77 of the Revised Code;	99300
The credit for commercial vehicle operator training	99301
expenses under section 5747.82 of the Revised Code;	99302
The nonrefundable welcome home Ohio (WHO) program credit	99303
under section 122.633 of the Revised Code;	99304
The credit for selling or renting agricultural assets to	99305
beginning farmers under division (A) of section 5747.77 of the	99306
Revised Code;	99307
The credit for purchases of qualifying grape production	99308
property under section 5747.28 of the Revised Code;	99309
The small business investment credit under section 5747.81	99310
of the Revised Code;	99311
The nonrefundable lead abatement credit under section	99312
5747.26 of the Revised Code;	99313
The opportunity zone investment credit under section	99314
5747.86 of the Revised Code;	99315
The enterprise zone credits under section 5709.65 of the	99316
Revised Code;	99317
The research and development credit under section 5747.331	99318
of the Revised Code;	99319
The credit for rehabilitating a historic building under	99320

section 5747.76 of the Revised Code;	99321
The nonrefundable Ohio low-income housing tax credit under	99322
section 5747.83 of the Revised Code;	99323
The nonrefundable affordable single-family home credit	99324
under section 5747.84 of the Revised Code;	99325
The nonresident credit under division (A) of section	99326
5747.05 of the Revised Code;	99327
The credit for a resident's out-of-state income under	99328
division (B) of section 5747.05 of the Revised Code;	99329
The refundable motion picture and Broadway theatrical	99330
production credit under section 5747.66 of the Revised Code;	99331
The refundable credit for film and theater capital	99332
improvement projects under section 5747.67 of the Revised Code;	99333
The refundable jobs creation credit or job retention	99334
credit under division (A) of section 5747.058 of the Revised	99335
Code;	99336
The refundable credit for taxes paid by a qualifying	99337
entity granted under section 5747.059 of the Revised Code;	99338
The refundable credits for taxes paid by a qualifying	99339
pass-through entity granted under division (I) of section	99340
5747.08 of the Revised Code;	99341
The refundable credit under section 5747.80 of the Revised	99342
Code for losses on loans made to the Ohio venture capital	99343
program under sections 150.01 to 150.10 of the Revised Code;	99344
The refundable credit for rehabilitating a historic	99345
building under section 5747.76 of the Revised Code;	99346
The refundable credit under section 5747.39 of the Revised	99347

Code for taxes levied under section 5747.38 of the Revised Code 99348
paid by an electing pass-through entity; 99349

The refundable credit for qualifying dependents under 99350
section 5747.051 of the Revised Code; 99351

The refundable credit for rehabilitating a historic owner- 99352
occupied residential property under section 5747.761 of the 99353
Revised Code. 99354

(B) For any credit, except the refundable credits 99355
enumerated in this section and the credit granted under division 99356
(H) of section 5747.08 of the Revised Code, the amount of the 99357
credit for a taxable year shall not exceed the taxpayer's 99358
aggregate amount of tax due under section 5747.02 of the Revised 99359
Code, after allowing for any other credit that precedes it in 99360
the order required under this section. Any excess amount of a 99361
particular credit may be carried forward if authorized under the 99362
section creating that credit. Nothing in this chapter shall be 99363
construed to allow a taxpayer to claim, directly or indirectly, 99364
a credit more than once for a taxable year. 99365

Sec. 5748.01. As used in this chapter: 99366

(A) "School district income tax" means an income tax 99367
adopted under one of the following: 99368

(1) Former section 5748.03 of the Revised Code as it 99369
existed prior to its repeal by Amended Substitute House Bill No. 99370
291 of the 115th general assembly; 99371

(2) Section 5748.03 of the Revised Code as enacted in 99372
Substitute Senate Bill No. 28 of the 118th general assembly; 99373

(3) Section 5748.08 of the Revised Code as enacted in 99374
Amended Substitute Senate Bill No. 17 of the 122nd general 99375

assembly; 99376

(4) Section 5748.021 of the Revised Code; 99377

(5) Section 5748.081 of the Revised Code; 99378

(6) Section 5748.09 of the Revised Code. 99379

(B) "Individual" means an individual subject to the tax 99380
levied by section 5747.02 of the Revised Code. 99381

(C) ~~"Estate" means an estate subject to the tax levied by~~ 99382
~~section 5747.02 of the Revised Code.~~ "The county auditor's 99383
appraised value" and "estimated effective rate" have the same 99384
meanings as in section 5705.01 of the Revised Code. 99385

(D) "Taxable year" means a taxable year as defined in 99386
division (M) of section 5747.01 of the Revised Code. 99387

(E) "Taxable income" means: 99388

~~(1) In the case of an individual,~~ one of the following, as 99389
specified in the resolution imposing the tax: 99390

~~(a)~~ (1) Modified adjusted gross income for the taxable 99391
year, as defined in section 5747.01 of the Revised Code, less 99392
the exemptions provided by section 5747.02 of the Revised Code; 99393

~~(b)~~ (2) Wages, salaries, tips, and other employee 99394
compensation to the extent included in modified adjusted gross 99395
income as defined in section 5747.01 of the Revised Code, and 99396
net earnings from self-employment, as defined in section 1402(a) 99397
of the Internal Revenue Code, to the extent included in modified 99398
adjusted gross income. 99399

~~(2) In the case of an estate, taxable income for the~~ 99400
~~taxable year as defined in division (S) of section 5747.01 of~~ 99401
~~the Revised Code.~~ 99402

(F) "Resident" of the school district means:	99403
(1) An <u>an</u> individual who is a resident of this state as	99404
defined in division (I) of section 5747.01 of the Revised Code	99405
during all or a portion of the taxable year and who, during all	99406
or a portion of such period of state residency, is domiciled in	99407
the school district or lives in and maintains a permanent place	99408
of abode in the school district.	99409
(2) An estate of a decedent who, at the time of death, was	99410
domiciled in the school district.	99411
(G) "School district income" means:	99412
(1) With respect to an individual, the portion of the	99413
taxable income of an individual that is received by the	99414
individual during the portion of the taxable year that the	99415
individual is a resident of the school district and the school	99416
district income tax is in effect in that school district. An	99417
individual may have school district income with respect to more	99418
than one school district.	99419
(2) With respect to an estate, the taxable income of the	99420
estate for the portion of the taxable year that the school	99421
district income tax is in effect in that school district.	99422
(H) "Taxpayer" means an individual or estate having school	99423
district income upon which a school district income tax is	99424
imposed.	99425
(I) "School district purposes" means any of the purposes	99426
for which a tax may be levied pursuant to division (A) of	99427
section 5705.21 of the Revised Code, including the combined	99428
purposes authorized by section 5705.217 of the Revised Code.	99429
(J) "The county auditor's appraised value" and "estimated	99430

~~effective rate" have the same meanings as in section 5705.01 of~~ 99431
~~the Revised Code.~~ 99432

Sec. 5748.02. (A) The board of education of any school 99433
district, except a joint vocational school district, may 99434
declare, by resolution, the necessity of raising annually a 99435
specified amount of money for school district purposes. The 99436
resolution shall specify whether the income that is to be 99437
subject to the tax is taxable income ~~of individuals and estates~~ 99438
as defined in ~~divisions (E) (1) (a) and~~ division (E) (1) or (2) of 99439
section 5748.01 of the Revised Code ~~or taxable income of~~ 99440
~~individuals as defined in division (E) (1) (b) of that section.~~ 99441
A copy of the resolution shall be certified to the tax 99442
commissioner no later than one hundred days prior to the date of 99443
the election at which the board intends to propose a levy under 99444
this section. Upon receipt of the copy of the resolution, the 99445
tax commissioner shall estimate both of the following: 99446

(1) The property tax rate that would have to be imposed in 99447
the current year by the district to produce an equivalent amount 99448
of money; 99449

(2) The income tax rate that would have had to have been 99450
in effect for the current year to produce an equivalent amount 99451
of money from a school district income tax. 99452

Within ten days of receiving the copy of the board's 99453
resolution, the commissioner shall prepare these estimates and 99454
certify them to the board. Upon receipt of the certification, 99455
the board may adopt a resolution proposing an income tax under 99456
division (B) of this section at the estimated rate contained in 99457
the certification rounded to the nearest one-fourth of one per 99458
cent. The commissioner's certification applies only to the 99459
board's proposal to levy an income tax at the election for which 99460

the board requested the certification. If the board intends to 99461
submit a proposal to levy an income tax at any other election, 99462
it shall request another certification for that election in the 99463
manner prescribed in this division. 99464

(B) (1) Upon the receipt of a certification from the tax 99465
commissioner under division (A) of this section, a majority of 99466
the members of a board of education may adopt a resolution 99467
proposing the levy of an annual tax for school district purposes 99468
on school district income. The proposed levy may be for a 99469
continuing period of time or for a specified number of years. 99470
The resolution shall set forth the purpose for which the tax is 99471
to be imposed, the rate of the tax, which shall be the rate set 99472
forth in the commissioner's certification rounded to the nearest 99473
one-fourth of one per cent, the number of years the tax will be 99474
levied or that it will be levied for a continuing period of 99475
time, the date on which the tax shall take effect, which shall 99476
be the first day of January of any year following the year in 99477
which the question is submitted, and the date of the election at 99478
which the proposal shall be submitted to the electors of the 99479
district, which shall be on the date of a primary, general, or 99480
special election the date of which is consistent with section 99481
3501.01 of the Revised Code. The resolution shall specify 99482
whether the income that is to be subject to the tax is taxable 99483
~~income of individuals and estates as defined in divisions (E) (1)~~ 99484
~~(a) and division (E) (1) or (2) of section 5748.01 of the Revised~~ 99485
~~Code or taxable income of individuals as defined in division (E)~~ 99486
~~(1) (b) of that section.~~ The specification shall be the same as 99487
the specification in the resolution adopted and certified under 99488
division (A) of this section. 99489

If the tax is to be levied for current expenses and 99490
permanent improvements, the resolution shall apportion the 99491

annual rate of the tax. The apportionment may be the same or 99492
different for each year the tax is levied, but the respective 99493
portions of the rate actually levied each year for current 99494
expenses and for permanent improvements shall be limited by the 99495
apportionment. 99496

If the board of education currently imposes an income tax 99497
pursuant to this chapter that is due to expire and a question is 99498
submitted under this section for a proposed income tax to take 99499
effect upon the expiration of the existing tax, the board may 99500
specify in the resolution that the proposed tax renews the 99501
expiring tax. Two or more expiring income taxes may be renewed 99502
under this paragraph if the taxes are due to expire on the same 99503
date. If the tax rate being proposed is no higher than the total 99504
tax rate imposed by the expiring tax or taxes, the resolution 99505
may state that the proposed tax is not an additional income tax. 99506

(2) A board of education adopting a resolution under 99507
division (B)(1) of this section proposing a school district 99508
income tax for a continuing period of time and limited to the 99509
purpose of current expenses may propose in that resolution to 99510
reduce the rate or rates of one or more of the school district's 99511
property taxes levied for a continuing period of time in excess 99512
of the ten-mill limitation for the purpose of current expenses. 99513
The reduction in the rate of a property tax may be any amount, 99514
not exceeding the rate at which the tax is authorized to be 99515
levied. The reduction in the rate of a tax shall first take 99516
effect for the tax year that includes the day on which the 99517
school district income tax first takes effect, and shall 99518
continue for each tax year that both the school district income 99519
tax and the property tax levy are in effect. 99520

In addition to the matters required to be set forth in the 99521

resolution under division (B) (1) of this section, a resolution 99522
containing a proposal to reduce the rate of one or more property 99523
taxes shall state for each such tax the maximum rate at which it 99524
currently may be levied and the maximum rate at which the tax 99525
could be levied after the proposed reduction, expressed in mills 99526
for each one dollar of taxable value, and that the tax is levied 99527
for a continuing period of time. 99528

A board proposing to reduce the rate of one or more 99529
property taxes under division (B) (2) of this section shall 99530
comply with division (B) of section 5705.03 of the Revised Code. 99531
In addition to the amounts required in division (B) (2) of that 99532
section, the county auditor shall certify to the board the 99533
levy's effective rate for both the last year before the levy's 99534
proposed reduction and the first year that the reduction 99535
applies, both expressed in dollars for each one hundred thousand 99536
dollars of the county auditor's appraised value. 99537

If a board of education proposes to reduce the rate of one 99538
or more property taxes under division (B) (2) of this section, 99539
the board, when it makes the certification required under 99540
division (A) of this section, shall designate the specific levy 99541
or levies to be reduced, the maximum rate at which each levy 99542
currently is authorized to be levied, and the rate by which each 99543
levy is proposed to be reduced. The tax commissioner, when 99544
making the certification to the board under division (A) of this 99545
section, also shall certify the reduction in the total effective 99546
tax rate for current expenses for each class of property that 99547
would have resulted if the proposed reduction in the rate or 99548
rates had been in effect the previous tax year. As used in this 99549
paragraph, "effective tax rate" has the same meaning as in 99550
section 323.08 of the Revised Code. 99551

(C) A resolution adopted under division (B) of this 99552
section shall go into immediate effect upon its passage, and no 99553
publication of the resolution shall be necessary other than that 99554
provided for in the notice of election. Immediately after its 99555
adoption and at least ninety days prior to the election at which 99556
the question will appear on the ballot, a copy of the resolution 99557
and, if applicable, the county auditor's certifications under 99558
section 5705.03 of the Revised Code shall be certified to the 99559
board of elections of the proper county, which shall submit the 99560
proposal to the electors on the date specified in the 99561
resolution. The board of education shall send to the tax 99562
commissioner a copy of the resolution certified to the board of 99563
elections. The form of the ballot shall be as provided in 99564
section 5748.03 of the Revised Code. Publication of notice of 99565
the election shall be made in a newspaper of general circulation 99566
in the county once a week for two consecutive weeks, or as 99567
provided in section 7.16 of the Revised Code, prior to the 99568
election. If the board of elections operates and maintains a web 99569
site, the board of elections shall post notice of the election 99570
on its web site for thirty days prior to the election. The 99571
notice shall contain the time and place of the election and the 99572
question to be submitted to the electors. The question covered 99573
by the resolution shall be submitted as a separate proposition, 99574
but may be printed on the same ballot with any other proposition 99575
submitted at the same election, other than the election of 99576
officers. 99577

(D) No board of education shall submit the question of a 99578
tax on school district income to the electors of the district 99579
more than twice in any calendar year. If a board submits the 99580
question twice in any calendar year, one of the elections on the 99581
question shall be held on the date of the general election. 99582

(E) (1) No board of education may submit to the electors of the district the question of a tax on school district income on ~~the taxable income of individuals as defined in division (E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on ~~the taxable income of individuals and estates as defined in divisions (E) (1) (a) and (2)~~ division (E) (1) of that section.

(2) No board of education may submit to the electors of the district the question of a tax on school district income on ~~the taxable income of individuals and estates as defined in divisions (E) (1) (a) and (2)~~ division (E) (1) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on ~~the taxable income of individuals as defined in division (E) (1) (b)~~ (E) (2) of that section.

Sec. 5748.021. A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals ~~and estates as defined in divisions (G) and (E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on ~~the school district income of individuals as defined in divisions (G) (1) (G) and (E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. The specified amount of money to be raised annually may be the same as, or more or less than, the amount of money raised annually by the existing tax.

The board shall certify a copy of the resolution to the tax commissioner not later than the eighty-fifth day before the date of the election at which the board intends to propose the

replacement to the electors of the school district. Not later 99613
than the tenth day after receiving the resolution, the tax 99614
commissioner shall estimate the tax rate that would be required 99615
in the school district annually to raise the amount of money 99616
specified in the resolution. The tax commissioner shall certify 99617
the estimate to the board. 99618

Upon receipt of the tax commissioner's estimate, the board 99619
may propose, by a resolution adopted by a majority of its 99620
members, to replace the existing tax on ~~the~~ school district 99621
income ~~of individuals and estates~~ as defined in divisions (G) 99622
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 99623
Code with the levy of an annual tax on ~~the~~ school district 99624
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. In the 99625
resolution, the board shall specify the rate of the replacement 99626
tax, whether the replacement tax is to be levied for a specified 99627
number of years or for a continuing time, the specific school 99628
district purposes for which the replacement tax is to be levied, 99629
the date on which the replacement tax will begin to be levied, 99630
the date of the election at which the question of the 99631
replacement is to be submitted to the electors of the school 99632
district, that the existing tax will cease to be levied and the 99633
replacement tax will begin to be levied if the replacement is 99634
approved by a majority of the electors voting on the 99635
replacement, and that if the replacement is not approved by a 99636
majority of the electors voting on the replacement the existing 99637
tax will remain in effect under its original authority for the 99638
remainder of its previously approved term. The resolution goes 99639
into immediate effect upon its adoption. Publication of the 99640
resolution is not necessary, and the information that will be 99641
provided in the notice of election is sufficient notice. At 99642
99643

least seventy-five days before the date of the election at which 99644
the question of the replacement will be submitted to the 99645
electors of the school district, the board shall certify a copy 99646
of the resolution to the board of elections. The board of 99647
education shall send to the tax commissioner a copy of the 99648
resolution certified to the board of elections. 99649

The replacement tax shall have the same specific school 99650
district purposes as the existing tax, and its rate shall be the 99651
same as the tax commissioner's estimate rounded to the nearest 99652
one-fourth of one per cent. The replacement tax shall begin to 99653
be levied on the first day of January of the year following the 99654
year in which the question of the replacement is submitted to 99655
and approved by the electors of the school district or on the 99656
first day of January of a later year, as specified in the 99657
resolution. The date of the election shall be the date of an 99658
otherwise scheduled primary, general, or special election. 99659

The board of elections shall make arrangements to submit 99660
the question of the replacement to the electors of the school 99661
district on the date specified in the resolution. The board of 99662
elections shall publish notice of the election on the question 99663
of the replacement in one newspaper of general circulation in 99664
the school district once a week for four consecutive weeks or as 99665
provided in section 7.16 of the Revised Code. The notice shall 99666
set forth the question to be submitted to the electors and the 99667
time and place of the election thereon. 99668

The question shall be submitted to the electors of the 99669
school district as a separate proposition, but may be printed on 99670
the same ballot with other propositions that are submitted at 99671
the same election, other than the election of officers. The form 99672
of the ballot shall be substantially as follows: 99673

"Shall the existing tax of _____ (state the rate) on the school district income of individuals ~~and estates~~ imposed by _____ (state the name of the school district) be replaced by a tax of _____ (state the rate) on the earned income of individuals residing in the school district for _____ (state the number of years the tax is to be in effect or that it will be in effect for a continuing time), beginning _____ (state the date the new tax will take effect), for the purpose of _____ (state the specific school district purposes of the tax)? If the new tax is not approved, the existing tax will remain in effect under its original authority, for the remainder of its previously approved term.

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

The board of elections shall conduct and canvass the election in the same manner as regular elections in the school district for the election of county officers. The board shall certify the results of the election to the board of education and to the tax commissioner. If a majority of the electors voting on the question vote in favor of the replacement, the existing tax shall cease to be levied, and the replacement tax shall begin to be levied, on the date specified in the ballot question. If a majority of the electors voting on the question vote against the replacement, the existing tax shall continue to be levied under its original authority, for the remainder of its previously approved term.

A board of education may not submit the question of replacing a tax more than twice in a calendar year. If a board

submits the question more than once, one of the elections at 99701
which the question is submitted shall be on the date of a 99702
general election. 99703

If a board of education later intends to renew a 99704
replacement tax levied under this section, it shall repeat the 99705
procedure outlined in this section to do so, the replacement tax 99706
then being levied being the "existing tax" and the renewed 99707
replacement tax being the "replacement tax." 99708

Sec. 5748.03. (A) The form of the ballot on a question 99709
submitted to the electors under section 5748.02 of the Revised 99710
Code shall be as follows: 99711

"Shall an annual income tax of _____ (state the proposed 99712
rate of tax) on the school district income of individuals ~~and of~~ 99713
~~estates~~ be imposed by _____ (state the name of the school 99714
district), for _____ (state the number of years the tax would 99715
be levied, or that it would be levied for a continuing period of 99716
time), beginning _____ (state the date the tax would first 99717
take effect), for the purpose of _____ (state the purpose of 99718
the tax)? 99719

	FOR THE TAX
	AGAINST THE TAX

"

(B) (1) If the question submitted to electors proposes a 99721
school district income tax only on ~~the taxable income of~~ 99722
~~individuals~~ as defined in division ~~(E) (1) (b)~~ (E) (2) of section 99723
5748.01 of the Revised Code, the form of the ballot shall be 99724
modified by stating that the tax is to be levied on the "earned 99725
income of individuals residing in the school district" in lieu 99726

of the "school district income of individuals ~~and of estates.~~" 99727

(2) If the question submitted to electors proposes to 99728
renew one or more expiring income tax levies, the ballot shall 99729
be modified by adding the following language immediately after 99730
the name of the school district that would impose the tax: "to 99731
renew an income tax (or income taxes) expiring at the end of 99732
_____ (state the last year the existing income tax or taxes 99733
may be levied)." 99734

(3) If the question includes a proposal under division (B) 99735
(2) of section 5748.02 of the Revised Code to reduce the rate of 99736
one or more school district property taxes, the ballot shall 99737
state that the purpose of the school district income tax is for 99738
current expenses, and the form of the ballot shall be modified 99739
by adding the following language immediately after the statement 99740
of the purpose of the proposed income tax: ", and shall the rate 99741
of an existing tax on property, currently levied for the purpose 99742
of current expenses at the rate of _____ mills, be REDUCED to 99743
_____ mills for each \$1 of taxable value, which amounts to a 99744
reduction from \$_____ (estimated effective rate) to \$_____ 99745
(estimated effective rate) for each \$100,000 of the county 99746
auditor's appraised value, that the county auditor estimates 99747
will collect \$_____ annually, the reduction continuing until any 99748
such time as the income tax is repealed." In lieu of "for the 99749
tax" and "against the tax," the phrases "for the issue" and 99750
"against the issue," respectively, shall be used. If a board of 99751
education proposes a reduction in the rates of more than one 99752
tax, the ballot language shall be modified accordingly to 99753
express the rates at which those taxes currently are levied and 99754
the rates to which the taxes will be reduced. 99755

(C) The board of elections shall certify the results of 99756

the election to the board of education and to the tax 99757
commissioner. If a majority of the electors voting on the 99758
question vote in favor of it, the income tax, the applicable 99759
provisions of Chapter 5747. of the Revised Code, and the 99760
reduction in the rate or rates of existing property taxes if the 99761
question included such a reduction shall take effect on the date 99762
specified in the resolution. If the question approved by the 99763
voters includes a reduction in the rate of a school district 99764
property tax, the board of education shall not levy the tax at a 99765
rate greater than the rate to which the tax is reduced, unless 99766
the school district income tax is repealed in an election under 99767
section 5748.04 of the Revised Code. 99768

(D) If the rate at which a property tax is levied and 99769
collected is reduced pursuant to a question approved under this 99770
section, the tax commissioner shall compute the percentage 99771
required to be computed for that tax under division (D) of 99772
section 319.301 of the Revised Code each year the rate is 99773
reduced as if the tax had been levied in the preceding year at 99774
the rate at which it has been reduced. If the rate of a property 99775
tax increases due to the repeal of the school district income 99776
tax pursuant to section 5748.04 of the Revised Code, the tax 99777
commissioner, for the first year for which the rate increases, 99778
shall compute the percentage as if the tax in the preceding year 99779
had been levied at the rate at which the tax was authorized to 99780
be levied prior to any rate reduction. 99781

Sec. 5748.04. (A) The question of the repeal of a school 99782
district income tax levied for more than five years may be 99783
initiated not more than once in any five-year period by filing 99784
with the board of elections of the appropriate counties not 99785
later than ninety days before the general election in any year 99786
after the year in which it is approved by the electors a 99787

petition requesting that an election be held on the question. 99788
The petition shall be signed by qualified electors residing in 99789
the school district levying the income tax equal in number to 99790
ten per cent of those voting for governor at the most recent 99791
gubernatorial election. 99792

The board of elections shall determine whether the 99793
petition is valid, and if it so determines, it shall do ~~both~~ all 99794
of the following: 99795

(1) Submit the question to the electors of the district at 99796
the next general election; 99797

(2) Send a copy of the petition to the tax commissioner; 99798

(3) If the rate of one or more property tax levies was 99799
reduced for the duration of the income tax levy pursuant to 99800
division (B) (2) of section 5748.02 of the Revised Code, request 99801
that the county auditor certify to the board, in the same manner 99802
as required for a tax levy under section 5705.03 of the Revised 99803
Code, an estimate of the levies' annual collections for the 99804
first year in which the levies are increased, rounded to the 99805
nearest dollar, and the levies' effective rates for the year 99806
before the proposed increase and the levies' effective rates for 99807
the first year that the increase applies, both of which shall be 99808
expressed in dollars, rounded to the nearest dollar, for each 99809
one hundred thousand dollars of the county auditor's appraised 99810
value. 99811

The county auditor shall certify such information to the 99812
board of elections within ten days after receiving the board's 99813
request. If a school district is located in more than one 99814
county, the county auditor shall obtain from the county auditor 99815
of each other county in which the district is located the tax 99816

valuation applicable to the portion of the district in that 99817
county. 99818

The election shall be conducted, canvassed, and certified 99819
in the same manner as regular elections for county offices in 99820
the county. Notice of the election shall be published in a 99821
newspaper of general circulation in the district once a week for 99822
two consecutive weeks, or as provided in section 7.16 of the 99823
Revised Code, prior to the election. If the board of elections 99824
operates and maintains a web site, the board of elections shall 99825
post notice of the election on its web site for thirty days 99826
prior to the election. The notice shall state the time and place 99827
of the election and the question to be submitted to the 99828
electors. The form of the ballot cast at the election shall be 99829
as follows: 99830

"Shall the annual income tax of _____ per cent, currently 99831
levied on the school district income of individuals ~~and estates~~ 99832
by _____ (state the name of the school district) for the 99833
purpose of _____ (state purpose of the tax), be repealed? 99834
99835

	For repeal of the income tax
	Against repeal of the income tax

"

(B) (1) If the tax is imposed on taxable income as defined 99836
in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 99837
Code, the form of the ballot shall be modified by stating that 99838
the tax currently is levied on the "earned income of individuals 99839
residing in the school district" in lieu of the "school district 99840
income of individuals ~~and estates~~." 99841

(2) If the rate of one or more property tax levies was 99842

reduced for the duration of the income tax levy pursuant to 99843
division (B) (2) of section 5748.02 of the Revised Code, the form 99844
of the ballot shall be modified by adding the following language 99845
immediately after "repealed": ", and shall the rate of an 99846
existing tax on property for the purpose of current expenses, 99847
which rate was reduced for the duration of the income tax, be 99848
INCREASED from _____ mills to _____ mills for each \$1 of taxable 99849
value which amounts to an increase from \$_____ (effective rate) 99850
to \$_____ (effective rate) for each \$100,000 of the county 99851
auditor's appraised value, that the county auditor estimates 99852
will collect \$_____ annually, beginning in _____ (state the 99853
first year for which the rate of the property tax will 99854
increase)." In lieu of "for repeal of the income tax" and 99855
"against repeal of the income tax," the phrases "for the issue" 99856
and "against the issue," respectively, shall be substituted. 99857

(3) If the rate of more than one property tax was reduced 99858
for the duration of the income tax, the ballot language shall be 99859
modified accordingly to express the rates at which those taxes 99860
currently are levied and the rates to which the taxes would be 99861
increased. 99862

(C) The question covered by the petition shall be 99863
submitted as a separate proposition, but it may be printed on 99864
the same ballot with any other proposition submitted at the same 99865
election other than the election of officers. If a majority of 99866
the qualified electors voting on the question vote in favor of 99867
it, the result shall be certified immediately after the canvass 99868
by the board of elections to the board of education of the 99869
school district and the tax commissioner, who shall thereupon, 99870
after the current year, cease to levy the tax, except that if 99871
notes have been issued pursuant to section 5748.05 of the 99872
Revised Code the tax commissioner shall continue to levy and 99873

collect under authority of the election authorizing the levy an 99874
annual amount, rounded upward to the nearest one-fourth of one 99875
per cent, as will be sufficient to pay the debt charges on the 99876
notes as they fall due. 99877

(D) If a school district income tax repealed pursuant to 99878
this section was approved in conjunction with a reduction in the 99879
rate of one or more school district property taxes as provided 99880
in division (B) (2) of section 5748.02 of the Revised Code, then 99881
each such property tax may be levied after the current year at 99882
the rate at which it could be levied prior to the reduction, 99883
subject to any adjustments required by the county budget 99884
commission pursuant to Chapter 5705. of the Revised Code. Upon 99885
the repeal of a school district income tax under this section, 99886
the board of education may resume levying a property tax, the 99887
rate of which has been reduced pursuant to a question approved 99888
under section 5748.02 of the Revised Code, at the rate the board 99889
originally was authorized to levy the tax. A reduction in the 99890
rate of a property tax under section 5748.02 of the Revised Code 99891
is a reduction in the rate at which a board of education may 99892
levy that tax only for the period during which a school district 99893
income tax is levied prior to any repeal pursuant to this 99894
section. The resumption of the authority to levy the tax upon 99895
such a repeal does not constitute a tax levied in excess of the 99896
one per cent limitation prescribed by Section 2 of Article XII, 99897
Ohio Constitution, or in excess of the ten-mill limitation. 99898

(E) This section does not apply to school district income 99899
tax levies that are levied for five or fewer years. 99900

Sec. 5748.08. (A) The board of education of a city, local, 99901
or exempted village school district, at any time by a vote of 99902
two-thirds of all its members, may declare by resolution that it 99903

may be necessary for the school district to do all of the 99904
following: 99905

(1) Raise a specified amount of money for school district 99906
purposes by levying an annual tax on school district income; 99907

(2) Issue general obligation bonds for permanent 99908
improvements, stating in the resolution the necessity and 99909
purpose of the bond issue and the amount, approximate date, 99910
estimated rate of interest, and maximum number of years over 99911
which the principal of the bonds may be paid; 99912

(3) Levy a tax outside the ten-mill limitation to pay debt 99913
charges on the bonds and any anticipatory securities; 99914

(4) Submit the question of the school district income tax 99915
and bond issue to the electors of the district at a special 99916
election. 99917

The resolution shall specify whether the income that is to 99918
be subject to the tax is taxable income ~~of individuals and~~ 99919
~~estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ 99920
(2) of section 5748.01 of the Revised Code ~~or taxable income of~~ 99921
~~individuals as defined in division (E) (1) (b) of that section.~~ 99922

On adoption of the resolution, the board shall certify a 99923
copy of it to the tax commissioner and the county auditor no 99924
later than one hundred five days prior to the date of the 99925
special election at which the board intends to propose the 99926
income tax and bond issue. Not later than ten days of receipt of 99927
the resolution, the tax commissioner, in the same manner as 99928
required by division (A) of section 5748.02 of the Revised Code, 99929
shall estimate the rates designated in divisions (A) (1) and (2) 99930
of that section and certify them to the board. Not later than 99931
ten days of receipt of the resolution, the county auditor shall 99932

estimate and certify to the board the average annual property 99933
tax rate required throughout the stated maturity of the bonds to 99934
pay debt charges on the bonds, in the same manner as under 99935
division (C) of section 133.18 of the Revised Code. 99936

(B) On receipt of the tax commissioner's and county 99937
auditor's certifications prepared under division (A) of this 99938
section, the board of education of the city, local, or exempted 99939
village school district, by a vote of two-thirds of all its 99940
members, may adopt a resolution proposing for a specified number 99941
of years or for a continuing period of time the levy of an 99942
annual tax for school district purposes on school district 99943
income and declaring that the amount of taxes that can be raised 99944
within the ten-mill limitation will be insufficient to provide 99945
an adequate amount for the present and future requirements of 99946
the school district; that it is necessary to issue general 99947
obligation bonds of the school district for specified permanent 99948
improvements and to levy an additional tax in excess of the ten- 99949
mill limitation to pay the debt charges on the bonds and any 99950
anticipatory securities; and that the question of the bonds and 99951
taxes shall be submitted to the electors of the school district 99952
at a special election, which shall not be earlier than ninety 99953
days after certification of the resolution to the board of 99954
elections, and the date of which shall be consistent with 99955
section 3501.01 of the Revised Code. The resolution shall 99956
specify all of the following: 99957

(1) The purpose for which the school district income tax 99958
is to be imposed and the rate of the tax, which shall be the 99959
rate set forth in the tax commissioner's certification rounded 99960
to the nearest one-fourth of one per cent; 99961

(2) Whether the income that is to be subject to the tax is 99962

taxable income ~~of individuals and estates as defined in~~ 99963
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 99964
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 99965
~~defined in division (E) (1) (b) of that section.~~ The specification 99966
shall be the same as the specification in the resolution adopted 99967
and certified under division (A) of this section. 99968

(3) The number of years the tax will be levied, or that it 99969
will be levied for a continuing period of time; 99970

(4) The date on which the tax shall take effect, which 99971
shall be the first day of January of any year following the year 99972
in which the question is submitted; 99973

(5) The amount of the estimated average annual property 99974
tax levy, expressed in mills for each one dollar of taxable 99975
value and dollars for each one hundred thousand dollars of the 99976
county auditor's appraised value, as certified by the county 99977
auditor under division (A) of this section. 99978

(C) A resolution adopted under division (B) of this 99979
section shall go into immediate effect upon its passage, and no 99980
publication of the resolution shall be necessary other than that 99981
provided for in the notice of election. Immediately after its 99982
adoption and at least ninety days prior to the election at which 99983
the question will appear on the ballot, the board of education 99984
shall certify a copy of the resolution, along with copies of the 99985
auditor's estimate and its resolution under division (A) of this 99986
section, to the board of elections of the proper county. The 99987
board of education shall send to the tax commissioner a copy of 99988
the resolution adopted under division (B) of this section and 99989
certified to the board of elections. The board of elections 99990
shall make the arrangements for the submission of the question 99991
to the electors of the school district, and the election shall 99992

be conducted, canvassed, and certified in the same manner as 99993
regular elections in the district for the election of county 99994
officers. 99995

The resolution shall be put before the electors as one 99996
ballot question, with a majority vote indicating approval of the 99997
school district income tax, the bond issue, and the levy to pay 99998
debt charges on the bonds and any anticipatory securities. The 99999
board of elections shall publish the notice of the election in a 100000
newspaper of general circulation in the school district once a 100001
week for two consecutive weeks, or as provided in section 7.16 100002
of the Revised Code, prior to the election. If the board of 100003
elections operates and maintains a web site, it also shall post 100004
notice of the election on its web site for thirty days prior to 100005
the election. The notice of election shall state all of the 100006
following: 100007

- (1) The questions to be submitted to the electors; 100008
- (2) The rate of the school district income tax; 100009
- (3) The principal amount of the proposed bond issue; 100010
- (4) The permanent improvements for which the bonds are to 100011
be issued; 100012
- (5) The maximum number of years over which the principal 100013
of the bonds may be paid; 100014
- (6) The estimated additional average annual property tax 100015
rate to pay the debt charges on the bonds, as certified by the 100016
county auditor, and expressed in mills for each one dollar of 100017
taxable value and in dollars for each one hundred thousand 100018
dollars of the county auditor's appraised value; 100019
- (7) The time and place of the special election. 100020

(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:

"Shall the _____ school district be authorized to do both of the following:

(1) Impose an annual income tax of _____ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~, for _____ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning _____ (state the date the tax would first take effect), for the purpose of _____ (state the purpose of the tax)?

(2) Issue bonds for the purpose of _____ in the principal amount of \$_____, to be repaid annually over a maximum period of _____ years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of the county auditor's appraised value, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

	FOR THE INCOME TAX AND BOND ISSUE	"
	AGAINST THE INCOME TAX AND BOND ISSUE	

(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E)(1)(b)~~ (E)(2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned

income of individuals residing in the school district" in lieu 100047
of the "school district income of individuals ~~and of estates.~~" 100048

(F) The board of elections promptly shall certify the 100049
results of the election to the tax commissioner and the county 100050
auditor of the county in which the school district is located. 100051
If a majority of the electors voting on the question vote in 100052
favor of it, the income tax and the applicable provisions of 100053
Chapter 5747. of the Revised Code shall take effect on the date 100054
specified in the resolution, and the board of education may 100055
proceed with issuance of the bonds and with the levy and 100056
collection of the property taxes to pay debt charges on the 100057
bonds, at the additional rate or any lesser rate in excess of 100058
the ten-mill limitation. Any securities issued by the board of 100059
education under this section are Chapter 133. securities, as 100060
that term is defined in section 133.01 of the Revised Code. 100061

(G) After approval of a question under this section, the 100062
board of education may anticipate a fraction of the proceeds of 100063
the school district income tax in accordance with section 100064
5748.05 of the Revised Code. Any anticipation notes under this 100065
division shall be issued as provided in section 133.24 of the 100066
Revised Code, shall have principal payments during each year 100067
after the year of their issuance over a period not to exceed 100068
five years, and may have a principal payment in the year of 100069
their issuance. 100070

(H) The question of repeal of a school district income tax 100071
levied for more than five years may be initiated and submitted 100072
in accordance with section 5748.04 of the Revised Code. 100073

(I) No board of education shall submit a question under 100074
this section to the electors of the school district more than 100075
twice in any calendar year. If a board submits the question 100076

twice in any calendar year, one of the elections on the question 100077
shall be held on the date of the general election. 100078

Sec. 5748.081. A board of education of a school district 100079
that, under divisions (A) (1), (D) (1), and (E) of section 5748.08 100080
or under section 5748.09 of the Revised Code, levies a tax on 100081
the school district income of individuals ~~and estates~~ as defined 100082
in divisions (G) and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 100083
of the Revised Code may replace that tax with a tax on ~~the~~ 100084
school district income ~~of individuals~~ as defined in divisions 100085
~~(G) (1)~~ (G) and ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 100086
Code by following the procedure outlined in, and subject to the 100087
conditions specified in, section 5748.021 of the Revised Code, 100088
as if the existing tax levied under section 5748.08 or 5748.09 100089
were levied under section 5748.02 of the Revised Code. The tax 100090
commissioner and the board of elections shall perform duties in 100091
response to the actions of the board of education under this 100092
section as directed in section 5748.021 of the Revised Code. 100093

Sec. 5748.09. (A) The board of education of a city, local, 100094
or exempted village school district, at any time by a vote of 100095
two-thirds of all its members, may declare by resolution that it 100096
may be necessary for the school district to do all of the 100097
following: 100098

(1) Raise a specified amount of money for school district 100099
purposes by levying an annual tax on school district income; 100100

(2) Levy an additional property tax in excess of the ten- 100101
mill limitation for the purpose of providing for the necessary 100102
requirements of the district, stating in the resolution the 100103
amount of money to be raised each year for such purpose; 100104

(3) Submit the question of the school district income tax 100105

and property tax to the electors of the district at a special 100106
election. 100107

The resolution shall specify whether the income that is to 100108
be subject to the tax is taxable income ~~of individuals and~~ 100109
~~estates as defined in divisions (E)(1)(a) and division (E)(1) or~~ 100110
(2) of section 5748.01 of the Revised Code ~~or taxable income of~~ 100111
~~individuals as defined in division (E)(1)(b) of that section.~~ 100112

On adoption of the resolution, the board shall certify a 100113
copy of it to the tax commissioner and the county auditor not 100114
later than one hundred days prior to the date of the special 100115
election at which the board intends to propose the income tax 100116
and property tax. Not later than ten days after receipt of the 100117
resolution, the tax commissioner, in the same manner as required 100118
by division (A) of section 5748.02 of the Revised Code, shall 100119
estimate the rates designated in divisions (A)(1) and (2) of 100120
that section and certify them to the board. Not later than ten 100121
days after receipt of the resolution, the county auditor, in the 100122
same manner as required by section 5705.195 of the Revised Code, 100123
shall make the calculation specified in that section and certify 100124
it to the board. 100125

(B) On receipt of the tax commissioner's and county 100126
auditor's certifications prepared under division (A) of this 100127
section, the board of education of the city, local, or exempted 100128
village school district, by a vote of two-thirds of all its 100129
members, may adopt a resolution declaring that the amount of 100130
taxes that can be raised by all tax levies the district is 100131
authorized to impose, when combined with state and federal 100132
revenues, will be insufficient to provide an adequate amount for 100133
the present and future requirements of the school district, and 100134
that it is therefore necessary to levy, for a specified number 100135

of years or for a continuing period of time, an annual tax for 100136
school district purposes on school district income, and to levy, 100137
for a specified number of years not exceeding ten or for a 100138
continuing period of time, an additional property tax in excess 100139
of the ten-mill limitation for the purpose of providing for the 100140
necessary requirements of the district, and declaring that the 100141
question of the school district income tax and property tax 100142
shall be submitted to the electors of the school district at a 100143
special election, which shall not be earlier than ninety days 100144
after certification of the resolution to the board of elections, 100145
and the date of which shall be consistent with section 3501.01 100146
of the Revised Code. The resolution shall specify all of the 100147
following: 100148

(1) The purpose for which the school district income tax 100149
is to be imposed and the rate of the tax, which shall be the 100150
rate set forth in the tax commissioner's certification rounded 100151
to the nearest one-fourth of one per cent; 100152

(2) Whether the income that is to be subject to the tax is 100153
taxable income ~~of individuals and estates as defined in~~ 100154
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 100155
~~5748.01 of the Revised Code or taxable income of individuals as~~ 100156
~~defined in division (E) (1) (b) of that section.~~ The specification 100157
shall be the same as the specification in the resolution adopted 100158
and certified under division (A) of this section. 100159

(3) The number of years the school district income tax 100160
will be levied, or that it will be levied for a continuing 100161
period of time; 100162

(4) The date on which the school district income tax shall 100163
take effect, which shall be the first day of January of any year 100164
following the year in which the question is submitted; 100165

(5) The amount of money it is necessary to raise for the 100166
purpose of providing for the necessary requirements of the 100167
district for each year the property tax is to be imposed; 100168

(6) The number of years the property tax will be levied, 100169
or that it will be levied for a continuing period of time; 100170

(7) The tax list upon which the property tax shall be 100171
first levied, which may be the current year's tax list; 100172

(8) The amount of the average tax levy, expressed in 100173
dollars for each one hundred thousand dollars of the county 100174
auditor's appraised value as well as in mills for each one 100175
dollar of taxable value, estimated by the county auditor under 100176
division (A) of this section. 100177

(C) A resolution adopted under division (B) of this 100178
section shall go into immediate effect upon its passage, and no 100179
publication of the resolution shall be necessary other than that 100180
provided for in the notice of election. Immediately after its 100181
adoption and at least ninety days prior to the election at which 100182
the question will appear on the ballot, the board of education 100183
shall certify a copy of the resolution, along with copies of the 100184
county auditor's certification and the resolution under division 100185
(A) of this section, to the board of elections of the proper 100186
county. The board of education shall send to the tax 100187
commissioner a copy of the resolution adopted under division (B) 100188
of this section and certified to the board of elections. The 100189
board of education shall make the arrangements for the 100190
submission of the question to the electors of the school 100191
district, and the election shall be conducted, canvassed, and 100192
certified in the same manner as regular elections in the 100193
district for the election of county officers. 100194

The resolution shall be put before the electors as one 100195
ballot question, with a majority vote indicating approval of the 100196
school district income tax and the property tax. The board of 100197
elections shall publish the notice of the election in a 100198
newspaper of general circulation in the school district once a 100199
week for two consecutive weeks, or as provided in section 7.16 100200
of the Revised Code, prior to the election. If the board of 100201
elections operates and maintains a web site, ~~also the board~~ 100202
shall also post the notice of the election on its web site for 100203
thirty days prior to the election. The notice of the election 100204
shall state all of the following: 100205

(1) The questions to be submitted to the electors as a 100206
single ballot question; 100207

(2) The rate of the school district income tax; 100208

(3) The number of years the school district income tax 100209
will be levied or that it will be levied for a continuing period 100210
of time; 100211

(4) The annual proceeds of the proposed property tax levy 100212
for the purpose of providing for the necessary requirements of 100213
the district; 100214

(5) The number of years during which the property tax levy 100215
shall be levied, or that it shall be levied for a continuing 100216
period of time; 100217

(6) The estimated average additional tax rate of the 100218
property tax, expressed in dollars for each one hundred thousand 100219
dollars of the county auditor's appraised value as well as in 100220
mills for each one dollar of taxable value, outside the 100221
limitation imposed by Section 2 of Article XII, Ohio 100222
Constitution, as certified by the county auditor; 100223

(7) The time and place of the special election. 100224

(D) The form of the ballot on a question submitted to the 100225
electors under this section shall be as follows: 100226

"Shall the _____ school district be authorized to do both 100227
of the following: 100228

(1) Impose an annual income tax of _____ (state the 100229
proposed rate of tax) on the school district income of 100230
individuals~~and of estates~~, for _____ (state the number of 100231
years the tax would be levied, or that it would be levied for a 100232
continuing period of time), beginning _____ (state the date 100233
the tax would first take effect), for the purpose of _____ 100234
(state the purpose of the tax)? 100235

(2) Impose a property tax levy outside of the ten-mill 100236
limitation for the purpose of providing for the necessary 100237
requirements of the district in the sum of \$ _____ 100238
(here insert annual amount the levy is to produce), estimated by 100239
the county auditor to average _____ mills for each \$1 100240
of taxable value, which amounts to \$ _____ for each 100241
\$100,000 of the county auditor's appraised value, for 100242
_____ (state the number of years the tax is to be 100243
imposed or that it will be imposed for a continuing period of 100244
time), commencing in _____ (first year the tax is to be 100245
levied), first due in calendar year _____ (first calendar 100246
year in which the tax shall be due)? 100247
100248

	FOR THE INCOME TAX AND PROPERTY TAX	"
	AGAINST THE INCOME TAX AND PROPERTY TAX	

If the question submitted to electors proposes a school 100249

district income tax only on the taxable income of individuals as 100250
defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the 100251
Revised Code, the form of the ballot shall be modified by 100252
stating that the tax is to be levied on the "earned income of 100253
individuals residing in the school district" in lieu of the 100254
"school district income of individuals ~~and of estates.~~" 100255

(E) The board of elections promptly shall certify the 100256
results of the election to the tax commissioner and the county 100257
auditor of the county in which the school district is located. 100258
If a majority of the electors voting on the question vote in 100259
favor of it: 100260

(1) The income tax and the applicable provisions of 100261
Chapter 5747. of the Revised Code shall take effect on the date 100262
specified in the resolution. 100263

(2) The board of education of the school district may make 100264
the additional property tax levy necessary to raise the amount 100265
specified on the ballot for the purpose of providing for the 100266
necessary requirements of the district. The property tax levy 100267
shall be included in the next tax budget that is certified to 100268
the county budget commission. 100269

(F) (1) After approval of a question under this section, 100270
the board of education may anticipate a fraction of the proceeds 100271
of the school district income tax in accordance with section 100272
5748.05 of the Revised Code. Any anticipation notes under this 100273
division shall be issued as provided in section 133.24 of the 100274
Revised Code, shall have principal payments during each year 100275
after the year of their issuance over a period not to exceed 100276
five years, and may have a principal payment in the year of 100277
their issuance. 100278

(2) After the approval of a question under this section 100279
and prior to the time when the first tax collection from the 100280
property tax levy can be made, the board of education may 100281
anticipate a fraction of the proceeds of the levy and issue 100282
anticipation notes in an amount not exceeding the total 100283
estimated proceeds of the levy to be collected during the first 100284
year of the levy. Any anticipation notes under this division 100285
shall be issued as provided in section 133.24 of the Revised 100286
Code, shall have principal payments during each year after the 100287
year of their issuance over a period not to exceed five years, 100288
and may have a principal payment in the year of their issuance. 100289

(G) (1) The question of repeal of a school district income 100290
tax levied for more than five years may be initiated and 100291
submitted in accordance with section 5748.04 of the Revised 100292
Code. 100293

(2) A property tax levy for a continuing period of time 100294
may be reduced in the manner provided under section 5705.261 of 100295
the Revised Code. 100296

(H) No board of education shall submit a question under 100297
this section to the electors of the school district more than 100298
twice in any calendar year. If a board submits the question 100299
twice in any calendar year, one of the elections on the question 100300
shall be held on the date of the general election. 100301

(I) If the electors of the school district approve a 100302
question under this section, and if the last calendar year the 100303
school district income tax is in effect and the last calendar 100304
year of collection of the property tax are the same, the board 100305
of education of the school district may propose to submit under 100306
this section the combined question of a school district income 100307
tax to take effect upon the expiration of the existing income 100308

tax and a property tax to be first collected in the calendar 100309
year after the calendar year of last collection of the existing 100310
property tax, and specify in the resolutions adopted under this 100311
section that the proposed taxes would renew the existing taxes. 100312
The form of the ballot on a question submitted to the electors 100313
under division (I) of this section shall be as follows: 100314

"Shall the _____ school district be authorized to do 100315
both of the following: 100316

(1) Impose an annual income tax of _____ (state the 100317
proposed rate of tax) on the school district income of 100318
individuals ~~and of estates~~ to renew an income tax expiring at 100319
the end of _____ (state the last year the existing income tax 100320
may be levied) for _____ (state the number of years the tax 100321
would be levied, or that it would be levied for a continuing 100322
period of time), beginning _____ (state the date the tax would 100323
first take effect), for the purpose of _____ (state the 100324
purpose of the tax)? 100325

(2) Impose a property tax levy renewing an existing levy 100326
outside of the ten-mill limitation for the purpose of providing 100327
for the necessary requirements of the district in the sum of 100328
\$_____ (here insert annual amount the levy is to 100329
produce), estimated by the county auditor to average 100330
_____ mills for each \$1 of taxable value, which 100331
amounts to \$_____ for each \$100,000 of the county 100332
auditor's appraised value, for _____ (state the number 100333
of years the tax is to be imposed or that it will be imposed for 100334
a continuing period of time), commencing in _____ (first 100335
year the tax is to be levied), first due in calendar year 100336
_____ (first calendar year in which the tax shall be 100337
due)? 100338

100339

	FOR THE INCOME TAX AND PROPERTY TAX
	AGAINST THE INCOME TAX AND PROPERTY TAX

"

If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(J) (1) If the electors of the school district approve a question under this section, and if the last calendar year the school district income tax is in effect and the last calendar year in which the property tax is collected are the same, the board of education of the school district may propose to submit under this section the combined question of all of the following:

(a) The renewal of the school district income tax levied under this section, to take effect upon the expiration of the existing income tax;

(b) The renewal of the property tax levied under this section, to be levied beginning in the tax year after the tax year in which the existing property tax expires;

(c) The renewal of a property tax levied under section 5705.194 of the Revised Code, regardless of the year it expires, to be levied beginning in the same tax year that the tax described in division (J) (1) (b) of this section is first levied.

If the combined question is approved, the existing tax

levied under section 5705.194 of the Revised Code may not be 100365
levied for the first tax year the renewal tax is levied or any 100366
following tax year. 100367

(2) In its resolution to be submitted to the tax 100368
commissioner and county auditor, the board of education shall 100369
include, in addition to the applicable requirements of division 100370
(A) of this section, a declaration of the necessity for the 100371
renewal of the property tax levied under section 5705.194 of the 100372
Revised Code, the purpose of the tax as specified under that 100373
section, and the necessity of the submission of the question of 100374
the renewal of the school district income tax and both property 100375
taxes to the electors of the district at a special election. Not 100376
later than ten days after receipt of the resolution, the county 100377
auditor shall make a separate calculation and certification with 100378
respect to the renewal tax described in division (J) (1) (c) of 100379
this section in the same manner as required by section 5705.195 100380
of the Revised Code. 100381

In its resolution adopted upon receipt of the 100382
commissioner's and county auditor's certifications, the board of 100383
education shall include, in addition to the applicable 100384
requirements of division (B) of this section, a declaration that 100385
the amount of taxes that can be raised by all tax levies the 100386
district is authorized to impose, when combined with state and 100387
federal revenues, will be insufficient to provide an adequate 100388
amount for the present and future requirements of the school 100389
district, and that it is therefore necessary to renew the 100390
existing property tax being levied in excess of the ten-mill 100391
limitation under section 5705.194 of the Revised Code for the 100392
purpose as specified in that section, for a specified number of 100393
years not exceeding ten or for a continuing period of time, and 100394
that the question of the renewal of the school district income 100395

tax and of both property taxes shall be submitted to the 100396
electors of the school district at a special election as 100397
described in division (B) of this section. With respect to the 100398
renewal tax described in division (J) (1) (c) of this section, the 100399
resolution shall specify the amount of money it is necessary to 100400
raise for the specified purpose for each calendar year the 100401
millage is to be imposed, the tax year that tax is to be first 100402
levied, and the estimated rate of that tax, expressed in dollars 100403
for each one hundred thousand dollars of the county auditor's 100404
appraised value as well as in mills for each one dollar of 100405
taxable value, as certified by the county auditor. 100406

(3) In addition to the requirements of division (C) of 100407
this section, the notice of election shall separately state, 100408
with respect to the renewal tax described in division (J) (1) (c) 100409
of this section, the annual proceeds of the proposed levy for 100410
the specified purpose; the number of years the proposed tax will 100411
be levied, or that it shall be levied for a continuing period of 100412
time; and the estimated rate of the proposed levy, expressed in 100413
dollars for each one hundred thousand dollars of the county 100414
auditor's appraised value as well as in mills for each one 100415
dollar of taxable value, as certified by the county auditor. 100416

(4) The form of the ballot on a question submitted to the 100417
electors under division (J) of this section shall be identical 100418
to the form of the ballot prescribed in division (I) of this 100419
section, except that the following shall be added after the 100420
third paragraph and in place of the voting box: "(3) Impose a 100421
property tax levy renewing an existing levy outside of the ten- 100422
mill limitation for the purpose of _____ (here insert 100423
purpose of levy as specified in section 5705.194 of the Revised 100424
Code and determined by the board of education) in the sum of \$ 100425
_____ (here insert annual amount the levy is to produce), 100426

estimated by the county auditor to average _____ mills for 100427
each \$1 of taxable value, which amounts to \$_____ for each 100428
\$100,000 of the county auditor's appraised value, for _____ 100429
(state the number of years the tax is to be imposed or that it 100430
will be imposed for a continuing period of time), commencing in 100431
_____ (first year the tax is to be levied), first due in 100432
calendar year _____ (first calendar year in which the tax 100433
shall be due)? 100434
100435

	FOR THE INCOME TAX AND PROPERTY TAXES	
	AGAINST THE INCOME TAX AND PROPERTY TAXES	"

If the existing property tax being levied under section 100436
5705.194 of the Revised Code is scheduled to expire in a tax 100437
year different from that of the existing property tax being 100438
levied under this section, the form of the ballot shall be 100439
modified by adding the following statement at the end of the 100440
paragraph prescribed in this division: "If approved, any 100441
remaining tax years on the existing levy will not be levied 100442
after tax year _____ (last tax year the tax will be levied), 100443
last due in _____ (last calendar year in which the tax shall 100444
be due)." 100445

(5) If a majority of the electors voting on the question 100446
submitted under division (J) of this section vote in favor of 100447
it, the board of education of the school district may, in 100448
addition to any other authorization in the Revised Code and 100449
prior to the time when the first tax collection from the renewal 100450
tax levy can be made, anticipate a fraction of the proceeds of 100451
the renewal levy described in division (J)(1)(c) of this section 100452
and issue anticipation notes in an amount not exceeding the 100453

total estimated proceeds of the levy to be collected during the 100454
first year of the levy. Any such anticipation notes shall be 100455
issued as provided in section 133.24 of the Revised Code, shall 100456
have principal payments during each year after the year of their 100457
issuance over a period not to exceed five years, and may have a 100458
principal payment in the year of their issuance. 100459

(K) The question of a renewal levy under division (I) or 100460
(J) of this section shall not be placed on the ballot unless the 100461
question is submitted on a date on which a special election may 100462
be held under section 3501.01 of the Revised Code, except for 100463
the first Tuesday after the first Monday in August, during the 100464
last year the existing property tax levy described in division 100465
(J) (1) (b) of this section may be extended on the real and public 100466
utility property tax list and duplicate, or at any election held 100467
in the ensuing year. 100468

The failure by the electors to approve the question of a 100469
renewal levy under division (I) or (J) of this section does not 100470
terminate the authority previously granted by the electors to 100471
levy the taxes proposed to be renewed for their previously 100472
approved duration. 100473

(L) If the electors of the school district approve a 100474
question under this section, the board of education of the 100475
school district may propose to renew any of the existing taxes 100476
as individual ballot questions in accordance with section 100477
5748.02 of the Revised Code, for the school district income tax, 100478
or section 5705.194 of the Revised Code, for the property tax or 100479
taxes. 100480

Sec. 5749.02. (A) For the purpose of providing revenue to 100481
administer the state's coal mining and reclamation regulatory 100482
program, to meet the environmental and resource management needs 100483

of this state, and to reclaim land affected by mining, an excise 100484
tax is hereby levied on the privilege of engaging in the 100485
severance of natural resources from the soil or water of this 100486
state. The tax shall be imposed upon the severer at the rates 100487
prescribed by this section: 100488

(1) Ten cents per ton of coal; 100489

(2) Four cents per ton of salt; 100490

(3) Two cents per ton of limestone or dolomite; 100491

(4) Two cents per ton of sand and gravel; 100492

(5) Ten cents per barrel of oil; 100493

(6) Two and one-half cents per thousand cubic feet of 100494
natural gas; 100495

(7) One cent per ton of clay, sandstone or conglomerate, 100496
shale, gypsum, or quartzite; 100497

(8) Except as otherwise provided in this division or in 100498
rules adopted by the reclamation forfeiture fund advisory board 100499
under section 1513.182 of the Revised Code, an additional 100500
fourteen cents per ton of coal produced from an area under a 100501
coal mining and reclamation permit issued under Chapter 1513. of 100502
the Revised Code for which the performance security is provided 100503
under division (C) (2) of section 1513.08 of the Revised Code. 100504
Beginning July 1, 2007, if at the end of a fiscal biennium the 100505
balance of the reclamation forfeiture fund created in section 100506
1513.18 of the Revised Code is equal to or greater than ten 100507
million dollars, the rate levied shall be twelve cents per ton. 100508
Beginning July 1, 2007, if at the end of a fiscal biennium the 100509
balance of the fund is at least five million dollars, but less 100510
than ten million dollars, the rate levied shall be fourteen 100511

cents per ton. Beginning July 1, 2007, if at the end of a fiscal 100512
biennium the balance of the fund is less than five million 100513
dollars, the rate levied shall be sixteen cents per ton. 100514
Beginning July 1, 2009, not later than thirty days after the 100515
close of a fiscal biennium, the chief of the division of mineral 100516
resources management shall certify to the tax commissioner the 100517
amount of the balance of the reclamation forfeiture fund as of 100518
the close of the fiscal biennium. Any necessary adjustment of 100519
the rate levied shall take effect on the first day of the 100520
following January and shall remain in effect during the calendar 100521
biennium that begins on that date. 100522

(9) An additional one and two-tenths cents per ton of coal 100523
mined by surface mining methods. 100524

(B) After the director of budget and management transfers 100525
money from the severance tax receipts fund as required in 100526
division (H) of section 5749.06 of the Revised Code, money 100527
remaining in the severance tax receipts fund, except for money 100528
in the fund from the amounts due under section 1509.50 of the 100529
Revised Code, shall be credited as follows: 100530

(1) All of the moneys in the fund from the tax levied in 100531
division (A)(1) of this section shall be credited to the mining 100532
regulation and safety fund created in section 1513.30 of the 100533
Revised Code. 100534

(2) The money in the fund from the tax levied in division 100535
(A)(2) of this section shall be credited to the mining 100536
regulation and safety fund. 100537

(3) Of the moneys in the fund from the tax levied in 100538
divisions (A)(3) and (4) of this section, seven and five-tenths 100539
per cent shall be credited to the geological mapping fund and 100540

the remainder shall be credited to the mining regulation and 100541
safety fund created in section 1513.30 of the Revised Code. 100542

(4) Of the moneys in the fund from the tax levied in 100543
divisions (A) (5) and (6) of this section, ~~ninety-eighty-six~~ per 100544
cent shall be credited to the oil and gas well fund and ~~ten~~ 100545
fourteen per cent shall be credited to the geological mapping 100546
fund. 100547

(5) All of the moneys in the fund from the tax levied in 100548
division (A) (7) of this section shall be credited to the mining 100549
regulation and safety fund. 100550

(6) All of the moneys in the fund from the tax levied in 100551
division (A) (8) of this section shall be credited to the 100552
reclamation forfeiture fund. 100553

(7) All of the moneys in the fund from the tax levied in 100554
division (A) (9) of this section shall be credited to the mining 100555
regulation and safety fund. 100556

(C) When, at the close of any fiscal year, the chief finds 100557
that the balance of the reclamation forfeiture fund, plus the 100558
estimated revenues from the tax levied by division (A) (8) of 100559
this section for the remainder of the calendar year that 100560
includes the close of the fiscal year, are sufficient to 100561
complete the reclamation of all lands for which the performance 100562
security has been provided under division (C) (2) of section 100563
1513.08 of the Revised Code, the purposes for which the tax 100564
under division (A) (8) of this section is levied shall be deemed 100565
accomplished at the end of that calendar year. The chief, within 100566
thirty days after the close of the fiscal year, shall certify 100567
those findings to the tax commissioner, and the tax levied under 100568
division (A) (8) of this section shall cease to be imposed for 100569

the subsequent calendar year after the last day of that calendar year on coal produced under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code if the permittee has made tax payments under division (A)(8) of this section during each of the preceding five full calendar years. Not later than thirty days after the close of a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)(8) of this section for the subsequent calendar year.

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed by section 5749.02 of the Revised Code and each severer or owner liable for the amounts due under section 1509.50 of the Revised Code, except for any amount due under division (B)(2) of that section, shall make and file returns with the tax commissioner in the prescribed form and at the prescribed times, computing and reflecting therein the tax as required by this chapter and amounts due under section 1509.50 of the Revised Code.

(2) The returns shall be filed for every calendar quarter, as required by this section, unless a different return period is prescribed for a taxpayer by the commissioner.

(B)(1) A separate return shall be filed for each calendar quarter, or other period, or any part thereof, during which the severer holds a permit or has registered as provided by section 5749.04 of the Revised Code, or is required to hold the permit or registration, or during which an owner is required to file a return. The return shall be filed on or before the fifteenth day of the second month following the end of each return period. The tax due is payable along with the return. All such returns shall

contain such information as the commissioner may require to 100600
fairly administer the tax. 100601

(2) All returns shall be signed by the severer or owner, 100602
as applicable, shall contain the full and complete information 100603
requested, and shall be made under penalty of perjury. 100604

(C) If the commissioner believes that quarterly payments 100605
of tax would result in a delay that might jeopardize the 100606
collection of such tax payments, the commissioner may order that 100607
such payments be made weekly, or more frequently if necessary, 100608
such payments to be made not later than seven days following the 100609
close of the period for which the jeopardy payment is required. 100610
Such an order shall be delivered to the taxpayer in the manner 100611
provided in section 5703.37 of the Revised Code and shall remain 100612
in effect until the commissioner notifies the taxpayer to the 100613
contrary. 100614

(D) Upon good cause the commissioner may extend for thirty 100615
days the period for filing any notice or return required to be 100616
filed under this section, ~~and may remit all or a part of~~ 100617
~~penalties that may become due under this chapter.~~ 100618

(E) Any tax and any amount due under section 1509.50 of 100619
the Revised Code not paid by the day the tax or amount is due 100620
shall bear interest computed at the rate per annum prescribed by 100621
section 5703.47 of the Revised Code on that amount due from the 100622
day that the amount was originally required to be paid to the 100623
day of actual payment or to the day an assessment was issued 100624
under section 5749.07 or 5749.10 of the Revised Code, whichever 100625
occurs first. 100626

(F) A severer or owner, as applicable, that fails to file 100627
a complete return or pay the full amount due under this chapter 100628

within the time prescribed, including any extensions of time 100629
granted by the commissioner, shall be subject to a penalty not 100630
to exceed the greater of fifty dollars or ten per cent of the 100631
amount due for the period. 100632

(G) (1) A severer or owner, as applicable, shall remit 100633
payments electronically and, if required by the commissioner, 100634
file each return electronically. The commissioner may require 100635
that the severer or owner use the Ohio business gateway, as 100636
defined in section 718.01 of the Revised Code, or another 100637
electronic means to file returns and remit payments 100638
electronically. 100639

(2) A severer or owner that is required to remit payments 100640
electronically under this section may apply to the commissioner, 100641
in the manner prescribed by the commissioner, to be excused from 100642
that requirement. The commissioner may excuse a severer or owner 100643
from the requirements of division (G) of this section for good 100644
cause. 100645

(3) If a severer or owner that is required to remit 100646
payments or file returns electronically under this section fails 100647
to do so, the commissioner may impose a penalty on the severer 100648
or owner not to exceed the following: 100649

(a) For the first or second payment or return the severer 100650
or owner fails to remit or file electronically, the greater of 100651
five per cent of the amount of the payment that was required to 100652
be remitted or twenty-five dollars; 100653

(b) For every payment or return after the second that the 100654
severer or owner fails to remit or file electronically, the 100655
greater of ten per cent of the amount of the payment that was 100656
required to be remitted or fifty dollars. 100657

(H) (1) All amounts that the commissioner receives under 100658
this section shall be deemed to be revenue from taxes imposed 100659
under this chapter or from the amount due under section 1509.50 100660
of the Revised Code, as applicable, and shall be deposited in 100661
the severance tax receipts fund, which is hereby created in the 100662
state treasury. 100663

(2) The director of budget and management shall transfer 100664
from the severance tax receipts fund, as necessary, to the tax 100665
refund fund amounts equal to the refunds certified by the 100666
commissioner under section 5749.08 of the Revised Code. Any 100667
amount transferred under division (H) (2) of this section shall 100668
be derived from receipts of the same tax or other amount from 100669
which the refund arose. 100670

(3) After the director of budget and management makes any 100671
transfer required by division (H) (2) of this section, but not 100672
later than the twenty-fifth day of each month, the commissioner 100673
shall certify to the director the total amount remaining in the 100674
severance tax receipts fund organized according to the amount 100675
attributable to each natural resource and according to the 100676
amount attributable to a tax imposed by this chapter and the 100677
amounts due under section 1509.50 of the Revised Code, and shall 100678
provide for payment to the funds specified in division (B) of 100679
section 5749.02 of the Revised Code. 100680

(I) Penalties imposed under this section are in addition 100681
to any other penalty imposed under this chapter and shall be 100682
considered as revenue arising from the tax levied under this 100683
chapter or the amount due under section 1509.50 of the Revised 100684
Code, as applicable. The commissioner may collect any penalty or 100685
interest imposed under this section in the same manner as 100686
provided for the making of an assessment in section 5749.07 of 100687

the Revised Code. ~~The commissioner may abate all or a portion of~~ 100688
~~such interest or penalties and may adopt rules governing such~~ 100689
~~abatements.~~ 100690

Sec. 5749.07. (A) If any severer required by this chapter 100691
to make and file returns and pay the tax levied by section 100692
5749.02 of the Revised Code, or any severer or owner liable for 100693
the amounts due under section 1509.50 of the Revised Code, fails 100694
to make such return or pay such tax or amounts, the tax 100695
commissioner may make an assessment against the severer or owner 100696
based upon any information in the commissioner's possession. 100697

No assessment shall be made or issued against any severer 100698
for any tax imposed by section 5749.02 of the Revised Code or 100699
against any severer or owner for any amount due under section 100700
1509.50 of the Revised Code more than four years after the 100701
return was due or was filed, whichever is later. This section 100702
does not bar an assessment against a severer or owner who fails 100703
to file a return as required by this chapter, or who files a 100704
fraudulent return. 100705

The commissioner shall give the party assessed written 100706
notice of such assessment in the manner provided in section 100707
5703.37 of the Revised Code. With the notice, the commissioner 100708
shall provide instructions on how to petition for reassessment 100709
and request a hearing on the petition. 100710

(B) Unless the party assessed files with the commissioner 100711
within sixty days after service of the notice of assessment, ~~—~~ 100712
~~either personally or by certified mail,~~ a written petition for 100713
reassessment signed by the party assessed or that party's 100714
authorized agent having knowledge of the facts, the assessment 100715
becomes final and the amount of the assessment is due and 100716
payable from the party assessed to the treasurer of state. The 100717

petition shall indicate the objections of the party assessed, 100718
but additional objections may be raised in writing if received 100719
by the commissioner prior to the date shown on the final 100720
determination. If the petition has been properly filed, the 100721
commissioner shall proceed under section 5703.60 of the Revised 100722
Code. 100723

(C) After an assessment becomes final, if any portion of 100724
the assessment remains unpaid, including accrued interest, a 100725
certified copy of the commissioner's entry making the assessment 100726
final may be filed in the office of the clerk of the court of 100727
common pleas in the county in which the party assessed resides 100728
or in which the party's business is conducted. If the party 100729
assessed maintains no place of business in this state and is not 100730
a resident of this state, the certified copy of the entry may be 100731
filed in the office of the clerk of the court of common pleas of 100732
Franklin county. 100733

Immediately upon the filing of such entry, the clerk shall 100734
enter a judgment for the state against the party assessed in the 100735
amount shown on the entry. The judgment may be filed by the 100736
clerk in a loose-leaf book entitled "special judgments for state 100737
severance tax," and shall have the same effect as other 100738
judgments. Execution shall issue upon the judgment upon the 100739
request of the commissioner, and all laws applicable to sales on 100740
execution shall apply to sales made under the judgment. 100741

If the assessment is not paid in its entirety within sixty 100742
days after the day the assessment is issued, the portion of the 100743
assessment consisting of tax due or amounts due under section 100744
1509.50 of the Revised Code shall bear interest at the rate per 100745
annum prescribed by section 5703.47 of the Revised Code from the 100746
day the commissioner issues the assessment until it is paid or 100747

until it is certified to the attorney general for collection 100748
under section 131.02 of the Revised Code, whichever comes first. 100749
If the unpaid portion of the assessment is certified to the 100750
attorney general for collection, the entire unpaid portion of 100751
the assessment shall bear interest at the rate per annum 100752
prescribed by section 5703.47 of the Revised Code from the date 100753
of certification until the date it is paid in its entirety. 100754
Interest shall be paid in the same manner as the tax and may be 100755
collected by the issuance of an assessment under this section. 100756

(D) All money collected by the commissioner under this 100757
section shall be paid to the treasurer of state, and when paid 100758
shall be considered as revenue arising from the tax imposed by 100759
section 5749.02 of the Revised Code and the amount due under 100760
section 1509.50 of the Revised Code, as applicable. 100761

Sec. 5749.15. Any person who fails to file a return or pay 100762
the tax as required under this chapter or other amount due under 100763
section 1509.50 of the Revised Code who is assessed such taxes 100764
or other amount due pursuant to section 5749.07 or 5749.10 of 100765
the Revised Code may be liable for a penalty of up to twenty- 100766
five per cent of the amount assessed. ~~The tax commissioner may~~ 100767
~~adopt rules relating to the imposition and remission of~~ 100768
~~penalties imposed under this section.~~ 100769

Sec. 5751.02. (A) For the purpose of funding the needs of 100770
this state and its local governments, there is hereby levied a 100771
commercial activity tax on each person with taxable gross 100772
receipts for the privilege of doing business in this state. For 100773
the purposes of this chapter, "doing business" means engaging in 100774
any activity, whether legal or illegal, that is conducted for, 100775
or results in, gain, profit, or income, at any time during a 100776
calendar year. Persons on which the commercial activity tax is 100777

levied include, but are not limited to, persons with substantial 100778
nexus with this state. The tax imposed under this section is not 100779
a transactional tax and is not subject to Public Law No. 86-272, 100780
73 Stat. 555. The tax imposed under this section is in addition 100781
to any other taxes or fees imposed under the Revised Code. The 100782
tax levied under this section is imposed on the person receiving 100783
the gross receipts and is not a tax imposed directly on a 100784
purchaser. The tax imposed by this section is an annual 100785
privilege tax for the calendar year that contains all tax 100786
periods in the calendar year. A taxpayer is subject to the 100787
annual privilege tax for doing business during any portion of 100788
such calendar year. 100789

(B) The tax imposed by this section is a tax on the 100790
taxpayer and shall not be billed or invoiced to another person. 100791
Even if the tax or any portion thereof is billed or invoiced and 100792
separately stated, such amounts remain part of the price for 100793
purposes of the sales and use taxes levied under Chapters 5739. 100794
and 5741. of the Revised Code. Nothing in division (B) of this 100795
section prohibits: 100796

(1) A person from including in the price charged for a 100797
good or service an amount sufficient to recover the tax imposed 100798
by this section; or 100799

(2) A lessor from including an amount sufficient to 100800
recover the tax imposed by this section in a lease payment 100801
charged, or from including such an amount on a billing or 100802
invoice pursuant to the terms of a written lease agreement 100803
providing for the recovery of the lessor's tax costs. The 100804
recovery of such costs shall be based on an estimate of the 100805
total tax cost of the lessor during the tax period, as the tax 100806
liability of the lessor cannot be calculated until the end of 100807

that period. 100808

(C) (1) The commercial activities tax receipts fund is 100809
hereby created in the state treasury and shall consist of money 100810
arising from the tax imposed under this chapter. Sixty-five one- 100811
hundredths of one per cent of the money credited to that fund 100812
shall be credited to the revenue enhancement fund and shall be 100813
used to defray the costs incurred by the department of taxation 100814
in administering the tax imposed by this chapter and in 100815
implementing tax reform measures. The remainder of the money in 100816
the commercial activities tax receipts fund shall first be 100817
credited to the ~~funds-fund~~ described in division (C) (2) of this 100818
section, as provided in that division, and the remainder shall 100819
be credited to the general revenue fund. 100820

(2) Not later than the twentieth day of February, May, 100821
August, and November of each year, the commissioner shall 100822
provide for payment ~~of the following amounts from the commercial~~ 100823
~~activities tax receipts fund:~~ 100824

~~(a) To~~ to the commercial activity tax motor fuel receipts 100825
fund, of an amount that bears the same ratio to the balance in 100826
the commercial activities tax receipts fund that (a) the taxable 100827
gross receipts attributed to motor fuel used for propelling 100828
vehicles on public highways as indicated by returns filed by the 100829
tenth day of that month for a liability that is due and payable 100830
on or after July 1, 2013, for a tax period ending before July 1, 100831
2014, bears to (b) all taxable gross receipts as indicated by 100832
those returns for such liabilities; 100833

~~(b) To the school district tangible property tax~~ 100834
~~replacement fund, which is hereby created in the state treasury~~ 100835
~~for the purpose of making the payments described in section~~ 100836
~~5709.92 of the Revised Code, an amount necessary to make those~~ 100837

~~payments;—~~ 100838

~~(c) To the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.93 of the Revised Code, an amount necessary to make those payments.—~~ 100839
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100843

~~(D) (1) On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.—~~ 100844
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~~(2) On or after the first day of June of each year, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.~~ 100848
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~~(E) (1)~~ (D) (1) There is hereby created in the state treasury the commercial activity tax motor fuel receipts fund. 100852
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(2) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those 100854
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costs in the current fiscal year according to the applicable 100867
section of the Ohio Constitution under which the bonds were 100868
originally issued. 100869

(3) On or before the thirtieth day of June of each fiscal 100870
year beginning with fiscal year 2015, the director of budget and 100871
management shall determine an amount up to but not exceeding the 100872
amount certified under division ~~(E) (2)~~ (D) (2) of this section and 100873
shall reserve that amount from the cash balance in the petroleum 100874
activity tax public highways fund or the commercial activity tax 100875
motor fuel receipts fund for transfer to the general revenue 100876
fund at times and in amounts to be determined by the director. 100877
The director shall transfer the cash balance in the petroleum 100878
activity tax public highways fund or the commercial activity tax 100879
motor fuel receipts fund in excess of the amount so reserved to 100880
the highway operating fund on or before the thirtieth day of 100881
June of the current fiscal year. 100882

Sec. 5751.06. (A) Any taxpayer that fails to file a return 100883
or pay the full amount of the tax due within the period 100884
prescribed therefor under this chapter shall pay a penalty in an 100885
amount not exceeding the greater of fifty dollars or ten per 100886
cent of the tax required to be paid for the tax period. 100887

(B) (1) If any additional tax is found to be due, the tax 100888
commissioner may impose an additional penalty of up to fifteen 100889
per cent on the additional tax found to be due. 100890

(2) Any delinquent payments of the tax made after a 100891
taxpayer is notified of an audit or a tax discrepancy by the 100892
commissioner is subject to the penalty imposed by division (B) 100893
of this section. If an assessment is issued under section 100894
5751.09 of the Revised Code in connection with such delinquent 100895
payments, the payments shall be credited to the assessment. 100896

(C) If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this chapter, and the person fails to so register and remit the tax within sixty days after such notice, the tax commissioner may impose an additional penalty of up to thirty-five per cent of the tax due. The penalty imposed under this division is in addition to any other penalties imposed under this section.

(D) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter.

~~(E) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.~~

~~(F)~~ If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first.

~~(G)~~ (F) The tax commissioner may impose a penalty of up to ten per cent for any additional tax that is due under division (B) (2) of section 5751.051 of the Revised Code from a taxpayer incorrectly reporting its taxable gross receipts.

~~(H)~~ (G) If the tax commissioner discovers that a taxpayer has billed or invoiced another person for the tax imposed under this chapter in violation of division (B) of section 5751.02 of

the Revised Code, the tax commissioner shall notify the taxpayer 100926
of the violation in the manner provided in section 5703.37 of 100927
the Revised Code and may impose a penalty of up to five hundred 100928
dollars. If the taxpayer subsequently bills or invoices a person 100929
for the tax imposed under this chapter, the tax commissioner 100930
shall impose a penalty of five hundred dollars. 100931

Sec. 5751.07. (A) Any person required to file returns 100932
under this chapter shall remit each tax payment, and, if 100933
required by the tax commissioner, file the tax return or the 100934
annual report, electronically. The commissioner may require 100935
taxpayers to use the Ohio business gateway as defined in section 100936
718.01 of the Revised Code to file returns and remit the tax, or 100937
may provide another means for taxpayers to file and remit the 100938
tax electronically. 100939

(B) A person required by this section to remit taxes or 100940
file returns electronically may apply to the tax commissioner, 100941
on the form prescribed by the commissioner, to be excused from 100942
that requirement. The commissioner may excuse a person from the 100943
requirements of this division for good cause. 100944

(C) (1) If a person required to remit taxes or file a 100945
return electronically under this section fails to do so, the 100946
commissioner may impose a penalty not to exceed the following: 100947

(a) For either of the first two tax periods the person so 100948
fails, the greater of twenty-five dollars or five per cent of 100949
the amount of the payment that was required to be remitted; 100950

(b) For the third and any subsequent tax periods the 100951
person so fails, the greater of fifty dollars or ten per cent of 100952
the amount of the payment that was required to be remitted. 100953

(2) The penalty imposed under division (C) (1) of this 100954

section is in addition to any other penalty imposed under this 100955
chapter and shall be considered as revenue arising from the tax 100956
imposed under this chapter. A penalty may be collected by 100957
assessment in the manner prescribed by section 5751.09 of the 100958
Revised Code. ~~The tax commissioner may abate all or a portion of~~ 100959
~~such a penalty.~~ 100960

(D) The tax commissioner may adopt rules necessary to 100961
administer this section. 100962

Sec. 5751.09. (A) The tax commissioner may make an 100963
assessment, based on any information in the commissioner's 100964
possession, against any person that fails to file a return or 100965
pay any tax as required by this chapter. The commissioner shall 100966
give the person assessed written notice of the assessment as 100967
provided in section 5703.37 of the Revised Code. With the 100968
notice, the commissioner shall provide instructions on the 100969
manner in which to petition for reassessment and request a 100970
hearing with respect to the petition. The commissioner shall 100971
send any assessments against consolidated elected taxpayer and 100972
combined taxpayer groups under section 5751.011 or 5751.012 of 100973
the Revised Code to the taxpayer's reporting person. The 100974
reporting person shall notify all members of the group of the 100975
assessment and all outstanding taxes, interest, and penalties 100976
for which the assessment is issued. 100977

(B) Unless the person assessed, within sixty days after 100978
service of the notice of assessment, files with the tax 100979
commissioner, ~~either personally or by certified mail,~~ a written 100980
petition signed by the person or the person's authorized agent 100981
having knowledge of the facts, the assessment becomes final, and 100982
the amount of the assessment is due and payable from the person 100983
assessed to the treasurer of state. The petition shall indicate 100984

the objections of the person assessed, but additional objections 100985
may be raised in writing if received by the commissioner prior 100986
to the date shown on the final determination. 100987

If a petition for reassessment has been properly filed, 100988
the commissioner shall proceed under section 5703.60 of the 100989
Revised Code. 100990

(C) (1) After an assessment becomes final, if any portion 100991
of the assessment, including accrued interest, remains unpaid, a 100992
certified copy of the tax commissioner's entry making the 100993
assessment final may be filed in the office of the clerk of the 100994
court of common pleas in the county in which the person resides 100995
or has its principal place of business in this state, or in the 100996
office of the clerk of court of common pleas of Franklin county. 100997

(2) Immediately upon the filing of the entry, the clerk 100998
shall enter judgment for the state against the person assessed 100999
in the amount shown on the entry. The judgment may be filed by 101000
the clerk in a loose-leaf book entitled, "special judgments for 101001
the commercial activity tax" and shall have the same effect as 101002
other judgments. Execution shall issue upon the judgment at the 101003
request of the tax commissioner, and all laws applicable to 101004
sales on execution shall apply to sales made under the judgment. 101005

(3) If the assessment is not paid in its entirety within 101006
sixty days after the day the assessment was issued, the portion 101007
of the assessment consisting of tax due shall bear interest at 101008
the rate per annum prescribed by section 5703.47 of the Revised 101009
Code from the day the tax commissioner issues the assessment 101010
until it is paid or until it is certified to the attorney 101011
general for collection under section 131.02 of the Revised Code, 101012
whichever comes first. If the unpaid portion of the assessment 101013
is certified to the attorney general for collection, the entire 101014

unpaid portion of the assessment shall bear interest at the rate 101015
per annum prescribed by section 5703.47 of the Revised Code from 101016
the date of certification until the date it is paid in its 101017
entirety. Interest shall be paid in the same manner as the tax 101018
and may be collected by the issuance of an assessment under this 101019
section. 101020

(D) If the tax commissioner believes that collection of 101021
the tax will be jeopardized unless proceedings to collect or 101022
secure collection of the tax are instituted without delay, the 101023
commissioner may issue a jeopardy assessment against the person 101024
liable for the tax. Immediately upon the issuance of the 101025
jeopardy assessment, the commissioner shall file an entry with 101026
the clerk of the court of common pleas in the manner prescribed 101027
by division (C) of this section. Notice of the jeopardy 101028
assessment shall be served on the person assessed or the 101029
person's authorized agent in the manner provided in section 101030
5703.37 of the Revised Code within five days of the filing of 101031
the entry with the clerk. The total amount assessed is 101032
immediately due and payable, unless the person assessed files a 101033
petition for reassessment in accordance with division (B) of 101034
this section and provides security in a form satisfactory to the 101035
commissioner and in an amount sufficient to satisfy the unpaid 101036
balance of the assessment. Full or partial payment of the 101037
assessment does not prejudice the commissioner's consideration 101038
of the petition for reassessment. 101039

(E) The tax commissioner shall immediately forward to the 101040
treasurer of state all amounts the commissioner receives under 101041
this section, and such amounts shall be considered as revenue 101042
arising from the tax imposed under this chapter. 101043

(F) Except as otherwise provided in this division, no 101044

assessment shall be made or issued against a taxpayer for the 101045
tax imposed under this chapter more than four years after the 101046
due date for the filing of the return for the tax period for 101047
which the tax was reported, or more than four years after the 101048
return for the tax period was filed, whichever is later. The 101049
time limit may be extended if both the taxpayer and the 101050
commissioner consent in writing to the extension or enter into 101051
an agreement waiving or extending the time limit. Any such 101052
extension shall extend the four-year time limit in division (A) 101053
of section 5751.08 of the Revised Code for the same period of 101054
time. Nothing in this division bars an assessment against a 101055
taxpayer that fails to file a return required by this chapter or 101056
that files a fraudulent return. 101057

(G) If the tax commissioner possesses information that 101058
indicates that the amount of tax a taxpayer is required to pay 101059
under this chapter exceeds the amount the taxpayer paid, the tax 101060
commissioner may audit a sample of the taxpayer's gross receipts 101061
over a representative period of time to ascertain the amount of 101062
tax due, and may issue an assessment based on the audit. The tax 101063
commissioner shall make a good faith effort to reach agreement 101064
with the taxpayer in selecting a representative sample. The tax 101065
commissioner may apply a sampling method only if the 101066
commissioner has prescribed the method by rule. 101067

(H) If the whereabouts of a person subject to this chapter 101068
is not known to the tax commissioner, the commissioner shall 101069
follow the procedures under section 5703.37 of the Revised Code. 101070

Sec. 5751.53. (A) As used in this section: 101071

(1) "Net income" and "taxable year" have the same meanings 101072
as in section 5733.04 of the Revised Code. 101073

(2) "Franchise tax year" means "tax year" as defined in 101074
section 5733.04 of the Revised Code. 101075

(3) "Deductible temporary differences" and "taxable 101076
temporary differences" have the same meanings as those terms 101077
have for purposes of paragraph 13 of the statement of financial 101078
accounting standards, number 109. 101079

(4) "Qualifying taxpayer" means a taxpayer under this 101080
chapter that has a qualifying Ohio net operating loss 101081
carryforward equal to or greater than the qualifying amount. 101082

(5) "Qualifying Ohio net operating loss carryforward" 101083
means an Ohio net operating loss carryforward that the taxpayer 101084
could deduct in whole or in part for franchise tax year 2006 101085
under section 5733.04 of the Revised Code but for the 101086
application of division (H) of this section. A qualifying Ohio 101087
net operating loss carryforward shall not exceed the amount of 101088
loss carryforward from franchise tax year 2005 as reported by 101089
the taxpayer either on a franchise tax report for franchise tax 101090
year 2005 pursuant to section 5733.02 of the Revised Code or on 101091
an amended franchise tax report prepared in good faith for such 101092
year and filed before July 1, 2006. 101093

(6) "Disallowed Ohio net operating loss carryforward" 101094
means the lesser of the amounts described in division (A) (6) (a) 101095
or (b) of this section, but the amounts described in divisions 101096
(A) (6) (a) and (b) of this section shall each be reduced by the 101097
qualifying amount. 101098

(a) The qualifying taxpayer's qualifying Ohio net 101099
operating loss carryforward; 101100

(b) The Ohio net operating loss carryforward amount that 101101
the qualifying taxpayer used to compute the related deferred tax 101102

asset reflected on its books and records on the last day of its 101103
taxable year ending in 2004, adjusted for return to accrual, but 101104
this amount shall be reduced by the qualifying related valuation 101105
allowance amount. For the purposes of this section, the 101106
"qualifying related valuation allowance amount" is the amount of 101107
Ohio net operating loss reflected in the qualifying taxpayer's 101108
computation of the valuation allowance account, as shown on its 101109
books and records on the last day of its taxable year ending in 101110
2004, with respect to the deferred tax asset relating to its 101111
Ohio net operating loss carryforward amount. 101112

(7) "Other net deferred tax items apportioned to this 101113
state" is the product of (a) the amount of other net deferred 101114
tax items and (b) the fraction described in division (B)(2) of 101115
section 5733.05 for the qualifying taxpayer's franchise tax year 101116
2005. 101117

(8) (a) Subject to divisions (A) (8) (b) to (d) of this 101118
section, the "amount of other net deferred tax items" is the 101119
difference between (i) the qualifying taxpayer's deductible 101120
temporary differences, net of related valuation allowance 101121
amounts, shown on the qualifying taxpayer's books and records on 101122
the last day of its taxable year ending in 2004, and (ii) the 101123
qualifying taxpayer's taxable temporary differences as shown on 101124
those books and records on that date. The amount of other net 101125
deferred tax items may be less than zero. 101126

(b) For the purposes of computing the amount of the 101127
qualifying taxpayer's other net deferred tax items described in 101128
division (A) (8) (a) of this section, any credit carryforward 101129
allowed under Chapter 5733. of the Revised Code shall be 101130
excluded from the amount of deductible temporary differences to 101131
the extent such credit carryforward amount, net of any related 101132

valuation allowance amount, is otherwise included in the 101133
qualifying taxpayer's deductible temporary differences, net of 101134
related valuation allowance amounts, shown on the qualifying 101135
taxpayer's books and records on the last day of the qualifying 101136
taxpayer's taxable year ending in 2004. 101137

(c) No portion of the disallowed Ohio net operating loss 101138
carryforward shall be included in the computation of the amount 101139
of the qualifying taxpayer's other net deferred tax items 101140
described in division (A) (8) (a) of this section. 101141

(d) In no event shall the amount of other net deferred tax 101142
items apportioned to this state exceed twenty-five per cent of 101143
the qualifying Ohio net operating loss carryforward. 101144

(9) "Amortizable amount" means: 101145

(a) If the qualifying taxpayer's other net deferred tax 101146
items apportioned to this state is equal to or greater than 101147
zero, eight per cent of the sum of the qualifying taxpayer's 101148
disallowed Ohio net operating loss carryforward and the 101149
qualifying taxpayer's other net deferred tax items apportioned 101150
to this state; 101151

(b) If the amount of the qualifying taxpayer's other net 101152
deferred tax items apportioned to this state is less than zero 101153
and if the absolute value of the amount of qualifying taxpayer's 101154
other net deferred tax items apportioned to this state is less 101155
than the qualifying taxpayer's disallowed net operating loss, 101156
eight per cent of the difference between the qualifying 101157
taxpayer's disallowed net operating loss carryforward and the 101158
absolute value of the qualifying taxpayer's other net deferred 101159
tax items apportioned to this state; 101160

(c) If the amount of the qualifying taxpayer's other net 101161

deferred tax items apportioned to this state is less than zero 101162
and if the absolute value of the amount of qualifying taxpayer's 101163
other net deferred tax items apportioned to this state is equal 101164
to or greater than the qualifying taxpayer's disallowed net 101165
operating loss, zero. 101166

(10) "Books and records" means the qualifying taxpayer's 101167
books, records, and all other information, all of which the 101168
qualifying taxpayer maintains and uses to prepare and issue its 101169
financial statements in accordance with generally accepted 101170
accounting principles. 101171

(11) (a) Except as modified by division (A) (11) (b) of this 101172
section, "qualifying amount" means fifty million dollars per 101173
person. 101174

(b) If for franchise tax year 2005 the person was a member 101175
of a combined franchise tax report, as provided by section 101176
5733.052 of the Revised Code, the "qualifying amount" is, in the 101177
aggregate, fifty million dollars for all members of that 101178
combined franchise tax report, and for purposes of divisions (A) 101179
(6) (a) and (b) of this section, those members shall allocate to 101180
each member any portion of the fifty million dollar amount. The 101181
total amount allocated to the members who are qualifying 101182
taxpayers shall equal fifty million dollars. 101183

(B) For each calendar period beginning prior to January 1, 101184
2030, there is hereby allowed a nonrefundable tax credit against 101185
the tax levied each year by this chapter on each qualifying 101186
taxpayer, on each consolidated elected taxpayer having one or 101187
more qualifying taxpayers as a member, and on each combined 101188
taxpayer having one or more qualifying taxpayers as a member. 101189
The credit shall be claimed in the order specified in section 101190
5751.98 of the Revised Code and is allowed only to reduce the 101191

first one-half of any tax remaining after allowance of the 101192
credits that precede it in section 5751.98 of the Revised Code. 101193
No credit under division (B) of this section shall be allowed 101194
against the second one-half of such remaining tax. 101195

Except as otherwise limited by divisions (C) and (D) of 101196
this section, the maximum amount of the nonrefundable credit 101197
that may be used against the first one-half of the remaining tax 101198
for each calendar year is as follows: 101199

(1) For calendar year 2010, ten per cent of the 101200
amortizable amount; 101201

(2) For calendar year 2011, twenty per cent of the 101202
amortizable amount, less all amounts previously used; 101203

(3) For calendar year 2012, thirty per cent of the 101204
amortizable amount, less all amounts previously used; 101205

(4) For calendar year 2013, forty per cent of the 101206
amortizable amount, less all amounts previously used; 101207

(5) For calendar year 2014, fifty per cent of the 101208
amortizable amount, less all amounts previously used; 101209

(6) For calendar year 2015, sixty per cent of the 101210
amortizable amount, less all amounts previously used; 101211

(7) For calendar year 2016, seventy per cent of the 101212
amortizable amount, less all amounts previously used; 101213

(8) For calendar year 2017, eighty per cent of the 101214
amortizable amount, less all amounts previously used; 101215

(9) For calendar year 2018, ninety per cent of the 101216
amortizable amount, less all amounts previously used; 101217

(10) For each of calendar years 2019 through 2029, one 101218

hundred per cent of the amortizable amount, less all amounts 101219
used in all previous years. 101220

In no event shall the cumulative credit ~~used for calendar-~~ 101221
~~years 2010 through 2029 claimed under this section~~ exceed one 101222
hundred per cent of the amortizable amount. 101223

~~(C) (1) Except as otherwise set forth in division (C) (2) of~~ 101224
~~this section~~ (C) For tax periods beginning January 1, 2030, and 101225
~~thereafter, a refundable nonrefundable credit is allowed in-~~ 101226
~~calendar year 2030~~ for any portion of the qualifying taxpayer's 101227
amortizable amount that is not used in accordance with division 101228
(B) of this section against the tax levied by this chapter on 101229
all taxpayers. The credit shall be claimed in the order 101230
prescribed in section 5751.98 of the Revised Code and shall not 101231
exceed the tax due after allowance of any other credits that 101232
precede it in that order. The balance of the qualifying 101233
taxpayer's amortizable amount may be carried forward until fully 101234
used, provided that the amount of the credit claimed against the 101235
tax for any tax period shall be deducted from the balance 101236
carried forward to the next period. 101237

~~(2) Division (C) (1) of this section shall not apply and no~~ 101238
~~refundable credit shall be available to any person if during any~~ 101239
~~portion of the calendar year 2030 the person is not subject to~~ 101240
~~the tax imposed by this chapter.~~ 101241

(D) Not later than June 30, 2006, each qualifying 101242
taxpayer, consolidated elected taxpayer, or combined taxpayer 101243
that will claim for any year the credit allowed in divisions (B) 101244
and (C) of this section shall file with the tax commissioner a 101245
report setting forth the amortizable amount available to such 101246
taxpayer and all other related information that the 101247
commissioner, by rule, requires. If the taxpayer does not timely 101248

file the report or fails to provide timely all information 101249
required by this division, the taxpayer is precluded from 101250
claiming any credit amounts described in divisions (B) and (C) 101251
of this section. Unless extended by mutual consent, the tax 101252
commissioner may, until June 30, 2010, audit the accuracy of the 101253
amortizable amount available to each taxpayer that will claim 101254
the credit, and adjust the amortizable amount or, if 101255
appropriate, issue any assessment or final determination, as 101256
applicable, necessary to correct any errors found upon audit. 101257

(E) For the purpose of calculating the amortizable amount, 101258
if the tax commissioner ascertains that any portion of that 101259
amount is the result of a sham transaction as described in 101260
section 5703.56 of the Revised Code, the commissioner shall 101261
reduce the amortizable amount by two times the adjustment. 101262

(F) If one entity transfers all or a portion of its assets 101263
and equity to another entity as part of an entity organization 101264
or reorganization or subsequent entity organization or 101265
reorganization for which no gain or loss is recognized in whole 101266
or in part for federal income tax purposes under the Internal 101267
Revenue Code, the credits allowed by this section shall be 101268
computed in a manner consistent with that used to compute the 101269
portion, if any, of federal net operating losses allowed to the 101270
respective entities under the Internal Revenue Code. The tax 101271
commissioner may prescribe forms or rules for making the 101272
computations required by this division. 101273

(G) (1) Except as provided in division (F) of this section, 101274
no person shall pledge, collateralize, hypothecate, assign, 101275
convey, sell, exchange, or otherwise dispose of any or all tax 101276
credits, or any portion of any or all tax credits allowed under 101277
this section. 101278

(2) No credit allowed under this section is subject to 101279
execution, attachment, lien, levy, or other judicial proceeding. 101280

(H) (1) (a) Except as set forth in division (H) (1) (b) of 101281
this section and notwithstanding division (I) (1) of section 101282
5733.04 of the Revised Code to the contrary, each person timely 101283
and fully complying with the reporting requirements set forth in 101284
division (D) of this section shall not claim, and shall not be 101285
entitled to claim, any deduction or adjustment for any Ohio net 101286
operating loss carried forward to any one or more franchise tax 101287
years after franchise tax year 2005. 101288

(b) Division (H) (1) (a) of this section applies only to the 101289
portion of the Ohio net operating loss represented by the 101290
disallowed Ohio net operating loss carryforward. 101291

(2) Notwithstanding division (I) of section 5733.04 of the 101292
Revised Code to the contrary, with respect to all franchise tax 101293
years after franchise tax year 2005, each person timely and 101294
fully complying with the reporting requirements set forth in 101295
division (D) of this section shall not claim, and shall not be 101296
entitled to claim, any deduction, exclusion, or adjustment with 101297
respect to deductible temporary differences reflected on the 101298
person's books and records on the last day of its taxable year 101299
ending in 2004. 101300

(3) (a) Except as set forth in division (H) (3) (b) of this 101301
section and notwithstanding division (I) of section 5733.04 of 101302
the Revised Code to the contrary, with respect to all franchise 101303
tax years after franchise tax year 2005, each person timely and 101304
fully complying with the reporting requirements set forth in 101305
division (D) of this section shall exclude from Ohio net income 101306
all taxable temporary differences reflected on the person's 101307
books and records on the last day of its taxable year ending in 101308

2004. 101309

(b) In no event shall the exclusion provided by division 101310
(H) (3) (a) of this section for any franchise tax year exceed the 101311
amount of the taxable temporary differences otherwise included 101312
in Ohio net income for that year. 101313

(4) Divisions (H) (2) and (3) of this section shall apply 101314
only to the extent such items were used in the calculations of 101315
the credit provided by this section. 101316

Sec. 5751.98. (A) To provide a uniform procedure for 101317
calculating the amount of tax due under this chapter, a taxpayer 101318
shall claim any credits to which it is entitled in the following 101319
order: 101320

The nonrefundable jobs retention credit under division (B) 101321
of section 5751.50 of the Revised Code; 101322

The nonrefundable credit for qualified research expenses 101323
under division (B) of section 5751.51 of the Revised Code; 101324

The nonrefundable credit for a borrower's qualified 101325
research and development loan payments under division (B) of 101326
section 5751.52 of the Revised Code; 101327

The nonrefundable credit for ~~calendar years 2010 to 2029~~ 101328
~~for~~ unused net operating losses under ~~division (B) of~~ section 101329
5751.53 of the Revised Code; 101330

The refundable motion picture and Broadway theatrical 101331
production credit under section 5751.54 of the Revised Code; 101332

The refundable credit for film and theater capital 101333
improvement projects under section 5751.55 of the Revised Code; 101334

The refundable jobs creation credit or job retention 101335

credit under division (A) of section 5751.50 of the Revised Code. 101336
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~~The refundable credit for calendar year 2030 for unused 101338~~
~~net operating losses under division (C) of section 5751.53 of 101339~~
~~the Revised Code. 101340~~

(B) For any credit except the refundable credits 101341
enumerated in this section, the amount of the credit for a tax 101342
period shall not exceed the tax due after allowing for any other 101343
credit that precedes it in the order required under this 101344
section. Any excess amount of a particular credit may be carried 101345
forward if authorized under the section creating the credit. 101346

Sec. 5753.021. For the purposes of funding the education 101347
needs of this state, funding efforts to alleviate problem sports 101348
gaming, supporting sports development and sports education, and 101349
defraying the costs of enforcing and administering the law 101350
governing sports gaming and the tax levied by this section, a 101351
tax is hereby levied on the sports gaming receipts of a sports 101352
gaming proprietor at the rate of ~~twenty~~forty per cent of the 101353
sports gaming receipts received by the proprietor from the 101354
operation of sports gaming in this state. 101355

The tax imposed under this section is in addition to any 101356
other taxes or fees imposed under the Revised Code. 101357

Sec. 5753.031. (A) For the purpose of receiving and 101358
distributing, and accounting for, revenue received from the tax 101359
levied by section 5753.021 of the Revised Code and from fines 101360
imposed under Chapter 3775. of the Revised Code, the following 101361
funds are created in the state treasury: 101362

(1) The sports gaming revenue fund; 101363

(2) The sports gaming tax administration fund, which the 101364

tax commissioner shall use to defray the costs incurred in 101365
administering the tax levied by section 5753.021 of the Revised 101366
Code; 101367

(3) The sports gaming profits education fund, which shall 101368
be used for the support of public and nonpublic education for 101369
students in grades kindergarten through twelve as determined in 101370
appropriations made by the general assembly. ; 101371

(4) The problem sports gaming fund; 101372

(5) The sports facilities construction and sports 101373
education fund. 101374

(B) (1) All of the following shall be deposited into the 101375
sports gaming revenue fund: 101376

(a) All money collected from the tax levied under section 101377
5753.021 of the Revised Code; 101378

(b) The remainder of the fees described in division (G) (2) 101379
of section 3775.02 of the Revised Code, after the Ohio casino 101380
control commission deposits the required amount in the sports 101381
gaming profits veterans fund under that division; 101382

(c) Unclaimed winnings collected under division (F) of 101383
section 3775.10 of the Revised Code; 101384

(d) Any fines collected under Chapter 3775. of the Revised 101385
Code. 101386

(2) All other fees collected under Chapter 3775. of the 101387
Revised Code shall be deposited into the casino control 101388
commission fund created under section 5753.03 of the Revised 101389
Code. 101390

(C) (1) From the sports gaming revenue fund, the director 101391

of budget and management shall transfer as needed to the tax 101392
refund fund amounts equal to the refunds certified by the tax 101393
commissioner under section 5753.06 of the Revised Code and 101394
attributable to the tax levied under section 5753.021 of the 101395
Revised Code. 101396

(2) Not later than the fifteenth day of each month, the 101397
director of budget and management shall transfer from the sports 101398
gaming revenue fund to the sports gaming tax administration fund 101399
the amount necessary to reimburse the department of taxation's 101400
actual expenses incurred in administering the tax levied under 101401
section 5753.021 of the Revised Code. 101402

(3) Of the amount in the sports gaming revenue fund 101403
remaining after making the transfers required by divisions (C) 101404
(1) and (2) of this section, the director of budget and 101405
management shall transfer, on or before the fifteenth day of ~~the~~ 101406
~~each month following the end of each calendar quarter,~~ amounts 101407
to each fund as follows: 101408

(a) ~~Ninety-eight~~ Fifty per cent to the sports facilities 101409
construction and sports education fund; 101410

(b) Forty-eight per cent to the sports gaming profits 101411
education fund; 101412

~~(b)~~ (c) Two per cent to the problem sports gaming fund. 101413

(D) All interest generated by the funds created under this 101414
section shall be credited back to them. 101415

Sec. 5753.05. (A) (1) A taxpayer who fails to file a return 101416
or to remit the tax due as required by section 5753.04 of the 101417
Revised Code shall pay a penalty not to exceed the greater of 101418
five hundred dollars or ten per cent of the tax due. 101419

(2) If the tax commissioner finds additional tax to be 101420
due, the tax commissioner may impose an additional penalty of up 101421
to fifteen per cent of the additional tax found to be due. A 101422
delinquent payment of tax made as the result of a notice or an 101423
audit is subject to the additional penalty imposed by this 101424
division. 101425

(3) If a taxpayer fails to file a return electronically or 101426
to remit the tax electronically, the tax commissioner may impose 101427
an additional penalty of fifty dollars or ten per cent of the 101428
tax due as shown on the return, whichever is greater. 101429

(B) If the tax due under section 5753.02 or 5753.021 of 101430
the Revised Code is not timely paid, the taxpayer shall pay 101431
interest at the rate per annum prescribed in section 5703.47 of 101432
the Revised Code beginning on the day the tax was due through 101433
the day the tax is paid or an assessment is issued, whichever 101434
occurs first. 101435

(C) The tax commissioner shall collect any penalty or 101436
interest as if it were the tax levied by section 5753.02 or 101437
5753.021 of the Revised Code, as applicable. Penalties and 101438
interest shall be treated as if they were revenue arising from 101439
the applicable tax. 101440

~~(D) The tax commissioner may abate all or a portion of any 101441
penalty imposed under this section and may adopt rules governing 101442
abatements. 101443~~

~~(E) If a casino operator or sports gaming proprietor fails 101444
to file a return or remit the tax due as required by section 101445
5753.04 of the Revised Code within a period of one year after 101446
the due date for filing the return or remitting the tax, the 101447
Ohio casino control commission may suspend the operator's or 101448~~

proprietor's license.

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Sec. 5753.07. (A) (1) The tax commissioner may issue an assessment, based on any information in the tax commissioner's possession, against a taxpayer who fails to pay the tax levied under section 5753.02 or 5753.021 of the Revised Code or to file a return under section 5753.04 of the Revised Code. The tax commissioner shall give the taxpayer written notice of the assessment under section 5703.37 of the Revised Code. With the notice, the tax commissioner shall include instructions on how to petition for reassessment and on how to request a hearing with respect to the petition.

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(2) Unless the taxpayer, within sixty days after service of the notice of assessment, files with the tax commissioner, ~~either personally or by certified mail,~~ a written petition signed by the taxpayer, or by the taxpayer's authorized agent who has knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections to the assessment. Additional objections may be raised in writing if they are received by the tax commissioner before the date shown on the final determination.

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(3) If a petition for reassessment has been properly filed, the tax commissioner shall proceed under section 5703.60 of the Revised Code.

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(4) After an assessment becomes final, if any portion of the assessment, including penalties and accrued interest, remains unpaid, the tax commissioner may file a certified copy of the entry making the assessment final in the office of the clerk of the court of common pleas of Franklin county or in the

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office of the clerk of the court of common pleas of the county 101479
in which the taxpayer resides, the taxpayer's casino facility or 101480
sports gaming facility is located, or the taxpayer's principal 101481
place of business in this state is located. Immediately upon the 101482
filing of the entry, the clerk shall enter a judgment for the 101483
state against the taxpayer assessed in the amount shown on the 101484
entry. The judgment may be filed by the clerk in a loose-leaf 101485
book entitled, "special judgments for the gross casino revenue 101486
tax and sports gaming receipts tax." The judgment has the same 101487
effect as other judgments. Execution shall issue upon the 101488
judgment at the request of the tax commissioner, and all laws 101489
applicable to sales on execution apply to sales made under the 101490
judgment. 101491

(5) If the assessment is not paid in its entirety within 101492
sixty days after the day the assessment was issued, the portion 101493
of the assessment consisting of tax due shall bear interest at 101494
the rate per annum prescribed by section 5703.47 of the Revised 101495
Code from the day the tax commissioner issued the assessment 101496
until the assessment is paid or until it is certified to the 101497
attorney general for collection under section 131.02 of the 101498
Revised Code, whichever comes first. If the unpaid portion of 101499
the assessment is certified to the attorney general for 101500
collection, the entire unpaid portion of the assessment shall 101501
bear interest at the rate per annum prescribed by section 101502
5703.47 of the Revised Code from the date of certification until 101503
the date it is paid in its entirety. Interest shall be paid in 101504
the same manner as the tax levied under section 5753.02 or 101505
5753.021 of the Revised Code, as applicable, and may be 101506
collected by the issuance of an assessment under this section. 101507

(B) If the tax commissioner believes that collection of 101508
the tax levied under section 5753.02 or 5753.021 of the Revised 101509

Code will be jeopardized unless proceedings to collect or secure 101510
collection of the tax are instituted without delay, the 101511
commissioner may issue a jeopardy assessment against the 101512
taxpayer that is liable for the tax. Immediately upon the 101513
issuance of a jeopardy assessment, the tax commissioner shall 101514
file an entry with the clerk of the court of common pleas in the 101515
manner prescribed by division (A)(4) of this section, and the 101516
clerk shall proceed as directed in that division. Notice of the 101517
jeopardy assessment shall be served on the taxpayer or the 101518
taxpayer's authorized agent under section 5703.37 of the Revised 101519
Code within five days after the filing of the entry with the 101520
clerk. The total amount assessed is immediately due and payable, 101521
unless the taxpayer assessed files a petition for reassessment 101522
under division (A)(2) of this section and provides security in a 101523
form satisfactory to the tax commissioner that is in an amount 101524
sufficient to satisfy the unpaid balance of the assessment. If a 101525
petition for reassessment has been filed, and if satisfactory 101526
security has been provided, the tax commissioner shall proceed 101527
under division (A)(3) of this section. Full or partial payment 101528
of the assessment does not prejudice the tax commissioner's 101529
consideration of the petition for reassessment. 101530

(C) The tax commissioner shall immediately forward to the 101531
treasurer of state all amounts the tax commissioner receives 101532
under this section, and the amounts forwarded shall be treated 101533
as if they were revenue arising from the tax levied under 101534
section 5753.02 or 5753.021 of the Revised Code, as applicable. 101535

(D) Except as otherwise provided in this division, no 101536
assessment shall be issued against a taxpayer for the tax levied 101537
under section 5753.02 or 5753.021 of the Revised Code more than 101538
four years after the due date for filing the return for the tax 101539
period for which the tax was reported, or more than four years 101540

after the return for the tax period was filed, whichever is 101541
later. This division does not bar an assessment against a 101542
taxpayer who fails to file a return as required by section 101543
5753.04 of the Revised Code or who files a fraudulent return, or 101544
when the taxpayer and the tax commissioner waive in writing the 101545
time limitation. 101546

(E) If the tax commissioner possesses information that 101547
indicates that the amount of tax a taxpayer is liable to pay 101548
under section 5753.02 or 5753.021 of the Revised Code exceeds 101549
the amount the taxpayer paid, the tax commissioner may audit a 101550
sample of the taxpayer's gross casino revenue or sports gaming 101551
receipts, as applicable, over a representative period of time to 101552
ascertain the amount of tax due, and may issue an assessment 101553
based on the audit. The tax commissioner shall make a good faith 101554
effort to reach agreement with the taxpayer in selecting a 101555
representative sample. The tax commissioner may apply a sampling 101556
method only if the tax commissioner has prescribed the method by 101557
rule. 101558

(F) If the whereabouts of a taxpayer who is liable for the 101559
tax levied under section 5753.02 or 5753.021 of the Revised Code 101560
are unknown to the tax commissioner, the tax commissioner shall 101561
proceed under section 5703.37 of the Revised Code. 101562

Sec. 5907.11. ~~(A)~~—The superintendent of the Ohio veterans' 101563
homes, with the approval of the director of veterans services, 101564
may establish a local fund for each veterans' home to be used 101565
for the entertainment and welfare of the residents of the home. 101566
Each fund shall be designated as the residents' benefit fund and 101567
shall be operated for the exclusive benefit of the residents of 101568
the associated home. Each fund shall receive all revenue from 101569
the sale of commissary items at the associated home and shall 101570

receive all moneys received as donations by the associated home 101571
from any source. 101572

~~(B) The superintendent, subject to the approval of the 101573
director, shall establish rules for the operation of the 101574
residents' benefit funds. 101575~~

Sec. 5907.17. (A) As used in this section, 101576
~~"physician" "clinician" means an individual authorized under 101577
Chapter 4731. of the Revised Code to practice medicine and 101578
surgery or osteopathic medicine and surgeryany of the following: 101579~~

(1) An advanced practice registered nurse, licensed 101580
practical nurse, physician, physician's assistant, or registered 101581
nurse as defined in section 4723.01 of the Revised Code; 101582

(2) An individual registered in the state nurse aide 101583
registry pursuant to section 3721.32 of the Revised Code; 101584

(3) Any Ohio veterans' home employee who is a licensed 101585
medical professional in this state and is not exempt from a 101586
student loan repayment program under a union contract or other 101587
law. 101588

(B) The department of veterans services may establish a 101589
~~physician-clinician~~ recruitment program under which the 101590
department agrees to repay all or part of the principal and 101591
interest of a governmental or other educational loan incurred by 101592
a ~~physician-clinician~~ who agrees to provide services to 101593
institutions under the department's administration. 101594

(C) A ~~physician-clinician~~ is eligible to participate in 101595
the recruitment program if the ~~physician attended a medical or 101596
osteopathic medical school that was, at the time of attendance, 101597
either located in the United States and accredited by the 101598
liaison committee on medical education or the American 101599~~

~~osteopathic association or located outside the United States and~~ 101600
~~acknowledged by the world health organization and verified by a~~ 101601
~~member state of that organization as operating within that~~ 101602
~~state's jurisdiction~~ clinician meets all of the following 101603
requirements: 101604

(1) The clinician is licensed in this state by the 101605
appropriate licensing authority and works in that discipline at 101606
an Ohio veterans' home; 101607

(2) The clinician has worked at an Ohio veterans' home for 101608
at least one year; 101609

(3) The clinician has not been subject to formal 101610
discipline while employed by an Ohio veterans' home; 101611

(4) The clinician provides evidence sufficient for the 101612
director of veterans services, or the director's designee, to 101613
determine that the clinician attended a school or medical 101614
program accredited by a national or regional accrediting 101615
organization; 101616

(5) The clinician agrees to the contract terms subject to 101617
division (D) of this section and any rules adopted under 101618
division (E) of this section. 101619

(D) ~~The department and each physician~~ clinician ~~it~~ 101620
recruits shall enter into a contract that includes all of the 101621
following terms: 101622

(1) ~~The physician~~ clinician ~~agrees to maintain appropriate~~ 101623
licensure and provide a specified scope of ~~medical or~~ 101624
~~osteopathic medical health care~~ services for a specified number 101625
of hours per week and for a specified number of years of one or 101626
more years to patients residents of one or more specified 101627
~~institutions administered by the department~~ the Ohio veterans' 101628

homes. 101629

(2) The department agrees to repay all or a specified 101630
portion of the principal and interest of a governmental or other 101631
educational loan taken by the ~~physician-clinician~~ for the 101632
following expenses if the ~~physician-clinician~~ meets the service 101633
obligation agreed to and the expenses were incurred while the 101634
~~physician-clinician~~ was enrolled in, for up to a maximum of four 101635
years, a school or medical program accredited by a national or 101636
regional accrediting organization~~that qualifies the physician to~~ 101637
~~participate in the program:~~ 101638

(a) Tuition; 101639

(b) Other educational expenses for specific purposes, 101640
including fees, books, and laboratory expenses, in amounts 101641
determined to be reasonable in accordance with rules adopted 101642
under division (E) of this section; 101643

(c) Room and board, in an amount determined to be 101644
reasonable in accordance with rules adopted under division (E) 101645
of this section. 101646

(3) The ~~physician-clinician~~ agrees to pay the department a 101647
specified amount, which shall be not less than the amount 101648
already paid by the department pursuant to its agreement, as 101649
damages if the ~~physician-clinician~~ fails to complete the service 101650
obligation agreed to or fails to comply with other specified 101651
terms of the contract. The contract may vary the amount of 101652
damages based on the portion of the ~~physician's-clinician's~~ 101653
service obligation that remains uncompleted as determined by the 101654
department. 101655

(4) Other terms agreed upon by the parties. 101656

(E) The department shall adopt rules under Chapter 119. of 101657

the Revised Code that establish all of the following: 101658

(1) Criteria for designating institutions for which 101659
~~physicians~~ clinicians will be recruited; 101660

(2) Criteria for selecting ~~physicians~~ clinicians for 101661
participation in the program; 101662

(3) Criteria for determining the portion of a ~~physician's~~ 101663
clinician's loan that the department will agree to repay; 101664

(4) Criteria for determining reasonable amounts of the 101665
expenses described in divisions (D) (2) (b) and (c) of this 101666
section; 101667

(5) Procedures for monitoring compliance by ~~physicians~~ 101668
clinicians with the terms of their contracts; and 101669

(6) Any other criteria or procedures necessary to 101670
implement the program. 101671

(F) The director or the director's designee may allocate 101672
funds among clinicians recruited under the program for any 101673
purpose the director or director's designee considers necessary 101674
to best serve clinician staffing needs, including department 101675
eligibility for benefits from incentive programs from federal or 101676
other entities, in consideration of maximizing the overall 101677
benefit to the Ohio veterans' homes. 101678

Sec. 6111.01. As used in this chapter: 101679

(A) "Pollution" means the placing of any sewage, sludge, 101680
sludge materials, industrial waste, or other wastes in any 101681
waters of the state. 101682

(B) "Sewage" means any liquid waste containing sludge, 101683
sludge materials, or animal or vegetable matter in suspension or 101684

solution, and may include household wastes as commonly 101685
discharged from residences and from commercial, institutional, 101686
or similar facilities. 101687

(C) "Industrial waste" means any liquid, gaseous, or solid 101688
waste substance resulting from any process of industry, 101689
manufacture, trade, or business, or from the development, 101690
processing, or recovery of any natural resource, together with 101691
such sewage as is present. 101692

(D) "Other wastes" means garbage, refuse, decayed wood, 101693
sawdust, shavings, bark, and other wood debris, lime, sand, 101694
ashes, offal, night soil, oil, tar, coal dust, dredged or fill 101695
material, or silt, other substances that are not sewage, sludge, 101696
sludge materials, or industrial waste, and any other 101697
"pollutants" or "toxic pollutants" as defined in the Federal 101698
Water Pollution Control Act that are not sewage, sludge, sludge 101699
materials, or industrial waste. 101700

(E) "Sewerage system" means pipelines or conduits, pumping 101701
stations, and force mains, and all other constructions, devices, 101702
appurtenances, and facilities used for collecting or conducting 101703
water-borne sewage, industrial waste, or other wastes to a point 101704
of disposal or treatment, but does not include plumbing 101705
fixtures, building drains and subdrains, building sewers, and 101706
building storm sewers. 101707

(F) "Treatment works" means any plant, disposal field, 101708
lagoon, dam, pumping station, building sewer connected directly 101709
to treatment works, incinerator, or other works used for the 101710
purpose of treating, stabilizing, blending, composting, or 101711
holding sewage, sludge, sludge materials, industrial waste, or 101712
other wastes, except as otherwise defined. 101713

(G) "Disposal system" means a system for disposing of 101714
sewage, sludge, sludge materials, industrial waste, or other 101715
wastes and includes sewerage systems and treatment works. 101716

(H) "Waters of the state" means all streams, lakes, ponds, 101717
marshes, watercourses, waterways, wells, springs, irrigation 101718
systems, drainage systems, and other bodies or accumulations of 101719
water, surface and underground, natural or artificial, 101720
regardless of the depth of the strata in which underground water 101721
is located, that are situated wholly or partly within, or border 101722
upon, this state, or are within its jurisdiction, except those 101723
private waters that do not combine or effect a junction with 101724
natural surface or underground waters. "Waters of the state" 101725
does not include an ephemeral feature for which the United 101726
States army corps of engineers lacks the authority to issue a 101727
permit under 33 U.S.C. 1344. 101728

(I) "Person" means the state, any municipal corporation, 101729
any other political subdivision of the state, any person as 101730
defined in section 1.59 of the Revised Code, any interstate body 101731
created by compact, or the federal government or any department, 101732
agency, or instrumentality thereof. 101733

(J) "Industrial water pollution control facility" means 101734
any disposal system or any treatment works, pretreatment works, 101735
appliance, equipment, machinery, pipeline or conduit, pumping 101736
station, force main, or installation constructed, used, or 101737
placed in operation primarily for the purpose of collecting or 101738
conducting industrial waste to a point of disposal or treatment; 101739
reducing, controlling, or eliminating water pollution caused by 101740
industrial waste; or reducing, controlling, or eliminating the 101741
discharge into a disposal system of industrial waste or what 101742
would be industrial waste if discharged into the waters of the 101743

state. 101744

(K) "Schedule of compliance" means a schedule of remedial 101745
measures including an enforceable sequence of actions or 101746
operations leading to compliance with standards and rules 101747
adopted under sections 6111.041 and 6111.042 of the Revised Code 101748
or compliance with terms and conditions of permits set under 101749
division (J) of section 6111.03 of the Revised Code. 101750

(L) "Federal Water Pollution Control Act" means the 101751
"Federal Water Pollution Control Act Amendments of 1972," 86 101752
Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act 101753
of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other 101754
amendments to that act. 101755

(M) "Historically channelized watercourse" means the 101756
portion of a watercourse on which an improvement, as defined in 101757
divisions (C) (2) to (4) of section 6131.01 of the Revised Code, 101758
was constructed pursuant to Chapter 940., 6131., or 6133. of the 101759
Revised Code or a similar state law that preceded any of those 101760
chapters and authorized such an improvement. 101761

(N) "Sludge" means sewage sludge and a solid, semi-solid, 101762
or liquid residue that is generated from an industrial 101763
wastewater treatment process and that is applied to land for 101764
agronomic benefit. "Sludge" does not include ash generated 101765
during the firing of sludge in a sludge incinerator, grit and 101766
screening generated during preliminary treatment of sewage in a 101767
treatment works, animal manure, residue generated during 101768
treatment of animal manure, or domestic septage. 101769

(O) "Sludge materials" means solid, semi-solid, or liquid 101770
materials derived from sludge and includes products from a 101771
treatment works that result from the treatment, blending, or 101772

composting of sludge. 101773

(P) "Storage of sludge" means the placement of sludge on 101774
land on which the sludge remains for not longer than two years, 101775
but does not include the placement of sludge on land for 101776
treatment. 101777

(Q) "Sludge disposal program" means any program used by an 101778
entity that begins with the generation of sludge and includes 101779
treatment or disposal of the sludge, as "treatment" and 101780
"disposal" are defined in division ~~(Y)~~(X) of section 3745.11 of 101781
the Revised Code. 101782

(R) "Agronomic benefit" means any process that promotes or 101783
enhances plant growth and includes, but is not limited to, a 101784
process that increases soil fertility and moisture retention. 101785

(S) "Sludge management" means the use, storage, treatment, 101786
or disposal of, and management practices related to, sludge and 101787
sludge materials. 101788

(T) "Sludge management permit" means a permit for sludge 101789
management that is issued under division (J) of section 6111.03 101790
of the Revised Code. 101791

(U) "Sewage sludge" has the same meaning as in division 101792
~~(Y)~~(X) of section 3745.11 of the Revised Code. 101793

(V) "Ephemeral feature" means surface water flowing or 101794
pooling only in direct response to precipitation, such as rain 101795
or snow. "Ephemeral feature" does not include a wetland, as 101796
defined in section 6111.02 of the Revised Code. 101797

Sec. 6111.02. As used in this section and sections 101798
6111.021 to 6111.028 of the Revised Code: 101799

(A) "Category 1 wetland," "category 2 wetland," or 101800

"category 3 wetland" means a category 1 wetland, category 2 wetland, or category 3 wetland, respectively, as described in rule 3745-1-54 of the Administrative Code, as that rule existed on July 17, 2001, and as determined to be a category 1, category 2, or category 3 wetland, respectively, through application of the "Ohio rapid assessment method for wetlands version 5.0," including the Ohio rapid assessment method for wetlands version 5.0 quantitative score calibration dated August 15, 2000, unless an application for a section 401 water quality certification was submitted prior to February 28, 2001, in which case the applicant for the permit may elect to proceed in accordance with Ohio rapid assessment method for wetlands version 4.1.

(B) "Creation" means the establishment of a wetland where one did not formerly exist and that involves wetland construction on nonhydric soils.

(C) "Enhancement" means activities conducted in an existing wetland to improve or repair existing or natural wetland functions and values of that wetland.

(D) "Fill material" means any material that is used to fill an aquatic area, to replace an aquatic area with dry land, or to change the bottom elevation of a wetland for any purpose and that consists of suitable material that is free from toxic contaminants in other than trace quantities. "Fill material" does not include either of the following:

(1) Material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for the production of food, fiber, and forest products;

(2) Material placed for the purpose of maintenance of

existing structures, including emergency reconstruction of 101830
recently damaged parts of currently serviceable structures such 101831
as dikes, dams, levees, groins, riprap, breakwaters, causeways, 101832
and bridge abutments or approaches, and transportation 101833
structures. 101834

(E) "Filling" means the addition of fill material into a 101835
wetland for the purpose of creating upland, changing the bottom 101836
elevation of the wetland, or creating impoundments of water. 101837
"Filling" includes, without limitation, the placement of the 101838
following in wetlands: fill material that is necessary for the 101839
construction of any structure; structures or impoundments 101840
requiring rock, sand, dirt, or other material for its 101841
construction; site-development fills for recreational, 101842
industrial, commercial, residential, or other uses; causeways or 101843
road fills; dams and dikes; artificial islands, property 101844
protection, or reclamation devices such as riprap, groins, 101845
seawalls, breakwalls, and bulkheads and fills; beach 101846
nourishment; levees; sanitary landfills; fill material for 101847
structures such as sewage treatment facilities, intake and 101848
outfall pipes associated with power plants, and underwater 101849
utility lines; and artificial reefs. 101850

(F) "Isolated wetland" means a wetland that is not subject 101851
to regulation under the Federal Water Pollution Control Act. 101852

(G) "Mitigation" means the restoration, creation, 101853
enhancement, or, in exceptional circumstances, preservation of 101854
wetlands expressly for the purpose of compensating for wetland 101855
impacts. 101856

(H) "Mitigation bank service area" means the designated 101857
area where a mitigation bank can reasonably be expected to 101858
provide appropriate compensation for impacts to wetlands and 101859

other aquatic resources and that is designated as such in 101860
accordance with the process established in 33 C.F.R. 332.8 and 101861
40 C.F.R. 230.98 or approved by the director of environmental 101862
protection in accordance with section 6111.025 of the Revised 101863
Code. 101864

(I) "Off-site mitigation" means wetland restoration, 101865
creation, enhancement, or preservation occurring farther than 101866
one mile from a project boundary, but within the same watershed. 101867

(J) "On-site mitigation" means wetland restoration, 101868
creation, enhancement, or preservation occurring within and not 101869
more than one mile from the project boundary and within the same 101870
watershed. 101871

(K) "Practicable" means available and capable of being 101872
executed with existing technology and without significant 101873
adverse effect on the economic feasibility of the project in 101874
light of the overall project purposes and in consideration of 101875
the relative environmental benefit. 101876

(L) "Preservation" means the long-term protection of 101877
ecologically important wetlands through the implementation of 101878
appropriate legal mechanisms to prevent harm to the wetlands. 101879
"Preservation" may include protection of adjacent upland areas 101880
as necessary to ensure protection of a wetland. 101881

(M) "Restoration" means the reestablishment of a 101882
previously existing wetland at a site where it has ceased to 101883
exist. 101884

(N) "State isolated wetland permit" means a permit issued 101885
in accordance with sections 6111.02 to 6111.027 of the Revised 101886
Code authorizing the filling of an isolated wetland. 101887

(O) "Watershed" means an eight-digit hydrologic unit. 101888

(P) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "Wetlands" includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States army corps of engineers wetland delineation manual and any other procedures and requirements adopted by the United States army corps of engineers for delineating wetlands.

(Q) "Wetland mitigation bank" means a site where wetlands have been restored, created, enhanced, or, in exceptional circumstances, preserved expressly for the purpose of providing mitigation for impacts to wetlands and that has been approved in accordance with the process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98 or approved by the director of environmental protection in accordance with section 6111.025 of the Revised Code.

(R) "Eight-digit hydrologic unit" means a common surface drainage area corresponding to one from the list of thirty-seven adapted from the forty-four cataloging units as depicted on the hydrologic unit map of Ohio, United States geological survey, 1988, and as described in division (F) (2) of rule 3745-1-54 of the Administrative Code or as otherwise shown on map number 1 found in rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic unit" is limited to those parts of the cataloging units that geographically lie within the borders of this state.

(S) "In-lieu fee mitigation" means a payment made by an applicant to satisfy a wetland mitigation requirement established in sections 6111.02 to 6111.027 of the Revised Code.

Sec. 6111.022. (A) A proposed filling of a category 1 or a 101919
category 2 isolated wetland of one-half acre or less shall 101920
require a general state isolated wetland permit and be subject 101921
to level one review requirements established under division (B) 101922
of this section. 101923

(B) Level one review shall apply only to the filling of a 101924
category 1 or a category 2 isolated wetland as described in 101925
division (A) of this section requiring a general state isolated 101926
wetland permit. A level one review shall require the submission 101927
of a pre-activity notice that includes an application, an 101928
acceptable wetland delineation, a wetland categorization, a 101929
description of the project, a description of the acreage of the 101930
isolated wetland that will be subject to filling, site 101931
photographs, and a mitigation proposal for the impact to the 101932
isolated wetland. 101933

(C) The proposed filling of an isolated wetland that is 101934
subject to level one review is authorized by a general state 101935
isolated wetland permit unless the director of environmental 101936
protection notifies the applicant within thirty days after 101937
receipt of a pre-activity notice that the filling of the 101938
isolated wetland will result in a significant negative impact on 101939
state water quality. An applicant that receives such a notice 101940
may apply for an individual state isolated wetland permit in 101941
accordance with the procedures and requirements established 101942
under section 6111.023 of the Revised Code. 101943

(D) Mitigation for the proposed filling of an isolated 101944
wetland that is subject to level one review shall be conducted 101945
~~in the following preferred order:~~ 101946

~~(1) Without the objection of the director and at the~~ 101947
~~discretion of the applicant, either on site mitigation,~~ 101948

~~mitigation at a wetland mitigation bank within the same United States army corps of engineers district as the location of the proposed filling of the isolated wetland, or off-site mitigation;~~

~~(2) In-lieu fee mitigation.~~

~~The director, at the director's discretion, may allow an applicant to deviate from the preferred order established in division (D) of this section. If the proposed filling of an isolated wetland will be mitigated by in-lieu fee mitigation, an applicant shall provide documentation to the director that demonstrates that the applicant evaluated the mitigation alternatives established in division (D) (1) of this section~~accordance with section 6111.027 of the Revised Code.

(E) A person that has submitted a pre-activity notice for coverage under a general state isolated wetland permit under this section shall complete the filling within two years after the end of the thirty-day period following the receipt of the pre-activity notice by the director. If the person does not complete the filling within that two-year period, the person shall submit a new pre-activity notice in accordance with this section.

Sec. 6111.023. (A) A proposed filling of a category 1 isolated wetland of greater than one-half acre or the proposed filling of a category 2 isolated wetland of greater than one-half acre, but less than or equal to three acres shall require an individual state isolated wetland permit and be subject to level two review requirements established under division (B) of this section.

(B) Level two review shall apply to the filling of a

category 1 or a category 2 isolated wetland described in 101978
division (A) of this section and shall require all of the 101979
following: 101980

(1) All of the information required to be submitted with a 101981
pre-activity notice as described in division (B) of section 101982
6111.022 of the Revised Code; 101983

(2) The submission of an analysis of practicable on-site 101984
alternatives to the proposed filling of the isolated wetland 101985
that would have a less adverse impact on the isolated wetland 101986
ecosystem; 101987

(3) The submission of information indicating whether high 101988
quality waters, as defined in rule 3745-1-05 of the 101989
Administrative Code, are to be avoided by the proposed filling 101990
of the isolated wetland. The information submitted shall include 101991
a listing of all waters on site and the proposed buffers on 101992
avoided resources. 101993

(C) The director of environmental protection shall issue 101994
or deny an individual state isolated wetland permit for the 101995
proposed filling of an isolated wetland that is subject to level 101996
two review not later than ninety days after the receipt of an 101997
application for the permit. The director shall issue an 101998
individual state isolated wetland permit for the proposed 101999
filling of an isolated wetland that is subject to level two 102000
review unless the director determines that the applicant for the 102001
permit has failed to demonstrate all of the following: 102002

(1) There is no practicable on-site alternative to the 102003
proposed filling of the isolated wetland that would have a less 102004
adverse impact on the isolated wetland ecosystem. 102005

(2) Reasonable buffers have been provided for any isolated 102006

wetland that will be avoided at the site where the proposed 102007
filling of the isolated wetland will take place. 102008

(3) The isolated wetland that will be subject to filling 102009
is not locally or regionally scarce within the watershed in 102010
which it is located and does not contain rare, threatened, or 102011
endangered species. 102012

(4) The impact would not result in significant degradation 102013
to the aquatic ecosystem. 102014

(5) Appropriate mitigation has been proposed for any 102015
unavoidable impacts. 102016

(6) Storm water and water quality controls will be 102017
installed to ensure that peak post-development rates of surface 102018
water runoff from the impacted isolated wetland do not exceed 102019
the peak pre-development rates of runoff from the on-site 102020
isolated wetland. Water quality improvement measures shall be 102021
incorporated into the design of the storm water control measures 102022
to the maximum extent practicable. Examples of these measures 102023
include, but are not limited to, incorporating vegetated areas 102024
in a storm water control plan. 102025

(7) Any additional, practicable, site-specific 102026
requirements that are determined necessary by the director to 102027
protect water quality have been satisfied. 102028

(D) (1) Notwithstanding an applicant's demonstration under 102029
division (C) of this section, the director may deny an 102030
application for an individual state isolated wetland permit 102031
submitted under this section if the director determines that the 102032
proposed filling of the isolated wetland will result in an 102033
adverse short-term or long-term impact on water quality. 102034

(2) The director may impose any practicable terms and 102035

conditions on an individual state isolated wetland permit issued 102036
under this section that are appropriate or necessary to ensure 102037
adequate protection of state water quality and to ensure 102038
compliance with this chapter and rules adopted under it. 102039

(3) Prior to the issuance of an individual state isolated 102040
wetland permit under this section, or prior to, during, or after 102041
the filling of the isolated wetland that is the subject of the 102042
permit, the director may require that the applicant or permit 102043
holder perform various environmental quality tests, including, 102044
without limitation, chemical analyses of water, sediment, or 102045
fill material and bioassays, in order to ensure adequate 102046
protection of water quality. 102047

~~(E) (1) (E)~~ Mitigation for the proposed filling of a- 102048
~~category 1~~ an isolated wetland that is subject to level two 102049
review shall be conducted in ~~the following preferred order:~~ 102050

~~(a) Without the objection of the director and at the~~ 102051
~~discretion of the applicant, either on-site mitigation,~~ 102052
~~mitigation at a wetland mitigation bank within the same United~~ 102053
~~States army corps of engineers district as the location of the~~ 102054
~~proposed filling of the isolated wetland, or off-site~~ 102055
~~mitigation;~~ 102056

~~(b) In-lieu fee mitigation.~~ 102057

~~The director, at the director's discretion, may allow an~~ 102058
~~applicant to deviate from the preferred order established in~~ 102059
~~division (E) (1) of this section. If the proposed filling of an~~ 102060
~~isolated wetland will be mitigated by in-lieu fee mitigation, an~~ 102061
~~applicant shall provide documentation to the director that~~ 102062
~~demonstrates that the applicant evaluated the mitigation~~ 102063
~~alternatives established in division (E) (1) (a) of this section.~~ 102064

~~(2) Mitigation for the proposed filling of a category 2 isolated wetland that is subject to level two review shall be conducted in the following preferred order:~~ 102065
102066
102067

~~(a) Mitigation at a wetland mitigation bank with a service area that includes the location of the proposed filling of the isolated wetland.~~ 102068
102069
102070

~~(b) Mitigation at a wetland mitigation bank with a service area that is adjacent to the watershed in which the proposed filling of the isolated wetland is located, provided that the watershed is located within the same United States army corps of engineers district. If mitigation occurs in accordance with division (E) (2) (b) of this section, the applicable mitigation ratio calculated under section 6111.027 of the Revised Code shall be multiplied by one and one-half.~~ 102071
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~~(c) In-lieu fee mitigation;~~ 102079

~~(d) Reasonably identifiable, available, and practicable mitigation within the same watershed.~~ 102080
102081

~~The director, at the director's discretion, may allow an applicant to deviate from the preferred order established in division (E) (2) of this section. If the proposed filling of an isolated wetland will be mitigated by in-lieu fee mitigation, an applicant shall provide documentation to the director that demonstrates that the applicant evaluated the mitigation alternatives established in divisions (E) (2) (a) and (b) of this section accordance with section 6111.027 of the Revised Code.~~ 102082
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Sec. 6111.024. (A) A proposed filling of a category 2 isolated wetland of greater than three acres or a category 3 isolated wetland shall require an individual state isolated wetland permit and be subject to level three review requirements 102090
102091
102092
102093

established under division (B) of this section. 102094

(B) Level three review shall apply to the filling of a 102095
category 2 or a category 3 isolated wetland described in 102096
division (A) of this section and shall require all of the 102097
following: 102098

(1) All of the information required to be submitted with a 102099
pre-activity notice as described in division (B) of section 102100
6111.022 of the Revised Code; 102101

(2) A full antidegradation review conducted in accordance 102102
with rules adopted under section 6111.12 of the Revised Code; 102103

(3) The submission of information indicating whether high 102104
quality waters, as defined in rule 3745-1-05 of the 102105
Administrative Code, are to be avoided by the proposed filling 102106
of the isolated wetland. The information submitted shall include 102107
a listing of all waters on site and the proposed buffers on 102108
avoided resources. 102109

(C) The director of environmental protection shall issue 102110
or deny an individual state isolated wetland permit for the 102111
proposed filling of an isolated wetland that is subject to level 102112
three review not later than one hundred eighty days after the 102113
receipt of an application for the permit. The director shall not 102114
issue an individual state isolated wetland permit for the 102115
proposed filling of an isolated wetland that is subject to level 102116
three review unless the director determines that the applicant 102117
for the permit has demonstrated that the proposed filling will 102118
not prevent or interfere with the attainment or maintenance of 102119
applicable state water quality standards. 102120

(D) (1) Notwithstanding division (C) of this section, the 102121
director also may deny an application for an individual state 102122

isolated wetland permit submitted under this section if the 102123
director determines that the proposed filling of the isolated 102124
wetland will result in an adverse short-term or long-term impact 102125
on water quality. 102126

(2) The director may impose terms and conditions on an 102127
individual state isolated wetland permit issued under this 102128
section that are appropriate or necessary to ensure adequate 102129
protection of state water quality and to ensure compliance with 102130
this chapter and rules adopted under it. 102131

(3) Prior to the issuance of an individual state isolated 102132
wetland permit under this section, or prior to, during, or after 102133
the filling of the isolated wetland that is the subject of the 102134
permit, the director may require that the applicant or permit 102135
holder perform various environmental quality tests, including, 102136
without limitation, chemical analyses of water, sediment, or 102137
fill material and bioassays, in order to ensure adequate 102138
protection of water quality. 102139

(E) Mitigation for the proposed filling of a category 2 or 102140
a category 3 isolated wetland that is subject to level three 102141
review shall be conducted in ~~the following preferred order:~~ 102142

~~(1) Reasonably identifiable, available, and practicable~~ 102143
~~mitigation within the same watershed;~~ 102144

~~(2) Mitigation at a wetland mitigation bank with a service~~ 102145
~~area that includes the location of the proposed filling of the~~ 102146
~~isolated wetland.~~ 102147

~~(3) Mitigation at a wetland mitigation bank with a service~~ 102148
~~area that is adjacent to the watershed in which the proposed~~ 102149
~~filling of the isolated wetland is located, provided that the~~ 102150
~~watershed is located within the same United States army corps of~~ 102151

~~engineers district. If mitigation occurs in accordance with~~ 102152
~~division (E) (3) of this section, the applicable mitigation ratio~~ 102153
~~calculated under section 6111.027 of the Revised Code shall be~~ 102154
~~multiplied by one and one-half.~~ 102155

~~(4) In-lieu fee mitigation;~~ 102156

~~(5) If there is a significant ecological reason that the~~ 102157
~~mitigation location should not be limited to the watershed in~~ 102158
~~which the isolated wetland is located and if the proposed~~ 102159
~~mitigation will result in a substantially greater ecological~~ 102160
~~benefit, in a watershed that is adjacent to the watershed in~~ 102161
~~which the isolated wetland is located.~~ 102162

~~The director, at the director's discretion, may allow an~~ 102163
~~applicant to deviate from the preferred order established in~~ 102164
~~division (E) of this section. If the proposed filling of an~~ 102165
~~isolated wetland will be mitigated by in-lieu fee mitigation, an~~ 102166
~~applicant shall provide documentation to the director that~~ 102167
~~demonstrates that the applicant evaluated the mitigation~~ 102168
~~alternatives established in divisions (E) (1), (2), and (3) of~~ 102169
~~this section~~accordance with section 6111.027 of the Revised 102170
Code. 102171

Sec. 6111.025. (A) The department of natural resources, 102172
the division of wildlife in that department, or any other 102173
division in that department that is designated by the director 102174
of natural resources may establish and operate a wetland 102175
mitigation bank for purposes of sections 6111.02 to 6111.027 of 102176
the Revised Code. A mitigation bank so established may be used 102177
by any individual or entity, including any agency or department 102178
of the state, for mitigation purposes under those sections. 102179
Nothing in this division precludes any other private or public 102180
entity from developing a mitigation bank, provided that it is 102181

approved by the director of environmental protection under 102182
division (C) of this section. 102183

(B) The environmental protection agency, the department of 102184
natural resources, the division of wildlife in that department, 102185
or any other division in that department that is designated by 102186
the director of natural resources may establish and operate an 102187
in-lieu fee mitigation program for purposes of sections 6111.02 102188
to 6111.027 of the Revised Code. An in-lieu fee mitigation 102189
program so established may be used by any individual or entity, 102190
including any agency or department of the state, for mitigation 102191
purposes under those sections. 102192

Nothing in this division precludes any other private or 102193
public entity from developing an in-lieu fee mitigation program, 102194
provided that it is approved by the director of environmental 102195
protection under division (C) of this section. 102196

(C) The director of environmental protection in 102197
consultation with the director of natural resources shall 102198
approve and publish a list of approved wetland mitigation banks 102199
and in-lieu fee mitigation programs that shall be used by 102200
applicants for state isolated wetland permits for mitigation 102201
purposes. In establishing the approved list, the director of 102202
environmental protection shall give preference to wetland 102203
mitigation banks that are comprised of areas involving the 102204
restoration of previously existing wetlands. Applicants for 102205
isolated wetland permits shall not use mitigation from a 102206
mitigation bank or an in-lieu fee mitigation program that has 102207
not been approved under this section. 102208

(D) The director of environmental protection annually 102209
shall issue a report to the members of the general assembly on 102210
the total number of acres of wetlands and lineal feet of stream 102211

that were subject to filling during the immediately preceding 102212
fiscal year. The report also shall include the total number of 102213
acres of wetlands that were restored, created, enhanced, or 102214
preserved through compensatory mitigation that same year as a 102215
result of state isolated wetland permits issued under sections 102216
6111.02 to 6111.027 of the Revised Code and the state section 102217
401 water quality certification program administered under 102218
section 6111.30 of the Revised Code. 102219

(E) Any wetland category determined through the use of the 102220
appropriate Ohio rapid assessment method and verified by the 102221
environmental protection agency for purposes of an isolated 102222
wetlands permit issued under sections 6111.02 to 6111.027 of the 102223
Revised Code is valid for a period of five years following 102224
verification. 102225

(F) The director of environmental protection, in 102226
accordance with Chapter 119. of the Revised Code, shall adopt 102227
and may amend, suspend, or rescind, rules having uniform 102228
application throughout this state governing the approval and use 102229
of wetland mitigation banks, including designating mitigation 102230
bank service areas, and in-lieu fee mitigation programs under 102231
this section. The rules may include any of the following: 102232

- (1) Application requirements and approval criteria; 102233
- (2) Mitigation plans; 102234
- (3) Performance standards; 102235
- (4) Monitoring requirements; 102236
- (5) Provisions for corrective measures, adaptive 102237
management, and long term protections; 102238
- (6) Credit sales; 102239

<u>(7) Financial assurance;</u>	102240
<u>(8) Any other provision determined by the director.</u>	102241
Sec. 6111.027. (A) Mitigation for impacts to isolated	102242
wetlands under sections 6111.02 to 6111.027 shall be conducted	102243
in accordance with the following ratios:	102244
(1) For category 1 and category 2 isolated wetlands, other	102245
than forested category 2 isolated wetlands, mitigation located	102246
at an approved wetland mitigation bank shall be conducted, or	102247
mitigation shall be paid for under an in-lieu fee mitigation	102248
program, at a rate of two times the size of the area of isolated	102249
wetland that is being impacted.	102250
(2) For forested category 2 isolated wetlands, mitigation	102251
located at an approved wetland mitigation bank shall be	102252
conducted, or mitigation shall be paid for under an in-lieu fee	102253
mitigation program, at a rate of two and one-half times the size	102254
of the area of isolated wetland that is being impacted.	102255
(3) All other mitigation shall be subject to mitigation	102256
ratios established in rule 3745-1-54 of the Administrative Code.	102257
(B) Mitigation that involves the enhancement or	102258
preservation of isolated wetlands shall be calculated and	102259
performed in accordance with rule 3745-1-54 of the	102260
Administrative Code.	102261
(C) An applicant for coverage under a general state	102262
isolated wetland permit or for an individual state isolated	102263
wetland permit under sections 6111.022 to 6111.024 of the	102264
Revised Code shall demonstrate that the mitigation site will be	102265
protected long term and that appropriate practicable management	102266
measures are, or will be, in place to restrict harmful	102267
activities that jeopardize the mitigation.	102268

(D) (1) Mitigation for the proposed filling of an isolated 102269
wetland shall be conducted in the following preferred order, 102270
except as provided in division (D) (2) of this section: 102271

(a) Purchasing credits at a wetland mitigation bank 102272
approved in accordance with section 6111.025 of the Revised 102273
Code; 102274

(b) Purchasing credits at an approved in-lieu fee 102275
mitigation program in accordance with section 6111.025 of the 102276
Revised Code; 102277

(c) Constructing individual mitigation projects. 102278

(2) The director of environmental protection may require, 102279
or an applicant may seek, a deviation from the mitigation 102280
hierarchy specified in division (D) (1) of this section if the 102281
director determines, or the applicant demonstrates, that the 102282
size or quality of the impacted resource or the lack of 102283
available mitigation credits necessitates a change in the 102284
hierarchy. 102285

Sec. 6111.04. (A) Both of the following apply except as 102286
otherwise provided in division (A) or (F) of this section: 102287

(1) No person shall cause pollution or place or cause to 102288
be placed any sewage, sludge, sludge materials, industrial 102289
waste, or other wastes in a location where they cause pollution 102290
of any waters of the state. 102291

(2) Such an action prohibited under division (A) (1) of 102292
this section is hereby declared to be a public nuisance. 102293

Divisions (A) (1) and (2) of this section do not apply if 102294
the person causing pollution or placing or causing to be placed 102295
wastes in a location in which they cause pollution of any waters 102296

of the state holds a valid, unexpired permit, or renewal of a 102297
permit, governing the causing or placement as provided in 102298
sections 6111.01 to 6111.08 of the Revised Code or if the 102299
person's application for renewal of such a permit is pending. 102300

(B) If the director of environmental protection 102301
administers a sludge management program pursuant to division (R) 102302
of section 6111.03 of the Revised Code, both of the following 102303
apply except as otherwise provided in division (B) or (F) of 102304
this section: 102305

(1) No person, in the course of sludge management, shall 102306
place on land located in the state or release into the air of 102307
the state any sludge or sludge materials. 102308

(2) An action prohibited under division (B) (1) of this 102309
section is hereby declared to be a public nuisance. 102310

Divisions (B) (1) and (2) of this section do not apply if 102311
the person placing or releasing the sludge or sludge materials 102312
holds a valid, unexpired permit, or renewal of a permit, 102313
governing the placement or release as provided in sections 102314
6111.01 to 6111.08 of the Revised Code or if the person's 102315
application for renewal of such a permit is pending. 102316

(C) No person to whom a permit has been issued shall place 102317
or discharge, or cause to be placed or discharged, in any waters 102318
of the state any sewage, sludge, sludge materials, industrial 102319
waste, or other wastes in excess of the permissive discharges 102320
specified under an existing permit without first receiving a 102321
permit from the director to do so. 102322

(D) No person to whom a sludge management permit has been 102323
issued shall place on the land or release into the air of the 102324
state any sludge or sludge materials in excess of the permissive 102325

amounts specified under the existing sludge management permit 102326
without first receiving a modification of the existing sludge 102327
management permit or a new sludge management permit to do so 102328
from the director. 102329

(E) The director may require the submission of plans, 102330
specifications, and other information that the director 102331
considers relevant in connection with the issuance of permits. 102332

(F) This section does not apply to any of the following: 102333

(1) Waters used in washing sand, gravel, other aggregates, 102334
or mineral products when the washing and the ultimate disposal 102335
of the water used in the washing, including any sewage, 102336
industrial waste, or other wastes contained in the waters, are 102337
entirely confined to the land under the control of the person 102338
engaged in the recovery and processing of the sand, gravel, 102339
other aggregates, or mineral products and do not result in the 102340
pollution of waters of the state; 102341

(2) Water, gas, or other material injected into a well to 102342
facilitate, or that is incidental to, the production of oil, 102343
gas, artificial brine, or water derived in association with oil 102344
or gas production and disposed of in a well, in compliance with 102345
a permit issued under Chapter 1509. of the Revised Code, or 102346
sewage, industrial waste, or other wastes injected into a well 102347
in compliance with an injection well operating permit. Division 102348
(F) (2) of this section does not authorize, without a permit, any 102349
discharge that is prohibited by, or for which a permit is 102350
required by, regulation of the United States environmental 102351
protection agency. 102352

(3) Application of any materials to land for agricultural 102353
purposes or runoff of the materials from that application or 102354

pollution by residual farm products, manure, or soil sediment, 102355
including attached substances, resulting from farming, 102356
silvicultural, or earthmoving activities regulated by Chapter 102357
307. or 939. of the Revised Code. Division (F) (3) of this 102358
section does not authorize, without a permit, any discharge that 102359
is prohibited by, or for which a permit is required by, the 102360
Federal Water Pollution Control Act or regulations adopted under 102361
it. As used in division (F) (3) of this section, "residual farm 102362
products" and "manure" have the same meanings as in section 102363
939.01 of the Revised Code. 102364

(4) The excrement of domestic and farm animals defecated 102365
on land or runoff therefrom into any waters of the state. 102366
Division (F) (4) of this section does not authorize, without a 102367
permit, any discharge that is prohibited by, or for which a 102368
permit is required by, the Federal Water Pollution Control Act 102369
or regulations adopted under it. 102370

(5) On and after the date on which the United States 102371
environmental protection agency approves the NPDES program 102372
submitted by the director of agriculture under section 903.08 of 102373
the Revised Code, any discharge that is within the scope of the 102374
approved NPDES program submitted by the director of agriculture; 102375

(6) The discharge of sewage, industrial waste, or other 102376
wastes into a sewerage system tributary to a treatment works. 102377
Division (F) (6) of this section does not authorize any discharge 102378
into a publicly owned treatment works in violation of a 102379
pretreatment program applicable to the publicly owned treatment 102380
works or any discharge to a privately owned treatment works in 102381
violation of any permit conditions established in accordance 102382
with 40 C.F.R. 122.44(m). 102383

(7) A household sewage treatment system or a small flow 102384

on-site sewage treatment system, as applicable, as defined in 102385
section 3718.01 of the Revised Code that is installed in 102386
compliance with Chapter 3718. of the Revised Code and rules 102387
adopted under it. Division (F) (7) of this section does not 102388
authorize, without a permit, any discharge that is prohibited 102389
by, or for which a permit is required by, regulation of the 102390
United States environmental protection agency. 102391

(8) Exceptional quality sludge generated outside of this 102392
state and contained in bags or other containers not greater than 102393
one hundred pounds in capacity. As used in division (F) (8) of 102394
this section, "exceptional quality sludge" has the same meaning 102395
as in division ~~(F)~~(X) of section 3745.11 of the Revised Code. 102396

(G) The holder of a permit issued under section 402 (a) of 102397
the Federal Water Pollution Control Act need not obtain a permit 102398
for a discharge authorized by the permit until its expiration 102399
date. Except as otherwise provided in this division, the 102400
director of environmental protection shall administer and 102401
enforce those permits within this state and may modify their 102402
terms and conditions in accordance with division (J) of section 102403
6111.03 of the Revised Code. On and after the date on which the 102404
United States environmental protection agency approves the NPDES 102405
program submitted by the director of agriculture under section 102406
903.08 of the Revised Code, the director of agriculture shall 102407
administer and enforce those permits within this state that are 102408
issued for any discharge that is within the scope of the 102409
approved NPDES program submitted by the director of agriculture. 102410

Section 101.02. That existing sections 9.239, 9.27, 9.28, 102411
9.312, 9.331, 9.334, 9.47, 9.821, 102.02, 107.71, 113.05, 102412
113.13, 113.40, 113.51, 119.062, 120.06, 120.08, 121.02, 121.03, 102413
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5101.212, 5101.215, 5101.222, 5101.242, 5101.26, 5101.272,	102521
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5123.168, 5123.169, 5123.19, 5123.191, 5123.36, 5123.38,	102551
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5139.34, 5153.10, 5153.122, 5153.16, 5153.163, 5160.37,	102553
5162.133, 5163.03, 5163.091, 5163.093, 5163.094, 5163.098,	102554
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5727.42, 5727.47, 5727.48, 5727.60, 5727.82, 5727.83, 5727.89,	102561
5728.09, 5728.10, 5729.10, 5733.022, 5735.062, 5735.12,	102562
5735.121, 5736.05, 5736.09, 5739.027, 5739.032, 5739.07,	102563
5739.102, 5739.12, 5739.122, 5739.124, 5739.13, 5739.133,	102564
5739.31, 5739.99, 5741.121, 5741.122, 5743.01, 5743.02,	102565
5743.025, 5743.05, 5743.051, 5743.081, 5743.082, 5743.32,	102566
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5747.05, 5747.062, 5747.063, 5747.064, 5747.07, 5747.071,	102569
5747.072, 5747.08, 5747.082, 5747.09, 5747.10, 5747.13, 5747.15,	102570
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5748.021, 5748.03, 5748.04, 5748.08, 5748.081, 5748.09, 5749.02,	102572
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5751.53, 5751.98, 5753.021, 5753.031, 5753.05, 5753.07, 5907.11,	102574

5907.17, 6111.01, 6111.02, 6111.022, 6111.023, 6111.024,
6111.025, 6111.027, and 6111.04 of the Revised Code are hereby
repealed.

Section 105.01. That sections 113.06, 122.451, 122.55,
122.56, 122.561, 122.57, 124.183, 125.092, 125.093, 125.10,
125.112, 125.181, 125.36, 125.38, 125.43, 125.49, 125.51,
125.56, 125.60, 125.602, 125.603, 125.604, 125.605, 125.606,
125.607, 125.608, 125.609, 125.6010, 125.6011, 125.6012, 125.65,
125.76, 125.95, 128.412, 135.144, 904.06, 905.56, 935.25,
956.181, 1561.18, 1561.21, 1561.22, 3312.02, 3312.03, 3312.04,
3312.05, 3312.06, 3313.902, 3314.38, 3317.036, 3317.23,
3317.231, 3317.24, 3321.191, 3333.0415, 3345.86, 3354.24,
3780.18, 3780.19, 3780.22, 4729.551, 4758.18, 4758.241, 4758.50,
4758.52, 4928.57, 4928.581, 4928.582, 4928.583, 5104.08,
5123.352, 5163.05, 5180.23, 5180.24, 5180.34, 5503.031, 5745.13,
5902.06, and 5902.20 of the Revised Code are hereby repealed.

Section 105.10. That section 3354.24 of the Revised Code
is hereby repealed, effective June 30, 2027.

Section 125.10. The amendment by this act of section
4785.041 of the Revised Code does not supersede the repeal of
that section on April 3, 2033, as prescribed by Sections 4 and 5
of H.B. 107 of the 134th General Assembly.

Section 201.10. APPROPRIATIONS

Except as otherwise provided in this act, all
appropriation items in this act are appropriated out of any
moneys in the state treasury to the credit of the designated
fund that are not otherwise appropriated. For all appropriations
made in this act, the amounts in the first column are for fiscal
year 2026 and the amounts in the second column are for fiscal

year 2027. 102604

Section 203.10. 102605

102606

1	2	3	4	5
A	ACC ACCOUNTANCY BOARD OF OHIO			
B	Dedicated Purpose Fund Group			
C	4J80 889601 CPA Education Assistance		\$260,000	\$275,000
D	4K90 889609 Operating Expenses		\$1,359,075	\$1,400,531
E	Dedicated Purpose Fund Group Total		\$1,619,075	\$1,675,531
F	TOTAL ALL BUDGET FUND GROUPS		\$1,619,075	\$1,675,531

Section 205.10. 102607

102608

1	2	3	4	5
A	ADJ ADJUTANT GENERAL			
B	General Revenue Fund			
C	GRF 745401 Ohio Military Reserve		\$56,162	\$56,162
D	GRF 745404 Air National Guard		\$2,782,794	\$2,821,658
E	GRF 745407 National Guard Benefits		\$174,000	\$174,000
F	GRF 745409 Central Administration		\$3,585,342	\$3,684,085
G	GRF 745499 Army National Guard		\$6,319,611	\$6,385,948

H	GRF	745503	Ohio Cyber Reserve	\$1,151,000	\$1,151,000
I	GRF	745504	Ohio Cyber Range	\$2,650,000	\$2,650,000
J	GRF	745505	State Active Duty	\$70,000	\$70,000
K			General Revenue Fund Total	\$16,788,909	\$16,992,853
L			Dedicated Purpose Fund Group		
M	5340	745612	Property Operations Management	\$682,195	\$682,292
N	5360	745620	Camp Perry and Buckeye Inn Operations	\$1,064,057	\$1,074,431
O	5370	745604	Ohio National Guard Facilities Maintenance	\$60,131	\$60,131
P	5U80	745613	Community Match Armories	\$349,965	\$349,965
Q			Dedicated Purpose Fund Group Total	\$2,156,348	\$2,166,819
R			Federal Fund Group		
S	3420	745616	Army National Guard Service Agreement	\$24,076,820	\$24,316,615
T	3E80	745628	Air National Guard Operations and Maintenance	\$18,934,892	\$19,380,313
U	3R80	745603	Counter Drug Operations	\$26,606	\$26,606
V			Federal Fund Group Total	\$43,038,318	\$43,723,534

W TOTAL ALL BUDGET FUND GROUPS \$61,983,575 \$62,883,206

Section 205.20. NATIONAL GUARD BENEFITS 102609

The foregoing appropriation item 745407, National Guard 102610
Benefits, shall be used for purposes of sections 5919.31 and 102611
5919.33 of the Revised Code, and for administrative costs of the 102612
associated programs. 102613

If necessary, in order to pay benefits in a timely manner 102614
pursuant to sections 5919.31 and 5919.33 of the Revised Code, 102615
the Adjutant General may request that the Director of Budget and 102616
Management transfer appropriation from any appropriation item 102617
used by the Adjutant General to appropriation item 745407, 102618
National Guard Benefits. Such amounts are hereby appropriated. 102619
The Adjutant General may subsequently seek Controlling Board 102620
approval to restore the appropriation in the appropriation item 102621
from which such a transfer was made. 102622

For active duty members of the Ohio National Guard who 102623
died after October 7, 2001, while performing active duty, the 102624
death benefit, pursuant to section 5919.33 of the Revised Code, 102625
shall be paid to the beneficiary or beneficiaries designated on 102626
the member's Service members' Group Life Insurance Policy. 102627

OHIO CYBER RESERVE 102628

The foregoing appropriation item 745503, Ohio Cyber 102629
Reserve, shall be used for purposes of providing support for the 102630
administration of the Ohio Cyber Reserve, a civilian cyber 102631
reserve force that is part of the Ohio organized militia, 102632
capable of being expanded and trained to educate and protect all 102633
levels of state government, critical infrastructure, and the 102634
citizens of this state from cyber attacks and incidences under 102635

sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as 102636
well as for the purpose of paying expenses related to cyber 102637
state active duty of members of the Ohio Cyber Reserve, in 102638
accordance with a proclamation or order of the Governor. 102639
Expenses include, but are not limited to, the cost of equipment, 102640
supplies, and services, as determined by the Adjutant General. 102641

OHIO CYBER RANGE 102642

The foregoing appropriation item 745504, Ohio Cyber Range, 102643
shall be used by the Adjutant General's Department to establish 102644
and maintain the cyber range for purposes of providing cyber 102645
training and education to K-12 students, higher education 102646
students, members of the Ohio National Guard, federal employees, 102647
and state and local government employees, and provide for 102648
emergency preparedness exercises and trainings. 102649

The Adjutant General's Department, in conjunction and 102650
collaboration with the Department of Administrative Services, 102651
the Department of Public Safety, the Department of Higher 102652
Education, and the Department of Education and Workforce shall 102653
establish and maintain a cyber range. The Adjutant General's 102654
Department may work with federal agencies to assist in 102655
accomplishing this objective. The state agencies identified in 102656
this paragraph may procure any necessary goods and services 102657
including, but not limited to, contracted services, hardware, 102658
networking services, maintenance costs, and the training and 102659
management costs of a cyber range. These state agencies shall 102660
determine the amount of funds each agency will contribute from 102661
available funds and appropriations enacted herein in order to 102662
establish and maintain a cyber range. 102663

STATE ACTIVE DUTY 102664

The foregoing appropriation item 745505, State Active 102665
Duty, shall be used for the purpose of paying expenses related 102666
to state active duty of members of the Ohio organized militia, 102667
not including the civilian cyber security reserve forces, in 102668
accordance with a proclamation or order of the Governor. 102669
Expenses include, but are not limited to, cost of equipment, 102670
supplies, and services, as determined by the Adjutant General. 102671

Section 207.10.

102672
102673

1	2	3	4	5
A		DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
B		General Revenue Fund		
C	GRF	100412 Unemployment Insurance	\$1,560,000	\$1,560,000
		System Lease Rental		
		Payments		
D	GRF	100413 EDCS Lease Rental	\$9,300,000	\$9,300,000
		Payments		
E	GRF	100414 MARCS Lease Rental	\$6,450,000	\$6,450,000
		Payments		
F	GRF	100415 OAKS Lease Rental	\$2,450,000	\$2,450,000
		Payments		
G	GRF	100416 STARS Lease Rental	\$1,100,000	\$1,100,000
		Payments		
H	GRF	100447 Administrative Buildings	\$45,500,000	\$60,500,000
		Lease Rental Bond		

Payments

I	GRF	100456	State IT Services	\$978,412	\$4,512,297
J	GRF	100459	Ohio Business Gateway	\$14,825,421	\$14,868,107
K	GRF	100469	Aronoff Center Building Maintenance	\$222,000	\$222,000
L	GRF	130321	State Agency Support Services	\$29,811,000	\$29,811,000
M			General Revenue Fund Total	\$112,196,833	\$130,773,404
N			Dedicated Purpose Fund Group		
O	4K90	100673	Ohio Professionals Licensing System	\$7,175,727	\$7,439,069
P	5AB1	100674	Next Generation 911	\$3,500,000	\$0
Q	5L70	100610	Professional Development	\$2,413,841	\$2,414,854
R	5NM0	100663	911 Program	\$956,663	\$980,078
S	5V60	100619	Employee Educational Development	\$1,234,461	\$1,268,484
T	7093	100675	Next Generation 9-1-1	\$13,469,622	\$14,804,264
U			Dedicated Purpose Fund Group Total	\$28,750,314	\$26,906,749
V			Internal Service Activity Fund Group		
W	1120	100616	DAS Administration	\$14,683,912	\$15,113,177

X	1170	100644	General Services Division - Operating	\$23,091,398	\$22,574,348
Y	1220	100637	Fleet Management	\$25,449,633	\$22,866,905
Z	1250	100622	Human Resources Division - Operating	\$26,081,909	\$26,319,177
AA	1250	100657	Benefits Communication	\$620,036	\$628,275
AB	1300	100606	Risk Management Reserve	\$24,015,458	\$24,051,115
AC	1320	100631	DAS Building Management	\$53,101,399	\$54,715,341
AD	1330	100607	IT Services Delivery	\$194,935,390	\$197,374,206
AE	2100	100612	State Printing	\$31,450,162	\$32,512,922
AF	2290	100630	IT Governance	\$40,176,321	\$40,741,507
AG	2290	100640	Consolidated IT Purchases	\$28,265,838	\$28,265,838
AH	4270	100602	Investment Recovery	\$1,835,187	\$1,891,267
AI	4N60	100617	Major IT Purchases	\$3,984,131	\$3,984,131
AJ	5C20	100605	MARCS Administration	\$35,336,608	\$35,689,974
AK	5EB0	100635	OAKS Support Organization	\$101,832,561	\$104,303,226
AL	5EB0	100656	OAKS Updates and Developments	\$11,427,405	\$11,403,567
AM	5KZ0	100659	Building Improvement	\$2,276,705	\$2,777,458

AN 5LJ0 100661 IT Development	\$12,839,922	\$12,839,922
AO 5PC0 100665 Enterprise Applications	\$14,160,852	\$14,244,654
AP 5WU0 100672 Ohio Benefits	\$151,980,462	\$0
AQ Internal Service Activity Fund Group Total	\$797,545,289	\$652,297,010
AR Fiduciary Fund Group		
AS 5UH0 100670 Enterprise Transactions	\$1,590,000	\$1,640,000
AT Fiduciary Fund Group Total	\$1,590,000	\$1,640,000
AU TOTAL ALL BUDGET FUND GROUPS	\$940,082,436	\$811,617,163

Section 207.20. EDCS LEASE RENTAL PAYMENTS 102674

The foregoing appropriation item 100413, EDCS Lease Rental 102675
Payments, shall be used to make payments during the period from 102676
July 1, 2025, through June 30, 2027, pursuant to leases and 102677
agreements entered into under Chapter 125. of the Revised Code, 102678
as supplemented by Section 701.10 of H.B. 529 of the 132nd 102679
General Assembly, as amended by Section 601.10 of H.B. 166 of 102680
the 133rd General Assembly, and other prior acts of the General 102681
Assembly, with respect to financing the costs associated with 102682
the acquisition, development, implementation, and integration of 102683
the Enterprise Data Center Solutions (EDCS) information 102684
technology initiative. 102685

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL 102686
PAYMENTS 102687

The foregoing appropriation item 100414, MARCS Lease 102688

Rental Payments, shall be used to make payments during the 102689
period from July 1, 2025, through June 30, 2027, pursuant to 102690
leases and agreements entered into under Chapter 125. of the 102691
Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 102692
of the 130th General Assembly and other prior acts of the 102693
General Assembly, with respect to financing the costs associated 102694
with the acquisition, development, implementation, and 102695
integration of the Multi-Agency Radio Communications System 102696
(MARCS) upgrade. 102697

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 102698

The foregoing appropriation item 100415, OAKS Lease Rental 102699
Payments, shall be used to make payments during the period from 102700
July 1, 2025, through June 30, 2027, pursuant to leases and 102701
agreements entered into under Chapter 125. of the Revised Code, 102702
as supplemented by Section 701.10 of H.B. 529 of the 132nd 102703
General Assembly and other prior acts of the General Assembly, 102704
with respect to financing the costs associated with the 102705
acquisition, development, implementation, and integration of the 102706
Ohio Administrative Knowledge System (OAKS). 102707

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 102708
PAYMENTS 102709

The foregoing appropriation item 100416, STARS Lease 102710
Rental Payments, shall be used to make payments during the 102711
period from July 1, 2025, through June 30, 2027, pursuant to 102712
leases and agreements entered into under Chapter 125. of the 102713
Revised Code, as supplemented by Section 701.30 of H.B. 529 of 102714
the 132nd General Assembly and other prior acts of the General 102715
Assembly, with respect to financing the costs associated with 102716
the acquisition, development, implementation, and integration of 102717
the State Taxation Accounting and Revenue System (STARS). 102718

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	102719
The foregoing appropriation item 100447, Administrative	102720
Buildings Lease Rental Bond Payments, shall be used to meet all	102721
payments during the period from July 1, 2025, through June 30,	102722
2027, by the Department of Administrative Services pursuant to	102723
leases and agreements under Chapters 152. and 154. of the	102724
Revised Code. These appropriations are the source of funds	102725
pledged for bond service charges on related obligations issued	102726
under Chapters 152. and 154. of the Revised Code.	102727
DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT	102728
FUND	102729
The foregoing appropriation item 130321, State Agency	102730
Support Services, may be used to provide funding for the cost of	102731
property appraisals or building studies that the Department of	102732
Administrative Services may be required to obtain for property	102733
that is being sold by the state or property under consideration	102734
to be renovated or purchased by the state.	102735
Notwithstanding section 125.28 of the Revised Code, the	102736
foregoing appropriation item 130321, State Agency Support	102737
Services, also may be used to pay the operating expenses of	102738
state facilities maintained by the Department of Administrative	102739
Services that are not billed to building tenants, other costs	102740
associated with the Voinovich Center in Youngstown, Ohio, or	102741
costs of repairing vehicles donated pursuant to section 125.13	102742
of the Revised Code. These expenses may include, but are not	102743
limited to, the costs for vacant space and space undergoing	102744
renovation, and the rent expenses of tenants that are relocated	102745
because of building renovations. These payments may be processed	102746
by the Department of Administrative Services through intrastate	102747
transfer vouchers and placed into the Building Management Fund	102748

(Fund 1320) . 102749

At least once per year, the portion of appropriation item 102750
130321, State Agency Support Services, that is not used for the 102751
regular expenses of the appropriation item may be processed by 102752
the Department of Administrative Services through intrastate 102753
transfer voucher and placed in the Building Improvement Fund 102754
(Fund 5KZ0) . 102755

On July 1, 2026, or as soon as possible thereafter, the 102756
Director of Administrative Services may certify to the Director 102757
of Budget and Management an amount up to the unexpended, 102758
unencumbered balance of the foregoing appropriation item 130321, 102759
State Agency Support Services, at the end of fiscal year 2026 to 102760
be reappropriated to fiscal year 2027. The amount certified is 102761
hereby reappropriated to the same appropriation item for fiscal 102762
year 2027. 102763

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 102764

Of the foregoing appropriation item 100610, Professional 102765
Development, up to \$1,400,000 in each fiscal year shall be used 102766
to make payments from the Professional Development Fund (Fund 102767
5L70) under section 124.182 of the Revised Code. 102768

Of the foregoing appropriation item 100610, Professional 102769
Development, up to \$2,000,000 during the FY 2026-FY 2027 102770
biennium may be used by the Director of Administrative Services 102771
for the creation, staffing, and administration of the Ohio 102772
Digital Academy. The Ohio Digital Academy shall exist to 102773
generate high-tech workforce capacity and serve the state of 102774
Ohio in advanced technology and cybersecurity needs. The goals 102775
of the Ohio Digital Academy shall be to educate, train, and 102776
subsequently employ analysts in completing boot camps, 102777

certifications, or degree programs in cybersecurity, coding, 102778
software engineering, user experience designers, and related 102779
fields. 102780

In consultation with CyberOhio, the Department of 102781
Administrative Services shall have full authority to select 102782
qualified candidates for the Ohio Digital Academy. Candidates 102783
shall be subject to all applicable background checks and if 102784
selected, shall be required to commit to three years of service 102785
with the state of Ohio. Ohio Digital Academy candidates may be 102786
placed in an unclassified, administrative staff position 102787
pursuant to division (A) (30) of section 124.11 of the Revised 102788
Code for which the Director of Administrative Services is hereby 102789
given specific authority to set compensation, or with other 102790
public or private employers identified by the Department with 102791
which a partnership agreement has been established. 102792
Notwithstanding any provision of law to the contrary, the 102793
Department may use the foregoing appropriation to reimburse 102794
selected students' tuition expenses for coursework, 102795
certification achieved, or other necessary expenses, prior to 102796
acceptance in the program, which is directly attributable to the 102797
targeted skills of the program if completed within one year 102798
prior to the effective date of this section. Upon hiring, 102799
candidates shall also be eligible for reimbursement of costs for 102800
continuing education or certification at the discretion of the 102801
Director to support the development of specialized skills in the 102802
areas of information technology and cybersecurity. Each 102803
candidate shall be responsible for any tax implications 102804
associated with the tuition. The Department reserves the right 102805
to recover all or a portion of funds provided to an Ohio Digital 102806
Academy participant who fails to complete the agreed upon three 102807
years of service commitment to the state. 102808

On July 1, 2025, or as soon as possible thereafter, the
Department of Administrative Services may select and enter into
a subgrant agreement with a regionally accredited Ohio
institution of higher education with demonstrated significant
coursework and programming in cybersecurity to serve as a
Digital Analyst Training Academy (D.A.T.A.) Center. The Center
shall be responsible for paying for costs associated with the
work of the Ohio Digital Academy as designated by the Department
of Administrative Services. On behalf of the Center, the
selected institution shall do all the following:

(A) Provide necessary educational coursework or training
for the selected students' successful completion of a
certificate or degree program as prescribed by the Department of
Administrative Services at no cost to the selected students;

(B) Administer weekly professional development programs
for students in an academic setting;

(C) Prepare analysts for summer mandatory recruit training
as prescribed by the Department of Administrative Services;

(D) Coordinate and manage summer scenarios;

(E) Submit a quarterly report to the Department of
Administrative Services that contains detailed information on
the amount of grant funds expended for the aforementioned
purposes;

(F) Submit an annual report to the Department of
Administrative Services of all achievements, including a status
report of all expenditures, number of students enrolled by
program area, number of students graduated or certifications
achieved by program area, program expansion opportunities, and
projected costs to continue operating the Center.

Additional Centers may be added over the biennium subject 102838
to the approval of the Director of Administrative Services. 102839

On July 1, 2026, or as soon as possible thereafter, the 102840
Director of Administrative Services may certify to the Director 102841
of Budget and Management, the unencumbered, unexpended portion 102842
remaining in appropriation item 100610, Professional Development 102843
Fund, at the end of fiscal year 2026. The certified amount is 102844
hereby reappropriated for the same purposes in fiscal year 2027. 102845

911 PROGRAM 102846

The foregoing appropriation item 100663, 911 Program, 102847
shall be used by the Department of Administrative Services to 102848
pay the administrative, marketing, and educational costs of the 102849
Statewide Emergency Services Internet Protocol Network program. 102850

EMPLOYEE EDUCATIONAL DEVELOPMENT 102851

The foregoing appropriation item 100619, Employee 102852
Educational Development, shall be used to make payments from the 102853
Employee Educational Development Fund (Fund 5V60) under section 102854
124.86 of the Revised Code. The fund shall be used to pay the 102855
costs of administering educational programs under existing 102856
collective bargaining agreements with District 1199, the Health 102857
Care and Social Service Union, Service Employees International 102858
Union; State Council of Professional Educators; Ohio Education 102859
Association and National Education Association; the Fraternal 102860
Order of Police State of Ohio, Unit 2 Association; and the Ohio 102861
State Troopers Association, Units 1 and 15. 102862

If it is determined by the Director of Budget and 102863
Management that additional amounts are necessary, the amounts 102864
are hereby appropriated. 102865

Section 207.40. GENERAL SERVICE CHARGES 102866

The Department of Administrative Services, with the 102867
approval of the Director of Budget and Management, shall 102868
establish charges for recovering the costs of administering the 102869
programs funded by the General Services Fund (Fund 1170) and the 102870
State Printing Fund (Fund 2100). 102871

COLLECTIVE BARGAINING ARBITRATION EXPENSES 102872

The Department of Administrative Services may seek 102873
reimbursement from state agencies for the actual costs and 102874
expenses the Department incurs in the collective bargaining 102875
arbitration process. The reimbursements shall be processed 102876
through intrastate transfer vouchers and credited to the Human 102877
Resources Services Fund (Fund 1250). 102878

RISK MANAGEMENT RESERVE 102879

The foregoing appropriation item 100606, Risk Management 102880
Reserve, shall be used to make payments from the Risk Management 102881
Reserve Fund (Fund 1300) pursuant to section 9.823 of the 102882
Revised Code. If the Director of Budget and Management 102883
determines that additional amounts are necessary, the amounts 102884
are hereby appropriated. 102885

CONSOLIDATED IT PURCHASES 102886

The foregoing appropriation item 100640, Consolidated IT 102887
Purchases, shall be used by the Department of Administrative 102888
Services acting as the purchasing agent for one or more 102889
government entities under the authority of division (G) of 102890
section 125.18 of the Revised Code to make information 102891
technology purchases at a lower aggregate cost than each 102892
individual government entity could have obtained independently 102893
for that information technology purchase. 102894

On July 1, 2026, or as soon as possible thereafter, the 102895

Director of Administrative Services may certify to the Director 102896
of Budget and Management an amount up to the unexpended, 102897
unencumbered balance of the foregoing appropriation item 100640, 102898
Consolidated IT Purchases, at the end of fiscal year 2026 to be 102899
reappropriated to fiscal year 2027. The amount certified is 102900
hereby reappropriated to the same appropriation item for fiscal 102901
year 2027. 102902

INVESTMENT RECOVERY FUND 102903

Notwithstanding division (B) of section 125.14 of the 102904
Revised Code, cash balances in the Investment Recovery Fund 102905
(Fund 4270) may be used to support the operating expenses of the 102906
Federal Surplus Operating Program created in sections 125.84 to 102907
125.90 of the Revised Code. 102908

MAJOR IT PURCHASES CHARGES 102909

Upon the request of the Director of Administrative 102910
Services, the Director of Budget and Management may transfer up 102911
to the amount collected for statewide indirect costs 102912
attributable to debt service paid for the enterprise data center 102913
solutions project from the General Revenue Fund to the Major 102914
Information Technology Purchases Fund (Fund 4N60). 102915

PROFESSIONS LICENSING SYSTEM 102916

The foregoing appropriation item, 100673, Ohio 102917
Professionals Licensing System, shall be used to purchase the 102918
equipment, products, and services necessary to update and 102919
maintain an automated licensing system for the professional 102920
licensing boards. 102921

The Department of Administrative Services shall establish 102922
charges for recovering the costs of ongoing maintenance of the 102923
system that are not otherwise recovered under section 125.18 of 102924

the Revised Code. The charges shall be proportionate to each 102925
benefiting state agency, board, or commission's use of the 102926
system. For agencies, boards, or commissions whose operations 102927
are not funded by appropriations from the Occupational Licensing 102928
and Regulatory Fund (Fund 4K90), the Director of Administrative 102929
Services shall certify to the Director of Budget and Management 102930
these entities' proportionate charges for use of the state's 102931
enterprise electronic licensing system. The Director of Budget 102932
and Management shall transfer cash equaling the certified 102933
amounts from these entities' respective operating funds into the 102934
Occupational Licensing and Regulatory Fund (Fund 4K90). 102935

On July 1, 2025, or as soon as possible thereafter, the 102936
State Board of Education shall consult with the Department of 102937
Administrative Services on the utilization of the Ohio 102938
Professional Licensing System. As part of this consultation, the 102939
State Board of Education shall consider opportunities to reduce 102940
the number of license and certification types. 102941

Section 207.45. BUILDING IMPROVEMENT FUND 102942

The foregoing appropriation item 100659, Building 102943
Improvement, shall be used to make payments from the Building 102944
Improvement Fund (Fund 5KZ0) for major maintenance or 102945
improvements required in facilities maintained by the Department 102946
of Administrative Services. The Department of Administrative 102947
Services shall conduct or contract for regular assessments of 102948
these buildings and may maintain a cash balance in Fund 5KZ0 102949
equal to the cost of the repairs and improvements that are 102950
recommended to occur within the next five years, with the 102951
following exception described below. 102952

Upon request of the Director of Administrative Services, 102953
the Director of Budget and Management may transfer cash from 102954

Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay 102955
costs of operating and maintaining facilities managed by the 102956
Department of Administrative Services that are not charged to 102957
tenants during the same fiscal year. 102958

Should the cash balance in Fund 1320 be determined to be 102959
sufficient, the Director of Administrative Services may request 102960
that the Director of Budget and Management transfer cash from 102961
Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash 102962
transfer made under this section. 102963

INFORMATION TECHNOLOGY DEVELOPMENT 102964

The foregoing appropriation item 100661, IT Development, 102965
shall be used by the Department of Administrative Services to 102966
pay the costs of modernizing the state's information technology 102967
management and investment practices away from a limited, agency- 102968
specific focus in favor of a statewide methodology supporting 102969
development of enterprise solutions. This appropriation item may 102970
be used to pay the costs of enterprise information technology 102971
initiatives affecting state agencies or their customers. 102972

Notwithstanding any provision of law to the contrary, the 102973
Department of Administrative Services, with the approval of the 102974
Director of Budget and Management, may charge state agencies an 102975
information technology development assessment based on state 102976
agencies' information technology expenditures or other 102977
methodology and may assess fees or charges to entities that are 102978
not state agencies to offset the cost of specific technology 102979
events or services. The revenue from these assessments, fees, or 102980
charges shall be deposited into the Information Technology 102981
Development Fund (Fund 5LJ0), which is hereby created. 102982

ENTERPRISE APPLICATIONS 102983

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0).

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may request Controlling Board approval to transfer appropriations, funds, and cash to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall also be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements

determined in accordance with this section.

103014

Section 209.10.

103015

103016

1	2	3	4	5
A	AGE DEPARTMENT OF AGING			
B	General Revenue Fund			
C	GRF	490321 Operating Expenses	\$2,044,405	\$2,083,308
D	GRF	490410 Long-Term Care Ombudsman	\$3,117,148	\$3,122,195
E	GRF	490411 Senior Community Services	\$10,607,903	\$10,645,146
F	GRF	490414 Alzheimer's and Other Dementia Respite	\$4,300,000	\$4,300,000
G	GRF	490506 National Senior Service Corps	\$222,000	\$222,000
H	GRF	656423 Long-Term Care Budget - State	\$5,322,431	\$5,439,477
I	General Revenue Fund Total		\$25,613,887	\$25,812,126
J	Dedicated Purpose Fund Group			
K	4800	490606 Senior Community Outreach and Education	\$150,000	\$150,000
L	4C40	490609 Regional Long-Term Care Ombudsman Program	\$1,000,000	\$1,000,000

M	5BA0	490620	Long-Term Care Quality Initiatives	\$12,417,919	\$12,417,919
N	5K90	490613	Long-Term Care Consumers Guide	\$1,770,000	\$1,780,000
O	5MT0	490627	Board of Executives of Long-Term Services and Supports	\$850,000	\$875,000
P	5T40	656625	Health Care Grants - State	\$695,940	\$695,939
Q	5W10	490616	Resident Services Coordinator Program	\$262,500	\$262,500
R			Dedicated Purpose Fund Group Total	\$17,146,359	\$17,181,358
S			Federal Fund Group		
T	3220	490618	Federal Aging Grants	\$10,500,000	\$10,500,000
U	3C40	656623	Long-Term Care Budget - Federal	\$7,462,626	\$7,979,625
V	3M40	490612	Federal Independence Services	\$66,495,000	\$69,820,000
W			Federal Fund Group Total	\$84,457,626	\$88,299,625
X			TOTAL ALL BUDGET FUND GROUPS	\$127,217,872	\$131,293,109

Section 209.20. LONG-TERM CARE

103017

Pursuant to an interagency agreement, the Department of

103018

Medicaid may designate the Department of Aging to perform 103019
assessments under section 5165.04 of the Revised Code. The 103020
Department of Aging shall provide long-term care consultations 103021
under section 173.42 of the Revised Code to assist individuals 103022
in planning for their long-term health care needs. 103023

The Department of Aging shall administer the Medicaid 103024
waiver-funded PASSPORT Home Care Program, the Assisted Living 103025
Program, and PACE as delegated by the Department of Medicaid in 103026
an interagency agreement. 103027

PERFORMANCE-BASED REIMBURSEMENT 103028

In order to improve health outcomes among populations 103029
served by PASSPORT administrative agencies, the Department of 103030
Aging, through rules adopted in accordance with Chapter 119. of 103031
the Revised Code, may design and utilize a payment method for 103032
PASSPORT administrative agency operations that includes a pay- 103033
for-performance incentive component that is earned by a PASSPORT 103034
administrative agency when defined consumer and policy outcomes 103035
are achieved. Prior to filing with the Joint Committee on Agency 103036
Rule Review, as provided in section 119.03 of the Revised Code, 103037
a proposed rule related to a payment method that includes a pay- 103038
for-performance incentive component, the Department shall submit 103039
a report to the Joint Medicaid Oversight Committee outlining the 103040
payment method. 103041

Section 209.30. MYCARE OHIO 103042

The authority of the Office of the State Long-Term Care 103043
Ombudsman as described in sections 173.14 to 173.28 of the 103044
Revised Code extends to MyCare Ohio during the period of the 103045
federal financial alignment demonstration program. 103046

SENIOR COMMUNITY SERVICES 103047

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered meals, congregate dining, transportation, personal care, respite, adult day services, home maintenance and chores, minor home modification, case management, evidence-based disease prevention and health promotion, and information assistance. Funds may also be used to provide grants to community organizations to support and expand older adult programming. Services priority shall be given to low-income, high-need persons, and/or persons with a cognitive impairment who are sixty years of age or over.

NATIONAL SENIOR SERVICE CORPS 103060

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 103074

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to

administer and enforce Chapter 4751. of the Revised Code and 103078
rules adopted under it. 103079

Section 211.10.

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103081

1	2	3	4	5
A	AGR DEPARTMENT OF AGRICULTURE			
B	General Revenue Fund			
C	GRF	700401 Animal Health Programs	\$8,055,500	\$8,265,900
D	GRF	700403 Dairy Division	\$1,569,000	\$1,613,000
E	GRF	700404 Ohio Proud	\$189,000	\$208,000
F	GRF	700406 Consumer Protection Lab	\$1,880,000	\$1,906,000
G	GRF	700407 Food Safety	\$1,705,000	\$1,752,000
H	GRF	700409 Farmland Preservation	\$572,000	\$588,000
I	GRF	700410 Plant Industry	\$542,000	\$594,000
J	GRF	700412 Weights and Measures	\$825,000	\$849,000
K	GRF	700415 Poultry Inspection	\$970,000	\$992,000
L	GRF	700418 Livestock Regulation Program	\$1,600,000	\$1,649,000
M	GRF	700424 Livestock Testing and Inspections	\$135,000	\$138,000
N	GRF	700426 Dangerous Animals and	\$708,000	\$716,000

			Emergency Management		
O	GRF	700427	High Volume Breeder Kennel Control	\$1,545,000	\$1,553,000
P	GRF	700428	Soil and Water Division	\$4,679,000	\$4,857,000
Q	GRF	700499	Meat Inspection Program - State Share	\$8,080,000	\$8,304,000
R	GRF	700501	County Agricultural Societies	\$380,000	\$380,000
S	GRF	700509	Soil and Water District Support	\$12,527,000	\$12,533,000
T	GRF	700511	Ride Inspection	\$779,000	\$801,000
U	GRF	700674	Plant Testing	\$247,000	\$218,000
V			General Revenue Fund Total	\$46,987,500	\$47,916,900
W			Dedicated Purpose Fund Group		
X	4900	700651	License Plates - Sustainable Agriculture	\$16,800	\$16,800
Y	4940	700612	Agricultural Commodity Marketing Program	\$125,000	\$125,000
Z	4960	700626	Ohio Grape Industries	\$1,200,000	\$1,200,000
AA	4970	700627	Grain Warehouse Program	\$500,000	\$500,000
AB	4C90	700605	Commercial Feed and Seed	\$2,273,000	\$2,329,000

AC	4D20	700609	Auction Education	\$53,000	\$54,000
AD	4E40	700606	Utility Radiological Safety	\$136,000	\$142,000
AE	4P70	700610	Food Safety Inspection	\$1,353,000	\$1,396,000
AF	4R00	700636	Ohio Proud Marketing	\$25,000	\$25,000
AG	4R20	700637	Dairy Industry Inspection	\$1,751,000	\$1,787,000
AH	4T60	700611	Poultry and Meat Inspection	\$113,500	\$117,000
AI	5780	700620	Ride Inspection	\$1,245,000	\$1,273,000
AJ	5B80	700629	Auctioneers	\$230,000	\$236,000
AK	5BV0	700660	Heidelberg Water Quality Lab	\$275,000	\$275,000
AL	5BV0	700661	Soil and Water Districts	\$10,507,000	\$10,509,000
AM	5FC0	700648	Plant Pest Program	\$1,200,000	\$1,200,000
AN	5H20	700608	Metrology Lab and Scale Certification	\$1,194,000	\$1,240,000
AO	5L80	700604	Livestock Management Program	\$186,800	\$189,800
AP	5MR0	700658	Commercial Dog Breeding	\$450,000	\$465,000
AQ	5MS0	700659	Animal and Consumer Protection	\$8,400	\$8,400

AR 5QW0 700653 Watershed Assistance	\$857,000	\$832,000
AS 5WJ0 700671 Hemp Program	\$367,000	\$375,000
AT 6520 700634 Animal, Consumer, and ATL Labs	\$8,483,900	\$8,328,800
AU 6690 700635 Pesticide, Fertilizer, and Lime Inspection Program	\$4,533,000	\$4,649,000
AV 6H20 700670 H2Ohio	\$60,607,500	\$60,662,000
AW Dedicated Purpose Fund Group Total	\$97,690,900	\$97,934,800
AX Internal Service Activity Fund Group		
AY 5DA0 700644 Laboratory Administration Support	\$1,300,000	\$1,339,000
AZ 5GH0 700655 Administrative Support	\$7,614,000	\$7,990,000
BA Internal Service Activity Fund Group Total	\$8,914,000	\$9,329,000
BB Capital Projects Fund Group		
BC 7057 700632 Clean Ohio Agricultural Easement Operating	\$512,000	\$515,000
BD Capital Projects Fund Group Total	\$512,000	\$515,000
BE Federal Fund Group		
BF 3260 700618 Meat Inspection Program -	\$5,891,000	\$6,133,000

	Federal Share		
BG 3360 700617 Ohio Farm Loan -	\$317,000	\$200,000	
Revolving			
BH 3820 700601 Federal Cooperative	\$11,612,000	\$9,669,000	
Contracts			
BI 3J40 700607 Federal Administrative	\$2,000,000	\$2,055,000	
Programs			
BJ 3R20 700614 Federal Plant Industry	\$6,843,000	\$7,189,000	
BK Federal Fund Group Total	\$26,663,000	\$25,246,000	
BL TOTAL ALL BUDGET FUND GROUPS	\$180,767,400	\$180,941,700	

Section 211.20. SOIL AND WATER DIVISION 103082

Of the foregoing appropriation item 700428, Soil and Water 103083
Division, \$500,000 in each fiscal year shall be used to provide 103084
grants to local governments for the purpose of developing or 103085
updating local land use plans. 103086

COUNTY AGRICULTURAL SOCIETIES 103087

The foregoing appropriation item 700501, County 103088
Agricultural Societies, shall be used to reimburse county and 103089
independent agricultural societies for expenses related to 103090
Junior Fair activities. 103091

SUPPORT FOR SOIL AND WATER DISTRICTS 103092

Of the foregoing appropriation item 700509, Soil and Water 103093
District Support, \$4,200,000 in each fiscal year shall be used 103094
to support county soil and water conservation districts in 103095

priority regions as defined by the director of Agriculture, for 103096
staffing costs and to assist in soil testing and nutrient 103097
management plan development, including manure transformation and 103098
manure conversion technologies, enhanced filter strips, water 103099
management, and H2Ohio Program support. 103100

SOIL AND WATER DISTRICTS 103101

In addition to state payments to soil and water 103102
conservation districts authorized by section 940.15 of the 103103
Revised Code, the Department of Agriculture may use 103104
appropriation item 700661, Soil and Water Districts, to pay any 103105
soil and water conservation district an annual amount not to 103106
exceed \$40,000 upon receipt of a request and justification from 103107
the district and approval by the Ohio Soil and Water 103108
Conservation Commission. The county auditor shall credit the 103109
payments to the special fund established under section 940.12 of 103110
the Revised Code for use by the local soil and water 103111
conservation district. The amounts received by each district 103112
shall be expended for the purposes of the district. 103113

H2OHIO FUND 103114

The Department of Agriculture shall establish programs to 103115
assist in reducing total phosphorus, dissolved reactive 103116
phosphorus, sediment, and other nutrients in the Western Lake 103117
Erie Basin and other critical regions in the state as defined by 103118
the Director of Agriculture. 103119

The foregoing appropriation item 700670, H2Ohio, shall be 103120
used to support the programs described above, which may include, 103121
but not be limited to, the following: (1) equipment for 103122
subsurface placement of nutrients into the soil; (2) equipment 103123
for nutrient placement based on geographic information system 103124

data; (3) soil testing; (4) implementation of variable rate 103125
technology; (5) equipment implementing manure transformation and 103126
manure conversion technologies; (6) tributary monitoring; (7) 103127
best management practices recognized to reduce nutrients; (8) a 103128
revolving loan program; and (9) matching funds for the 103129
Conservation Reserve Enhancement Program. 103130

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 103131

The foregoing appropriation item 700632, Clean Ohio 103132
Agricultural Easement Operating, shall be used by the Department 103133
of Agriculture in administering Clean Ohio Agricultural Easement 103134
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, 103135
and 5301.67 to 5301.70 of the Revised Code. 103136

Section 213.10. 103137

103138

	1	2	3	4	5
A	AIR AIR QUALITY DEVELOPMENT AUTHORITY				
B	Dedicated Purpose Fund Group				
C	4Z90	898602	Small Business Ombudsman	\$246,000	\$248,000
D	5700	898601	Operating Expenses	\$3,600,000	\$4,300,000
E	5A00	898603	Small Business Assistance	\$150,000	\$225,000
F	Dedicated Purpose Fund Group Total			\$3,996,000	\$4,773,000
G	TOTAL ALL BUDGET FUND GROUPS			\$3,996,000	\$4,773,000

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 103139
AUTHORITY TRUST ACCOUNT 103140

Notwithstanding any other provision of law to the 103141
contrary, the Air Quality Development Authority may reimburse 103142
the Air Quality Development Authority trust account established 103143
under section 3706.10 of the Revised Code from all operating 103144
funds of the agency for expenses pertaining to the 103145
administration and shared costs incurred by the Air Quality 103146
Development Authority in the execution of responsibilities as 103147
prescribed in Chapter 3706. of the Revised Code. The 103148
reimbursement shall occur in accordance with an administrative 103149
cost recovery plan approved by the Air Quality Development 103150
Authority Board. 103151

Section 215.10.

103152

103153

1	2	3	4	5
A		ARC ARCHITECTS BOARDS		
B	Dedicated Purpose Fund Group			
C	4K90 891609 Operating		\$674,000	\$690,001
D	Dedicated Purpose Fund Group Total		\$674,000	\$690,001
E	TOTAL ALL BUDGET FUND GROUPS		\$674,000	\$690,001

Section 217.10.

103154

103155

1	2	3	4	5
A		ART OHIO ARTS COUNCIL		
B	General Revenue Fund			

C	GRF	370321	Operating Expenses	\$2,672,595	\$2,743,201
D	GRF	370502	State Program Subsidies	\$23,038,000	\$23,038,000
E			General Revenue Fund Total	\$25,710,595	\$25,781,201
F			Dedicated Purpose Fund Group		
G	4600	370602	Arts Council Program Support	\$345,000	\$345,000
H	4B70	370603	Percent For Art Acquisitions	\$165,000	\$165,000
I			Dedicated Purpose Fund Group Total	\$510,000	\$510,000
J			Federal Fund Group		
K	3140	370601	Federal Support	\$1,350,000	\$1,350,000
L			Federal Fund Group Total	\$1,350,000	\$1,350,000
M			TOTAL ALL BUDGET FUND GROUPS	\$27,570,595	\$27,641,201

Section 217.20. 103156

FEDERAL SUPPORT 103157

Notwithstanding any provision of law to the contrary, the 103158
foregoing appropriation item 370601, Federal Support, shall be 103159
used by the Ohio Arts Council for subsidies only, and not for 103160
its administrative costs, unless the Council is required to use 103161
a portion of the funds for administrative costs under conditions 103162
of the federal grant. 103163

Section 219.10. 103164

103165

1	2	3	4	5
A	ATH ATHLETIC COMMISSION			
B	Dedicated Purpose Fund Group			
C	4K90 175609	Operating Expenses	\$367,022	\$371,995
D	Dedicated Purpose Fund Group Total		\$367,022	\$371,995
E	TOTAL ALL BUDGET FUND GROUPS		\$367,022	\$371,995

Section 221.10.

103166

103167

1	2	3	4	5
A	AGO ATTORNEY GENERAL			
B	General Revenue Fund			
C	GRF 055321	Operating Expenses	\$93,285,225	\$93,285,225
D	GRF 055405	Law-Related Education	\$68,000	\$68,000
E	GRF 055406	BCIRS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF 055411	County Sheriffs' Pay Supplement	\$1,111,257	\$1,130,685
G	GRF 055415	County Prosecutors' Pay Supplement	\$1,476,937	\$1,502,753
H	GRF 055431	Drug Abuse Response Team	\$1,500,000	\$1,500,000

			Grants		
I	GRF	055432	Drug Testing Equipment	\$964,000	\$964,000
J	GRF	055434	Internet Crimes Against Children Task Force	\$500,000	\$500,000
K	GRF	055441	Victims of Crime	\$6,700,000	\$5,700,000
L	GRF	055446	Cyber Crime Division	\$1,000,000	\$1,000,000
M	GRF	055501	Rape Crisis Centers	\$15,300,000	\$15,300,000
N	GRF	055502	School Safety Training Grants	\$12,000,000	\$12,000,000
O	GRF	055504	Domestic Violence Programs	\$10,000,000	\$10,000,000
P	GRF	055505	Pike County Capital Case	\$600,000	\$0
Q			General Revenue Fund Total	\$146,955,419	\$145,400,663
R			Dedicated Purpose Fund Group		
S	1060	055612	Attorney General Operating	\$63,216,225	\$64,034,683
T	4020	055616	Victims of Crime	\$11,500,000	\$12,000,000
U	4170	055621	Domestic Violence Shelter	\$25,000	\$25,000
V	4180	055615	Charitable Foundations	\$11,500,000	\$11,000,000
W	4190	055623	Claims Section	\$77,520,063	\$86,393,854

X	4190	055668	Collections System Lease Rental Payments	\$4,165,000	\$4,165,000
Y	4200	055603	Attorney General Antitrust	\$1,500,000	\$0
Z	4210	055617	Police Officers' Training Academy Fee	\$3,555,387	\$3,528,018
AA	4L60	055606	DARE Programs	\$2,308,099	\$2,310,841
AB	4Y70	055608	Title Defect Recision	\$1,032,267	\$1,038,534
AC	4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$2,000,000	\$2,000,000
AD	5900	055633	Peace Officer Private Security Training	\$101,306	\$103,330
AE	5A90	055618	Telemarketing Fraud Enforcement	\$10,000	\$10,000
AF	5LR0	055655	Peace Officer Training - Casino	\$7,726,217	\$8,183,287
AG	5TL0	055659	Organized Crime Law Enforcement Trust	\$100,000	\$100,000
AH	5VL0	055435	Stop Bullying License Plate	\$2,500	\$2,500
AI	6310	055637	Consumer Protection Enforcement	\$10,500,000	\$11,000,000

AJ 6590 055641	Solid and Hazardous Waste Background Investigations	\$359,895	\$367,319
AK QG18 055675	Law Enforcement Training	\$34,965,000	\$40,000,000
AL QG18 055676	Marijuana Possession Expungement	\$12,487,500	\$14,250,000
AM U087 055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$2,500,000	\$2,500,000
AN	Dedicated Purpose Fund Group Total	\$247,074,459	\$263,012,366
AO	Internal Service Activity Fund Group		
AP 1950 055660	Workers' Compensation Section	\$9,570,750	\$9,905,726
AQ	Internal Service Activity Fund Group Total	\$9,570,750	\$9,905,726
AR	Holding Account Fund Group		
AS 5BY1 055674	Charitable Law Distributions	\$750,000	\$750,000
AT R004 055631	General Holding Account	\$1,000,000	\$1,000,000
AU R005 055632	Antitrust Settlements	\$1,000,000	\$1,000,000
AV R018 055630	Consumer Frauds	\$1,000,000	\$1,000,000
AW R042 055601	Organized Crime	\$750,000	\$750,000

Commission Distributions

AX R054 055650 Collection Payment Redistribution	\$4,500,000	\$4,500,000
AY Holding Account Fund Group Total	\$9,000,000	\$9,000,000
AZ Federal Fund Group		
BA 3060 055620 Medicaid Fraud Control	\$17,059,070	\$17,887,905
BB 3830 055634 Crime Victims Assistance	\$40,000,000	\$40,000,000
BC 3E50 055638 Attorney General Pass- Through Funds	\$8,020,999	\$8,020,999
BD 3FV0 055656 Crime Victim Compensation	\$7,200,000	\$7,400,000
BE 3R60 055613 Attorney General Federal Funds	\$5,500,000	\$5,500,000
BF Federal Fund Group Total	\$77,780,069	\$78,808,904
BG TOTAL ALL BUDGET FUND GROUPS	\$490,380,697	\$506,127,659

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 103168
SCIENCE 103169

Of the foregoing appropriation item 055321, Operating 103170
Expenses, \$650,000 in each fiscal year shall be used for the 103171
Ohio Center for the Future of Forensic Science at Bowling Green 103172
State University. The purpose of the Center shall be to foster 103173
forensic science research techniques (BCI Eminent Scholar) and 103174
to create professional training opportunities to students (BCI 103175
Scholars) in the forensic science fields. 103176

NARCOTICS TASK FORCES	103177
Of the foregoing appropriation item 055321, Operating	103178
Expenses, up to \$500,000 in each fiscal year shall be used to	103179
support narcotics task forces funded by the Attorney General.	103180
DOMESTIC VIOLENCE PROGRAM	103181
Of the foregoing appropriation item 055321, Operating	103182
Expenses, \$100,000 in each fiscal year may be used by the	103183
Attorney General for the purpose of providing funding to	103184
domestic violence programs as defined in section 109.46 of the	103185
Revised Code.	103186
BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS)	103187
LEASE RENTAL PAYMENTS	103188
The foregoing appropriation item 055406, BCIRS Lease	103189
Rental Payments, shall be used for payments during the period	103190
from July 1, 2025, through June 30, 2027, pursuant to leases and	103191
agreements entered into pursuant to Section 701.40 of S.B. 310	103192
of the 131st General Assembly and other prior acts of the	103193
General Assembly, with respect to financing the costs associated	103194
with the acquisition, development, implementation, and	103195
integration of the BCIRS.	103196
COUNTY SHERIFFS' PAY SUPPLEMENT	103197
The foregoing appropriation item 055411, County Sheriffs'	103198
Pay Supplement, shall be used for the purpose of supplementing	103199
the annual compensation of county sheriffs as required by	103200
section 325.06 of the Revised Code.	103201
At the request of the Attorney General, the Director of	103202
Budget and Management may transfer appropriation from	103203
appropriation item 055321, Operating Expenses, to appropriation	103204

item 055411, County Sheriffs' Pay Supplement. Any appropriation 103205
so transferred shall be used to supplement the annual 103206
compensation of county sheriffs as required by section 325.06 of 103207
the Revised Code. 103208

COUNTY PROSECUTORS' PAY SUPPLEMENT 103209

The foregoing appropriation item 055415, County 103210
Prosecutors' Pay Supplement, shall be used for the purpose of 103211
supplementing the annual compensation of certain county 103212
prosecutors as required by section 325.111 of the Revised Code. 103213

At the request of the Attorney General, the Director of 103214
Budget and Management may transfer appropriation from 103215
appropriation item 055321, Operating Expenses, to appropriation 103216
item 055415, County Prosecutors' Pay Supplement. Any 103217
appropriation so transferred shall be used to supplement the 103218
annual compensation of county prosecutors as required by section 103219
325.111 of the Revised Code. 103220

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 103221

The Attorney General shall maintain the Drug Abuse 103222
Response Team Grant Program for the purpose of replicating or 103223
expanding successful law enforcement programs that address the 103224
opioid epidemic similar to the Drug Abuse Response Team 103225
established by the Lucas County Sheriff's Department, and the 103226
Quick Response Teams established in Colerain Township's 103227
Department of Public Safety in Hamilton County and Summit 103228
County. Any grants awarded by this grant program may include 103229
requirements for private or nonprofit matching support. 103230

The foregoing appropriation item 055431, Drug Abuse 103231
Response Team Grants, shall be used by the Attorney General to 103232
fund grants to law enforcement or other government agencies; the 103233

primary purpose of the grants shall be to replicate or expand 103234
successful law enforcement programs that address the opioid 103235
epidemic similar to the Drug Abuse Response Team established by 103236
the Lucas County Sheriff's Department and the Quick Response 103237
Teams established in Colerain Township's Department of Public 103238
Safety in Hamilton County and Summit County. 103239

Each recipient of a grant under this program shall, within 103240
six months of the end date of the grant, submit a written report 103241
describing the outcomes that resulted from the grant to the 103242
Governor, the President of the Senate, the Speaker of the House 103243
of Representatives, the Minority Leader of the Senate, and the 103244
Minority Leader of the House of Representatives. 103245

DRUG TESTING EQUIPMENT 103246

The foregoing appropriation item 055432, Drug Testing 103247
Equipment, shall be used to purchase, operate, and maintain drug 103248
testing equipment for the Bureau of Criminal Identification and 103249
Investigation. 103250

INTERNET CRIMES AGAINST CHILDREN TASK FORCE 103251

The foregoing appropriation item 055434, Internet Crimes 103252
Against Children Task Force, shall be used by the Attorney 103253
General in support of the Ohio Internet Crimes Against Children 103254
Task Force for the purposes described in section 195.02 of the 103255
Revised Code. 103256

VICTIMS OF CRIME 103257

The foregoing appropriation item 055441, Victims of Crime, 103258
shall be allocated to the Crime Victim Compensation Program. 103259
Prior to using the funds from this appropriation item, the 103260
Attorney General shall, to the extent possible, first use funds 103261
related to the federal Victims of Crime Act. 103262

CLEVELAND RAPE CRISIS CENTER	103263
Of the foregoing appropriation item 055501, Rape Crisis	103264
Centers, \$300,000 in each fiscal year shall be distributed to	103265
the Cleveland Rape Crisis Center to provide services for at-risk	103266
youth through the Cleveland Rape Crisis Center Human Trafficking	103267
Drop-in Center.	103268
SCHOOL SAFETY TRAINING GRANTS	103269
(A) The foregoing appropriation item 055502, School Safety	103270
Training Grants, shall be used by the Attorney General, in	103271
consultation with the Director of Education and Workforce and	103272
the Director of Behavioral Health, solely to make grants to	103273
public and chartered nonpublic schools, educational service	103274
centers, local law enforcement agencies, and schools operated by	103275
county boards of developmental disabilities administering	103276
special education services programs pursuant to section 5126.05	103277
of the Revised Code for school safety and school climate	103278
programs and training.	103279
(B) The use of the grants includes, but is not limited to,	103280
all of the following:	103281
(1) The support of school resource officer certification	103282
training;	103283
(2) Any type of active shooter and school safety training	103284
or equipment;	103285
(3) All grade level type educational resources;	103286
(4) Training to identify and assist students with mental	103287
health issues;	103288
(5) School supplies or equipment related to school safety	103289
or for implementing the school's safety plan;	103290

(6) Any other training, supplies, services, or equipment 103291
related to school safety. 103292

(C) The schools, educational service centers, and county 103293
boards shall work or contract with the county sheriff's office 103294
or a local police department in whose jurisdiction they are 103295
located to develop the programs and training described in 103296
divisions (B)(1), (2), (3), (5), and (6) of this section. Any 103297
grant awarded directly to a local law enforcement agency, or to 103298
a nonprofit or charitable law enforcement training organization 103299
on the law enforcement agency's behalf, shall not be used to 103300
fund a similar request made by a school located within the 103301
jurisdiction of the local law enforcement agency. 103302

(D) The Attorney General is authorized to make payments 103303
directly to school or law enforcement nonprofit or charitable 103304
training organizations on behalf of any public and chartered 103305
nonpublic schools, educational service centers, local law 103306
enforcement agencies, and schools operated by county boards of 103307
developmental disabilities administering special education 103308
services. 103309

(E) As used in this section, "public school" means any 103310
school operated by a school district board of education, any 103311
community school established under Chapter 3314. of the Revised 103312
Code, and any STEM school established under Chapter 3326. of the 103313
Revised Code. 103314

DOMESTIC VIOLENCE PROGRAMS 103315

The foregoing appropriation item 055504, Domestic Violence 103316
Programs, shall be used by the Attorney General for the purpose 103317
of funding domestic violence programs as defined in section 103318
109.46 of the Revised Code. 103319

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM	103320
Of the foregoing appropriation item 055504, Domestic	103321
Violence Programs, \$300,000 in each fiscal year shall be	103322
distributed to the Battered Women's Shelter of Summit and Medina	103323
counties for expenses related to the creation and implementation	103324
of a pilot program called "Finding my Childhood Again."	103325
BATTERED WOMEN'S SHELTER	103326
Of the foregoing appropriation item 055504, Domestic	103327
Violence Programs, \$50,000 in each fiscal year shall be	103328
distributed to the Battered Women's Shelter of Summit and Medina	103329
counties for the cost of operating the commercial kitchen	103330
located at its Market Street Facility, and \$50,000 in each	103331
fiscal year shall be distributed to the Battered Women's Shelter	103332
of Portage County.	103333
TRANSPORTATION GRANTS	103334
Of the foregoing appropriation item 055504, Domestic	103335
Violence Programs, \$25,000 in fiscal year 2026 shall be provided	103336
as grants to Ohio domestic violence shelters to buy	103337
transportation vouchers, ridesharing credits, or gas cards for	103338
eligible clients. The Attorney General shall adopt any rules	103339
necessary for the administration of the grant program.	103340
PIKE COUNTY CAPITAL CASE	103341
An amount equal to the unexpended, unencumbered balance of	103342
appropriation item 055505, Pike County Capital Case, at the end	103343
of fiscal year 2025 is hereby reappropriated to the same	103344
appropriation item for the same purpose in fiscal year 2026.	103345
An amount equal to the unexpended, unencumbered balance of	103346
appropriation item 055505, Pike County Capital Case, at the end	103347

of fiscal year 2026 is hereby reappropriated to the same 103348
appropriation item for the same purpose in fiscal year 2027. 103349

LAW ENFORCEMENT TRAINING 103350

The foregoing appropriation item 055675, Law Enforcement 103351
Training, shall be used by the Attorney General for state 103352
funding of the training of peace officers and troopers that is 103353
required under section 109.803 of the Revised Code. 103354

Of the foregoing appropriation item 055675, Law 103355
Enforcement Training, the Attorney General may use up to 103356
\$100,000 for administrative expenses associated with the 103357
program, including curriculum development. 103358

ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS 103359

The foregoing appropriation item 055668, Collections 103360
System Lease Rental Payments, shall be used to make payments 103361
during the period from July 1, 2025, through June 30, 2027, 103362
pursuant to leases and agreements entered into under Section 103363
701.10 of S.B. 310 of the 133rd General Assembly or Section 103364
709.01 of H.B. 687 of the 134th General Assembly, with respect 103365
to financing the costs associated with the acquisition, 103366
development, implementation, and integration of the Attorney 103367
General New Collection System. 103368

WORKERS' COMPENSATION SECTION 103369

The Workers' Compensation Fund (Fund 1950) is entitled to 103370
receive quarterly payments from the Bureau of Workers' 103371
Compensation and the Ohio Industrial Commission to fund legal 103372
services provided to the Bureau of Workers' Compensation and the 103373
Ohio Industrial Commission during the fiscal year. 103374

In addition, the Bureau of Workers' Compensation shall 103375

transfer payments for the support of the Workers' Compensation 103376
Fraud Unit. 103377

All amounts shall be mutually agreed upon by the Attorney 103378
General, the Bureau of Workers' Compensation, and the Ohio 103379
Industrial Commission. 103380

GENERAL HOLDING ACCOUNT 103381

The foregoing appropriation item 055631, General Holding 103382
Account, shall be used to distribute moneys under the terms of 103383
relevant court orders or other settlements received in a variety 103384
of cases involving the Office of the Attorney General. If it is 103385
determined that additional amounts are necessary for this 103386
purpose, the amounts are hereby appropriated. 103387

ANTITRUST SETTLEMENTS 103388

The foregoing appropriation item 055632, Antitrust 103389
Settlements, shall be used to distribute moneys under the terms 103390
of relevant court orders or other out-of-court settlements in 103391
antitrust cases or antitrust matters involving the Office of the 103392
Attorney General. If it is determined that additional amounts 103393
are necessary for this purpose, the amounts are hereby 103394
appropriated. 103395

CHARITABLE SETTLEMENT HOLDING ACCOUNT 103396

The foregoing appropriation item 055674, Charitable 103397
Settlement Holding Account, shall be used to distribute money in 103398
the Charitable Settlements Holding Account Fund (Fund 5BY1), 103399
which is created in the state treasury, under the terms of 103400
relevant court orders or other settlements received in the 103401
charitable law cases involving the Office of the Attorney 103402
General. If it is determined that additional amounts are 103403
necessary for this purpose, the amounts are hereby appropriated. 103404

On July 1, 2025, or as soon as possible thereafter, the
Attorney General shall certify to the Director of Budget and
Management the amount of cash receipts related to settlements
received in charitable law cases and credited to the General
Holding Account (Fund R004). The Director of Budget and
Management shall transfer the amounts certified to the
Charitable Settlements Holding Account Fund (Fund 5BY1).

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds,
shall be used for distribution of moneys from court-ordered
judgments against sellers in actions brought by the Office of
the Attorney General under sections 1334.08 and 4549.48 and
division (B) of section 1345.07 of the Revised Code. These
moneys shall be used to provide restitution to consumers
victimized by the fraud that generated the court-ordered
judgments. If it is determined that additional amounts are
necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime
Commission Distributions, shall be used by the Organized Crime
Investigations Commission, as provided by section 177.011 of the
Revised Code, to reimburse political subdivisions for the
expenses the political subdivisions incur when their law
enforcement officers participate in an organized crime task
force. If it is determined that additional amounts are necessary
for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection
Payment Redistribution, shall be used for the purpose of

allocating the revenue where debtors mistakenly paid the client 103434
agencies instead of the Attorney General's Collections 103435
Enforcement Section. If it is determined that additional amounts 103436
are necessary for this purpose, the amounts are hereby 103437
appropriated. 103438

Section 223.10.

103439

103440

	1	2	3	4	5
A			AUD AUDITOR OF STATE		
B			General Revenue Fund		
C	GRF	070401	Audit Management and Services	\$15,067,887	\$16,035,566
D	GRF	070402	Performance Audits	\$2,446,170	\$2,472,567
E	GRF	070403	Fiscal Distress Technical Assistance	\$611,873	\$631,010
F	GRF	070404	Fraud/Corruption Audits and Investigations	\$4,219,438	\$4,301,040
G	GRF	070412	Local Government Audit Support	\$19,225,511	\$19,196,539
H			General Revenue Fund Total	\$41,570,879	\$42,636,722
I			Dedicated Purpose Fund Group		
J	1090	070601	Public Audit Expense - Intrastate	\$13,374,149	\$13,775,373

K	4220	070602	Public Audit Expense - Local Government	\$37,141,304	\$37,952,991
L	5840	070603	Training Program	\$250,000	\$250,000
M	5JZ0	070606	Auditor's Innovation Fund	\$300,000	\$300,000
N	5VP0	070611	Local Government Audit Support Fund	\$18,085,277	\$18,604,943
O	6750	070605	Uniform Accounting Network	\$7,306,872	\$6,804,086
P			Dedicated Purpose Fund Group Total	\$76,457,602	\$77,687,393
Q			TOTAL ALL BUDGET FUND GROUPS	\$118,028,481	\$120,324,115

Section 223.20. AUDIT MANAGEMENT AND SERVICES 103441

The foregoing appropriation item 070401, Audit Management 103442
and Services, shall be used pursuant to section 117.13 of the 103443
Revised Code to support costs of the Auditor of State that are 103444
not recovered through charges to local governments and state 103445
entities, including costs that cannot be recovered from audit 103446
clients under federal indirect cost allocation guidelines. This 103447
appropriation item also shall be used to cover costs of the 103448
Local Government Services Section that are not charged to 103449
clients. 103450

PERFORMANCE AUDITS 103451

The foregoing appropriation item 070402, Performance 103452
Audits, shall be used pursuant to section 117.13 of the Revised 103453
Code to support costs of the Auditor of State related to the 103454
provision of performance audits for local governments, school 103455

districts, state agencies, and colleges and universities that 103456
are not recovered through charges to those entities, including 103457
costs that cannot be recovered from audit clients under federal 103458
indirect cost allocation guidelines. 103459

FISCAL DISTRESS TECHNICAL ASSISTANCE 103460

The foregoing appropriation item 070403, Fiscal Distress 103461
Technical Assistance, shall be used to support costs of the 103462
Auditor of State responsibilities under Chapters 118., 3316., 103463
and 3345. of the Revised Code to provide services to local 103464
governments, schools, or colleges and universities in, or at 103465
risk of entering, a state of fiscal caution, watch, or 103466
emergency. 103467

LOCAL GOVERNMENT AUDIT SUPPORT 103468

The foregoing appropriation item 070412, Local Government 103469
Audit Support, shall be used pursuant to section 117.13 of the 103470
Revised Code to support costs of the Auditor of State that are 103471
not recovered through charges to local governments, including 103472
costs that cannot be recovered from audit clients under federal 103473
indirect cost allocation guidelines. 103474

LOCAL GOVERNMENT AUDIT SUPPORT FUND 103475

The foregoing appropriation item 070611, Local Government 103476
Audit Support Fund, shall be used pursuant to section 117.131 of 103477
the Revised Code to offset costs of audits that would otherwise 103478
be charged to local public offices in the absence of the fund. 103479

Section 229.10. 103480
103481

A	OBM OFFICE OF BUDGET AND MANAGEMENT		
B	General Revenue Fund		
C	GRF 042321 Operating Expenses	\$4,400,000	\$4,592,000
D	GRF 042435 Gubernatorial Transition	\$0	\$250,000
E	General Revenue Fund Total	\$4,400,000	\$4,842,000
F	Internal Service Activity Fund Group		
G	1050 042603 Financial Management	\$27,744,976	\$28,843,309
H	Internal Service Activity Fund Group Total	\$27,744,976	\$28,843,309
I	Fiduciary Fund Group		
J	5EH0 042604 Forgery Recovery	\$30,000	\$30,000
K	Fiduciary Fund Group Total	\$30,000	\$30,000
L	TOTAL ALL BUDGET FUND GROUPS	\$32,174,976	\$33,715,309

Section 229.20. AUDIT COSTS 103482

All centralized audit costs associated with either Single 103483
Audit Schedules or financial statements prepared in conformance 103484
with generally accepted accounting principles for the state 103485
shall be paid from the foregoing appropriation item 042603, 103486
Financial Management. 103487

Costs associated with the audit of the Auditor of State 103488
shall be paid from the foregoing appropriation item 042321, 103489
Operating Expenses. 103490

SHARED SERVICES CENTER	103491
The foregoing appropriation item 042603, Financial	103492
Management, shall be used by the Director of Budget and	103493
Management to support the Shared Services program pursuant to	103494
division (D) of section 126.21 of the Revised Code.	103495
The Director of Budget and Management shall include the	103496
recovery of costs to operate the Shared Services program in the	103497
accounting and budgeting services payroll rate and through	103498
direct charges using intrastate transfer vouchers billed to	103499
agencies for services rendered using a methodology determined by	103500
the Director of Budget and Management. Such cost recovery	103501
revenues shall be deposited to the credit of the Accounting and	103502
Budgeting Fund (Fund 1050).	103503
INTERNAL AUDIT	103504
The Director of Budget and Management shall include the	103505
recovery of costs to operate the Internal Audit Program pursuant	103506
to section 126.45 of the Revised Code in the accounting and	103507
budgeting services payroll rate using a methodology determined	103508
by the Director of Budget and Management. Such cost recovery	103509
revenues shall be deposited to the credit of Fund 1050.	103510
FORGERY RECOVERY	103511
The foregoing appropriation item 042604, Forgery Recovery,	103512
shall be used to reissue warrants that have been certified as	103513
forgeries by the rightful recipient as determined by the Bureau	103514
of Criminal Identification and Investigation and the Treasurer	103515
of State. Upon receipt of funds to cover the reissuance of the	103516
warrant, the Director of Budget and Management shall reissue a	103517
state warrant of the same amount. Any additional amounts needed	103518
to reissue warrants backed by the receipt of funds are hereby	103519

appropriated. 103520

Section 229.30. STATE FISCAL RECOVERY FUND 103521

An amount equal to the unexpended and unencumbered 103522
portions of appropriation items under the State Fiscal Recovery 103523
Fund (Fund 5CV3) plus an amount equal to cash previously 103524
expended but returned to the fund at the end of fiscal year 2025 103525
are hereby reappropriated for the same purpose in fiscal year 103526
2026. An amount equal to the unexpended and unencumbered 103527
portions of appropriation items under Fund 5CV3 plus an amount 103528
equal to cash previously expended but returned to the fund at 103529
the end of fiscal year 2026 are hereby reappropriated for the 103530
same purpose in fiscal year 2027. 103531

The Director of Budget and Management may create new 103532
appropriation items under Fund 5CV3. In each fiscal year, the 103533
Director may transfer appropriation among newly created or 103534
existing appropriation items under Fund 5CV3. The Director shall 103535
report appropriation transfers made under this section to the 103536
Controlling Board no later than January 30, 2027. 103537

Section 231.10. 103538

103539

1	2	3	4	5
A	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			
B	General Revenue Fund			
C	GRF	874321 Operating Expenses	\$6,953,530	\$7,162,135
D	GRF	874400 Statehouse Facility Improvements	\$6,000,000	\$0

E	General Revenue Fund Total	\$12,953,530	\$7,162,135
F	Dedicated Purpose Fund Group		
G	2080 874601 Underground Parking Garage Operations	\$4,245,906	\$4,245,906
H	4G50 874603 Capitol Square Education Center and Arts	\$6,000	\$6,000
I	5AN1 874608 Capitol Square Improvements	\$1,927,921	\$0
J	Dedicated Purpose Fund Group Total	\$6,179,827	\$4,251,906
K	Internal Service Activity Fund Group		
L	4S70 874602 Statehouse Gift Shop/Events	\$1,000,000	\$1,000,000
M	Internal Service Activity Fund Group Total	\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS	\$20,133,357	\$12,414,041

Section 231.20. OPERATING EXPENSES 103540

On July 1, 2025, or as soon as possible thereafter, the 103541
Executive Director of the Capitol Square Review and Advisory 103542
Board may certify to the Director of Budget and Management an 103543
amount up to the unexpended, unencumbered balance of the 103544
foregoing appropriation item 874321, Operating Expenses, at the 103545
end of fiscal year 2025 to be reappropriated for fiscal year 103546
2026. The amount certified is hereby reappropriated to the same 103547
appropriation item 874321, Operating Expenses, for fiscal year 103548

2026. 103549

On July 1, 2026, or as soon as possible thereafter, the 103550
Executive Director of the Capitol Square Review and Advisory 103551
Board may certify to the Director of Budget and Management an 103552
amount up to the unexpended, unencumbered balance of the 103553
foregoing appropriation item 874321, Operating Expenses, at the 103554
end of fiscal year 2026 to be reappropriated for fiscal year 103555
2027. The amount certified is hereby reappropriated to the same 103556
appropriation item 874321, Operating Expenses, for fiscal year 103557
2027. 103558

STATEHOUSE FACILITY IMPROVEMENTS 103559

On July 1, 2026, or as soon as possible thereafter, the 103560
Executive Director of the Capitol Square Review and Advisory 103561
Board may certify to the Director of Budget and Management an 103562
amount up to the unexpended, unencumbered balance of the 103563
foregoing appropriation item 874400, Statehouse Facility 103564
Improvements, at the end of fiscal year 2026 to be 103565
reappropriated for fiscal year 2027. The amount certified is 103566
hereby reappropriated to the same appropriation item 874400, 103567
Statehouse Facility Improvements, for fiscal year 2027. 103568

CAPITOL SQUARE IMPROVEMENTS 103569

On July 1, 2025, or as soon as possible thereafter, the 103570
Executive Director of the Capitol Square Review and Advisory 103571
Board may certify to the Director of Budget and Management an 103572
amount up to the unexpended, unencumbered balance of the 103573
foregoing appropriation item 874608, Capitol Square 103574
Improvements, at the end of fiscal year 2025 to be 103575
reappropriated for fiscal year 2026. The amount certified is 103576
hereby appropriated to the same appropriation item 874608, 103577

Capitol Square Improvements, for fiscal year 2026. 103578

On July 1, 2026, or as soon as possible thereafter, the 103579
Executive Director of the Capitol Square Review and Advisory 103580
Board may certify to the Director of Budget and Management an 103581
amount up to the unexpended, unencumbered balance of the 103582
foregoing appropriation item 874608, Capitol Square 103583
Improvements, at the end of fiscal year 2026 to be 103584
reappropriated for fiscal year 2027. The amount certified is 103585
hereby appropriated to the same appropriation item 874608, 103586
Capitol Square Improvements, for fiscal year 2027. 103587

UNDERGROUND PARKING GARAGE FUND 103588

Notwithstanding division (G) of section 105.41 of the 103589
Revised Code and any other provision to the contrary, moneys in 103590
the Underground Parking Garage Fund (Fund 2080) may be used for 103591
personnel and operating costs related to the operations of the 103592
Statehouse and the Statehouse Underground Parking Garage. 103593

HOUSE AND SENATE PARKING REIMBURSEMENT 103594

On July 1 of each fiscal year, or as soon as possible 103595
thereafter, the Director of Budget and Management shall transfer 103596
\$500,000 cash from the General Revenue Fund to the Underground 103597
Parking Garage Fund (Fund 2080). The amounts transferred under 103598
this section shall be used to reimburse the Capitol Square 103599
Review and Advisory Board for legislative parking costs. 103600

UNDERGROUND PARKING GARAGE FUND TRANSFER 103601

On July 1, 2025, or as soon as possible thereafter, the 103602
Director of Budget and Management shall transfer \$1,000,000 cash 103603
from the Underground Parking Garage Fund (Fund 2080) to the 103604
Statehouse Gift Shop/Events Fund (Fund 4S70). The amount 103605
transferred under this section shall be used for personnel and 103606

operating costs related to the operations of the Statehouse Gift 103607
Shop and events. 103608

Section 233.10.

103609

103610

	1	2	3	4	5
A			SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS		
B			Dedicated Purpose Fund Group		
C	4K90	233601	Operating Expenses	\$581,189	\$593,979
D			Dedicated Purpose Fund Group Total	\$581,189	\$593,979
E			TOTAL ALL BUDGET FUND GROUPS	\$581,189	\$593,979

Section 235.10.

103611

103612

	1	2	3	4	5
A			CAC CASINO CONTROL COMMISSION		
B			Dedicated Purpose Fund Group		
C	5HS0	955321	Operating Expenses	\$17,855,928	\$18,849,195
D	5NU0	955601	Casino Commission Enforcement	\$156,680	\$200,547
E	5YR0	955602	Problem Sports Gaming	\$3,500,000	\$3,500,000
F			Dedicated Purpose Fund Group Total	\$21,512,608	\$22,549,742
G			TOTAL ALL BUDGET FUND GROUPS	\$21,512,608	\$22,549,742

Section 237.10.

103613

103614

1	2	3	4	5
A	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD			
B	Dedicated Purpose Fund Group			
C	4K90 930609 Operating Expenses		\$1,337,144	\$1,487,262
D	5CF1 930600 Peer Support Program		\$292,500	\$30,000
E	Dedicated Purpose Fund Group Total		\$1,629,644	\$1,517,262
F	TOTAL ALL BUDGET FUND GROUPS		\$1,629,644	\$1,517,262

Section 239.10.

103615

103616

1	2	3	4	5
A	CHR STATE CHIROPRACTIC BOARD			
B	Dedicated Purpose Fund Group			
C	4K90 878609 Operating Expenses		\$625,713	\$639,017
D	Dedicated Purpose Fund Group Total		\$625,713	\$639,017
E	TOTAL ALL BUDGET FUND GROUPS		\$625,713	\$639,017

Section 241.10.

103617

103618

1	2	3	4	5
A	CIV OHIO CIVIL RIGHTS COMMISSION			

B	General Revenue Fund		
C	GRF 876321 Operating Expenses	\$7,464,880	\$7,763,235
D	General Revenue Fund Total	\$7,464,880	\$7,763,235
E	Dedicated Purpose Fund Group		
F	2170 876604 Operations Support	\$5,000	\$5,000
G	Dedicated Purpose Fund Group Total	\$5,000	\$5,000
H	Federal Fund Group		
I	3340 876601 Federal Programs	\$3,614,239	\$3,676,006
J	Federal Fund Group Total	\$3,614,239	\$3,676,006
K	TOTAL ALL BUDGET FUND GROUPS	\$11,084,119	\$11,444,241

Section 243.10.

103619

103620

	1	2	3	4	5
A	COM DEPARTMENT OF COMMERCE				
B	Dedicated Purpose Fund Group				
C	4B20	800631	Real Estate Appraisal Recovery	\$35,000	\$35,000
D	4H90	800608	Cemeteries	\$326,349	\$332,990
E	4X20	800619	Financial Institutions	\$2,129,695	\$2,138,176

F	5430	800602	Unclaimed Funds - Operating	\$16,777,906	\$16,249,752
G	5430	800625	Unclaimed Funds - Claims	\$90,000,000	\$90,000,000
H	5440	800612	Banks	\$11,467,455	\$11,775,392
I	5460	800610	Fire Marshal	\$30,366,505	\$31,171,353
J	5460	800639	Fire Department Grants	\$7,515,000	\$7,515,000
K	5480	800611	Real Estate Recovery	\$50,000	\$50,000
L	5490	800614	Real Estate	\$7,808,917	\$8,014,934
M	5500	800617	Securities	\$9,782,453	\$10,204,710
N	5520	800604	Credit Union	\$5,194,284	\$4,831,282
O	5530	800607	Consumer Finance	\$6,440,712	\$7,215,971
P	5560	800615	Industrial Compliance	\$33,508,390	\$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	\$3,000,000	\$3,000,000
R	5F10	800635	Small Government Fire Departments	\$600,000	\$600,000
S	5FW0	800616	Financial Literacy Education	\$150,000	\$150,000
T	5GK0	800609	Securities Investor Education/Enforcement	\$742,863	\$542,863

U	5HV0	800641	Cigarette Enforcement	\$27,324	\$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$200,000	\$200,000
W	5LN0	800645	Liquor Operating Services	\$18,105,130	\$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	\$17,782,397	\$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$50,000	\$50,000
Z	5SY0	800650	Medical Marijuana Control Program	\$16,339,688	\$16,180,201
AA	5VD0	800653	Real Estate Home Inspector Recovery	\$10,000	\$10,000
AB	5X60	800623	Video Service	\$429,981	\$441,076
AC	5XK0	800657	Ohio Investor Recovery	\$2,500,000	\$2,500,000
AD	6530	800629	UST Registration/Permit Fee	\$2,813,369	\$2,824,398
AE	QG18	800660	Marijuana Control Administration - COM	\$6,043,950	\$8,946,600
AF	Dedicated Purpose Fund Group Total			\$290,197,368	\$294,753,114
AG	Internal Service Activity Fund Group				
AH	1630	800620	Division of Administration	\$11,532,983	\$11,239,902

AI 1630 800637 Information Technology	\$12,728,427	\$13,134,526
AJ Internal Service Activity Fund Group	\$24,261,410	\$24,374,428
Total		
AK Federal Fund Group		
AL 3480 800622 Underground Storage Tanks	\$779,620	\$779,620
AM 3480 800624 Leaking Underground Storage Tanks	\$1,899,016	\$1,899,016
AN Federal Fund Group Total	\$2,678,636	\$2,678,636
AO TOTAL ALL BUDGET FUND GROUPS	\$317,137,414	\$321,806,178

Section 243.20. UNCLAIMED FUNDS PAYMENTS 103621

The foregoing appropriation item 800625, Unclaimed Funds- 103622
Claims, shall be used to pay claims under section 169.08 of the 103623
Revised Code. If it is determined by the Director of Commerce 103624
that additional appropriation amounts are necessary to make such 103625
payments, the Director of Commerce may request that the Director 103626
of Budget and Management approve such increases. Any approved 103627
increases are hereby appropriated. 103628

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 103629

The foregoing appropriation item 800631, Real Estate 103630
Appraisal Recovery, shall be used to pay settlements, judgments, 103631
and court orders under section 4763.16 of the Revised Code. If 103632
it is determined by the Director of Commerce that additional 103633
appropriation amounts are necessary to make such payments, the 103634
Director of Commerce may request that the Director of Budget and 103635
Management approve such increases. Any approved increases are 103636

hereby appropriated. 103637

The foregoing appropriation item 800611, Real Estate 103638
Recovery, shall be used to pay settlements, judgments, and court 103639
orders under section 4735.12 of the Revised Code. If it is 103640
determined by the Director of Commerce that additional 103641
appropriation amounts are necessary to make such payments, the 103642
Director of Commerce may request that the Director of Budget and 103643
Management approve such increases. Any approved increases are 103644
hereby appropriated. 103645

The foregoing appropriation item 800653, Real Estate Home 103646
Inspector Recovery, shall be used to pay settlements, judgments, 103647
and court orders under section 4764.21 of the Revised Code. If 103648
it is determined by the Director of Commerce that additional 103649
appropriation amounts are necessary to make such payments, the 103650
Director of Commerce may request that the Director of Budget and 103651
Management approve such increases. Any approved increases are 103652
hereby appropriated. 103653

FIRE DEPARTMENT GRANTS 103654

(A) The foregoing appropriation item 800639, Fire 103655
Department Grants, shall be used to make annual grants to the 103656
following eligible recipients: volunteer fire departments, fire 103657
departments that serve one or more small municipalities or small 103658
townships, joint fire districts comprised of fire departments 103659
that primarily serve small municipalities or small townships, 103660
local units of government responsible for such fire departments, 103661
and local units of government responsible for the provision of 103662
fire protection services for small municipalities or small 103663
townships. For the purposes of these grants, a private fire 103664
company, as that phrase is defined in section 9.60 of the 103665
Revised Code, that is providing fire protection services under a 103666

contract to a political subdivision of the state, is an 103667
additional eligible recipient for a training grant. 103668

Eligible recipients that consist of small municipalities 103669
or small townships that all intend to contract with the same 103670
fire department or private fire company for fire protection 103671
services may jointly apply and be considered for a grant. If a 103672
joint applicant is awarded a grant, the State Fire Marshal 103673
shall, if feasible, proportionately award the grant and any 103674
equipment purchased with grant funds to each of the joint 103675
applicants based upon each applicant's contribution to and 103676
demonstrated need for fire protection services. For the purpose 103677
of this grant program, an eligible recipient or any firefighting 103678
entity that is contracted to serve an eligible recipient may 103679
only file, be listed as joint applicant, or be designated as a 103680
service provider on one grant application per fiscal year. 103681

If the grant awarded to joint applicants is an equipment 103682
grant and the equipment to be purchased cannot be readily 103683
distributed or possessed by multiple recipients, each of the 103684
joint applicants shall be awarded by the State Fire Marshal an 103685
ownership interest in the equipment so purchased in proportion 103686
to each applicant's contribution to and demonstrated need for 103687
fire protection services. The joint applicants shall then 103688
mutually agree on how the equipment is to be maintained, 103689
operated, stored, or disposed of. If, for any reason, the joint 103690
applicants cannot agree as to how jointly owned equipment is to 103691
be maintained, operated, stored, or disposed of or any of the 103692
joint applicants no longer maintain a contract with the same 103693
fire protection service provider as the other applicants, then 103694
the joint applicants shall, with the assistance of the State 103695
Fire Marshal, mutually agree as to how the jointly owned 103696
equipment is to be maintained, operated, stored, disposed of, or 103697

owned. If the joint applicants cannot agree how the grant 103698
equipment is to be maintained, operated, stored, disposed of, or 103699
owned, the State Fire Marshal may, in its discretion, require 103700
all of the equipment acquired by the joint applicants with grant 103701
funds to be returned to the State Fire Marshal. The State Fire 103702
Marshal may then award the returned equipment to any eligible 103703
recipients. For this paragraph only, an "equipment grant" also 103704
includes a MARCS Grant. 103705

(B) Except as otherwise provided in this section, the 103706
grants shall be used by recipients to purchase firefighting or 103707
rescue equipment or gear or similar items, to provide full or 103708
partial reimbursement for the documented costs of firefighter 103709
training, or, at the discretion of the State Fire Marshal, to 103710
cover fire department costs for providing fire protection 103711
services in that grant recipient's jurisdiction. 103712

(1) Of the foregoing appropriation item 800639, Fire 103713
Department Grants, up to \$1,300,000 per fiscal year may be used 103714
to pay for the State Fire Marshal's costs of providing 103715
firefighter I certification classes or other firefighter classes 103716
approved by the State Fire Marshal at no cost to selected 103717
students attending the Ohio Fire Academy or other class 103718
providers approved by the State Fire Marshal. The State Fire 103719
Marshal may establish the qualifications and selection processes 103720
for students to attend such classes by written policy, and such 103721
students shall be considered eligible recipients of fire 103722
department grants for the purposes of this portion of the grant 103723
program. 103724

(2) Of the foregoing appropriation item 800639, Fire 103725
Department Grants, up to \$4,000,000 in each fiscal year may be 103726
used for MARCS Grants. MARCS Grants may be used for the payment 103727

of user access fees by the eligible recipient to cover costs for 103728
accessing MARCS. 103729

For purposes of this section, a MARCS Grant is a grant for 103730
systems, equipment, or services that are a part of, integrated 103731
into, or otherwise interoperable with the Multi-Agency Radio 103732
Communication System (MARCS) operated by the state. 103733

MARCS Grant awards may be up to \$50,000 in each fiscal 103734
year per eligible recipient. Each eligible recipient may apply, 103735
as a separate entity or as a part of a joint application, for 103736
only one MARCS Grant per fiscal year. The State Fire Marshal may 103737
give a preference to MARCS Grants that will enhance the overall 103738
interoperability and effectiveness of emergency communication 103739
networks in the geographic region that includes and that is 103740
adjacent to the applicant. 103741

Eligible recipients that are or were awarded fire 103742
department grants that are not MARCS Grants may also apply for 103743
and receive MARCS Grants in accordance with criteria for the 103744
awarding of grant funds established by the State Fire Marshal. 103745

(3) Grant awards for firefighting or rescue equipment or 103746
gear or for fire department costs of providing fire protection 103747
services shall be up to \$15,000 per fiscal year, or up to 103748
\$25,000 per fiscal year if an eligible entity serves a 103749
jurisdiction in which the Governor declared a natural disaster 103750
during the preceding or current fiscal year in which the grant 103751
was awarded. In addition to any grant funds awarded for rescue 103752
equipment or gear, or for fire department costs associated with 103753
the provision of fire protection services, an eligible entity 103754
may receive a grant for up to \$15,000 per fiscal year for full 103755
or partial reimbursement of the documented costs of firefighter 103756
training. For each fiscal year, the State Fire Marshal shall 103757

determine the total amounts to be allocated for each eligible purpose. 103758
103759

(C) The grants shall be administered by the State Fire 103760
Marshal in accordance with rules the State Fire Marshal adopts 103761
as part of the state fire code adopted pursuant to section 103762
3737.82 of the Revised Code that are necessary for the 103763
administration and operation of the grant program. The rules may 103764
further define the entities eligible to receive grants and 103765
establish criteria for the awarding and expenditure of grant 103766
funds, including methods the State Fire Marshal may use to 103767
verify the proper use of grant funds or to obtain reimbursement 103768
for or the return of equipment for improperly used grant funds. 103769
To the extent consistent with this section and until the rules 103770
are updated, the existing rules in the state fire code adopted 103771
pursuant to section 3737.82 of the Revised Code for fire 103772
department grants under this section apply to MARCS Grants. Any 103773
amounts in appropriation item 800639, Fire Department Grants, in 103774
excess of the amount allocated for these grants may be used for 103775
the administration of the grant program. 103776

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 103777
OPERATING FUND 103778

If the Real Estate Recovery Fund (Fund 5480) cash balance 103779
exceeds \$250,000 during the biennium ending June 30, 2027, the 103780
Director of Budget and Management, upon the written request of 103781
the Director of Commerce, may transfer cash from Fund 5480 to 103782
the Division of Real Estate Operating Fund (Fund 5490), such 103783
that the amount available in Fund 5480 is not less than 103784
\$250,000. 103785

If the Real Estate Appraiser Recovery Fund (Fund 4B20) 103786
cash balance exceeds \$200,000 during the biennium ending June 103787

30, 2027, the Director of Budget and Management, upon the 103788
written request of the Director of Commerce, may transfer cash 103789
from Fund 4B20 to the Division of Real Estate Operating Fund 103790
(Fund 5490), such that the amount available in Fund 4B20 is not 103791
less than \$200,000. 103792

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT 103793
SERVICES REVOLVING LOAN FUND 103794

Upon the written request of the Director of Commerce, the 103795
Director of Budget and Management may transfer up to \$600,000 in 103796
cash from the State Fire Marshal Fund (Fund 5460) to the Small 103797
Government Fire Department Services Revolving Loan Fund (Fund 103798
5F10) during the biennium ending June 30, 2027. 103799

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 103800

Upon the written request of the Director of Commerce, the 103801
Director of Budget and Management may transfer up to \$2,500,000 103802
in each fiscal year from the Division of Securities Fund (Fund 103803
5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the 103804
biennium ending June 30, 2027. The Director of Commerce may 103805
request the transfer of cash in addition to the \$2,500,000, and 103806
the Director of Budget and Management may transfer additional 103807
cash in an amount agreed upon with the Director of Commerce, if 103808
sufficient cash is available in Fund 5500. An amount equal to 103809
the additional cash transferred under this section is hereby 103810
appropriated to appropriation item 800657, Ohio Investor 103811
Recovery. 103812

The foregoing appropriation item 800657, Ohio Investor 103813
Recovery, shall be used by the Department of Commerce pursuant 103814
to section 1707.47 of the Revised Code to provide restitution 103815
assistance to victims who: (1) are identified in a final 103816

administrative order issued by the Division of Securities or a 103817
final court order in a civil or criminal proceeding initiated by 103818
the Division as a purchaser damaged by a sale or contract for 103819
sale made in violation of Chapter 1707. of the Revised Code; and 103820
(2) have not received the full amount of any restitution ordered 103821
in a final order before the application for restitution 103822
assistance is due. 103823

CASH TRANSFERS TO THE OHIO INVESTOR EDUCATION AND 103824
ENFORCEMENT EXPENSE FUND 103825

On July 1, 2025, or as soon as possible thereafter, the 103826
Director of Budget and Management shall transfer \$5,000,000 cash 103827
from the Division of Securities Fund (Fund 5500) to the Investor 103828
Education and Enforcement Expense Fund (5GK0). 103829

Upon the written request of the Director of Commerce, the 103830
Director of Budget and Management, at least once every three 103831
months, may transfer cash equal to five per cent of the fees and 103832
charges received in the Division of Securities Fund (Fund 5500) 103833
to the Investor Education and Enforcement Expense Fund (Fund 103834
5GK0). 103835

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION 103836
FUND 103837

Upon the written request of the Director of Commerce, the 103838
Director of Budget and Management may transfer up to \$150,000 103839
cash in each fiscal year from the Consumer Finance Fund (Fund 103840
5530) to the Financial Literacy Education Fund (Fund 5FW0). 103841

Upon the written request of the Director of Commerce, the 103842
Director of Budget and Management, at least once every three 103843
months, may transfer cash equal to fifteen per cent of all 103844
charges, penalties, and forfeitures received into the Consumer 103845

Finance Fund (Fund 5530) to the Financial Literacy Education 103846
Fund (Fund 5FW0) created under section 121.085 of the Revised 103847
Code. 103848

CLAIMING UNCLAIMED FUNDS FOR THE STATE OF OHIO AND 103849
POLITICAL SUBDIVISIONS OF THE STATE 103850

(A) Notwithstanding Chapter 169. of the Revised Code, or 103851
any law to the contrary, the Treasurer of State, in consultation 103852
with the Director of Commerce and Director of Budget and 103853
Management, may claim unclaimed funds in the name of the state 103854
and not otherwise attributable to an administrative department 103855
as defined in section 121.02 of the Revised Code. All unclaimed 103856
funds claimed pursuant to this division shall be credited to the 103857
General Revenue Fund. 103858

(B) Notwithstanding Chapter 169. of the Revised Code or 103859
any law to the contrary, the treasurer of any political 103860
subdivision within this state, in consultation with the Director 103861
of Commerce and Director of Budget and Management, may claim 103862
unclaimed funds in the name of the political subdivision or 103863
otherwise attributable to the political subdivision. All 103864
unclaimed funds claimed pursuant to this division shall be 103865
credited to the appropriate fund of the political subdivision. 103866

(C) Notwithstanding divisions (A) and (B) of this section, 103867
any person claiming a property interest in the unclaimed funds 103868
may file a claim with the Director of Commerce. Upon providing 103869
sufficient proof of the validity of the person's claim, the 103870
Director may, in the Director's discretion, pay the claim less 103871
any expenses and costs incurred by the state or political 103872
subdivision in securing full title and ownership of the 103873
unclaimed funds. If payment has been made to a claim, no action 103874
thereafter may be maintained by any other claimant against the 103875

state or the political subdivision for or on account of the 103876
payment of the claim. 103877

Section 245.10.

103878

103879

1	2	3	4	5
A	OCC OFFICE OF CONSUMERS' COUNSEL			
B	Dedicated Purpose Fund Group			
C	5F50 053601 Consumers' Counsel		\$6,899,220	\$7,158,030
	Operating			
D	Dedicated Purpose Fund Group Total		\$6,899,220	\$7,158,030
E	TOTAL ALL BUDGET FUND GROUPS		\$6,899,220	\$7,158,030

Section 247.10.

103880

103881

1	2	3	4	5
A	CEB CONTROLLING BOARD			
B	Internal Service Activity Fund Group			
C	5KM0 911614 Controlling Board		\$25,000,000	\$25,000,000
	Emergency			
	Purposes/Contingencies			
D	Internal Service Activity Fund Group		\$25,000,000	\$25,000,000
	Total			
E	TOTAL ALL BUDGET FUND GROUPS		\$25,000,000	\$25,000,000

Section 247.20. FEDERAL SHARE 103882

In transferring appropriations to or from appropriation 103883
items that have federal shares identified in this act, the 103884
Controlling Board shall add or subtract corresponding amounts of 103885
federal matching funds at the percentages indicated by the state 103886
and federal division of the appropriations in this act. Such 103887
changes are hereby appropriated. 103888

Section 249.10. 103889

103890

1	2	3	4	5
A		COS COSMETOLOGY AND BARBER BOARD		
B		Dedicated Purpose Fund Group		
C	4K90 879609	Operating Expenses	\$5,523,412	\$5,841,066
D		Dedicated Purpose Fund Group Total	\$5,523,412	\$5,841,066
E		TOTAL ALL BUDGET FUND GROUPS	\$5,523,412	\$5,841,066

Section 251.10. 103891

103892

1	2	3	4	5
A		CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD		
B		Dedicated Purpose Fund Group		
C	4K90 899609	Operating Expenses	\$2,161,054	\$2,291,375
D		Dedicated Purpose Fund Group Total	\$2,161,054	\$2,291,375

E	TOTAL ALL BUDGET FUND GROUPS	\$2,161,054	\$2,291,375
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Section 253.10.

103893

103894

1	2	3	4	5
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A	CLA COURT OF CLAIMS
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B	General Revenue Fund
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C	GRF 015321 Operating Expenses	\$3,318,213	\$3,468,684
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D	GRF 015403 Public Records Adjudication	\$1,145,161	\$1,199,582
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E	General Revenue Fund Total	\$4,463,374	\$4,668,266
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F	Dedicated Purpose Fund Group
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G	5K20 015603 CLA Victims of Crime	\$622,100	\$649,822
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H	5TE0 015604 Public Records	\$2,800	\$2,800
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I	Dedicated Purpose Fund Group Total	\$624,900	\$652,622
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J	TOTAL ALL BUDGET FUND GROUPS	\$5,088,274	\$5,320,888
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Section 255.10.

103895

103896

1	2	3	4	5
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A	DEN STATE DENTAL BOARD
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B	Dedicated Purpose Fund Group
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C	4K90 880609 Operating Expenses	\$2,281,030	\$2,372,258
D	Dedicated Purpose Fund Group Total	\$2,281,030	\$2,372,258
E	TOTAL ALL BUDGET FUND GROUPS	\$2,281,030	\$2,372,258

Section 257.10.

103897

103898

1	2	3	4	5
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A BDP BOARD OF DEPOSIT

B Dedicated Purpose Fund Group

C	4M20 974601 Board of Deposit	\$1,688,400	\$1,688,400
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D	Dedicated Purpose Fund Group Total	\$1,688,400	\$1,688,400
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E	TOTAL ALL BUDGET FUND GROUPS	\$1,688,400	\$1,688,400
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Section 257.20. BOARD OF DEPOSIT EXPENSE FUND

103899

Upon receiving certification of expenses from the 103900
Treasurer of State, the Director of Budget and Management shall 103901
transfer cash from the Investment Earnings Redistribution Fund 103902
(Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). 103903
The latter fund shall be used pursuant to section 135.02 of the 103904
Revised Code to pay for any and all necessary expenses of the 103905
Board of Deposit or for banking charges and fees required for 103906
the operation of the State of Ohio Regular Account. 103907

Section 259.10.

103908

103909

1	2	3	4	5
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A	DEV DEPARTMENT OF DEVELOPMENT				
B	General Revenue Fund				
C	GRF	195402	Coal Research and Development Program	\$175,000	\$175,000
D	GRF	195405	Minority Business Development	\$9,412,302	\$9,508,983
E	GRF	195415	Business Development Services	\$4,114,894	\$4,157,217
F	GRF	195426	Redevelopment Assistance	\$1,125,000	\$1,141,982
G	GRF	195453	Technology Programs and Grants	\$859,360	\$868,648
H	GRF	195454	Small Business and Export Assistance	\$4,037,643	\$4,057,014
I	GRF	195455	Appalachia Assistance	\$12,680,362	\$12,682,630
J	GRF	195497	CDBG Operating Match	\$1,445,867	\$1,473,181
K	GRF	195499	BSD Federal Programs Match	\$13,441,064	\$13,499,251
L	GRF	1954A5	Local Government Cybersecurity Grants	\$7,000,000	\$0
M	GRF	195537	Ohio-Israel Agricultural Initiative	\$250,000	\$250,000
N	GRF	195553	Industry Sector	\$5,000,000	\$5,000,000

Partnerships

O	GRF	195556	TechCred Program	\$25,205,470	\$25,207,322
P	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$4,050,000	\$2,525,000
Q	GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$45,000,000	\$45,000,000
R			General Revenue Fund Total	\$133,796,962	\$125,546,228
S			Dedicated Purpose Fund Group		
T	4500	195624	Minority Business Bonding Program Administration	\$9,875	\$9,875
U	4510	195649	Business Assistance Programs	\$3,000,000	\$3,000,000
V	4F20	195639	State Special Projects	\$500,000	\$500,000
W	4F20	195655	Workforce Development Programs	\$188,100	\$188,100
X	4F20	195699	Utility Community Assistance	\$686,947	\$0
Y	4W10	195646	Minority Business Enterprise Loan	\$2,000,000	\$2,000,000

Z	5AI1	1956G9	Broadband Pole Replacement and Undergrounding Program	\$46,361,299	\$0
AA	5AP1	1956H3	Welcome Home Ohio Program	\$40,625,000	\$625,000
AB	5CH1	1956J2	Ohio Housing Investment Opportunity Program	\$100,000,000	\$0
AC	5GT0	195550	Broadband Development Grants	\$2,800,000	\$2,800,000
AD	5JR0	195635	Tax Incentives Operating	\$1,200,000	\$1,200,000
AE	5KP0	195645	Historic Rehabilitation Operating	\$1,800,000	\$1,800,000
AF	5M40	195659	Low Income Energy Assistance (USF)	\$336,627,830	\$0
AG	5M50	195660	Advanced Energy Loan Programs	\$8,932,168	\$8,940,462
AH	5MH0	195644	SiteOhio Administration	\$5,000	\$5,000
AI	5MJ0	195683	TourismOhio Administration	\$7,500,000	\$7,500,000
AJ	5UL0	195627	Brownfields Revolving Loan Program	\$1,750,000	\$1,750,000
AK	5UY0	195496	Sports Events Grants	\$1,074,459	\$1,074,459
AL	5W60	195691	International Trade	\$50,000	\$50,000

Cooperative Projects

AM	5XH0	195632	Women Owned Business Loans	\$5,000,000	\$5,000,000
AN	5XH0	195694	Micro-Loan	\$2,500,000	\$2,500,000
AO	5XH0	195611	Minority Business Development Loan Administration	\$2,000,000	\$2,000,000
AP	5XM0	195576	All Ohio Future Fund	\$2,000,000	\$2,000,000
AQ	5YE0	1956A2	Brownfield Remediation	\$2,250,000	\$2,250,000
AR	5YF0	1956A3	Demolition and Site Revitalization	\$1,500,000	\$1,500,000
AS	6170	195654	Volume Cap Administration	\$40,000	\$40,000
AT	6460	195638	Low- and Moderate-Income Housing Programs	\$64,402,825	\$64,435,386
AU	Dedicated Purpose Fund Group Total			\$634,803,503	\$111,168,282
AV	Internal Service Activity Fund Group				
AW	1350	195684	Development Operations	\$15,263,246	\$15,609,260
AX	6850	195636	Development Services Reimbursable Expenditures	\$250,000	\$250,000
AY	Internal Service Activity Fund Group Total			\$15,513,246	\$15,859,260

AZ Facilities Establishment Fund Group

BA 4Z60 195647	Rural Industrial Park Loan	\$7,521,860	\$0
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BB 5S90 195628	Capital Access Loan Program	\$1,500,000	\$1,500,000
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BC 7009 195664	Innovation Ohio	\$17,426,036	\$0
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BD 7010 195665	Research and Development	\$36,032,990	\$0
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BE 7037 195615	Facilities Establishment	\$10,000,000	\$10,000,000
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BF	Facilities Establishment Fund Group Total	\$72,480,886	\$11,500,000
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BG Bond Research and Development Fund Group

BH 7011 195686	Third Frontier Tax Exempt - Operating	\$1,000,000	\$1,000,000
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BI 7011 195687	Third Frontier Research and Development Projects	\$1,000,000	\$1,000,000
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BJ 7014 195620	Third Frontier Taxable - Operating	\$2,710,000	\$2,710,000
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BK 7014 195692	Research and Development Taxable Bond Projects	\$100,000,000	\$20,000,000
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BL	Bond Research and Development Fund Group Total	\$104,710,000	\$24,710,000
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BM Federal Fund Group

BN	3080	195581	Energy Efficiency Revolving Loan Fund Capitalization Grant	\$2,500,000	\$2,500,000
BO	3080	195602	Appalachian Regional Commission	\$7,500,000	\$7,500,000
BP	3080	195603	Housing Assistance Programs	\$12,571,729	\$12,576,756
BQ	3080	195609	Small Business Administration Grants	\$5,550,000	\$5,550,000
BR	3080	195618	Energy Grants	\$11,650,326	\$11,661,160
BS	3080	195670	Home Weatherization Program	\$86,079,636	\$0
BT	3080	195672	Manufacturing Extension Partnership	\$6,600,000	\$6,600,000
BU	3080	195675	Procurement Technical Assistance	\$1,500,000	\$1,500,000
BV	3080	195696	State Trade and Export Promotion	\$500,000	\$500,000
BW	3350	195610	Energy Programs	\$350,000	\$350,000
BX	3AE0	195643	Workforce Development Initiatives	\$2,000,000	\$2,000,000
BY	3FJ0	195626	Small Business Capital Access and Collateral	\$2,600,000	\$2,600,000

		Enhancement Program		
BZ	3IC0	1956D9	Growth Capital Fund	\$3,250,000 \$3,250,000
CA	3IC0	1956E1	Early-Stage Focus Fund	\$1,500,000 \$1,500,000
CB	3IC0	1956E2	Community Development Financial Institution Loan Participation	\$10,000,000 \$10,000,000
CC	3IC0	1956E3	Collateral Enhancement Program	\$6,000,000 \$6,000,000
CD	3IC0	1956H5	State Small Business Credit Initiative Technical Assistance	\$1,500,000 \$1,500,000
CE	3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$793,000,000 \$0
CF	3IF0	1956E5	Broadband Digital Equity Acts Program	\$23,800,000 \$476,000
CG	3IM0	195582	Home-Owner Managing Energy Savings Rebate Program	\$15,000,000 \$15,000,000
CH	3IM0	195583	High-Efficiency Electric Home Rebate Program	\$15,000,000 \$15,000,000
CI	3K80	195613	Community Development Block Grant	\$57,500,000 \$57,500,000

CJ 3K90 195611 Home Energy Assistance	\$180,000,000	\$0
Block Grant		
CK 3K90 195614 HEAP Weatherization	\$44,000,000	\$0
CL 3L00 195612 Community Services Block	\$32,000,000	\$0
Grant		
CM 3V10 195601 HOME Program	\$53,750,000	\$53,750,000
CN Federal Fund Group Total	\$1,375,701,691	\$217,313,916
CO TOTAL ALL BUDGET FUND GROUPS	\$2,337,006,288	\$506,097,686

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 103910

The foregoing appropriation item 195402, Coal Research and 103911
Development Program, shall be used for the operating expenses of 103912
the Community Services Division in support of the Ohio Coal 103913
Development Office. 103914

MINORITY BUSINESS DEVELOPMENT 103915

The foregoing appropriation item 195405, Minority Business 103916
Development, shall be used to support the activities of the 103917
Minority Business Development Division, including providing 103918
grants to local nonprofit organizations to support economic 103919
development activities that promote minority business 103920
development, in conjunction with local organizations funded 103921
through appropriation item 195454, Small Business and Export 103922
Assistance. 103923

BUSINESS DEVELOPMENT SERVICES 103924

The foregoing appropriation item 195415, Business 103925
Development Services, shall be used for the operating expenses 103926

of the Office of Strategic Business Investments and the regional 103927
economic development offices. 103928

Of the foregoing appropriation item 195415, Business 103929
Development Services, \$1,800,000 in each fiscal year shall be 103930
allocated to Development Projects, Inc., for economic 103931
development programs and the creation of new jobs to leverage 103932
and support mission gains at Department of Defense and related 103933
facilities in Ohio by working with future base realignment and 103934
closure activities and ongoing Department of Defense efficiency 103935
and partnership initiatives, assisting efforts to secure 103936
Department of Defense support contracts for Ohio companies, 103937
assessing and supporting regional job and workforce development 103938
needs generated by the Department of Defense and the Ohio 103939
aerospace industry, promoting technology transfer to Ohio 103940
businesses, and for expanding job training and economic 103941
development programs in human performance and cyber security- 103942
related initiatives. 103943

REDEVELOPMENT ASSISTANCE 103944

The foregoing appropriation item 195426, Redevelopment 103945
Assistance, shall be used to fund the costs of administering the 103946
energy, redevelopment, and other revitalization programs that 103947
may be implemented, and may be used to match federal grant 103948
funding. 103949

TECHNOLOGY PROGRAMS AND GRANTS 103950

The foregoing appropriation item 195453, Technology 103951
Programs and Grants, shall be used for operating expenses 103952
incurred in administering the Ohio Third Frontier Programs and 103953
other technology focused programs that may be implemented. 103954

SMALL BUSINESS AND EXPORT ASSISTANCE 103955

The foregoing appropriation item 195454, Small Business and Export Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote small business development, entrepreneurship, and exports of Ohio's goods and services, in conjunction with local organizations funded through appropriation item 195405, Minority Business Development. The foregoing appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIA ASSISTANCE

The foregoing GRF appropriation item 195455, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the appropriation item shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Department of Development shall conduct compliance and regulatory review of the programs recommended by the local development districts. Moneys allocated under the appropriation item may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, \$210,000 shall be allocated to the Ohio Valley Regional Development Commission, \$210,000 shall be allocated to the Ohio Mid-Eastern Government Association, \$210,000 shall be allocated to the Buckeye Hills Regional Council, and \$210,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, \$5,000,000 shall be allocated to the Foundation for Appalachian Ohio and \$1,000,000 shall be allocated to Ohio University's Voinovich School of Leadership and Public Service to work on behalf of the Mayor's partnership for Progress.

CDBG OPERATING MATCH 104003

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

BSD FEDERAL PROGRAMS MATCH 104010

The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology Manufacturing Extension Partnership Program and Department of Defense APEX Accelerator Program, and other

federal agencies, pursuant to Pub. L. No. 96-302 as amended by 104016
Pub. L. No. 98-395, and regulations and policy guidelines for 104017
the programs pursuant thereto. The appropriation item shall also 104018
be used for operating expenses of the Business Services 104019
Division. 104020

OHIO-ISRAEL AGRICULTURAL INITIATIVE 104021

The foregoing appropriation item 195537, Ohio-Israel 104022
Agricultural Initiative, shall be used for the Ohio-Israel 104023
Agricultural Initiative. The appropriation shall not be used for 104024
travel and entertainment expenses incurred under the initiative. 104025

SECTOR PARTNERSHIP NETWORKS 104026

The foregoing appropriation item 195553, Industry Sector 104027
Partnerships, shall be used for the grant program described in 104028
section 122.179 of the Revised Code. 104029

TECHCRED PROGRAM 104030

The foregoing appropriation item 195556, TechCred Program, 104031
shall be used for the programs described under sections 122.178 104032
and 122.1710 of the Revised Code. 104033

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 104034
OBLIGATION BOND DEBT SERVICE 104035

The foregoing appropriation line item 195901, Coal 104036
Research and Development General Obligation Bond Debt Service, 104037
shall be used to pay all debt service and related financing 104038
costs during the period July 1, 2025, through June 30, 2027, on 104039
obligations issued under sections 151.01 and 151.07 of the 104040
Revised Code. 104041

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 104042
BOND DEBT SERVICE 104043

The foregoing appropriation item 195905, Third Frontier
Research and Development General Obligation Bond Debt Service,
shall be used to pay all debt service and related financing
costs during the period from July 1, 2025, through June 30,
2027, on obligations issued under sections 151.01 and 151.10 of
the Revised Code.

Section 259.30. MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the
Revised Code, the Director of Development may, upon the
recommendation of the Minority Development Financing Advisory
Board, pledge up to \$10,000,000 in the biennium ending June 30,
2027, of unclaimed funds administered by the Director of
Commerce and allocated to the Minority Business Bonding Program
under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the
Minority Business Bonding Program, the Director of Budget and
Management may, at the request of the Director of Development,
request that the Director of Commerce transfer unclaimed funds
that have been reported by holders of unclaimed funds under
section 169.05 of the Revised Code to the Minority Bonding Fund
(Fund 4490). The transfer of unclaimed funds shall only occur
after proceeds of the initial transfer of \$2,700,000 by the
Controlling Board to the Minority Business Bonding Program have
been used for that purpose. If expenditures are required for
payment of losses arising from the Minority Business Bonding
Program, such expenditures shall be made from appropriation item
195658, Minority Business Bonding Contingency in the Minority
Business Bonding Fund, and such amounts are hereby appropriated.

BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business	104073
Assistance Programs, shall be used for administrative expenses	104074
associated with the operation of loan incentives.	104075
 STATE SPECIAL PROJECTS	 104076
 The State Special Projects Fund (Fund 4F20), may be used	 104077
for the deposit of private-sector funds from utility companies	104078
and for the deposit of other miscellaneous state funds. State	104079
moneys so deposited may also be used to match federal funding	104080
and to support programs of the Community Service Division and	104081
Business Services Division.	104082
 MINORITY BUSINESS ENTERPRISE LOAN	 104083
 The foregoing appropriation item 195646, Minority Business	 104084
Enterprise Loan, shall be used for awards under the Minority	104085
Business Enterprise Loan Program and to cover operating expenses	104086
of the Minority Business Development Division. All repayments	104087
from the Minority Development Financing Advisory Board Loan	104088
Program shall be deposited in the state treasury to the credit	104089
of the Minority Business Enterprise Loan Fund (Fund 4W10).	104090
 BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM	 104091
 The foregoing appropriation item 1956G9, Broadband Pole	 104092
Replacement and Undergrounding Program, shall be used by the	104093
Department of Development to support the Broadband Pole	104094
Replacement and Undergrounding Program under section 191.27 of	104095
the Revised Code.	104096
 TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE	 104097
OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND	104098
 On July 1, 2025, or as soon as possible thereafter, the	 104099
Director of Budget and Management shall transfer \$3,600,000 cash	104100

from the Broadband Pole Replacement and Undergrounding Program 104101
Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion 104102
Grant Program Fund (Fund 5GT0). 104103

WELCOME HOME OHIO PROGRAM 104104

The foregoing appropriation item 1956H3, Welcome Home Ohio 104105
Program, shall be used for grants under the Welcome Home Ohio 104106
Program established in sections 122.631 through 122.633 of the 104107
Revised Code. Of the foregoing appropriation item 1956H3, 104108
Welcome Home Ohio Program, \$20,000,000 shall be used to 104109
distribute grants for land banks to purchase residential 104110
property at foreclosure sales under section 122.631 of the 104111
Revised Code. Of the foregoing appropriation item 1956H3, 104112
Welcome Home Ohio Program, \$20,000,000 shall be used to 104113
distribute grants to rehabilitate or construct residential 104114
property for income-restricted owners under section 122.632 of 104115
the Revised Code. 104116

OHIO HOUSING INVESTMENT OPPORTUNITY PROGRAM 104117

The foregoing appropriation item 1956J2, Ohio Housing 104118
Investment Opportunity Program, shall be used to award grants 104119
and loans to local governments, or their designees, in rural 104120
counties and counties that border another state for housing 104121
development projects. Eligible housing development project 104122
expenses may included site acquisition, demolition, site 104123
remediation, wetland mitigation, or the extension or enhancement 104124
of sewer, water, gas, and electricity services to the site 104125
designated for housing. Non-housing development project costs 104126
associated with planning for housing demand may also be 104127
eligible, with priority given to county-wide proposals. Priority 104128
may be given to sites designated for housing development that 104129
have previously received funding through programs administered 104130

in accordance with section 122.6511 or 122.6512 of the Revised	104131
Code.	104132
 ADVANCED ENERGY LOAN PROGRAMS	 104133
The foregoing appropriation item 195660, Advanced Energy	104134
Loan Programs, shall be used to provide financial assistance to	104135
customers for eligible advanced energy projects for residential,	104136
commercial, and industrial business, local government,	104137
educational institution, nonprofit, and agriculture customers.	104138
The appropriation item may be used to match federal grant	104139
funding and to pay for the program's administrative costs as	104140
provided in sections 4928.61 to 4928.63 of the Revised Code and	104141
rules adopted by the Director of Development.	104142
 SPORTS EVENTS GRANTS	 104143
The foregoing appropriation item 195496, Sports Events	104144
Grants, shall be used for grants as described in sections 122.12	104145
and 122.121 of the Revised Code.	104146
 WOMEN OWNED BUSINESS LOAN	 104147
The foregoing appropriation item 195632, Women Owned	104148
Business Loan, shall be used to operate the Women Owned Business	104149
Loan Program.	104150
 MINORITY BUSINESS MICRO-LOAN	 104151
The foregoing appropriation item 195694, Micro-Loan, shall	104152
be used to operate the Minority Business Micro-Loan Program.	104153
 MBD LOAN ADMINISTRATION	 104154
The foregoing appropriation item 195611, MBD Loan	104155
Administration, shall be used to operate the Women Owned Loan	104156
and Minority Business Micro-Loan Programs.	104157

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE	104158
FUND TO THE MBD FINANCIAL ASSISTANCE FUND	104159
On July 1, 2025, or as soon as possible thereafter, the	104160
Director of Budget and Management may transfer \$5,000,000 cash	104161
from the State Small Business Credit Initiative Fund (Fund 3FJ0)	104162
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments	104163
of loans issued under Fund 5XH0 shall be credited to the fund.	104164
Upon the completion of the original Collateral Enhancement	104165
Program, the Director of Development shall certify to the	104166
Director of Budget and Management the remaining cash balance in	104167
the State Small Business Credit Initiative Fund (Fund 3FJ0). The	104168
Director of Budget and Management may transfer the certified	104169
amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund	104170
5XH0).	104171
ALL OHIO FUTURE FUND	104172
The foregoing appropriation item 195576, All Ohio Future	104173
Fund, shall be used for the purposes enumerated in section	104174
126.62 of the Revised Code.	104175
BROWNFIELD REMEDIATION	104176
The appropriation item 1956A2, Brownfield Remediation,	104177
shall be used to award grants and to pay associated	104178
administrative costs under the Brownfield Remediation Program as	104179
described in section 122.6511 of the Revised Code.	104180
DEMOLITION AND SITE REVITALIZATION	104181
The appropriation item 1956A3, Demolition and Site	104182
Revitalization, shall be used to award grants and to pay	104183
associated administrative costs under the Building Demolition	104184
and Site Revitalization Program as described in section 122.6512	104185

of the Revised Code. 104186

VOLUME CAP ADMINISTRATION 104187

The foregoing appropriation item 195654, Volume Cap 104188
Administration, shall be used for expenses related to the 104189
administration of the Volume Cap Program. Revenues received by 104190
the Volume Cap Administration Fund (Fund 6170) shall consist of 104191
application fees, forfeited deposits, and interest earned from 104192
the custodial account held by the Treasurer of State. 104193

Section 259.40. DEVELOPMENT OPERATIONS 104194

The Director of Development may assess offices of the 104195
department for the cost of central service operations. An 104196
assessment shall contain the characteristics of administrative 104197
ease and uniform application. A division's payments shall be 104198
credited to the Supportive Services Fund (Fund 1350) using an 104199
intrastate transfer voucher. 104200

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 104201

The foregoing appropriation item 195636, Development 104202
Services Reimbursable Expenditures, shall be used for 104203
reimbursable costs incurred by the department. Revenues to the 104204
General Reimbursement Fund (Fund 6850) shall consist of moneys 104205
charged for administrative costs that are not central service 104206
costs and repayments of loans, including the interest thereon, 104207
made from the Water and Sewer Fund (Fund 4440). 104208

Section 259.50. RURAL INDUSTRIAL PARK LOAN 104209

The foregoing appropriation item 195647, Rural Industrial 104210
Park Loan, shall be used to award loans under the Rural 104211
Industrial Park Loan Program established in section 122.24 of 104212
the Revised Code. Rural Industrial Park Loans awarded under the 104213

appropriation item shall not exceed \$4,000,000. 104214

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO 104215
THE BUSINESS ASSISTANCE FUND 104216

Notwithstanding Chapter 166. of the Revised Code, the 104217
Director of Budget and Management may transfer up to \$3,000,000 104218
cash in each fiscal year from the Research and Development Loan 104219
Fund (Fund 7010) to the Business Assistance Fund (Fund 4510). 104220

CAPITAL ACCESS LOAN PROGRAM 104221

The foregoing appropriation item 195628, Capital Access 104222
Loan Program, shall be used for operating, program, and 104223
administrative expenses of the program. Capital Access Loan 104224
Program funds shall be used in accordance with section 122.603 104225
of the Revised Code to assist participating financial 104226
institutions in making program loans to eligible businesses that 104227
face barriers in accessing working capital and obtaining fixed- 104228
asset financing. 104229

The Director of Budget and Management may transfer an 104230
amount not to exceed \$1,000,000 cash in each fiscal year between 104231
the Minority Business Enterprise Loan Fund (Fund 4W10) and the 104232
Capital Access Loan Fund (Fund 5S90), subject to Controlling 104233
Board approval. 104234

FACILITIES ESTABLISHMENT 104235

The foregoing appropriation item 195615, Facilities 104236
Establishment, shall be used for the purposes of the Facilities 104237
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 104238
Code. 104239

In the biennium ending June 30, 2027, notwithstanding 104240
section 127.14 and division (B) of section 131.35 of the Revised 104241

Code, the Controlling Board may authorize expenditures, in 104242
excess of the amount appropriated, but not to exceed the 104243
limitation set in division (E) of section 131.35 of the Revised 104244
Code, using the Facilities Establishment Fund (Fund 7037) for 104245
purposes consistent with Chapter 166. of the Revised Code. The 104246
amounts authorized by the Controlling Board are hereby 104247
appropriated. 104248

Section 259.60. THIRD FRONTIER OPERATING COSTS 104249

The foregoing appropriation items 195686, Third Frontier 104250
Tax Exempt Operating, and 195620, Third Frontier Taxable - 104251
Operating, shall be used for operating expenses incurred in 104252
administering projects pursuant to sections 184.10 to 184.20 of 104253
the Revised Code. Operating expenses paid from appropriation 104254
item 195686 shall be limited to the administration of projects 104255
funded from the Third Frontier Research and Development Fund 104256
(Fund 7011), and operating expenses paid from appropriation item 104257
195620 shall be limited to the administration of projects funded 104258
from the Third Frontier Research and Development Taxable Bond 104259
Project Fund (Fund 7014). 104260

THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX 104261
EXEMPT PROJECTS 104262

The foregoing appropriation items 195687, Third Frontier 104263
Research and Development Projects, and 195692, Research and 104264
Development Taxable Bond Projects, shall be used to fund 104265
selected projects, which may include internship programs. 104266
Eligible costs are those costs of research and development 104267
projects to which the proceeds of Fund 7011 and Fund 7014 are to 104268
be applied. 104269

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 104270

The Director of Budget and Management may approve written requests from the Director of Development for the transfer of appropriations between appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.

In fiscal year 2026, the Director of Development may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, for fiscal year 2026. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2026.

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM (BEAD)

The foregoing appropriation item 1956E4, Broadband Equity, Access, and Deployment Program (BEAD), shall be used to build infrastructure that supports the adoption of high-speed internet.

HEAP WEATHERIZATION

Up to twenty-five per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund

(Fund 3K90) may be expended from appropriation item 195614, HEAP 104300
Weatherization, to provide home weatherization services in the 104301
state as determined by the Director of Development. 104302

Section 261.10.

104303

104304

	1	2	3	4	5
A			DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES		
B			General Revenue Fund		
C	GRF	320411	Special Olympics	\$100,000	\$100,000
D	GRF	320412	Protective Services	\$3,200,000	\$3,200,000
E	GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
F	GRF	322422	Multi System Youth	\$5,000,000	\$5,000,000
G	GRF	322423	Technology First	\$3,200,000	\$3,200,000
H	GRF	322508	Employment First Initiative	\$2,700,000	\$2,700,000
I	GRF	322509	Community Supports and Rental Assistance	\$700,000	\$700,000
J	GRF	653321	Medicaid Program Support - State	\$8,163,217	\$8,421,356
K	GRF	653407	Medicaid Services	\$1,127,127,000	\$1,140,627,000

L	General Revenue Fund Total	\$1,177,690,217	\$1,188,148,356
M	Dedicated Purpose Fund Group		
N	2210 322620 Supplement Service Trust	\$500,000	\$500,000
O	4890 653632 Developmental Centers Direct Care Services	\$7,000,000	\$7,000,000
P	5DK0 322629 Capital Replacement Facilities	\$750,000	\$750,000
Q	5EV0 653627 Medicaid Program Support	\$2,540,000	\$2,540,000
R	5GE0 320606 Central Office Operating Expenses	\$20,914,384	\$21,180,026
S	5GE0 653606 ICF/IID and Waiver Match	\$60,000,000	\$60,000,000
T	5H00 322619 Medicaid Repayment	\$900,000	\$900,000
U	5S20 653622 Medicaid Administration and Oversight	\$36,000,000	\$36,000,000
V	5Z10 653624 County Board Waiver Match	\$688,000,000	\$752,000,000
W	Dedicated Purpose Fund Group Total	\$816,604,384	\$880,870,026
X	Internal Service Activity Fund Group		
Y	1520 653609 DC and Residential Facilities Operating Services	\$20,000,000	\$20,000,000
Z	Internal Service Activity Fund Group	\$20,000,000	\$20,000,000

Total

AA Federal Fund Group

AB 3250 322612 Community Social Service Programs	\$15,075,000	\$15,075,000
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AC 3A40 653654 Medicaid Services	\$3,385,530,510	\$3,545,767,920
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AD 3A40 653655 Medicaid Support	\$92,000,000	\$97,000,000
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AE 3A50 320613 Developmental Disabilities Council	\$3,369,230	\$3,408,234
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AF Federal Fund Group Total	\$3,495,974,740	\$3,661,251,154
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AG TOTAL ALL BUDGET FUND GROUPS	\$5,510,269,341	\$5,750,269,536
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Section 261.20. SPECIAL OLYMPICS	104305
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The foregoing appropriation item 320411, Special Olympics,	104306
shall be distributed by the Ohio Department of Developmental	104307
Disabilities to the Special Olympics of Ohio in support of the	104308
Ohio Special Olympics Summer Games.	104309

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES	104310
LEASE-RENTAL BOND PAYMENTS	104311

The foregoing appropriation item 320415, Developmental	104312
Disabilities Facilities Lease Rental Bond Payments, shall be	104313
used to meet all payments during the period from July 1, 2025,	104314
through June 30, 2027, by the Department of Developmental	104315
Disabilities pursuant to leases and agreements made under	104316
section 154.20 of the Revised Code. These appropriations are the	104317
source of funds pledged for bond service charges on related	104318

obligations issued under Chapter 154. of the Revised Code. 104319

Section 261.40. MULTI-SYSTEM YOUTH 104320

Of the foregoing appropriation item 322422, Multi-System 104321
Youth, a portion may be used to provide a subsidy to eligible 104322
county boards of developmental disabilities for the provision of 104323
respite services and other services and supports for youth with 104324
complex or multi-system needs to enable them to remain in their 104325
homes with their families or in their communities. The Director 104326
of Developmental Disabilities shall establish the total amount 104327
available for the subsidy, a formula for distributing the 104328
subsidy to eligible county boards, and the eligibility 104329
requirements county boards must satisfy to receive the subsidy. 104330

Section 261.50. TECHNOLOGY FIRST 104331

Of the foregoing appropriation item 322423, Technology 104332
First, a portion may be used to increase access and utilization 104333
of innovative technology for people with developmental 104334
disabilities in accordance with the Technology First Policy 104335
established in section 5123.025 of the Revised Code. 104336

Section 261.60. EMPLOYMENT FIRST INITIATIVE 104337

The foregoing appropriation item 322508, Employment First 104338
Initiative, shall be used to increase employment opportunities 104339
for individuals with developmental disabilities through the 104340
Employment First Initiative in accordance with section 5123.022 104341
of the Revised Code. 104342

Of the foregoing appropriation item, 322508, Employment 104343
First Initiative, the Director of Developmental Disabilities 104344
shall transfer, in each fiscal year, to the Opportunities for 104345
Ohioans with Disabilities Agency an amount agreed upon by the 104346
Director of Developmental Disabilities and the Executive 104347

Director of the Opportunities for Ohioans with Disabilities 104348
Agency. The transfer shall be made via an intrastate transfer 104349
voucher. The transferred funds shall be used to support the 104350
Employment First Initiative. The Opportunities for Ohioans with 104351
Disabilities Agency shall use the funds transferred as state 104352
matching funds to obtain available federal grant dollars for 104353
vocational rehabilitation services. Any federal match dollars 104354
received by the Opportunities for Ohioans with Disabilities 104355
Agency shall be used for the initiative. The Director of 104356
Developmental Disabilities and the Executive Director of the 104357
Opportunities for Ohioans with Disabilities Agency shall enter 104358
into an interagency agreement in accordance with section 104359
3304.181 of the Revised Code that will specify the 104360
responsibilities of each agency under the initiative. Under the 104361
interagency agreement, the Opportunities for Ohioans with 104362
Disabilities Agency shall retain responsibility for eligibility 104363
determination, order of selection, plan approval, plan 104364
amendment, and release of vendor payments. 104365

The remainder of appropriation item 322508, Employment 104366
First Initiative, shall be used to develop a long-term, 104367
sustainable system that places individuals with developmental 104368
disabilities in community employment, as defined in section 104369
5123.022 of the Revised Code. 104370

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 104371

The foregoing appropriation item 322509, Community 104372
Supports and Rental Assistance, may be used by the Director of 104373
Developmental Disabilities to provide funding to county boards 104374
of developmental disabilities for rental assistance to 104375
individuals with developmental disabilities receiving home and 104376
community-based services as defined in section 5123.01 of the 104377

Revised Code pursuant to section 5124.60 of the Revised Code or 104378
section 5124.69 of the Revised Code and individuals with 104379
developmental disabilities who enroll in a Medicaid waiver 104380
component providing home and community-based services after 104381
receiving preadmission counseling pursuant to section 5124.68 of 104382
the Revised Code. The Director shall establish the methodology 104383
for determining the amount and distribution of such funding. 104384

Section 261.80. MEDICAID SERVICES 104385

(A) As used in this section: 104386

(1) "Home and community-based services" has the same 104387
meaning as in section 5123.01 of the Revised Code. 104388

(2) "ICF/IID services" has the same meaning as in section 104389
5124.01 of the Revised Code. 104390

(B) Except as provided in section 5123.0416 of the Revised 104391
Code, the purposes for which the foregoing appropriation item 104392
653407, Medicaid Services, shall be used include the following: 104393

(1) Home and community-based services; 104394

(2) ICF/IID services; and 104395

(3) Other programs as identified by the Director of 104396
Developmental Disabilities. 104397

Section 261.90. CENTRAL OFFICE OPERATING EXPENSES 104398

Of the foregoing appropriation item 320606, Central Office 104399
Operating Expenses, \$100,000 in each fiscal year shall be 104400
provided to the Ohio Center for Autism and Low Incidence to 104401
establish a lifespan autism hub to support families and 104402
professionals. 104403

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES 104404

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2026 and fiscal year 2027 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS

(A) In fiscal year 2026 and fiscal year 2027, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code.

Subject to division (B) of this section and notwithstanding any 104434
provision of Chapters 5123. and 5126. of the Revised Code and 104435
any rule adopted under either chapter, a pilot project 104436
authorized by the Director may be continued or implemented in a 104437
manner inconsistent with one or more provisions of either 104438
chapter or one or more rules adopted under either chapter. 104439
Before authorizing a pilot program, the Director shall consult 104440
with entities interested in the issue of developmental 104441
disabilities. 104442

(B) The Director may not authorize a pilot project to be 104443
implemented in a manner that would cause the state to be out of 104444
compliance with any requirements for a program funded in whole 104445
or in part with federal funds. 104446

Section 261.130. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 104447
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 104448

(A) As used in this section: 104449

(1) "Converted facility" means an ICF/IID, or former 104450
ICF/IID, that converted some or all of its beds to providing 104451
home and community-based services under the IO Waiver pursuant 104452
to section 5124.60 of the Revised Code. 104453

(2) "Developmental center" and "ICF/IID" have the same 104454
meanings as in section 5124.01 of the Revised Code. 104455

(3) "IO Waiver" means the Medicaid waiver component, as 104456
defined in section 5166.01 of the Revised Code, known as 104457
Individual Options. 104458

(4) "Medicaid provider" has the same meaning as in section 104459
5164.01 of the Revised Code. 104460

(5) "Public hospital" has the same meaning as in section 104461

5122.01 of the Revised Code. 104462

(6) "Qualifying IO enrollee" means an IO Waiver enrollee 104463
to whom all of the following apply: 104464

(a) The enrollee resided in a developmental center, 104465
converted facility, or public hospital immediately before 104466
enrolling in the IO Wavier. 104467

(b) The enrollee did not receive before July 1, 2011, 104468
routine homemaker/personal care services from the Medicaid 104469
provider that is to be paid the Medicaid rate authorized by this 104470
section for providing such services to the enrollee during the 104471
period specified in division (C) of this section. 104472

(c) The Director of Developmental Disabilities has 104473
determined that the enrollee's special circumstances (including 104474
the enrollee's diagnosis, service needs, or length of stay at 104475
the developmental center, converted facility, or public 104476
hospital) warrants paying the Medicaid rate authorized by this 104477
section. 104478

(B) The total Medicaid payment rate for each fifteen 104479
minutes of routine homemaker/personal care services that a 104480
Medicaid provider provides to a qualifying IO enrollee during 104481
the period specified in division (C) of this section shall be 104482
fifty-two cents higher than the Medicaid payment rate in effect 104483
on the day the services are provided for each fifteen minutes of 104484
routine homemaker/personal care services that a Medicaid 104485
provider provides to an IO enrollee who is not a qualifying IO 104486
enrollee. 104487

(C) Division (B) of this section applies to the first 104488
twelve months, consecutive or otherwise, that a Medicaid 104489
provider, during the period beginning July 1, 2025, and ending 104490

July 1, 2027, provides routine homemaker/personal care services 104491
to a qualifying IO enrollee. 104492

(D) Of the foregoing appropriation items 653407, Medicaid 104493
Services, and 653654, Medicaid Services, portions shall be used 104494
to pay the Medicaid payment rate determined in accordance with 104495
this section for routine homemaker/personal care services 104496
provided to qualifying IO enrollees. 104497

Section 261.140. ICF WORKFORCE DEVELOPMENT PAYMENTS 104498

Of the foregoing appropriation items 653407, Medicaid 104499
Services, and 653654, Medicaid Services, a portion of each 104500
appropriation item shall be used in fiscal year 2026 in 104501
accordance with this section and section 5124.15 of the Revised 104502
Code. The funds shall be used to maintain rates supporting the 104503
professional workforce development payment, as provided in 104504
division (A) (5) (c) of section 5124.15 of the Revised Code. 104505

Section 263.10. 104506

104507

1	2	3	4	5
A	SBE STATE BOARD OF EDUCATION			
B	General Revenue Fund			
C	GRF 210400 Rapback		\$2,000,000	\$2,000,000
D	General Revenue Fund Total		\$2,000,000	\$2,000,000
E	Dedicated Purpose Fund Group			
F	4L20 210600 Operating Expenses		\$13,010,991	\$13,519,872

G	Dedicated Purpose Fund Group Total	\$13,010,991	\$13,519,872
H	Federal Fund Group		
I	3ISO 210601 Title II A/Supporting Effective Instruction	\$1,355,000	\$1,355,000
J	Federal Fund Group Total	\$1,355,000	\$1,355,000
K	TOTAL ALL BUDGET FUND GROUPS	\$16,365,991	\$16,874,872

Section 265.10.

104508

104509

	1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE				
B	General Revenue Fund				
C	GRF	200321	Operating Expenses	\$14,474,898	\$15,054,312
D	GRF	200416	Career Technical Education	\$2,758,006	\$2,893,106
E	GRF	200420	Information Technology Development and Support	\$4,231,479	\$4,316,527
F	GRF	200422	School Management Assistance	\$3,332,220	\$3,474,596
G	GRF	200424	Policy Analysis	\$500,000	\$516,419
H	GRF	200426	Ohio Educational Computer Network	\$19,994,000	\$19,994,000

I	GRF	200427	Academic Standards	\$6,035,410	\$5,929,033
J	GRF	200437	Student Assessment	\$53,409,125	\$53,682,346
K	GRF	200439	Accountability/Report Cards	\$7,619,440	\$7,687,742
L	GRF	200446	Education Management Information System	\$10,058,226	\$10,525,278
M	GRF	200448	Educator and Principal Preparation	\$9,163,493	\$9,176,754
N	GRF	200455	Community Schools and Choice Programs	\$4,370,165	\$4,446,705
O	GRF	200465	Education Technology Resources	\$4,672,828	\$4,685,225
P	GRF	200478	Industry-Recognized Credentials High School Students	\$16,000,000	\$16,000,000
Q	GRF	200502	Pupil Transportation	\$877,335,414	\$955,629,701
R	GRF	200505	School Meal Programs	\$13,163,000	\$13,163,000
S	GRF	200511	Auxiliary Services	\$170,292,963	\$172,262,613
T	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$76,935,110	\$77,824,960
U	GRF	200540	Special Education Enhancements	\$193,272,426	\$193,272,426

V	GRF	200545	Career-Technical Education Enhancements	\$29,988,000	\$29,988,000
W	GRF	200550	Foundation Funding - All Students	\$8,424,986,974	\$8,517,447,875
X	GRF	200566	Literacy Improvement	\$4,472,674	\$4,617,596
Y	GRF	200572	Adult Education Programs	\$9,848,399	\$9,866,137
Z	GRF	200574	Half-Mill Maintenance Equalization	\$8,559,640	\$8,203,450
AA	GRF	200576	Adaptive Sports Program	\$500,000	\$500,000
AB	GRF	657401	Medicaid in Schools	\$349,925	\$358,362
AC	General Revenue Fund Total			\$9,966,323,815	\$10,141,516,163
AD	Dedicated Purpose Fund Group				
AE	4520	200638	Charges and Reimbursements	\$1,500,000	\$1,500,000
AF	5980	200659	Auxiliary Services Reimbursement	\$650,000	\$650,000
AG	5H30	200687	School District Solvency Assistance	\$2,000,000	\$2,000,000
AH	5KX0	200691	Ohio School Sponsorship Program	\$1,900,000	\$1,900,000
AI	5MM0	200677	Child Nutrition Refunds	\$550,000	\$550,000

AJ 5U20 200685	National Education Statistics	\$185,000	\$185,000
AK 5VS0 200604	Foundation Funding - All Students	\$600,000,000	\$600,000,000
AL 5Y00 200491	Public and Nonpublic Education Support	\$171,200,000	\$171,200,000
AM 6200 200615	Educational Improvement Grants	\$600,000	\$600,000
AN	Dedicated Purpose Fund Group Total	\$778,585,000	\$778,585,000
AO	Internal Service Activity Fund Group		
AP 1380 200606	Information Technology Development and Support	\$18,394,387	\$18,597,721
AQ 4R70 200695	Indirect Operational Support	\$9,944,311	\$10,166,435
AR 4V70 200633	Interagency Program Support	\$3,000,000	\$3,000,000
AS	Internal Service Activity Fund Group Total	\$31,338,698	\$31,764,156
AT	State Lottery Fund Group		
AU 7017 200413	School Bus Safety	\$30,000,000	\$0
AV 7017 200612	Foundation Funding - All Students	\$1,338,945,000	\$1,338,945,000

AW 7017 200614	Accelerate Great Schools	\$1,500,000	\$1,500,000
AX 7017 200631	Quality Community and Independent STEM Schools Support	\$136,500,000	\$136,500,000
AY 7017 200684	Community School Facilities	\$133,155,000	\$133,155,000
AZ 7017 2006A7	Literacy Coaches	\$12,000,000	\$12,000,000
BA	State Lottery Fund Group Total	\$1,652,100,000	\$1,622,100,000
BB	Federal Fund Group		
BC 3670 200607	School Food Services	\$13,379,350	\$13,379,350
BD 3700 200624	Education of Exceptional Children	\$1,750,000	\$1,750,000
BE 3AF0 657601	Schools Medicaid Administrative Claims	\$150,000	\$150,000
BF 3EH0 200620	Migrant Education	\$1,700,000	\$1,700,000
BG 3EJ0 200622	Homeless Children Education	\$4,823,000	\$5,112,380
BH 3GE0 200674	Summer Food Service Program	\$23,000,000	\$23,000,000
BI 3GG0 200676	Fresh Fruit and Vegetable Program	\$5,500,000	\$6,000,000
BJ 3HF0 200649	Federal Education Grants	\$5,000,000	\$5,000,000

BK	3HI0	200634	Student Support and Academic Enrichment	\$54,131,000	\$50,604,930
BL	3HL0	200678	Comprehensive Literacy State Development Program	\$14,630,000	\$14,630,000
BM	3L60	200617	Federal School Lunch	\$565,999,000	\$595,000,000
BN	3L70	200618	Federal School Breakfast	\$195,000,000	\$205,000,000
BO	3L80	200619	Child/Adult Food Programs	\$116,000,000	\$118,000,000
BP	3L90	200621	Career-Technical Education Basic Grant	\$56,680,000	\$58,947,200
BQ	3M00	200623	ESEA Title 1A	\$677,740,000	\$698,072,200
BR	3M20	200680	Individuals with Disabilities Education Act	\$530,400,000	\$541,008,000
BS	3Y20	200688	21st Century Community Learning Centers	\$47,940,000	\$48,898,800
BT	3Y60	200635	Improving Teacher Quality	\$77,157,900	\$78,701,058
BU	3Y70	200689	English Language Acquisition	\$13,728,000	\$14,277,120
BV	3Y80	200639	Rural and Low Income Technical Assistance	\$3,300,000	\$3,300,000
BW	3Z20	200690	State Assessments	\$11,500,000	\$11,500,000
BX	3Z30	200645	Consolidated Federal	\$15,000,000	\$15,000,000

Grant Administration

BY Federal Fund Group Total \$2,434,508,250 \$2,509,031,038

BZ TOTAL ALL BUDGET FUND GROUPS \$14,862,855,763 \$15,082,996,357

Section 265.20. CAREER-TECHNICAL EDUCATION 104510

A portion of the foregoing appropriation item 200416, 104511
Career-Technical Education, shall be used by the Department of 104512
Education and Workforce to provide matching funds related to 104513
career-technical education under 20 U.S.C. 2321. 104514

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 104515
SUPPORT 104516

The foregoing appropriation item 200420, Information 104517
Technology Development and Support, shall be used to support the 104518
development and implementation of information technology 104519
solutions designed to improve the performance and services of 104520
the Department of Education and Workforce. Funds may be used for 104521
personnel, maintenance, and equipment costs related to the 104522
development and implementation of these technical system 104523
projects. Implementation of these systems shall allow the 104524
Department to provide greater levels of assistance to school 104525
districts and to provide more timely information to the public, 104526
including school districts, administrators, and legislators. 104527
Funds may also be used to support data-driven decision-making 104528
and differentiated instruction, as well as to communicate 104529
academic content standards and curriculum models to schools 104530
through web-based applications. 104531

Section 265.40. SCHOOL MANAGEMENT ASSISTANCE 104532

The foregoing appropriation item 200422, School Management 104533

Assistance, shall be used by the Department of Education and 104534
Workforce to provide fiscal technical assistance and inservice 104535
education for school district management personnel and to 104536
administer, monitor, and implement the fiscal caution, fiscal 104537
watch, and fiscal emergency provisions under Chapter 3316. of 104538
the Revised Code. 104539

Section 265.50. POLICY ANALYSIS 104540

The foregoing appropriation item 200424, Policy Analysis, 104541
shall be used by the Department of Education and Workforce to 104542
support a system of administrative and statistical education 104543
information to be used for policy analysis. Staff supported by 104544
this appropriation shall administer the development of reports, 104545
analyses, and briefings regarding current trends in education 104546
practice, efficient and effective use of resources, and 104547
evaluation of programs to improve education results. A portion 104548
of these funds shall be used to maintain a longitudinal database 104549
to support the assessment of the impact of policies and programs 104550
on Ohio's education and workforce development systems. The 104551
research efforts supported by this appropriation item shall be 104552
used to supply information and analysis of data to and in 104553
consultation with the General Assembly and other state 104554
policymakers, including the Office of Budget and Management and 104555
the Legislative Service Commission. 104556

Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK 104557

The foregoing appropriation item 200426, Ohio Educational 104558
Computer Network, shall be used by the Department of Education 104559
and Workforce to maintain a system of information technology 104560
throughout Ohio and to provide technical assistance for such a 104561
system. 104562

Of the foregoing appropriation item 200426, Ohio 104563
Educational Computer Network, up to \$8,425,500 in each fiscal 104564
year shall be used by the Department to support connection of 104565
all public school buildings and participating chartered 104566
nonpublic schools to the state's education network, to each 104567
other, and to the Internet. In each fiscal year, the Department 104568
shall use these funds to assist information technology centers 104569
or school districts with the operational costs associated with 104570
this connectivity. The Department shall develop a formula and 104571
guidelines for the distribution of these funds to information 104572
technology centers or individual school districts. As used in 104573
this section, "public school building" means a school building 104574
of any city, local, exempted village, or joint vocational school 104575
district, any community school established under Chapter 3314. 104576
of the Revised Code, any college preparatory boarding school 104577
established under Chapter 3328. of the Revised Code, any STEM 104578
school established under Chapter 3326. of the Revised Code, any 104579
educational service center building used for instructional 104580
purposes, the Ohio School for the Deaf and the Ohio State School 104581
for the Blind, high schools chartered by the Ohio Department of 104582
Youth Services, or high schools operated by Ohio Department of 104583
Rehabilitation and Corrections' Ohio Central School System. 104584

Of the foregoing appropriation item 200426, Ohio 104585
Educational Computer Network, up to \$6,305,000 in each fiscal 104586
year shall be used, through a formula and guidelines devised by 104587
the Department, to support the activities of designated 104588
information technology centers, as defined by Department of 104589
Education and Workforce rules, to provide school districts and 104590
chartered nonpublic schools with computer-based student and 104591
teacher instructional and administrative information services, 104592
including approved computerized financial accounting, to ensure 104593

the effective operation of local automated administrative and 104594
instructional systems, and to monitor and support the quality of 104595
data submitted to the Department. 104596

Of the foregoing appropriation item 200426, Ohio 104597
Educational Computer Network, up to \$1,650,000 in each fiscal 104598
year shall be used by the Department to support cybersecurity 104599
initiatives led by the Management Council of the Ohio Computer 104600
Education Network in public and nonpublic schools. Efforts may 104601
include, but shall not be limited to, vulnerability management, 104602
security awareness training, multifactor authentication, and 104603
endpoint detection and response capabilities. In determining the 104604
specific cybersecurity programs and initiatives the foregoing 104605
appropriation item will support, the Department shall consult 104606
with the Governor's Cybersecurity Strategic Advisor. 104607

The remainder of appropriation item 200426, Ohio 104608
Educational Computer Network, shall be used to support the work 104609
of the development, maintenance, and operation of a network of 104610
uniform and compatible computer-based information systems as 104611
well as the teacher student linkage/roster verification process 104612
and systems to support electronic sharing of student records and 104613
transcripts between entities. This technical assistance shall 104614
include, but not be restricted to, development and maintenance 104615
of adequate computer software systems to support network 104616
activities. In order to improve the efficiency of network 104617
activities, the Department and information technology centers 104618
may jointly purchase equipment, materials, and services from 104619
funds provided under this appropriation for use by the network 104620
and, when considered practical by the Department, may utilize 104621
the services of appropriate state purchasing agencies. 104622

Section 265.70. ACADEMIC STANDARDS 104623

Of the foregoing appropriation item 200427, Academic Standards, up to \$1,000,000 in fiscal year 2026 shall be used to contract with experts in civics education and social studies to develop an integrated model curriculum that includes English language arts, social studies, and civics education. The model curriculum shall include support for content, instruction, and assessment.

Of the foregoing appropriation item 200427, Academic Standards, up to \$500,000 in fiscal year 2027 shall be used to develop and deploy professional learning for successful implementation of the integrated model curriculum to be delivered through the learning management system and regional partners.

The remainder of the foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education and Workforce to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curricula.

Section 265.80. STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student Assessment, up to \$622,713 in each fiscal year shall be used to reimburse a portion of the costs associated with Advanced Placement and College-Level Examination Program tests for low-income students, as determined by the Department. If the funds provided by the Department through this set-aside and federal funds are not sufficient to cover the costs of Advanced Placement, College-Level Examination, and International Baccalaureate tests for low-income students, school districts and other public schools shall pay the remainder of the costs

using other funds. 104654

The remainder of appropriation item 200437, Student 104655
Assessment, shall be used to develop, field test, print, 104656
distribute, score, report results, and support other associated 104657
costs for the tests required under sections 3301.0710, 104658
3301.0711, and 3301.0712 of the Revised Code and for similar 104659
purposes as required by section 3301.27 of the Revised Code. The 104660
funds may also be used to update and develop diagnostic 104661
assessments administered under sections 3301.079, 3301.0715, and 104662
3313.608 of the Revised Code and to support readiness 104663
assessments for students in grades three and higher that assist 104664
districts and schools with identifying and benchmarking student 104665
progress. 104666

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION 104667
TRANSFERS FOR STUDENT ASSESSMENT 104668

In fiscal year 2026 and fiscal year 2027, if the Director 104669
of Education and Workforce determines that additional funds are 104670
needed to fully fund the requirements of sections 3301.0710, 104671
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this 104672
act for assessments of student performance, the Director may 104673
recommend to the Director of Budget and Management the 104674
reallocation of unexpended and unencumbered General Revenue Fund 104675
appropriations within the Department of Education and Workforce 104676
to appropriation item 200437, Student Assessment. If the 104677
Director of Budget and Management determines that such a 104678
reallocation is required, the Director may transfer unexpended 104679
and unencumbered appropriations within the Department of 104680
Education and Workforce as necessary to appropriation item 104681
200437, Student Assessment. 104682

Section 265.90. ACCOUNTABILITY/REPORT CARDS 104683

Of the foregoing appropriation item 200439, 104684
Accountability/Report Cards, a portion in each fiscal year shall 104685
be used to train district and regional specialists and district 104686
educators in the use of the value-added progress dimension and 104687
in the use of data as it relates to improving student 104688
achievement. This training may include teacher and administrator 104689
professional development in the use of data to improve 104690
instruction and student learning, and teacher and administrator 104691
training in understanding teacher value-added reports and how 104692
they can be used as a component in measuring teacher and 104693
administrator effectiveness. 104694

The remainder of appropriation item 200439, 104695
Accountability/Report Cards, shall be used by the Department of 104696
Education and Workforce to incorporate a statewide value-added 104697
progress dimension into performance ratings for school districts 104698
and for the development of an accountability system that 104699
includes the preparation and distribution of school report 104700
cards, funding and expenditure accountability reports under 104701
sections 3302.03 and 3302.031 of the Revised Code, the 104702
development and maintenance of teacher value-added reports, the 104703
teacher student linkage/roster verification process, and the 104704
performance management section of the Department's web site 104705
required by section 3302.26 of the Revised Code. 104706

Section 265.100. EDUCATION MANAGEMENT INFORMATION SYSTEM 104707

The foregoing appropriation item 200446, Education 104708
Management Information System, shall be used by the Department 104709
of Education and Workforce to maintain and improve the Education 104710
Management Information System (EMIS). 104711

Of the foregoing appropriation item 200446, Education 104712
Management Information System, up to \$405,000 in each fiscal 104713

year shall be used to support grants to information technology 104714
centers to provide professional development opportunities to 104715
district and school personnel related to the EMIS, with a focus 104716
placed on data submission and data quality. 104717

Of the foregoing appropriation item 200446, Education 104718
Management Information System, up to \$950,000 in each fiscal 104719
year shall be distributed to designated information technology 104720
centers for costs relating to processing, storing, and 104721
transferring data for the effective operation of the EMIS. These 104722
costs may include, but are not limited to, personnel, hardware, 104723
software development, communications connectivity, professional 104724
development, and support services. 104725

The remainder of appropriation item 200446, Education 104726
Management Information System, shall be used to develop and 104727
support the data definitions and standards outlined in the EMIS 104728
guidelines adopted under section 3301.0714 of the Revised Code, 104729
to implement recommendations of the EMIS Advisory Council and 104730
the Director of Education and Workforce, to enhance data quality 104731
assurance practices, and to support responsibilities related to 104732
the school report cards prescribed by section 3302.03 of the 104733
Revised Code and value-added progress dimension calculations. 104734

Section 265.110. EDUCATOR AND PRINCIPAL PREPARATION 104735

(A) Of the foregoing appropriation item 200448, Educator 104736
and Principal Preparation, up to \$5,000,000 in each fiscal year 104737
shall be used by the Department of Education and Workforce to 104738
support the Principal Apprenticeship Program established under 104739
section 3319.271 of the Revised Code. Notwithstanding any 104740
provision of law to the contrary, awards under this division may 104741
be used by recipients for award-related expenses according to 104742
guidelines established by the Department of Education and 104743

Workforce. 104744

(B) Of the foregoing appropriation item 200448, Educator 104745
and Principal Preparation, up to \$1,612,500 in each fiscal year 104746
shall be used, in consultation with the Department of Veterans 104747
Services, to support the Ohio Military Veteran Educators 104748
Program, which may do all of the following: 104749

(1) Administer a grant program for institutions of higher 104750
education to provide financial incentives and assistance for 104751
eligible military individuals, as defined in section 3319.285 of 104752
the Revised Code, to enroll in and complete an educator 104753
preparation program approved under section 3333.048 of the 104754
Revised Code; 104755

(2) Subsidize the costs for eligible military individuals 104756
associated with completing college coursework or professional 104757
development in pedagogy for the purpose of obtaining an 104758
alternative military educator license pursuant to section 104759
3319.285 of the Revised Code or advancing to the professional 104760
license pursuant to section 3319.22 of the Revised Code; 104761

(3) Provide funds to public schools, educational service 104762
centers, and county boards of developmental disabilities to 104763
support activities to recruit eligible military individuals to 104764
work in public schools and support bonuses to public schools 104765
that hire eligible military individuals; 104766

(4) Reimburse public schools, educational service centers, 104767
and county boards of developmental disabilities that pay 104768
financial bonuses to eligible military individuals who complete 104769
at least one year of employment with the school; 104770

(5) In consultation with the Department of Veterans 104771
Services, establish and support the Governor's Ohio Military 104772

Veteran Educators Fellowship Pilot Program to recruit and train 104773
eligible military individuals to become licensed to teach in 104774
low-performing public schools. 104775

(C) Of the foregoing appropriation item 200448, Educator 104776
and Principal Preparation, up to \$350,993 in fiscal year 2026 104777
and up to \$364,254 in fiscal year 2027 may be used by the 104778
Department of Education and Workforce to monitor and support 104779
Ohio's State System of Support, as defined by the Every Student 104780
Succeeds Act. 104781

(D) Of the foregoing appropriation item 200448, Educator 104782
and Principal Preparation, \$2,000,000 in each fiscal year shall 104783
be distributed to Teach For America to increase recruitment of 104784
potential corps members, to train and develop first-year and 104785
second-year teachers in the Teach for America program in Ohio, 104786
and to support the ongoing development and impact of Teach for 104787
America alumni working in Ohio. 104788

(E) Of the foregoing appropriation item 200448, Educator 104789
and Principal Preparation, \$200,000 in each fiscal year shall be 104790
used to support selected school staff through the FASTER Saves 104791
Lives Program for the purpose of stopping active shooters and 104792
treating casualties. 104793

(F) Notwithstanding any provision of law to the contrary, 104794
awards under this section may be used by recipients for award- 104795
related expenses incurred for a period not to exceed two years 104796
from the date of the award. 104797

Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 104798

The foregoing appropriation item 200455, Community Schools 104799
and Choice Programs, may be used by the Department of Education 104800
and Workforce for the oversight and support of community schools 104801

established under Chapter 3314. of the Revised Code, community 104802
school sponsors, and nonpublic schools; and the administration 104803
of school choice programs. The funds may be used to support the 104804
sponsor evaluation system in accordance with section 3314.016 of 104805
the Revised Code. 104806

Section 265.130. EDUCATION TECHNOLOGY RESOURCES 104807

(A) Of the foregoing appropriation item 200465, Education 104808
Technology Resources, up to \$2,500,000 in each fiscal year shall 104809
be used for the Union Catalog and InfoOhio Network and to support 104810
the provision of electronic resources with priority given to 104811
resources that support the teaching of state academic content 104812
standards in all public schools and resources in support of 104813
Ohio's Plan to Raise Literacy Achievement. The Department of 104814
Education and Workforce shall consider coordinating the 104815
allocation of these moneys with the efforts of Libraries Connect 104816
Ohio, whose members include OhioLINK, the Ohio Public 104817
Information Network, and the State Library of Ohio. 104818

(B) Of the foregoing appropriation item 200465, Education 104819
Technology Resources, up to \$1,778,879 in each fiscal year shall 104820
be used by the Department to provide grants to educational 104821
television stations working with partner education technology 104822
centers to provide Ohio public schools with instructional 104823
resources and services, with priority given to resources and 104824
services aligned with state academic content standards. Such 104825
resources and services shall be based upon the advice and 104826
approval of the Department, with an emphasis in both literacy 104827
and mathematics, based on a formula developed in consultation 104828
with Ohio's educational television stations and educational 104829
technology centers. 104830

(C) The remainder of the foregoing appropriation item 104831

200465, Education Technology Resources, may be used to support 104832
training, technical support, guidance, and assistance with 104833
compliance reporting to school districts and public libraries 104834
applying for federal E-Rate funds; for oversight and guidance of 104835
school district technology plans; for support to district 104836
technology personnel; and for support of the development, 104837
maintenance, and operation of a network of uniform and 104838
compatible computer-based information and instructional systems. 104839

Section 265.140. INDUSTRY-RECOGNIZED CREDENTIALS HIGH 104840
SCHOOL STUDENTS 104841

City, local, and exempted village school districts, 104842
community schools, STEM schools, and joint vocational school 104843
districts shall inform students enrolled in career-technical 104844
education courses that lead to an industry-recognized credential 104845
about the opportunity to earn these credentials. The educating 104846
entity shall pay for the cost of the credential. 104847

The foregoing appropriation item 200478, Industry- 104848
Recognized Credentials High School Students, shall be used by 104849
the Department of Education and Workforce and the Governor's 104850
Office of Workforce Transformation to operate the Innovative 104851
Workforce Incentive Program. The Office of Workforce 104852
Transformation shall maintain a list of credentials that qualify 104853
for the program. The Department of Education and Workforce shall 104854
pay each city, local, and exempted village school district, 104855
community school, STEM school, and joint vocational school 104856
district an amount equal to \$725 for each qualifying credential 104857
a student attending the district or school earned in the school 104858
year preceding the fiscal year in which the funds are 104859
appropriated. If the amount appropriated is not sufficient, the 104860
Department shall prorate the amounts so that the aggregate 104861

amount appropriated is not exceeded. 104862

Section 265.150. PUPIL TRANSPORTATION 104863

Of the foregoing appropriation item 200502, Pupil 104864
Transportation, up to \$1,088,930 in fiscal year 2026 and up to 104865
\$4,988,930 in fiscal year 2027 may be used by the Department of 104866
Education and Workforce for training prospective and experienced 104867
school bus drivers in accordance with training programs 104868
prescribed by the Department under section 3327.101 of the 104869
Revised Code and to expand access to advanced driver training 104870
for school bus drivers. A portion of these funds may also be 104871
used to pay for costs associated with the enrollment of bus 104872
drivers in the retained applicant fingerprint database. 104873

Of the foregoing appropriation item 200502, Pupil 104874
Transportation, up to \$176,897,678 in fiscal year 2026 and up to 104875
\$194,820,866 in fiscal year 2027 may be used by the Department 104876
for special education transportation reimbursements to school 104877
districts, educational service centers, and county boards of 104878
developmental disabilities for transportation operating costs as 104879
provided in divisions (C) and (F) of section 3317.024 of the 104880
Revised Code. 104881

The remainder of the foregoing appropriation item 200502, 104882
Pupil Transportation, shall be used to distribute the amounts 104883
calculated for transportation aid under divisions (E), (F), (G), 104884
(H), and (I) of section 3317.0212, and division (A) (2) of 104885
section 3317.019 of the Revised Code. 104886

PAYMENTS IN LIEU OF TRANSPORTATION 104887

For purposes of division (D) of section 3327.02 of the 104888
Revised Code, if a parent, guardian, or other person in charge 104889
of a pupil accepts an offer from a school district of payment in 104890

lieu of providing transportation for the pupil, the school 104891
district shall pay that parent, guardian, or other person an 104892
amount not less than fifty per cent and not more than the amount 104893
determined by the Department under division (C) of section 104894
3317.0212 of the Revised Code for the most recent school year 104895
for which data is available. Payment may be prorated if the time 104896
period involved is only a part of the school year. 104897

Section 265.160. SCHOOL MEAL PROGRAMS 104898

(A) The foregoing appropriation item 200505, School Meal 104899
Programs, shall be used to support the reimbursements required 104900
by section 3301.91 of the Revised Code and provide matching 104901
funds to obtain federal funds for the school lunch program. 104902

(B) Any remaining appropriation after providing matching 104903
funds for the school lunch program may be used to do the 104904
following: 104905

(1) Partially reimburse school buildings within school 104906
districts that are required to have a school breakfast program 104907
under section 3313.813 of the Revised Code, at a rate decided by 104908
the Department; 104909

(2) Support the Summer EBT Program in coordination with 104910
the Department of Job and Family Services. 104911

Section 265.170. AUXILIARY SERVICES 104912

Of the foregoing appropriation item 200511, Auxiliary 104913
Services, up to \$2,600,000 in each fiscal year may be used for 104914
payment of the College Credit Plus Program for nonpublic 104915
secondary school participants. The Department of Education and 104916
Workforce shall distribute these funds according to rule 3333-1- 104917
65.8 of the Administrative Code, adopted by the Department of 104918
Higher Education pursuant to division (A) of section 3365.071 of 104919

the Revised Code. 104920

The remainder of the foregoing appropriation item 200511, 104921
Auxiliary Services, shall be used by the Department to make 104922
payments under division (E) of section 3317.024 of the Revised 104923
Code to implement sections 3317.06 and 3317.062 of the Revised 104924
Code. Notwithstanding any provision of law to the contrary, for 104925
fiscal year 2026, school districts or chartered nonpublic 104926
schools may use the auxiliary services funding provided under 104927
division (E) of section 3317.024 of the Revised Code to provide 104928
diagnostic or therapeutic mental health services to students 104929
enrolled in chartered nonpublic schools at any time during the 104930
fiscal year. 104931

Section 265.180. NONPUBLIC ADMINISTRATIVE COST 104932
REIMBURSEMENT 104933

The foregoing appropriation item 200532, Nonpublic 104934
Administrative Cost Reimbursement, shall be used by the 104935
Department of Education and Workforce for the purpose of 104936
implementing section 3317.063 of the Revised Code. Payments made 104937
by the Department for this purpose shall not exceed four hundred 104938
seventy-five dollars per student for each school year. 104939

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 104940

Of the foregoing appropriation item 200540, Special 104941
Education Enhancements, up to \$33,945,594 in each fiscal year 104942
shall be used to fund special education and related services at 104943
county boards of developmental disabilities for eligible 104944
students under section 3317.20 of the Revised Code and at 104945
institutions for eligible students under section 3317.201 of the 104946
Revised Code. If necessary, the Department of Education and 104947
Workforce shall proportionately reduce the amount calculated for 104948

each county board of developmental disabilities and institution 104949
so as not to exceed the amount appropriated in each fiscal year. 104950

Of the foregoing appropriation item 200540, Special 104951
Education Enhancements, up to \$1,350,000 in each fiscal year 104952
shall be used for parent mentoring programs. 104953

Of the foregoing appropriation item 200540, Special 104954
Education Enhancements, up to \$3,000,000 in each fiscal year may 104955
be used for school psychology interns. 104956

Of the foregoing appropriation item 200540, Special 104957
Education Enhancements, up to \$1,000,000 in each fiscal year 104958
shall be used by the Department of Education and Workforce to 104959
build capacity to deliver a regional system of training, 104960
support, coordination, and direct service for secondary 104961
transition services for students with disabilities beginning at 104962
fourteen years of age. These special education enhancements 104963
shall support all students with disabilities, regardless of 104964
partner agency eligibility requirements, to provide stand-alone 104965
direct secondary transition services by school districts. 104966
Secondary transition services shall include, but not be limited 104967
to, job exploration counseling, work-based learning experiences, 104968
counseling on opportunities for enrollment in comprehensive 104969
transition or post-secondary educational programs at 104970
institutions of higher education, workplace readiness training 104971
to develop occupational skills, social skills and independent 104972
living skills, and instruction in self-advocacy. Regional 104973
training shall support the expansion of transition to work 104974
endorsement opportunities for middle school and secondary level 104975
special education intervention specialists in order to develop 104976
the necessary skills and competencies to meet the secondary 104977
transition needs of students with disabilities beginning at 104978

fourteen years of age. 104979

The remainder of appropriation item 200540, Special 104980
Education Enhancements, shall be distributed by the Department 104981
of Education and Workforce to school districts and institutions, 104982
as defined in section 3323.091 of the Revised Code, for 104983
preschool special education funding under section 3317.0213 of 104984
the Revised Code. 104985

The Department may reimburse school districts and 104986
institutions for services provided by instructional assistants, 104987
related services, as defined in rule 3301-51-11 of the 104988
Administrative Code, physical therapy services provided by a 104989
licensed physical therapist or physical therapist assistant 104990
under the supervision of a licensed physical therapist, as 104991
required under Chapter 4755. of the Revised Code and Chapter 104992
4755-27 of the Administrative Code, and occupational therapy 104993
services provided by a licensed occupational therapist or 104994
occupational therapy assistant under the supervision of a 104995
licensed occupational therapist, as required under Chapter 4755. 104996
of the Revised Code and Chapter 4755-7 of the Administrative 104997
Code. Nothing in this section authorizes occupational therapy 104998
assistants or physical therapist assistants to generate or 104999
manage their own caseloads. 105000

The Department shall require school districts, educational 105001
service centers, county boards of developmental disabilities, 105002
and institutions serving preschool children with disabilities to 105003
adhere to Ohio's early learning program standards, participate 105004
in the Step Up to Quality Program established pursuant to 105005
section 5104.29 of the Revised Code, and document child progress 105006
using research-based indicators prescribed by the Department and 105007
report results annually. The reporting dates and method shall be 105008

determined by the Department. All programs shall be rated 105009
through the Step Up to Quality Program. 105010

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 105011

Of the foregoing appropriation item 200545, Career- 105012
Technical Education Enhancements, up to \$16,325,000 in each 105013
fiscal year shall be used to pay career awareness and 105014
exploration funds pursuant to division (E) of section 3317.014 105015
of the Revised Code. If the amount appropriated is not 105016
sufficient, the Department of Education and Workforce shall 105017
prorate the amounts so that the aggregate amount appropriated is 105018
not exceeded. 105019

Of the foregoing appropriation item 200545, Career- 105020
Technical Education Enhancements, up to \$2,563,000 in each 105021
fiscal year shall be used to fund secondary career-technical 105022
education at institutions and Ohio Deaf and Blind Education 105023
Services using a grant-based methodology, notwithstanding 105024
section 3317.05 of the Revised Code. 105025

Of the foregoing appropriation item 200545, Career- 105026
Technical Education Enhancements, up to \$9,600,000 in each 105027
fiscal year shall be used by the Department to fund competitive 105028
grants to tech prep regional centers that expand the number of 105029
students with access to career-technical education. These grant 105030
funds shall be used to directly support career services provided 105031
to students enrolled in community schools, STEM schools, school 105032
districts, including joint vocational school districts, and 105033
affiliated higher education institutions. This support may 105034
include the purchase of equipment. 105035

Of the foregoing appropriation item 200545, Career- 105036
Technical Education Enhancements, up to \$600,000 in each fiscal 105037

year shall be used by the Department to enable students in 105038
agricultural programs to enroll in a fifth quarter of 105039
instruction based on the agricultural education model of 105040
delivering work-based learning through supervised agricultural 105041
experience. The Department shall determine eligibility criteria 105042
and the reporting process for the Agriculture 5th Quarter 105043
Project and shall fund as many programs as possible given the 105044
set-aside. The eligibility criteria developed by the Department 105045
shall allow these funds to support supervised agricultural 105046
experience that occurs anytime outside of the regular school 105047
day. 105048

Of the foregoing appropriation item 200545, Career- 105049
Technical Education Enhancements, up to \$650,000 in each fiscal 105050
year may be used to support career planning and reporting 105051
through the OhioMeansJobs web site. 105052

Of the foregoing appropriation item 200545, Career- 105053
Technical Education Enhancements, \$250,000 in each fiscal year 105054
shall be used to prepare students for careers in culinary arts 105055
and restaurant management under the Ohio ProStart school 105056
restaurant program. 105057

Section 265.210. FOUNDATION FUNDING - ALL STUDENTS 105058

Of the portion of the formula aid distributed to city, 105059
local, and exempted village school districts, joint vocational 105060
school districts, community schools, and STEM schools under this 105061
section, an amount in each fiscal year, as calculated by the 105062
Department of Education and Workforce, shall be used for the 105063
purposes of division (B) of section 3317.0215 of the Revised 105064
Code. 105065

Of the foregoing appropriation item 200550, Foundation 105066

Funding - All Students, up to \$5,733,404 in each fiscal year 105067
shall be used to fund gifted education at educational service 105068
centers. The Department shall distribute the funding through the 105069
unit-based funding methodology in place under division (L) of 105070
section 3317.024, division (E) of section 3317.05, and divisions 105071
(A), (B), and (C) of section 3317.053 of the Revised Code as 105072
they existed prior to fiscal year 2010. 105073

Of the foregoing appropriation item 200550, Foundation 105074
Funding - All Students, up to \$49,152,105 in fiscal year 2026 105075
and up to \$51,023,465 in fiscal year 2027 shall be reserved to 105076
fund the state reimbursement of educational service centers 105077
under section 3317.11 of the Revised Code. 105078

Of the foregoing appropriation item 200550, Foundation 105079
Funding - All Students, up to \$3,500,000 in each fiscal year 105080
shall be distributed to educational service centers for school 105081
improvement initiatives and for the provision of technical 105082
assistance to schools and districts consistent with requirements 105083
of section 3312.01 of the Revised Code. The Department may 105084
distribute these funds through a competitive grant process. 105085

Of the foregoing appropriation item 200550, Foundation 105086
Funding - All Students, up to \$7,000,000 in each fiscal year 105087
shall be reserved for payments under the section of this act 105088
entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is 105089
not sufficient, the Director of Education and Workforce may 105090
reallocate excess funds for other purposes supported by this 105091
appropriation item in order to fully pay the amounts required by 105092
that section, provided that the aggregate amount appropriated in 105093
appropriation item 200550, Foundation Funding - All Students, is 105094
not exceeded. 105095

Of the foregoing appropriation item 200550, Foundation 105096

Funding - All Students, up to \$12,400,000 in fiscal year 2026 105097
and up to \$12,800,000 in fiscal year 2027 shall be used to 105098
support the administration of state scholarship programs. 105099

Of the foregoing appropriation item 200550, Foundation 105100
Funding - All Students, up to \$1,000,000 in each fiscal year 105101
shall be distributed to the Cleveland Municipal School District 105102
to provide tutorial assistance as provided in division (B) of 105103
section 3313.979 of the Revised Code. The Cleveland Municipal 105104
School District shall report the use of these funds in the 105105
district's three-year continuous improvement plan as described 105106
in section 3302.04 of the Revised Code in a manner approved by 105107
the Department. 105108

Of the foregoing appropriation item 200550, Foundation 105109
Funding - All Students, up to \$3,000,000 in each fiscal year may 105110
be used for payment of the College Credit Plus Program for 105111
students instructed at home pursuant to section 3321.04 of the 105112
Revised Code. 105113

Of the foregoing appropriation item 200550, Foundation 105114
Funding - All Students, an amount shall be available in each 105115
fiscal year to be paid to joint vocational school districts in 105116
accordance with sections 3317.16 and 3317.162 of the Revised 105117
Code and the section of this act entitled "FORMULA TRANSITION 105118
SUPPLEMENT." 105119

Of the foregoing appropriation item 200550, Foundation 105120
Funding - All Students, up to \$700,000 in each fiscal year shall 105121
be used by the Department for a program to pay for educational 105122
services for youth who have been assigned by a juvenile court or 105123
other authorized agency to any of the facilities described in 105124
division (A) of the section of this act entitled "PRIVATE 105125
TREATMENT FACILITY PROJECT." 105126

Of the foregoing appropriation item 200550, Foundation 105127
Funding - All Students, a portion may be used to pay college- 105128
preparatory boarding schools the per pupil boarding amount 105129
pursuant to section 3328.34 of the Revised Code. 105130

Of the foregoing appropriation item 200550, Foundation 105131
Funding - All Students, up to \$1,000,000 in each fiscal year may 105132
be used by the Department for duties and activities related to 105133
the establishment of academic distress commissions under section 105134
3302.10 of the Revised Code, to provide support and assistance 105135
to academic distress commissions to further their duties under 105136
Chapter 3302. of the Revised Code, and to provide technical 105137
assistance and tools to support districts subject to academic 105138
distress commissions. 105139

Of the foregoing appropriation item 200550, Foundation 105140
Funding - All Students, up to \$1,500,000 in each fiscal year 105141
shall be distributed to the Ohio STEM Learning Network to 105142
support the expansion of free STEM programming aligned to Ohio's 105143
STEM priorities, to create regional STEM supports targeting 105144
underserved student populations, and to support the Ohio STEM 105145
Committee's STEM school designation process. 105146

Of the foregoing appropriation item 200550, Foundation 105147
Funding - All Students, up to \$1,500,000 in each fiscal year 105148
shall be used by the Department to support the Stay in the Game! 105149
Network and efforts to reduce chronic absenteeism. 105150

The remainder of the foregoing appropriation item 200550, 105151
Foundation Funding - All Students, shall be used to distribute 105152
the amounts calculated for formula aid under division (A) (1) of 105153
section 3317.019, sections 3317.022 and 3317.22 of the Revised 105154
Code, and the section of this act entitled "FORMULA TRANSITION 105155
SUPPLEMENT." 105156

Appropriation items 200502, Pupil Transportation, and 105157
200550, Foundation Funding - All Students, other than specific 105158
set-asides, are collectively used in each fiscal year to pay 105159
state formula aid obligations for school districts, community 105160
schools, STEM schools, college preparatory boarding schools, 105161
joint vocational school districts, and state scholarship 105162
programs under this act. The first priority of these 105163
appropriation items, with the exception of specific set-asides, 105164
is to fund state formula aid obligations. It may be necessary to 105165
reallocate funds among these appropriation items or use excess 105166
funds from other General Revenue Fund appropriation items in the 105167
Department of Education and Workforce's budget, including 105168
appropriation item 200903, Property Tax Reimbursement - 105169
Education, in each fiscal year in order to meet state formula 105170
aid obligations. If it is determined that it is necessary to 105171
transfer funds among these appropriation items or to transfer 105172
funds from other General Revenue Fund appropriations in the 105173
Department's budget to meet state formula aid obligations, the 105174
Director of Education and Workforce shall seek approval from the 105175
Director of Budget and Management to transfer funds as needed. 105176

The Director of Education and Workforce shall make 105177
payments, transfers, and deductions, as authorized by Title 105178
XXXIII of the Revised Code in amounts substantially equal to 105179
those made in the prior year, or otherwise, at the discretion of 105180
the Director, until at least the effective date of the 105181
amendments and enactments made to Title XXXIII of the Revised 105182
Code by this act. Any funds paid to districts or schools under 105183
this section shall be credited toward the annual funds 105184
calculated for the district or school after the changes made to 105185
Title XXXIII of the Revised Code in this act are effective. Upon 105186
the effective date of changes made to Title XXXIII of the 105187

Revised Code in this act, funds shall be calculated as an annual 105188
amount. 105189

Section 265.220. PHASE-IN PERCENTAGES 105190

For purposes of division (X) (1) of section 3317.02 of the 105191
Revised Code, the General Assembly has determined that the 105192
general phase-in percentage for fiscal year 2026 shall be 83.33 105193
per cent and the general phase-in percentage for fiscal year 105194
2027 shall be 100 per cent. 105195

For purposes of division (X) (2) of section 3317.02 of the 105196
Revised Code, the General Assembly has determined that the 105197
phase-in percentage for disadvantaged pupil impact aid for 105198
fiscal year 2026 shall be 83.33 per cent and the phase-in 105199
percentage for disadvantaged pupil impact aid for fiscal year 105200
2027 shall be 100 per cent. 105201

Section 265.230. FORMULA TRANSITION SUPPLEMENT 105202

(A) (1) For fiscal years 2026 and 2027, the Department of 105203
Education and Workforce shall pay a formula transition 105204
supplement to each city, local, and exempted village school 105205
district according to the following formula: 105206

(The district's funding base for fiscal year 2021 X 0.95 for 105207
fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's 105208
payments for the fiscal year for which the supplement is 105209
calculated under sections 3317.019, 3317.022, and 3317.0212 of 105210
the Revised Code) 105211

If the computation made under division (A) (1) of this 105212
section for a fiscal year results in a negative number, the 105213
district's formula transition supplement for that fiscal year 105214
shall be zero. 105215

(2) For purposes of division (A) (1) of this section, a city, local, or exempted village school district's "funding base for fiscal year 2021" means the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly and before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The amount calculated for the district for fiscal year 2021 under division (A) (2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly;

(iv) The district's payments for fiscal year 2021 under divisions (C) (1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021;

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(b) Subtract from the amount calculated in division (A) (2) of this section the sum of the following:

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C) (2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General

Assembly to operate the pilot project scholarship program for 105276
fiscal year 2021 under sections 3313.974 to 3313.979 of the 105277
Revised Code; 105278

(iv) The payments subtracted from the district for fiscal 105279
year 2021 under divisions (B)(1), (2), and (3) of section 105280
3313.981 of the Revised Code, as those divisions existed for 105281
subtractions from the district for fiscal year 2021. 105282

(B)(1) For fiscal years 2026 and 2027, the Department of 105283
Education and Workforce shall pay a formula transition 105284
supplement to each joint vocational school district according to 105285
the following formula: 105286

(The district's funding base for fiscal year 2021 X 0.95 for 105287
fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's 105288
payments for the fiscal year for which the supplement is 105289
calculated under sections 3317.16 and 3317.162 of the Revised 105290
Code) 105291

If the computation made under division (B)(1) of this 105292
section for a fiscal year results in a negative number, the 105293
district's formula transition supplement for that fiscal year 105294
shall be zero. 105295

(2) For purposes of division (B)(1) of this section, a 105296
joint vocational district's "funding base for fiscal year 2021" 105297
means the sum of the following: 105298

(a) The district's payments for fiscal year 2021 under 105299
Section 265.225 of H.B. 166 of the 133rd General Assembly after 105300
any adjustments required under Section 265.227 of H.B. 166 of 105301
the 133rd General Assembly; 105302

(b) The district's payments for fiscal year 2021 under 105303
divisions (D)(1) and (2) of section 3313.981 of the Revised 105304

Code, as those divisions existed for payments for fiscal year 105305
2021; 105306

(c) The district's payments for fiscal year 2021 under 105307
section 3317.163 of the Revised Code as that section existed for 105308
payments for fiscal year 2021 and under Section 20 of S.B. 310 105309
of the 133rd General Assembly. 105310

(C) (1) For fiscal years 2026 and 2027, the Department of 105311
Education and Workforce shall pay a formula transition 105312
supplement to each community school established under Chapter 105313
3314. of the Revised Code according to the following formula: 105314

[{(The school's funding base for fiscal year 2021 / the number 105315
of students enrolled in the school for fiscal year 2021) X 0.95 105316
for fiscal year 2026 or 0.90 for fiscal year 2027} - (the sum of 105317
the school's payments under sections 3317.022 and 3317.0212 of 105318
the Revised Code for the fiscal year for which the supplement is 105319
calculated / the number of students enrolled in the school for 105320
the fiscal year for which the supplement is calculated)] X the 105321
number of students enrolled in the school for the fiscal year 105322
for which the supplement is calculated. 105323

If the computation made under division (C) (1) of this 105324
section for a fiscal year results in a negative number, the 105325
school's formula transition supplement for that fiscal year 105326
shall be zero. 105327

(2) For purposes of division (C) (1) of this section, a 105328
community school's "funding base for fiscal year 2021" means the 105329
sum of the following: 105330

(a) The amount calculated for the school for fiscal year 105331
2021 under division (C) (1) of section 3314.08 of the Revised 105332
Code as that section existed for payments for fiscal year 2021, 105333

before any funding reductions authorized by Executive Order 105334
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 105335
issued on January 22, 2021; 105336

(b) The amount calculated for the school for fiscal year 105337
2021 under section 3314.085 of the Revised Code as that section 105338
existed for payments for fiscal year 2021; 105339

(c) The amount calculated for the school for fiscal year 105340
2021 under division (D)(1) of section 3314.091 of the Revised 105341
Code as that division existed for payments for fiscal year 2021; 105342

(d) The amount calculated for the school for fiscal year 105343
2021 under section 3314.088 of the Revised Code as that section 105344
existed for payments for fiscal year 2021 and under Section 20 105345
of S.B. 310 of the 133rd General Assembly. 105346

(D)(1) For fiscal years 2026 and 2027, the Department of 105347
Education and Workforce shall pay a formula transition 105348
supplement to each science, technology, engineering, and 105349
mathematics school established under Chapter 3326. of the 105350
Revised Code according to the following formula: 105351

$$\left[\left(\frac{\text{The school's funding base for fiscal year 2021}}{\text{the number of students enrolled in the school for fiscal year 2021}} \right) \times 0.95 \right.$$
 105352
$$\left. \text{for fiscal year 2026 or } 0.90 \text{ for fiscal year 2027} \right] - \left(\text{the} \right.$$
 105353
$$\text{school's payments for the fiscal year for which the supplement} \right.$$
 105354
$$\text{is calculated under section 3317.022 of the Revised Code} / \left. \text{the} \right.$$
 105355
$$\text{number of students enrolled in the school for the fiscal year} \right.$$
 105356
$$\left. \text{for which the supplement is calculated} \right) \times \left. \text{the number of} \right.$$
 105357
$$\text{students enrolled in the school for the fiscal year for which} \right.$$
 105358
$$\text{the supplement is calculated.} \left. \right.$$
 105359
105360

If the computation made under division (D)(1) of this 105361
section for a fiscal year results in a negative number, the 105362

school's formula transition supplement for that fiscal year 105363
shall be zero. 105364

(2) For purposes of division (D)(1) of this section, a 105365
science, technology, engineering, and mathematics school's 105366
"funding base for fiscal year 2021" means the sum of the 105367
following: 105368

(a) The amount calculated for the school for fiscal year 105369
2021 under section 3326.33 of the Revised Code as that section 105370
existed for payments for fiscal year 2021, before any funding 105371
reductions authorized by Executive Order 2020-19D, issued on May 105372
7, 2020, and Executive Order 2021-01D, issued on January 22, 105373
2021; 105374

(b) The amount calculated for the school for fiscal year 105375
2021 under section 3326.41 of the Revised Code as that section 105376
existed for payments for fiscal year 2021; 105377

(c) The amount calculated for the school for fiscal year 105378
2021 under section 3326.42 of the Revised Code as that section 105379
existed for payments for fiscal year 2021 and under Section 20 105380
of S.B. 310 of the 133rd General Assembly. 105381

Section 265.240. POWER PLANT VALUATION ADJUSTMENT 105382

(A) (1) On or before May 15, 2026, the Tax Commissioner 105383
shall determine all of the following for each city, local, 105384
exempted village, and joint vocational school district that has 105385
at least one power plant located within its territory: 105386

(a) Whether the taxable value of all utility tangible 105387
personal property subject to taxation by the district in tax 105388
year 2025 was less than the taxable value of such property 105389
during tax year 2017; 105390

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2025 was less than the taxable value of such property during tax year 2024.

(2) If the decrease determined under division (A) (1) (a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and Workforce and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2025;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2025;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A) (3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (A) (2) of this section, the Department of Education and Workforce shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A) (2) (a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the

greater of the following: 105420

(a) The lesser of the following: 105421

(i) The positive difference between the district's state 105422
education aid for fiscal year 2019 prior to the recomputation 105423
under division (A) (3) of this section and the district's 105424
recomputed state education aid for fiscal year 2019; 105425

(ii) The absolute value of the amount certified under 105426
division (A) (2) (b) of this section. 105427

(b) The absolute value of the amount certified under 105428
division (A) (2) (b) of this section X 0.50. 105429

(B) (1) On or before May 15, 2027, the Tax Commissioner 105430
shall determine for each city, local, exempted village, and 105431
joint vocational school district that has at least one power 105432
plant located within its territory: 105433

(a) Whether the taxable value of all utility tangible 105434
personal property subject to taxation by the district in tax 105435
year 2026 was less than the taxable value of such property 105436
during tax year 2017; 105437

(b) Whether the taxable value of all utility tangible 105438
personal property subject to taxation by the district in tax 105439
year 2026 was less than the taxable value of such property 105440
during tax year 2025. 105441

(2) If the decrease determined under division (B) (1) (a) or 105442
(b) of this section exceeds ten per cent and the overall change 105443
in utility tangible personal property subject to taxation is 105444
negative, the Tax Commissioner shall certify all of the 105445
following to the Department of Education and Workforce and the 105446
Office of Budget and Management: 105447

- (a) The district's total taxable value for tax year 2026; 105448
- (b) The change in taxes charged and payable on the 105449
district's total taxable value for tax year 2017 and tax year 105450
2026; 105451
- (c) The taxable value of the utility tangible personal 105452
property decrease, which shall be considered a change in 105453
valuation; 105454
- (d) The change in taxes charged and payable on such change 105455
in taxable value calculated in the same manner as in division 105456
(A) (3) of section 3317.021 of the Revised Code. 105457
- (3) Upon receipt of a certification under division (B) (2) 105458
of this section, the Department of Education and Workforce shall 105459
replace the three-year average valuations that were used in 105460
computing the district's state education aid for fiscal year 105461
2019 with the taxable value certified under division (B) (2) (a) 105462
of this section and shall recompute the district's state 105463
education aid for fiscal year 2019 without applying any funding 105464
limitations enacted by the General Assembly to the computation. 105465
The Department shall pay to the district an amount equal to the 105466
greater of the following: 105467
- (a) The lesser of the following: 105468
- (i) The positive difference between the district's state 105469
education aid for fiscal year 2019 prior to the recomputation 105470
under division (B) (3) of this section and the district's 105471
recomputed state education aid for fiscal year 2019; 105472
- (ii) The absolute value of the amount certified under 105473
division (B) (2) (b) of this section. 105474
- (b) The absolute value of the amount certified under 105475

division (B) (2) (b) of this section X 0.50. 105476

(C) The Department of Education and Workforce shall make 105477
payments under division (A) (3) of this section between June 1, 105478
2026, and June 30, 2026, and the Department shall make payments 105479
under division (B) (3) of this section between June 1, 2027, and 105480
June 30, 2027. The Department shall not calculate or make 105481
payments under section 3317.028 of the Revised Code for fiscal 105482
years 2026 and 2027. 105483

Section 265.250. LITERACY IMPROVEMENT 105484

The foregoing appropriation item 200566, Literacy 105485
Improvement, shall be used by the Department of Education and 105486
Workforce to support literacy activities to align state, local, 105487
and federal efforts in order to bolster all students' reading 105488
success. Funds may be distributed to educational service centers 105489
to establish and support regional literacy professional 105490
development teams consistent with section 3312.01 of the Revised 105491
Code. A portion of the funds may be used by the Department for 105492
program administration, monitoring, technical assistance, 105493
support, research, and evaluation. 105494

LITERACY COACHES 105495

The foregoing appropriation item 2006A7, Literacy Coaches, 105496
shall be used for coaches to provide literacy supports to school 105497
districts, community schools, and STEM schools with the lowest 105498
rates of proficiency in literacy based on their performance on 105499
the English language arts assessments prescribed under section 105500
3301.0710 of the Revised Code. The coaches shall have training 105501
in the science of reading and evidence-based strategies for 105502
effective literacy instruction and intervention and shall 105503
implement Ohio's Coaching Model, as described in Ohio's Plan to 105504

Raise Literacy Achievement. The coaches shall be under the 105505
direction of the Department but shall not be employed by the 105506
Department. 105507

Section 265.260. ADULT EDUCATION PROGRAMS 105508

A portion of the foregoing appropriation item 200572, 105509
Adult Education Programs, shall be used to make payments under 105510
sections 3313.902, 3314.38, and 3345.86 of the Revised Code, as 105511
reenacted by this act. 105512

Each career-technical planning district shall reimburse 105513
individuals taking a nationally recognized high school 105514
equivalency examination approved by the Department of Education 105515
and Workforce for the first time for application fees, 105516
examination fees, or both, in excess of \$40, up to a maximum 105517
reimbursement per individual of \$80. Each career-technical 105518
planning district shall designate a site or sites where 105519
individuals may register and take an approved examination. For 105520
each individual who registers for an approved examination, the 105521
career-technical planning district shall make available and 105522
offer career counseling services, including information on adult 105523
education programs that are available. A portion of the 105524
foregoing appropriation item 200572, Adult Education Programs, 105525
may be used to reimburse the Department of Youth Services and 105526
the Department of Rehabilitation and Correction for individuals 105527
in these facilities who have taken an approved examination for 105528
the first time. The amounts reimbursed shall not exceed the per- 105529
individual amounts reimbursed to other individuals under this 105530
section for an approved examination. 105531

Notwithstanding any provision of law to the contrary, the 105532
unexpended balance of the foregoing appropriation item 200572, 105533
Adult Education Programs, at the end of each fiscal year may be 105534

encumbered by the Department of Education and Workforce and 105535
remain available for payment for a period not to exceed two 105536
years from the end of each fiscal year in which the funds were 105537
originally appropriated, in accordance with guidelines 105538
established by the Director of Education and Workforce. 105539

A portion of the foregoing appropriation item 200572, 105540
Adult Education Programs, may be used for program 105541
administration, technical assistance, support, research, and 105542
evaluation of adult education programs, including high school 105543
equivalency examinations approved by the Department of Education 105544
and Workforce. 105545

Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION 105546

The foregoing appropriation item 200574, Half-Mill 105547
Maintenance Equalization, shall be used to make payments 105548
pursuant to section 3318.18 of the Revised Code. 105549

ADAPTIVE SPORTS PROGRAM 105550

The foregoing appropriation item 200576, Adaptive Sports 105551
Program, shall be used by the Department of Education and 105552
Workforce, in collaboration with the Adaptive Sports Program of 105553
Ohio, to fund adaptive sports programs in school districts 105554
across the state and for intercollegiate adaptive athletics 105555
programs that provide opportunities for competitive wheelchair 105556
and adaptive sports to postsecondary students with disabilities. 105557

Section 265.280. MEDICAID IN SCHOOLS PROGRAM 105558

The foregoing appropriation item, 657401, Medicaid in 105559
Schools Program, shall be used by the Department of Education 105560
and Workforce to support the Medicaid in Schools Program. 105561

Section 265.290. SCHOOL DISTRICT SOLVENCY ASSISTANCE 105562

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Director of Education and Workforce. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Director of Education and Workforce, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education and Workforce, the Lottery Profits Education Reserve Fund (Fund 7018), or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2026 and 2027. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director of Budget and Management shall notify the members of the Controlling Board of any such transfers.

Section 265.300. FOUNDATION FUNDING - ALL STUDENTS

The foregoing appropriation item 200604, Foundation Funding - All Students, shall be used in conjunction with

appropriation items 200550, Foundation Funding - All Students, 105593
and 200612, Foundation Funding - All Students, to distribute the 105594
amounts calculated for disadvantaged pupil impact aid under 105595
sections 3317.022 and 3317.16 of the Revised Code and the 105596
portions of the state share of the base cost calculated under 105597
those sections that are attributable to the staffing cost for 105598
the student wellness and success component of the base cost, as 105599
determined by the Department of Education and Workforce. 105600

Section 265.310. PUBLIC AND NONPUBLIC EDUCATION SUPPORT 105601

The foregoing appropriation item 200491, Public and 105602
Nonpublic Education Support, shall be used in conjunction with 105603
appropriation item 200550, Foundation Funding - All Students, to 105604
distribute the amounts calculated for formula aid under section 105605
3317.022 of the Revised Code. 105606

Section 265.320. SCHOOL BUS SAFETY 105607

(A) The foregoing appropriation item 200413, School Bus 105608
Safety, shall be used to support a school bus safety grant 105609
program, as recommended by the Governor's School Bus Safety 105610
Working Group, and in accordance with guidelines established by 105611
the Department of Education and Workforce. The specific safety 105612
features shall be informed by the Governor's School Bus Safety 105613
Working Group report and in consultation with the Department of 105614
Public Safety. 105615

(B) The Department shall create an application for 105616
eligible applicants. Eligible applicants may apply for funds in 105617
a manner prescribed by the Department. The Department shall 105618
collect information with respect to the total amount of funding 105619
requested, the number of school buses impacted, and the specific 105620
safety enhancements for which each eligible applicant seeks 105621

funds. In determining grant allocations, the Department shall 105622
apply a measure of local capacity. The Department may also apply 105623
minimum or maximum funding amounts. 105624

(C) Eligible applicants shall use school bus safety grant 105625
funds only for repair, replacement, or addition of school bus 105626
safety features to school buses in active service or for safety 105627
enhancements to the purchase of a new school bus. Eligible 105628
applicants shall not use funds to enhance buses not owned by the 105629
eligible applicant. 105630

(D) As used in this section, "eligible applicant" means 105631
any of the following that provides transportation services: 105632

(1) A city, local, exempted village, or joint vocational 105633
school district; 105634

(2) A community school established under Chapter 3314. of 105635
the Revised Code; 105636

(3) A STEM school established under Chapter 3326. of the 105637
Revised Code; 105638

(4) A county board of developmental disabilities; 105639

(5) A chartered nonpublic school. 105640

Section 265.330. LOTTERY PROFITS EDUCATION FUND 105641

The foregoing appropriation item 200612, Foundation 105642
Funding - All Students, shall be used in conjunction with 105643
appropriation item 200550, Foundation Funding - All Students, to 105644
distribute the amounts calculated for formula aid under section 105645
3317.022 of the Revised Code. 105646

The Department of Education and Workforce, with the 105647
approval of the Director of Budget and Management, shall 105648

determine the monthly distribution schedules of appropriation 105649
item 200550, Foundation Funding - All Students, and 105650
appropriation item 200612, Foundation Funding - All Students. If 105651
adjustments to the monthly distribution schedule are necessary, 105652
the Department shall make such adjustments with the approval of 105653
the Director. 105654

Section 265.340. ACCELERATE GREAT SCHOOLS 105655

The foregoing appropriation item 200614, Accelerate Great 105656
Schools, shall be used by the Department of Education and 105657
Workforce to support the Accelerate Great Schools public-private 105658
partnership. 105659

Section 265.350. QUALITY COMMUNITY AND INDEPENDENT STEM 105660
SCHOOLS SUPPORT 105661

The foregoing appropriation item 200631, Quality Community 105662
and Independent STEM Schools Support, shall be used to 105663
distribute the amounts calculated under sections 3317.27 and 105664
3317.29 of the Revised Code for the Quality Community School 105665
Support and the Quality Independent STEM School Support 105666
programs. If the amount appropriated is not sufficient to pay 105667
the amounts calculated pursuant to this section, the Director of 105668
Education and Workforce may request the Controlling Board to 105669
authorize expenditures in excess of the amounts appropriated. 105670
Upon approval by the Controlling Board, the additional amounts 105671
are hereby appropriated to appropriation item 200631, Quality 105672
Community and Independent STEM Schools Support. 105673

Section 265.360. COMMUNITY SCHOOL FACILITIES 105674

The foregoing appropriation item 200684, Community School 105675
Facilities, shall be used to distribute the amounts calculated 105676
under section 3317.31 of the Revised Code for assistance with 105677

the cost associated with facilities. If the amount appropriated 105678
is not sufficient, the Department shall prorate the amounts so 105679
that the aggregate amount appropriated is not exceeded. 105680

Section 265.370. LOTTERY PROFITS EDUCATION RESERVE FUND 105681

(A) There is hereby created the Lottery Profits Education 105682
Reserve Fund (Fund 7018) in the State Treasury. Investment 105683
earnings of the Lottery Profits Education Reserve Fund shall be 105684
credited to the fund. 105685

(B) Notwithstanding any other provision of law to the 105686
contrary, the Director of Budget and Management may transfer 105687
cash from Fund 7018 to the Lottery Profits Education Fund (Fund 105688
7017) in fiscal year 2026 and fiscal year 2027. 105689

(C) On July 15, 2025, or as soon as possible thereafter, 105690
the Director of the Ohio Lottery Commission shall certify to the 105691
Director of Budget and Management the amount by which lottery 105692
profit transfers received by Fund 7017 exceeded \$1,440,000,000 105693
in fiscal year 2025. 105694

(D) On July 15, 2026, or as soon as possible thereafter, 105695
the Director of the Ohio Lottery Commission shall certify to the 105696
Director of Budget and Management the amount by which lottery 105697
profit transfers received by Fund 7017 exceeded \$1,462,000,000 105698
in fiscal year 2026. 105699

(E) Notwithstanding any provision of law to the contrary, 105700
in fiscal year 2026 and fiscal year 2027, the Director of Budget 105701
and Management may transfer cash in excess of the amounts 105702
necessary to support appropriations in Fund 7017 from that fund 105703
to Fund 7018. 105704

Section 265.380. Notwithstanding division (C) of Section 105705
265.355 of H.B. 110 of the 134th General Assembly and any other 105706

provision of law to the contrary, the Department of Education 105707
and Workforce shall use the funds authorized under Title II, 105708
Sec. 2001(f)(1) and (4) of the federal "American Rescue Plan Act 105709
of 2021," Pub. L. No. 117-2, as necessary to support the After 105710
school Child Enrichment (ACE) Educational Savings Account 105711
Program pursuant to section 3310.70 of the Revised Code in 105712
fiscal year 2026. Notwithstanding division (C)(1) of section 105713
3310.70 of the Revised Code, the Department may extend the 105714
contract with the vendor administering the program as of the 105715
effective date of this amendment through fiscal year 2026 and 105716
may pay the vendor more than three per cent of the amount 105717
appropriated for the program for fiscal year 2026. 105718

Section 265.390. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 105719
ASSESSMENT OF EDUCATIONAL PROGRESS 105720

The General Assembly intends for the Director of Education 105721
and Workforce to provide for school district participation in 105722
the administration of the National Assessment of Educational 105723
Progress in accordance with section 3301.27 of the Revised Code. 105724
Each school and school district selected for participation by 105725
the Director shall participate. 105726

Section 265.400. EARMARK ACCOUNTABILITY 105727

At the request of the Director of Education and Workforce, 105728
any entity that receives a budget earmark under the Department 105729
of Education and Workforce shall submit annually to the 105730
Department a report that includes a description of the services 105731
supported by the funds, a description of the results achieved by 105732
those services, an analysis of the effectiveness of the program, 105733
and an opinion as to the program's applicability to other school 105734
districts. For an earmarked entity that received state funds 105735
from an earmark in the prior fiscal year, no funds shall be 105736

provided by the Department to an earmarked entity for a fiscal 105737
year until its report for the prior fiscal year has been 105738
submitted. 105739

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 105740

A community school established under Chapter 3314. of the 105741
Revised Code that was open for operation as a community school 105742
as of May 1, 2005, may operate from or in any home, as defined 105743
in section 3313.64 of the Revised Code, located in the state, 105744
regardless of when the community school's operations from or in 105745
a particular home began. 105746

Section 265.420. USE OF VOLUNTEERS 105747

The Department of Education and Workforce may utilize the 105748
services of volunteers to accomplish any of the purposes of the 105749
Department. The Director of Education and Workforce shall 105750
approve for what purposes volunteers may be used and for these 105751
purposes may recruit, train, and oversee the services of 105752
volunteers. The Director may reimburse volunteers for necessary 105753
and appropriate expenses in accordance with state guidelines and 105754
may designate volunteers as state employees for the purpose of 105755
motor vehicle accident liability insurance under section 9.83 of 105756
the Revised Code, for immunity under section 9.86 of the Revised 105757
Code, and for indemnification from liability incurred in the 105758
performance of their duties under section 9.87 of the Revised 105759
Code. 105760

Section 265.430. FLEXIBLE FUNDING FOR FAMILIES AND 105761
CHILDREN 105762

In collaboration with the County Family and Children First 105763
Council, a city, local, or exempted village school district, 105764
community school, STEM school, joint vocational school district, 105765

educational service center, or county board of developmental 105766
disabilities that receives allocations from the Department of 105767
Education and Workforce from appropriation item 200550, 105768
Foundation Funding - All Students, or appropriation item 200540, 105769
Special Education Enhancements, may transfer portions of those 105770
allocations to a flexible funding pool authorized by the section 105771
of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 105772
POOL." Allocations used for maintenance of effort or for federal 105773
or state funding matching requirements shall not be transferred 105774
unless the allocation may still be used to meet such 105775
requirements. 105776

Section 265.440. PRIVATE TREATMENT FACILITY PROJECT 105777

(A) As used in this section: 105778

(1) The following are "participating residential treatment 105779
centers": 105780

(a) Private residential treatment facilities that have 105781
entered into a contract with the Department of Youth Services to 105782
provide services to children placed at the facility by the 105783
Department and which, in fiscal year 2026 or fiscal year 2027 or 105784
both, the Department pays through appropriation item 470401, 105785
RECLAIM Ohio; 105786

(b) Abraxas, in Shelby; 105787

(c) Paint Creek, in Bainbridge; 105788

(d) F.I.R.S.T., in Mansfield. 105789

(2) "Education program" means an elementary or secondary 105790
education program or a special education program and related 105791
services. 105792

(3) "Served child" means any child receiving an education 105793

program pursuant to division (B) of this section. 105794

(4) "School district responsible for tuition" means a 105795
city, exempted village, or local school district that, if 105796
tuition payment for a child by a school district is required 105797
under law that existed in fiscal year 1998, is the school 105798
district required to pay that tuition. 105799

(5) "Residential child" means a child who resides in a 105800
participating residential treatment center and who is receiving 105801
an educational program under division (B) of this section. 105802

(B) A youth who is a resident of the state and has been 105803
assigned by a juvenile court or other authorized agency to a 105804
residential treatment facility specified in division (A) of this 105805
section shall be enrolled in an approved educational program 105806
located in or near the facility. Approval of the educational 105807
program shall be contingent upon compliance with the criteria 105808
established for such programs by the Department of Education and 105809
Workforce. The educational program shall be provided by a school 105810
district or educational service center, or by the residential 105811
facility itself. Maximum flexibility shall be given to the 105812
residential treatment facility to determine the provider. In the 105813
event that a voluntary agreement cannot be reached and the 105814
residential facility does not choose to provide the educational 105815
program, the educational service center in the county in which 105816
the facility is located shall provide the educational program at 105817
the treatment center to children under twenty-two years of age 105818
residing in the treatment center. 105819

(C) Any school district responsible for tuition for a 105820
residential child shall, notwithstanding any conflicting 105821
provision of the Revised Code regarding tuition payment, pay 105822
tuition for the child for fiscal year 2026 and fiscal year 2027 105823

to the education program provider and in the amount specified in 105824
this division. If there is no school district responsible for 105825
tuition for a residential child and if the participating 105826
residential treatment center to which the child is assigned is 105827
located in the city, exempted village, or local school district 105828
that, if the child were not a resident of that treatment center, 105829
would be the school district where the child is entitled to 105830
attend school under sections 3313.64 and 3313.65 of the Revised 105831
Code, that school district, notwithstanding any conflicting 105832
provision of the Revised Code, shall pay tuition for the child 105833
for fiscal year 2026 and fiscal year 2027 under this division 105834
unless that school district is providing the educational program 105835
to the child under division (B) of this section. 105836

A tuition payment under this division shall be made to the 105837
school district, educational service center, or residential 105838
treatment facility providing the educational program to the 105839
child. 105840

The amount of tuition paid shall be: 105841

(1) The amount of tuition determined for the district 105842
under division (A) of section 3317.08 of the Revised Code; 105843

(2) In addition, for any student receiving special 105844
education pursuant to an individualized education program as 105845
defined in section 3323.01 of the Revised Code, a payment for 105846
excess costs. This payment shall equal the actual cost to the 105847
school district, educational service center, or residential 105848
treatment facility of providing special education and related 105849
services to the student pursuant to the student's individualized 105850
education program, minus the tuition paid for the child under 105851
division (C)(1) of this section. 105852

A school district paying tuition under this division shall 105853
not include the child for whom tuition is paid in the district's 105854
average daily membership certified under division (A) of section 105855
3317.03 of the Revised Code. 105856

(D) In each of fiscal years 2026 and 2027, the Department 105857
of Education and Workforce shall reimburse, from appropriations 105858
made for the purpose, a school district, educational service 105859
center, or residential treatment facility, whichever is 105860
providing the service, that has demonstrated that it is in 105861
compliance with the funding criteria for each served child for 105862
whom a school district must pay tuition under division (C) of 105863
this section. The amount of the reimbursement shall be the 105864
amount appropriated for this purpose divided by the full-time 105865
equivalent number of children for whom reimbursement is to be 105866
made. 105867

(E) Funds provided to a school district, educational 105868
service center, or residential treatment facility under this 105869
section shall be used to supplement, not supplant, funds from 105870
other public sources for which the school district, service 105871
center, or residential treatment facility is entitled or 105872
eligible. 105873

(F) The Department of Education and Workforce shall track 105874
the utilization of funds provided to school districts, 105875
educational service centers, and residential treatment 105876
facilities under this section and monitor the effect of the 105877
funding on the educational programs they provide in 105878
participating residential treatment facilities. The Department 105879
shall monitor the programs for educational accountability. 105880

Section 265.450. Notwithstanding anything to the contrary 105881
in section 3317.011 of the Revised Code, for fiscal years 2026 105882

and 2027, the Department of Education and Workforce shall do all 105883
of the following: 105884

(A) Calculate a school district's academic co-curricular 105885
activities cost under division (E) (4) of that section using the 105886
sum of the enrolled ADM of every school district that reported 105887
the data specified in division (E) (4) (a) of that section; 105888

(B) Calculate a district's supplies and academic content 105889
cost under division (E) (6) of that section using the sum of the 105890
enrolled ADM of every school district that reported the data 105891
specified in division (E) (6) (a) of that section; 105892

(C) Calculate a district's athletic co-curricular 105893
activities base cost under division (H) of that section using 105894
the sum of the enrolled ADM of every school district that 105895
reported the data specified in division (H) (2) of that section; 105896

(D) Calculate a district's building operations cost under 105897
division (G) (3) of that section using the sum of the enrolled 105898
ADM of every city, local, and exempted village school district 105899
that reported the data specified in divisions (G) (3) (a) (i) and 105900
(ii) of that section. 105901

Section 265.550. Notwithstanding anything in section 105902
3302.03 of the Revised Code to the contrary, for the state 105903
report card issued under that section for the 2024-2025 school 105904
year, the Department of Education and Workforce shall do both of 105905
the following: 105906

(A) Report only the data for, and not assign a performance 105907
rating to, the college, career, workforce, and military 105908
readiness component prescribed in division (D) (3) (f) of that 105909
section; 105910

(B) Assign an overall performance rating in accordance 105911

with division (D)(3)(g)(i) of that section. 105912

Section 267.10. 105913

105914

	1	2	3	4	5
A	ELC OHIO ELECTIONS COMMISSION				
B	General Revenue Fund				
C	GRF	051321	Operating Expenses	\$587,000	\$659,500
D	General Revenue Fund Total			\$587,000	\$659,500
E	Dedicated Purpose Fund Group				
F	4P20	051601	Operating Support	\$225,600	\$225,600
G	Dedicated Purpose Fund Group Total			\$225,600	\$225,600
H	TOTAL ALL BUDGET FUND GROUPS			\$812,600	\$885,100

Section 269.10. 105915

105916

	1	2	3	4	5
A	FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS				
B	General Revenue Fund				
C	GRF	881500	Indigent Burial and Cremation Support	\$250,000	\$250,000
D	General Revenue Fund Total			\$250,000	\$250,000
E	Dedicated Purpose Fund Group				

F	4K90 881609	Operating Expenses	\$1,156,000	\$1,213,000
G	Dedicated Purpose Fund Group Total		\$1,156,000	\$1,213,000
H	TOTAL ALL BUDGET FUND GROUPS		\$1,406,000	\$1,463,000

Section 271.10.

105917

105918

	1	2	3	4	5
A	PAY EMPLOYEE BENEFITS FUNDS				
B	Fiduciary Fund Group				
C	1240 995673	Payroll Deductions	\$1,017,970,800	\$1,048,509,924	
D	8050 995675	Commuter Benefits	\$1,845,860	\$1,967,540	
E	8060 995666	Accrued Leave Fund	\$128,408,784	\$132,260,611	
F	8070 995667	Disability Fund	\$27,805,294	\$28,337,915	
G	8080 995668	State Employee Health Benefit Fund	\$1,068,647,159	\$1,132,765,988	
H	8090 995669	Dependent Care Spending Account	\$2,996,802	\$3,196,895	
I	8100 995670	Life Insurance Investment Fund	\$2,644,330	\$2,723,060	
J	8110 995671	Parental Leave Benefit Fund	\$18,601,000	\$19,159,030	
K	8130 995672	Health Care Spending	\$19,690,922	\$20,694,694	

Account

L	Fiduciary Fund Group Total	\$2,288,610,951	\$2,389,615,657
M	TOTAL ALL BUDGET FUND GROUPS	\$2,288,610,951	\$2,389,615,657

Section 271.20. PAYROLL DEDUCTION FUND 105919

The foregoing appropriation item 995673, Payroll 105920
Deductions, shall be used to make payments from the Payroll 105921
Deduction Fund (Fund 1240) pursuant to section 125.21 of the 105922
Revised Code. If it is determined by the Director of Budget and 105923
Management that additional amounts are necessary, the amounts 105924
are hereby appropriated. 105925

ACCRUED LEAVE LIABILITY FUND 105926

The foregoing appropriation item 995666, Accrued Leave 105927
Fund, shall be used to make payments from the Accrued Leave 105928
Liability Fund (Fund 8060) pursuant to section 125.211 of the 105929
Revised Code. If it is determined by the Director of Budget and 105930
Management that additional amounts are necessary, the amounts 105931
are hereby appropriated. 105932

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 105933

The foregoing appropriation item 995667, Disability Fund, 105934
shall be used to make payments from the State Employee 105935
Disability Leave Benefit Fund (Fund 8070) pursuant to section 105936
124.83 of the Revised Code. If it is determined by the Director 105937
of Budget and Management that additional amounts are necessary, 105938
the amounts are hereby appropriated. 105939

STATE EMPLOYEE HEALTH BENEFIT FUND 105940

The foregoing appropriation item 995668, State Employee 105941

Health Benefit Fund, shall be used to make payments from the 105942
State Employee Health Benefit Fund (Fund 8080) pursuant to 105943
section 124.87 of the Revised Code. If it is determined by the 105944
Director of Budget and Management that additional amounts are 105945
necessary, the amounts are hereby appropriated. 105946

DEPENDENT CARE SPENDING FUND 105947

The foregoing appropriation item 995669, Dependent Care 105948
Spending Account, shall be used to make payments from the 105949
Dependent Care Spending Fund (Fund 8090) to employees eligible 105950
for dependent care expenses pursuant to section 124.822 of the 105951
Revised Code. If it is determined by the Director of Budget and 105952
Management that additional amounts are necessary, the amounts 105953
are hereby appropriated. 105954

LIFE INSURANCE INVESTMENT FUND 105955

The foregoing appropriation item 995670, Life Insurance 105956
Investment Fund, shall be used to make payments from the Life 105957
Insurance Investment Fund (Fund 8100) for the costs and expenses 105958
of the state's life insurance benefit program pursuant to 105959
section 125.212 of the Revised Code. If it is determined by the 105960
Director of Budget and Management that additional amounts are 105961
necessary, the amounts are hereby appropriated. 105962

PARENTAL LEAVE BENEFIT FUND 105963

The foregoing appropriation item 995671, Parental Leave 105964
Benefit Fund, shall be used to make payments from the Parental 105965
Leave Benefit Fund (Fund 8110) to employees eligible for 105966
parental leave benefits pursuant to sections 124.136 and 124.137 105967
of the Revised Code. If it is determined by the Director of 105968
Budget and Management that additional amounts are necessary, the 105969
amounts are hereby appropriated. 105970

HEALTH CARE SPENDING ACCOUNT FUND 105971

The foregoing appropriation item 995672, Health Care 105972
Spending Account, shall be used to make payments from the Health 105973
Care Spending Account Fund (Fund 8130) for payments pursuant to 105974
state employees' participation in a flexible spending account 105975
for nonreimbursed health care expenses and section 124.821 of 105976
the Revised Code. If it is determined by the Director of Budget 105977
and Management that additional amounts are necessary, the 105978
amounts are hereby appropriated. 105979

COMMUTER BENEFITS 105980

The foregoing appropriation item 995675, Commuter 105981
Benefits, shall be used to make payments from the Commuter 105982
Benefits Fund (Fund 8050) for employees who elect to participate 105983
in the Commuter Benefits Program. If the Director of Budget and 105984
Management determines that additional amounts are necessary, the 105985
amounts are hereby appropriated. 105986

Section 273.10. 105987
105988

1	2	3	4	5
A	ERB STATE EMPLOYMENT RELATIONS BOARD			
B	General Revenue Fund			
C	GRF 125321 Operating Expenses		\$4,533,029	\$4,655,023
D	General Revenue Fund Total		\$4,533,029	\$4,655,023
E	Dedicated Purpose Fund Group			
F	5720 125603 Training and Publications		\$138,000	\$138,972

G	Dedicated Purpose Fund Group Total	\$138,000	\$138,972
H	TOTAL ALL BUDGET FUND GROUPS	\$4,671,029	\$4,793,995

Section 275.10.

105989

105990

	1	2	3	4	5
A	ENG STATE BOARD OF ENGINEERS AND SURVEYORS				
B	Dedicated Purpose Fund Group				
C	4K90	892609	Operating Expenses	\$1,378,866	\$1,465,930
D	Dedicated Purpose Fund Group Total			\$1,378,866	\$1,465,930
E	TOTAL ALL BUDGET FUND GROUPS			\$1,378,866	\$1,465,930

Section 277.10.

105991

105992

	1	2	3	4	5
A	EPA ENVIRONMENTAL PROTECTION AGENCY				
B	General Revenue Fund				
C	GRF	715407	Water Systems Cybersecurity Grants	\$2,000,000	\$6,000,000
D	GRF	715502	Auto Emissions E-Check Program	\$13,232,534	\$13,265,775
E	General Revenue Fund Total			\$15,232,534	\$19,265,775
F	Dedicated Purpose Fund Group				

G	4D50	715618	Recycled State Materials	\$11,500	\$11,500
H	4J00	715638	Underground Injection Control	\$514,242	\$530,276
I	4K20	715648	Clean Air - Non Title V	\$4,516,349	\$4,593,901
J	4K30	715649	Solid Waste	\$14,791,311	\$15,098,763
K	4K40	715650	Surface Water Protection	\$11,864,197	\$12,101,940
L	4K50	715651	Drinking Water Protection	\$8,774,797	\$9,027,993
M	4P50	715654	Cozart Landfill	\$7,500	\$7,500
N	4R50	715656	Scrap Tire Management	\$3,558,044	\$3,581,336
O	4R90	715658	Voluntary Action Program	\$1,188,026	\$1,217,345
P	4T30	715659	Clean Air - Title V Permit Program	\$10,942,818	\$11,148,464
Q	5000	715608	Immediate Removal Special Account	\$747,051	\$769,463
R	5030	715621	Hazardous Waste Facility Management	\$2,788,523	\$2,842,749
S	5050	715623	Hazardous Waste Cleanup	\$9,334,680	\$9,559,074
T	5050	715698	Response and Investigations	\$3,822,060	\$4,211,500
U	5320	715646	Recycling and Litter Control	\$4,888,354	\$5,146,276

V	5410	715670	Site Specific Cleanup	\$17,744,091	\$17,746,631
W	5420	715671	Risk Management Reporting	\$144,047	\$147,307
X	5860	715637	Scrap Tire Market Development	\$1,000,000	\$1,000,000
Y	5BC0	715622	Local Air Pollution Control	\$2,100,000	\$2,100,000
Z	5BC0	715624	Surface Water	\$6,936,269	\$6,936,269
AA	5BC0	715672	Air Pollution Control	\$9,354,059	\$9,354,059
AB	5BC0	715673	Drinking and Ground Water	\$4,024,215	\$4,133,956
AC	5BC0	715676	Assistance and Prevention	\$4,204,000	\$4,359,000
AD	5BC0	715677	Laboratory	\$4,235,216	\$4,360,265
AE	5BC0	715678	Corrective Actions	\$1,271,429	\$1,271,429
AF	5BC0	715687	Areawide Planning Agencies	\$450,000	\$450,000
AG	5BC0	715692	Administration	\$19,684,900	\$20,654,900
AH	5BC0	715694	Environmental Resource Coordination	\$814,339	\$832,027
AI	5BT0	715679	C&DD Groundwater Monitoring	\$50,000	\$50,000
AJ	5PZ0	715696	Drinking Water Loan Fee	\$4,109,640	\$4,388,600

AK 5Y30	715685	Surface Water Improvement	\$520,000	\$520,000
AL 5YY0	715405	National Priorities List Remedial Support Fund	\$1,500,000	\$1,000,000
AM 6440	715631	Emergency Response Radiological Safety	\$274,997	\$280,510
AN 6760	715642	Water Pollution Control Loan Administration	\$5,120,000	\$5,282,500
AO 6760	715699	Water Quality Administration	\$5,123,741	\$5,250,489
AP 6790	715636	Emergency Planning	\$2,917,000	\$2,917,000
AQ 6960	715643	Air Pollution Control Administration	\$150,000	\$150,000
AR 6990	715644	Water Pollution Control Administration	\$307,859	\$307,858
AS 6A10	715645	Environmental Education	\$550,316	\$550,427
AT 6H20	715695	H2Ohio	\$27,537,015	\$27,537,015
AU	Dedicated Purpose Fund Group Total		\$197,872,585	\$201,428,322
AV	Internal Service Activity Fund Group			
AW 1990	715602	Laboratory Services	\$500,000	\$500,000
AX 2190	715604	Central Support Indirect	\$10,657,300	\$10,657,300
AY 4A10	715640	Operating Expenses	\$1,092,000	\$1,117,000

AZ Internal Service Activity Fund Group	\$12,249,300	\$12,274,300
Total		
BA Federal Fund Group		
BB 3530 715612 Public Water Supply	\$2,564,882	\$2,626,504
BC 3570 715619 Air Pollution Control - Federal	\$6,806,147	\$6,929,318
BD 3620 715605 Underground Injection Control - Federal	\$165,382	\$169,516
BE 3BU0 715684 Water Quality Protection	\$16,230,503	\$16,230,503
BF 3CS0 715688 Federal NRD Settlements	\$1,500,000	\$1,500,000
BG 3F30 715632 Federally Supported Cleanup and Response	\$13,779,323	\$14,061,350
BH 3HE0 715697 Volkswagen Clean Air Act Settlement	\$6,827,000	\$6,841,000
BI 3T30 715669 Drinking Water State Revolving Fund	\$3,054,165	\$3,145,894
BJ 3V70 715606 Agencywide Grants	\$746,900	\$746,900
BK Federal Fund Group Total	\$51,674,302	\$52,250,985
BL TOTAL ALL BUDGET FUND GROUPS	\$277,028,721	\$285,219,382

Section 277.20. AREAWIDE PLANNING AGENCIES 105993

The Director of Environmental Protection may award grants 105994

from appropriation item 715687, Areawide Planning Agencies, to 105995
areawide planning agencies engaged in areawide water quality 105996
management and planning activities in accordance with Section 105997
208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 105998

AUTOMOBILE EMISSION TESTING PROGRAM 105999

The foregoing appropriation item GRF 715502, Auto 106000
Emissions E-Check Program, shall be used by the Environmental 106001
Protection Agency to support the automobile emission testing 106002
program. On July 1, 2025, or as soon as possible thereafter, the 106003
Director of Environmental Protection may request that the 106004
Director of Administrative Services extend the contract with the 106005
vendor operating in accordance with division (A) (1) of section 106006
3704.14 of the Revised Code for not longer than twelve months. 106007
The Director of Administrative Services may enter into a 106008
contract extension provided that the contract contains the same 106009
terms and no funds are paid for incomplete work, utilizing 106010
appropriation item GRF 715502, Auto Emissions E-Check Program, 106011
in the event that the contractor selected in accordance with 106012
division (A) (2) of section 3704.14 of the Revised Code cannot 106013
complete the required work prior to July 1, 2025. 106014

Section 279.10. 106015

106016

1 2 3 4 5

A EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION

B General Revenue Fund

C GRF 172321 Operating Expenses \$745,000 \$795,000

D General Revenue Fund Total \$745,000 \$795,000

E	TOTAL ALL BUDGET FUND GROUPS	\$745,000	\$795,000
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Section 281.10.

106017

106018

	1	2	3	4	5
A	ETC BROADCAST EDUCATIONAL MEDIA COMMISSION				
B	General Revenue Fund				
C	GRF	935401	Statehouse News Bureau	\$402,000	\$402,000
D	GRF	935402	Ohio Government Telecommunications Services	\$2,344,400	\$2,344,400
E	GRF	935410	Content Development, Acquisition, and Distribution	\$3,909,000	\$3,909,000
F	GRF	935430	Broadcast Education Operating	\$4,324,706	\$4,398,569
G	General Revenue Fund Total			\$10,980,106	\$11,053,969
H	Dedicated Purpose Fund Group				
I	5FK0	935608	Media Services	\$50,000	\$50,000
J	5VB0	935650	Facility Rental	\$10,000	\$10,000
K	Dedicated Purpose Fund Group Total			\$60,000	\$60,000
L	Internal Service Activity Fund Group				

M	4F30	935603	Affiliate Services	\$4,200	\$4,200
N	4T20	935605	Government Television/ Telecommunications Operating	\$55,459	\$0
O			Internal Service Activity Fund Group	\$59,659	\$4,200
			Total		
P			TOTAL ALL BUDGET FUND GROUPS	\$11,099,765	\$11,118,169

Section 281.20. STATEHOUSE NEWS BUREAU 106019

The foregoing appropriation item 935401, Statehouse News 106020
Bureau, shall be used solely to support the operations of the 106021
Ohio Statehouse News Bureau. 106022

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 106023

The foregoing appropriation item 935402, Ohio Government 106024
Telecommunications Services, shall be used solely to support the 106025
operations of Ohio Government Telecommunications Services which 106026
include providing multimedia support to the state government and 106027
its affiliated organizations and broadcasting the activities of 106028
the legislative, judicial, and executive branches of state 106029
government, among its other functions. 106030

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 106031

The foregoing appropriation item 935410, Content 106032
Development, Acquisition, and Distribution, shall be used for 106033
the development, acquisition, and distribution of information 106034
resources by public media and radio reading services and for 106035
educational use in the classroom and online. 106036

Of the foregoing appropriation item 935410, Content 106037

Development, Acquisition, and Distribution, up to \$965,000 in 106038
each fiscal year shall be allocated equally among the Ohio 106039
educational television stations. Funds shall be used for the 106040
production of interactive instructional programming series with 106041
priority given to resources aligned with state academic content 106042
standards. 106043

Of the foregoing appropriation item 935410, Content 106044
Development, Acquisition, and Distribution, up to \$2,650,000 in 106045
each fiscal year shall be distributed by the Broadcast 106046
Educational Media Commission to Ohio's qualified public 106047
educational television stations and educational radio stations 106048
to support their operations. The funds shall be distributed 106049
pursuant to an allocation formula used by the Broadcast 106050
Educational Media Commission in consultation with Ohio's 106051
qualified public educational television stations and educational 106052
radio stations. 106053

Of the foregoing appropriation item 935410, Content 106054
Development, Acquisition, and Distribution, up to \$294,000 in 106055
each fiscal year shall be distributed by the Broadcast 106056
Educational Media Commission to Ohio's qualified radio reading 106057
services to support their operations. The funds shall be 106058
distributed pursuant to an allocation formula used by the 106059
Broadcast Educational Media Commission in consultation with 106060
Ohio's qualified radio reading services. 106061

Section 283.10. 106062
106063

1 2 3 4 5

B	General Revenue Fund		
C	GRF 146321 Operating Expenses	\$2,480,744	\$2,603,142
D	General Revenue Fund Total	\$2,480,744	\$2,603,142
E	Dedicated Purpose Fund Group		
F	4M60 146601 Operating Support	\$649,781	\$670,793
G	Dedicated Purpose Fund Group Total	\$649,781	\$670,793
H	TOTAL ALL BUDGET FUND GROUPS	\$3,130,525	\$3,273,935

Section 285.10.

106064

106065

	1	2	3	4	5
A	EXP OHIO EXPOSITIONS COMMISSION				
B	General Revenue Fund				
C	GRF	723403	Junior Fair Subsidy	\$380,000	\$380,000
D	General Revenue Fund Total			\$380,000	\$380,000
E	Dedicated Purpose Fund Group				
F	4N20	723602	Ohio State Fair Harness Racing	\$350,000	\$350,000
G	5060	723601	Operating Expenses	\$20,000,000	\$20,000,000
H	5060	723604	Grounds Maintenance and Repairs	\$300,000	\$300,000

I	Dedicated Purpose Fund Group Total	\$20,650,000	\$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS	\$21,030,000	\$21,030,000

Section 285.20. 106066

STATE FAIR RESERVE 106067

The General Manager of the Expositions Commission, in 106068
consultation with the Director of Budget and Management, may 106069
submit a request to the Controlling Board to use available 106070
amounts in the State Fair Reserve Fund (Fund 6400) if revenues 106071
from either the 2025 or the 2026 Ohio State Fair are 106072
unexpectedly low. 106073

On July 1 of each fiscal year, or as soon as possible 106074
thereafter, the Director of Budget and Management, in 106075
consultation with the General Manager of the Expositions 106076
Commission, may determine that the Ohio Expositions Fund (Fund 106077
5060) has a cash balance in excess of the anticipated operating 106078
costs of the Exposition Commission in that fiscal year. 106079
Notwithstanding section 991.04 of the Revised Code, the Director 106080
of Budget and Management may transfer an amount up to the excess 106081
cash from Fund 5060 to Fund 6400 in each fiscal year. 106082

Section 287.10. 106083

106084

1 2 3 4 5

A FCC OHIO FACILITIES CONSTRUCTION COMMISSION

B General Revenue Fund

C	GRF 230321 Operating Expenses	\$11,171,298	\$11,442,393
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D	GRF	230401	Cultural Facilities Lease	\$37,500,000	\$37,500,000
			Rental Bond Payments		
E	GRF	230908	Common Schools General	\$255,000,000	\$230,000,000
			Obligation Bond Debt		
			Service		
F			General Revenue Fund Total	\$303,671,298	\$278,942,393
G			Internal Service Activity Fund Group		
H	1310	230639	State Construction	\$9,590,355	\$10,233,822
			Management Operations		
I			Internal Service Activity Fund Group	\$9,590,355	\$10,233,822
			Total		
J			TOTAL ALL BUDGET FUND GROUPS	\$313,261,653	\$289,176,215

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 106085
PAYMENTS 106086

The foregoing appropriation item 230401, Cultural 106087
Facilities Lease Rental Bond Payments, shall be used to meet all 106088
payments during the period from July 1, 2025, through June 30, 106089
2027, by the Ohio Facilities Construction Commission pursuant to 106090
leases and agreements for cultural and sports facilities made 106091
under section 154.23 of the Revised Code. These appropriations 106092
are the source of funds pledged for bond service charges on 106093
related obligations issued under Chapter 154. of the Revised 106094
Code. 106095

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 106096

The foregoing appropriation item 230908, Common Schools 106097

General Obligation Bond Debt Service, shall be used to pay all 106098
debt service and related financing costs during the period from 106099
July 1, 2025, through June 30, 2027, on obligations issued under 106100
sections 151.01 and 151.03 of the Revised Code. 106101

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND 106102
REAPPROPRIATION 106103

At the request of the Executive Director of the Ohio 106104
Facilities Construction Commission, the Director of Budget and 106105
Management may cancel encumbrances for school district projects 106106
from a previous biennium if the district has not raised its 106107
local share of project costs within sixteen months of receiving 106108
Controlling Board approval under section 3318.05 or 3318.41 of 106109
the Revised Code. The Executive Director of the Ohio Facilities 106110
Construction Commission shall certify the amounts of the 106111
canceled encumbrances to the Director of Budget and Management 106112
on a quarterly basis. The amounts of the canceled encumbrances 106113
are hereby appropriated. 106114

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 106115
APPROPRIATIONS 106116

On July 1, 2025, or as soon as possible thereafter, the 106117
Executive Director of the Ohio Facilities Construction 106118
Commission shall certify to the Director of Budget and 106119
Management the amount of cash receipts and related investment 106120
income, irrevocable letters of credit from a bank, or 106121
certification of the availability of funds that have been 106122
received from a county or a municipal corporation for deposit 106123
into the Capital Donations Fund (Fund 5A10) and that are related 106124
to an anticipated project. These amounts are hereby appropriated 106125
to appropriation item C230E2, Capital Donations. Prior to 106126
certifying these amounts to the Director, the Executive Director 106127

shall make a written agreement with the participating entity on 106128
the necessary cash flows required for the anticipated 106129
construction or equipment acquisition project. 106130

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 106131
MAINTENANCE LEVY 106132

The Ohio Facilities Construction Commission shall amend 106133
the project agreement between the Commission and a school 106134
district that is participating in the Accelerated Urban School 106135
Building Assistance Program as of September 29, 2018, if the 106136
Commission determines that it is necessary to do so in order to 106137
comply with division (B) (3) (c) of section 3318.38 of the Revised 106138
Code. 106139

Section 287.60. Notwithstanding any other provision of law 106140
to the contrary, the Ohio Facilities Construction Commission may 106141
determine the amount of funding available for disbursement in a 106142
given fiscal year for any project approved under sections 106143
3318.01 to 3318.20 of the Revised Code in order to keep 106144
aggregate state capital spending within approved limits and may 106145
take actions including, but not limited to, determining the 106146
schedule for design or bidding of approved projects, to ensure 106147
appropriate and supportable cash flow. 106148

Section 287.70. RETURNED OR RECOVERED FUNDS 106149

Notwithstanding any provision of law to the contrary, any 106150
moneys a school district transfers to the Ohio Facilities 106151
Construction Commission under division (C) (2) or (3) of section 106152
3318.12 of the Revised Code as well as any moneys recovered from 106153
settlements with or judgments against parties relating to their 106154
involvement in a classroom facilities project shall be deposited 106155
into the fund from which the capital appropriation for the 106156

project was made. In any fiscal year in which the Commission has 106157
made a deposit under this section, the Executive Director of the 106158
Ohio Facilities Construction Commission may seek Controlling 106159
Board approval to increase appropriations from those funds and 106160
specified appropriation items in an amount equal to the amount 106161
of the funds deposited under this section. The additional 106162
amounts, if approved, shall be used in accordance with the 106163
purposes of Chapter 3318. of the Revised Code for projects 106164
pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 106165
3318.45 of the Revised Code. Upon approval of the Controlling 106166
Board, the additional amounts are hereby appropriated. 106167

Section 289.10.

106168

106169

1	2	3	4	5
A	GOV OFFICE OF THE GOVERNOR			
B	General Revenue Fund			
C	GRF 040321 Operating Expenses		\$3,481,221	\$3,580,624
D	General Revenue Fund Total		\$3,481,221	\$3,580,624
E	Internal Service Activity Fund Group			
F	5AK0 040607 Government Relations		\$715,600	\$734,442
G	Internal Service Activity Fund Group		\$715,600	\$734,442
	Total			
H	TOTAL ALL BUDGET FUND GROUPS		\$4,196,821	\$4,315,066

Section 289.20.

106170

OPERATING EXPENSES 106171

On July 1, 2025, or as soon as possible thereafter, the 106172
Governor or the Governor's designee may certify to the Director 106173
of Budget and Management an amount up to the unexpended, 106174
unencumbered balance of the foregoing appropriation item 040321, 106175
Operating Expenses, at the end of fiscal year 2025 to be 106176
reappropriated for fiscal year 2026. The amount certified is 106177
hereby reappropriated to the same appropriation item for fiscal 106178
year 2026. 106179

On July 1, 2026, or as soon as possible thereafter, the 106180
Governor or the Governor's designee may certify to the Director 106181
of Budget and Management an amount up to the unexpended, 106182
unencumbered balance of the foregoing appropriation item 040321, 106183
Operating Expenses, at the end of fiscal year 2026 to be 106184
reappropriated for fiscal year 2027. The amount certified is 106185
hereby reappropriated to the same appropriation item for fiscal 106186
year 2027. 106187

GOVERNMENT RELATIONS 106188

The Office of the Governor may issue an intrastate 106189
transfer voucher to charge any state agency of the executive 106190
branch such amounts necessary to represent the interests of Ohio 106191
to federal, state, and local government units and to cover the 106192
costs or membership dues related to Ohio's participation in 106193
national and regional associations. Amounts collected shall be 106194
deposited in the Government Relations Fund (Fund 5AK0). 106195

Section 291.10. 106196

106197

A	DOH DEPARTMENT OF HEALTH				
B	General Revenue Fund				
C	GRF	440413	Local Health Department Support	\$2,379,000	\$2,379,000
D	GRF	440416	Mothers and Children Safety Net Services	\$4,639,763	\$4,690,570
E	GRF	440431	Free Clinic Safety Net Services	\$1,755,837	\$1,758,067
F	GRF	440438	Breast and Cervical Cancer Screening	\$1,190,549	\$1,199,779
G	GRF	440444	AIDS Prevention	\$3,610,779	\$3,623,351
H	GRF	440451	Public Health Laboratory	\$3,893,355	\$3,926,237
I	GRF	440452	Child and Family Health Services Match	\$667,650	\$683,513
J	GRF	440453	Health Care Quality Assurance	\$6,868,538	\$7,023,632
K	GRF	440454	Environmental Health/Radiation Protection	\$5,404,349	\$5,462,815
L	GRF	440465	FQHC Primary Care Workforce Initiative	\$2,695,268	\$2,698,697
M	GRF	440472	Alcohol Testing	\$1,313,349	\$1,338,992

N	GRF	440477	Emergency Preparation and Response	\$2,453,355	\$2,467,067
O	GRF	440481	Lupus Awareness	\$250,000	\$250,000
P	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$8,000,000	\$8,240,000
Q	GRF	440483	Infectious Disease Prevention and Control	\$4,924,753	\$4,988,016
R	GRF	440484	Public Health Technology Innovation	\$1,409,147	\$1,429,959
S	GRF	440485	Health Program Support	\$14,625,000	\$14,625,000
T	GRF	440495	Toxicology Screenings	\$1,000,000	\$1,000,000
U	GRF	440496	Children's Vision Services	\$22,550,000	\$17,420,000
V	GRF	440497	Children's Dental Services	\$3,000,000	\$3,000,000
W	GRF	440505	Children and Youth with Special Health Care Needs	\$12,615,000	\$12,615,000
X	GRF	440507	Targeted Healthcare Services - Over 21	\$2,000,000	\$2,000,000
Y	GRF	440527	Lead Abatement	\$7,048,716	\$7,067,052
Z	GRF	440530	Lead-Safe Home Fund	\$1,000,000	\$1,000,000

	Program		
AA GRF 440672	Youth Homelessness	\$2,504,474	\$2,505,903
AB GRF 654453	Medicaid - State Health Program Support	\$4,478,896	\$4,581,836
AC	General Revenue Fund Total	\$122,277,778	\$117,974,486
AD	Highway Safety Fund Group		
AE 4T40 440603	Child Highway Safety	\$200,000	\$200,000
AF	Highway Safety Fund Group Total	\$200,000	\$200,000
AG	Dedicated Purpose Fund Group		
AH 4700 440647	Fee Supported Programs	\$32,650,000	\$33,629,000
AI 4710 440619	Certificate of Need	\$408,045	\$408,045
AJ 4730 440622	Lab Operating Expenses	\$8,985,000	\$9,254,001
AK 4770 440627	Children and Youth with Special Health Care Needs Audit	\$4,942,318	\$4,973,075
AL 4D60 440608	Genetics Services	\$3,316,583	\$3,416,000
AM 4F90 440610	Sickle Cell Disease Control	\$850,000	\$850,000
AN 4G00 440636	Heirloom Birth Certificate	\$15,000	\$15,000

AO	4G00	440637	Birth Certificate Surcharge	\$15,000	\$15,000
AP	4L30	440609	HIV Care and Miscellaneous Expenses	\$52,697,000	\$52,697,000
AQ	4P40	440628	Ohio Physician Loan Repayment	\$1,000,000	\$1,000,000
AR	4V60	440641	Save Our Sight	\$2,505,000	\$2,580,000
AS	5B50	440616	Quality, Monitoring, and Inspection	\$5,753,000	\$5,925,000
AT	5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$10,000,000	\$10,000,000
AU	5D60	440620	Second Chance Trust	\$1,892,541	\$1,892,541
AV	5ED0	440651	Smoke Free Indoor Air	\$280,000	\$280,000
AW	5G40	440639	Adoption Services	\$100,000	\$100,000
AX	5PE0	440659	Breast and Cervical Cancer Services	\$500,000	\$500,000
AY	5QJ0	440662	Dental Hygienist Loan Repayments	\$100,000	\$100,000
AZ	5SH0	440520	Children's Wish Grant Program	\$275,000	\$275,000
BA	5YS0	440491	Chiropractic Loan	\$30,000	\$30,000

		Repayment		
BB	5Z70 440624	Ohio Dentist Loan	\$275,000	\$275,000
		Repayment		
BC	6100 440626	Radiation Emergency Response	\$1,551,682	\$1,598,000
BD	6660 440607	Children and Youth with Special Health Care Needs - County Assessments	\$24,060,000	\$24,060,001
BE	6980 440634	Nurse Aide Training	\$126,600	\$126,600
BF	QG18 4406A1	Poison Control and Laboratory Testing	\$9,990,000	\$14,800,000
BG		Dedicated Purpose Fund Group Total	\$162,317,769	\$168,799,263
BH		Internal Service Activity Fund Group		
BI	1420 440646	Agency Health Services	\$11,575,000	\$11,575,000
BJ	2110 440613	Central Support Indirect Costs	\$39,575,839	\$40,763,000
BK		Internal Service Activity Fund Group Total	\$51,150,839	\$52,338,000
BL		Holding Account Fund Group		
BM	R014 440631	Vital Statistics	\$155,000	\$155,000
BN	R048 440625	Refunds, Grants Reconciliation, and Audit	\$20,000	\$20,000

Settlements

BO Holding Account Fund Group Total	\$175,000	\$175,000
BP Federal Fund Group		
BQ 3200 440601 Maternal Child Health Block Grant	\$25,000,000	\$25,750,000
BR 3870 440602 Preventive Health Block Grant	\$11,800,000	\$12,154,000
BS 3890 440604 Women, Infants, and Children	\$250,000,000	\$250,000,001
BT 3910 440606 Medicare Survey and Certification	\$21,800,000	\$22,454,000
BU 3920 440618 Federal Public Health Programs	\$149,503,000	\$153,988,000
BV 3GD0 654601 Medicaid Program Support	\$41,186,077	\$41,508,003
BW 3GN0 440660 Public Health Emergency Preparedness	\$75,825,000	\$78,099,000
BX 3HP0 440673 Public Health Emergency Response	\$100,500,000	\$100,500,000
BY 3HP0 440686 ELC Strengthening HAI/AR Grant	\$10,000,000	\$10,000,000
BZ Federal Fund Group Total	\$685,614,077	\$694,453,004
CA TOTAL ALL BUDGET FUND GROUPS	\$1,021,735,463	\$1,033,939,753

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 106198

Of the foregoing appropriation item 440416, Mothers and 106199
Children Safety Net Services, up to \$200,000 in each fiscal year 106200
may be used to assist families with children who have hearing 106201
loss or hearing disorders under twenty-six years of age in 106202
purchasing hearing aids and hearing assistive technology. The 106203
Director of Health shall adopt rules governing the distribution 106204
of these funds, including rules that do both of the following: 106205
(1) establish eligibility criteria to include families with 106206
incomes at or below four hundred per cent of the federal poverty 106207
guidelines as defined in section 5101.46 of the Revised Code and 106208
(2) develop a sliding scale of disbursements under this section 106209
based on family income. The Director may adopt other rules as 106210
necessary to implement this section. Rules adopted under this 106211
section shall be adopted in accordance with Chapter 119. of the 106212
Revised Code. 106213

FREE CLINIC SAFETY NET SERVICES 106214

The foregoing appropriation item 440431, Free Clinic 106215
Safety Net Services, shall be provided to the Charitable 106216
Healthcare Network. Funds may be used to reimburse free clinics 106217
for health care services provided, as well as for administrative 106218
services, information technology costs, infrastructure repair, 106219
or other clinic necessities. Additionally, the Director of 106220
Health may designate up to five per cent of the appropriation in 106221
each fiscal year to pay the administrative costs the Department 106222
of Health incurs for operating the program. 106223

AIDS PREVENTION 106224

The foregoing appropriation item 440444, AIDS Prevention, 106225
shall be used to administer educational and other prevention 106226

initiatives. 106227

FQHC PRIMARY CARE WORKFORCE INITIATIVE 106228

The foregoing appropriation item 440465, FQHC Primary Care 106229
Workforce Initiative, shall be provided to the Ohio Association 106230
of Community Health Centers to administer the FQHC Primary Care 106231
Workforce Initiative. The Initiative shall provide medical, 106232
dental, behavioral health, physician assistant, and advanced 106233
practice nursing students with clinical rotations through 106234
federally qualified health centers. Additionally, the Director 106235
of Health may designate up to five per cent of the appropriation 106236
in each fiscal year to pay the administrative costs the 106237
Department of Health incurs for operating the program. 106238

EMERGENCY PREPARATION AND RESPONSE 106239

The foregoing appropriation item 440477, Emergency 106240
Preparation and Response, shall be used to support public health 106241
emergency preparedness and response efforts. This appropriation 106242
may also be used to support data infrastructure projects and 106243
other data analysis and analytics work. 106244

LUPUS AWARENESS 106245

The foregoing appropriation item 440481, Lupus Awareness, 106246
shall be distributed to the Lupus Foundation of America, Greater 106247
Ohio Chapter, Inc., to operate a lupus education and awareness 106248
program. 106249

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE 106250

Of the foregoing appropriation item 440482, Chronic 106251
Disease, Injury Prevention, and Drug Overdose, up to \$1,000,000 106252
in each fiscal year shall be used, in consultation with the 106253
Department of Behavioral Health and the Governor's RecoveryOhio 106254

Initiative, to support the continuation of the Health Systems 106255
Comprehensive Care Initiative to enhance Ohio's response to the 106256
addiction crisis by creating a comprehensive system of care for 106257
patients who present in health systems with addiction. 106258

Of the foregoing appropriation item 440482, Chronic 106259
Disease, Injury Prevention, and Drug Overdose, up to \$250,000 in 106260
each fiscal year shall be used, in consultation with the 106261
Governor's RecoveryOhio Initiative, to support local health 106262
providers' harm reduction efforts to reduce overdose rates and 106263
deaths. 106264

The remainder of appropriation item 440482, Chronic 106265
Disease, Injury Prevention, and Drug Overdose, shall be used to 106266
support the Department of Health's ongoing health improvement 106267
and wellness efforts, health promotion, and related activities. 106268

INFECTIOUS DISEASE PREVENTION AND CONTROL 106269

On July 1, 2026, or as soon as possible thereafter, the 106270
Director of Health may certify to the Director of Budget and 106271
Management an amount up to the unexpended, unencumbered balance 106272
of the foregoing appropriation item 440483, Infectious Disease 106273
Prevention and Control, at the end of fiscal year 2026 to be 106274
reappropriated to fiscal year 2027. The amount certified is 106275
hereby reappropriated to the same appropriation item for fiscal 106276
year 2027. 106277

HEALTH PROGRAM SUPPORT 106278

Of the forgoing appropriation item 440485, Health Program 106279
Support, \$10,000,000 in each fiscal year shall be used by the 106280
Department of Health, in consultation with the Department of 106281
Education and Workforce, to support school-based health centers 106282
in high-need counties, as determined by the departments. 106283

Of the foregoing appropriation item 440485, Health Program Support, \$1,000,000 in each fiscal year shall be distributed to Ohio organizations currently providing all of the following services: wraparound care, including multidisciplinary clinical care; local case management services by health care professionals; durable medical and augmentative communication devices; state and federal advocacy; and support groups and patient grants for those diagnosed with amyotrophic lateral sclerosis (ALS). The distribution of funds shall be based on each awarded organization's identified Ohio county coverage and by the prevalence rate of persons living with ALS using the most recent population estimates available from the United States Census Bureau. Funds shall be used to support persons living with ALS, including any of the followings: wraparound care, case management, purchase and distribution of durable medical equipment and augmentative communication devices, and patient grants for disease-related expenses. Funding is required to be designated in service to Ohioans and shall not be used for persons living outside of the state of Ohio.

Of the foregoing appropriation item 440485, Health Program Support, \$125,000 in each fiscal year shall be provided to Ohio Adolescent Health Centers to support sexual risk avoidance programs in schools.

TOXICOLOGY SCREENINGS

The foregoing appropriation item 440495, Toxicology Screenings, shall be used to reimburse county coroners in counties in which the coroner has performed toxicology screenings on victims of a drug overdose. The Director of Health shall transfer the funds to the counties in proportion to the numbers of toxicology screenings performed per county.

CHILDREN'S VISION SERVICES	106314
The foregoing appropriation item 440496, Children's Vision Services, shall be used to support the provision of vision care services as described in Section 291.30 of this act.	106315 106316 106317
CHILDREN'S DENTAL SERVICES	106318
The foregoing appropriation item 440497, Children's Dental Services, shall be used to support the provision of dental care services as described in Section 291.40 of this act.	106319 106320 106321
TARGETED HEALTH CARE SERVICES-OVER 21	106322
The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department of Health shall expend up to \$100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program.	106323 106324 106325 106326 106327 106328
The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall also be used to do the following: cover services provided to adults over the age of twenty-one with Cystic Fibrosis who are eligible for treatment under the Cystic Fibrosis Program; provide essential medications; and pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Program for Children and Youth with Special Health Care Needs participants for the Cystic Fibrosis Program.	106329 106330 106331 106332 106333 106334 106335 106336 106337
The Department shall expend all of the funds appropriated in appropriation item 440507, Targeted Health Care Services-Over 21.	106338 106339 106340
LEAD ABATEMENT	106341

Of the foregoing appropriation item 440527, Lead Abatement, \$500,000 in each fiscal year shall be used by the Department of Health to distribute funds to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts.

LEAD-SAFE HOME FUND PROGRAM

The foregoing appropriation item 440530, Lead-Safe Home Fund Program, shall be used by the Department of Health to make distributions to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts.

YOUTH HOMELESSNESS

The foregoing appropriation item 440672, Youth Homelessness, shall be used to address homelessness in youth and pregnant women by providing assertive outreach to provide stable housing, including recovery housing.

FEE SUPPORTED PROGRAMS

Of the foregoing appropriation item 440647, Fee Supported Programs, \$2,160,000 in each fiscal year shall be used to distribute subsidies, on a per capita basis, to local health departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation.

Of the foregoing appropriation item 440647, Fee Supported Programs, \$1,840,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita

basis. 106371

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 106372

The Children and Youth with Special Health Care Needs 106373
Audit Fund (Fund 4770) shall receive revenue from audits of 106374
hospitals and recoveries from third-party payers. Moneys may be 106375
expended for payment of audit settlements and for costs directly 106376
related to obtaining recoveries from third-party payers and for 106377
encouraging Program for Children and Youth with Special Health 106378
Care Needs recipients to apply for third-party benefits. Moneys 106379
also may be expended for payments for diagnostic and treatment 106380
services on behalf of children and youth with special health 106381
care needs, as defined in division (A) of section 3701.022 of 106382
the Revised Code, and Ohio residents who are twenty-one or more 106383
years of age and who are suffering from cystic fibrosis or 106384
hemophilia. Moneys may also be expended for administrative 106385
expenses incurred in operating the Program for Children and 106386
Youth with Special Health Care Needs. 106387

GENETICS SERVICES 106388

The foregoing appropriation item 440608, Genetics 106389
Services, shall be used by the Department of Health to 106390
administer programs authorized by sections 3701.501 and 3701.502 106391
of the Revised Code. None of these funds shall be used to 106392
counsel or refer for abortion, except in the case of a medical 106393
emergency. 106394

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 106395

Of the foregoing appropriation item 440656, Tobacco Use 106396
Prevention, Cessation, and Enforcement, \$1,000,000 in each 106397
fiscal year shall be used by the Director of Health, in 106398
consultation with the Director of Children and Youth, to award 106399

funds to private, nonprofit, or government entities. The 106400
Directors shall determine how the funds are to be distributed, 106401
but shall prioritize awards to entities that serve women who 106402
reside in communities that have the highest infant mortality 106403
rates in this state, as identified under section 3701.142 of the 106404
Revised Code. Recognizing the significant health risks posed to 106405
women and their children by tobacco use during and after 106406
pregnancy, the Department of Health shall award grants to 106407
private, nonprofit, or government entities that demonstrate the 106408
ability to deliver evidence-based tobacco cessation 106409
interventions to women. 106410

The remainder of appropriation item 440656, Tobacco Use 106411
Prevention, Cessation, and Enforcement, shall be used to 106412
administer tobacco use prevention and cessation activities and 106413
programs, to administer compliance checks, retailer education, 106414
and programs related to legal age restrictions, and to enforce 106415
the Ohio Smoke-Free Workplace Act. 106416

CASH TRANSFER FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 106417
FUND TO THE TOBACCO USE PREVENTION FUND 106418

On July 1, 2025, or as soon as possible thereafter, the 106419
Director of Budget and Management shall transfer up to 106420
\$20,000,000 cash from the Pre-Securitization Tobacco Payments 106421
Fund (Fund 5LS0) to the Tobacco Use Prevention Fund (Fund 5BX0). 106422

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 106423
ASSESSMENTS 106424

The foregoing appropriation item 440607, Children and 106425
Youth with Special Health Care Needs - County Assessments, shall 106426
be used to make payments under division (E) of section 3701.023 106427
of the Revised Code. 106428

Section 291.30. OHIO STUDENT EYE EXAM PROGRAM 106429

(A) The Department of Health shall establish and 106430
administer the Ohio Student Eye Exam Program, to be known as the 106431
OhioSEE Program. Under the program, vision care services, 106432
including vision screenings, eye examinations, and glasses, may 106433
be provided to Ohio students, kindergarten through third grade, 106434
who fail vision screenings and lack access to follow-up care. 106435

(B) In administering the program, the Department shall 106436
focus on improving the percentage of vision care referrals 106437
completed, increasing student access to eye examinations, and 106438
providing necessary eyewear to eligible students. 106439

Section 291.40. CHILDREN'S DENTAL SERVICES PROGRAM 106440

(A) The Department of Health shall establish and 106441
administer the Children's Dental Services Program. Under the 106442
program, dental care services, including screenings, treatment, 106443
and preventive care, may be provided to a child who meets the 106444
following conditions: 106445

(1) The child resides in an underserved area as determined 106446
by the Department. 106447

(2) The child meets any other eligibility condition 106448
established by the Department. 106449

(B) The dental care services described in division (A) of 106450
this section may be provided by deploying mobile dental units to 106451
schools and underserved areas. 106452

(C) In administering the program, the Department shall 106453
focus on increasing children's access to dental care and helping 106454
to reduce the incidence of dental caries among children. 106455

Section 293.10. 106456

106457

	1	2	3	4	5
A			HEF HIGHER EDUCATIONAL FACILITY COMMISSION		
B			Dedicated Purpose Fund Group		
C	4610	372601	Operating Expenses	\$15,513	\$15,513
D			Dedicated Purpose Fund Group Total	\$15,513	\$15,513
E			TOTAL ALL BUDGET FUND GROUPS	\$15,513	\$15,513

Section 295.10.

106458

106459

	1	2	3	4	5
A			SPA COMMISSION ON HISPANIC/LATINO AFFAIRS		
B			General Revenue Fund		
C	GRF	148321	Operating Expenses	\$466,248	\$483,670
D			General Revenue Fund Total	\$466,248	\$483,670
E			Dedicated Purpose Fund Group		
F	6010	148602	Special Initiatives	\$50,000	\$50,000
G			Dedicated Purpose Fund Group Total	\$50,000	\$50,000
H			TOTAL ALL BUDGET FUND GROUPS	\$516,248	\$533,670

Section 297.10.

106460

106461

1	2	3	4	5
A	OHS OHIO HISTORY CONNECTION			
B	General Revenue Fund			
C	GRF	360400 Holocaust and Genocide Memorial and Education Commission	\$985,000	\$985,000
D	GRF	360401 Ohio Commission for the U.S. Semiquincentennial	\$7,500,000	\$2,500,000
E	GRF	360402 UNESCO World Heritage Sites	\$3,260,020	\$2,602,020
F	GRF	360501 Education and Collections	\$6,139,320	\$6,147,040
G	GRF	360502 Site and Museum Operations	\$11,721,000	\$11,721,000
H	GRF	360504 Ohio Preservation Office	\$965,287	\$965,287
I	GRF	360505 National Afro-American Museum	\$811,000	\$811,000
J	GRF	360506 Hayes Presidential Center	\$750,000	\$750,000
K	GRF	360508 State Historical Grants	\$700,000	\$700,000
L	GRF	360509 Outreach and Partnership	\$1,967,085	\$1,967,085
M	General Revenue Fund Total		\$34,798,712	\$29,148,432
N	Dedicated Purpose Fund Group			

O	5KL0	360602	Ohio History Tax Check-off	\$150,000	\$150,000
P	5PD0	360603	Ohio History License Plate	\$10,000	\$10,000
Q			Dedicated Purpose Fund Group Total	\$160,000	\$160,000
R			TOTAL ALL BUDGET FUND GROUPS	\$34,958,712	\$29,308,432

Section 297.20. SUBSIDY APPROPRIATION 106462

Upon approval by the Director of Budget and Management, 106463
the foregoing appropriation items shall be released to the Ohio 106464
History Connection in quarterly amounts that in total do not 106465
exceed the annual appropriations. The funds and fiscal records 106466
of the Ohio History Connection for fiscal year 2026 and fiscal 106467
year 2027 shall be examined by independent certified public 106468
accountants approved by the Auditor of State, and a copy of the 106469
audited financial statements shall be filed with the Office of 106470
Budget and Management. 106471

The foregoing appropriations shall be considered to be the 106472
contractual consideration provided by the state to support the 106473
state's offer to contract with the Ohio History Connection under 106474
section 149.30 of the Revised Code. 106475

UNESCO WORLD HERITAGE SITES 106476

The foregoing appropriation item 360402, UNESCO World 106477
Heritage Sites, shall be used for operating costs for approved 106478
United Nations Educational, Scientific and Cultural Organization 106479
(UNESCO) World Heritage sites in Ohio. 106480

STATE HISTORICAL GRANTS 106481

Of the foregoing appropriation item 360508, State 106482
Historical Grants, \$350,000 in each fiscal year shall be used 106483
for the Western Reserve Historical Society, and \$350,000 in each 106484
fiscal year shall be used for the Cincinnati Museum Center. 106485

OUTREACH AND PARTNERSHIP 106486

Of the foregoing appropriation item 360509, Outreach and 106487
Partnership, up to \$1,819,085 in each fiscal year shall be used 106488
for students and teachers to access the Ohio as America social 106489
studies curriculum in partnership with the Department of 106490
Education and Workforce. The Ohio History Connection shall 106491
report the number of students, teachers, and schools utilizing 106492
the curriculum to the Office of Budget and Management at the 106493
beginning of each quarter. 106494

Section 299.10. 106495
106496

1	2	3	4	5
A	REP OHIO HOUSE OF REPRESENTATIVES			
B	General Revenue Fund			
C	GRF 025321 Operating Expenses		\$37,300,000	\$37,300,000
D	General Revenue Fund Total		\$37,300,000	\$37,300,000
E	Internal Service Activity Fund Group			
F	1030 025601 House of Representatives		\$1,433,664	\$1,433,664
	Reimbursement			
G	4A40 025602 Miscellaneous Sales		\$50,000	\$50,000

H	Internal Service Activity Fund Group	\$1,483,664	\$1,483,664
	Total		
I	TOTAL ALL BUDGET FUND GROUPS	\$38,783,664	\$38,783,664

Section 299.20. OPERATING EXPENSES 106497

On July 1, 2025, or as soon as possible thereafter, the 106498
Chief Administrative Officer of the House of Representatives may 106499
certify to the Director of Budget and Management an amount up to 106500
the unexpended, unencumbered balance of the foregoing 106501
appropriation item 025321, Operating Expenses, at the end of 106502
fiscal year 2025 to be reappropriated to fiscal year 2026. The 106503
amount certified is hereby reappropriated to the same 106504
appropriation item for fiscal year 2026. 106505

On July 1, 2026, or as soon as possible thereafter, the 106506
Chief Administrative Officer of the House of Representatives may 106507
certify to the Director of Budget and Management an amount up to 106508
the unexpended, unencumbered balance of the foregoing 106509
appropriation item 025321, Operating Expenses, at the end of 106510
fiscal year 2026 to be reappropriated to fiscal year 2027. The 106511
amount certified is hereby reappropriated to the same 106512
appropriation item for fiscal year 2027. 106513

HOUSE REIMBURSEMENT 106514

If it is determined by the Chief Administrative Officer of 106515
the House of Representatives that additional appropriations are 106516
necessary for the foregoing appropriation item 025601, House of 106517
Representatives Reimbursement, the amounts are hereby 106518
appropriated. 106519

Section 301.10. 106520

106521

	1	2	3	4	5
A			HFA OHIO HOUSING FINANCE AGENCY		
B			Dedicated Purpose Fund Group		
C	5AZ0	997601	Housing Finance Agency Personal Services	\$18,900,000	\$19,600,000
D			Dedicated Purpose Fund Group Total	\$18,900,000	\$19,600,000
E			TOTAL ALL BUDGET FUND GROUPS	\$18,900,000	\$19,600,000

Section 303.10.

106522

106523

	1	2	3	4	5
A			IGO OFFICE OF THE INSPECTOR GENERAL		
B			General Revenue Fund		
C	GRF	965321	Operating Expenses	\$2,079,000	\$2,158,000
D			General Revenue Fund Total	\$2,079,000	\$2,158,000
E			Internal Service Activity Fund Group		
F	5FA0	965603	Deputy Inspector General for ODOT	\$400,000	\$400,000
G	5FT0	965604	Deputy Inspector General for BWC/OIC	\$425,000	\$425,000
H			Internal Service Activity Fund Group Total	\$825,000	\$825,000

I	TOTAL ALL BUDGET FUND GROUPS	\$2,904,000	\$2,983,000
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Section 305.10.

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A	INS DEPARTMENT OF INSURANCE
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B	Dedicated Purpose Fund Group
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C	5540 820401 Examination	\$11,242,604	\$11,690,798
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D	5540 820601 Operating Expenses - OSHIIP	\$400,670	\$414,002
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E	5540 820606 Operating Expenses	\$36,479,179	\$37,595,513
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F	Dedicated Purpose Fund Group Total	\$48,122,453	\$49,700,313
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G	Federal Fund Group
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H	3U50 820602 OSHIIP Operating Grant	\$3,050,000	\$3,050,000
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I	Federal Fund Group Total	\$3,050,000	\$3,050,000
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J	TOTAL ALL BUDGET FUND GROUPS	\$51,172,453	\$52,750,313
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Section 305.20. MARKET CONDUCT EXAMINATION

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When conducting a market conduct examination of any	106527
insurer doing business in this state, the Superintendent of	106528
Insurance may assess the costs of the examination against the	106529
insurer. The Superintendent may enter into consent agreements to	106530
impose administrative assessments or fines for conduct	106531
discovered that may be violations of statutes or rules	106532

administered by the Superintendent. All costs, assessments, or 106533
fines collected shall be deposited to the credit of the 106534
Department of Insurance Operating Fund (Fund 5540). 106535

Section 307.10.

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1	2	3	4	5
A	JFS DEPARTMENT OF JOB AND FAMILY SERVICES			
B	General Revenue Fund			
C	GRF	600410 TANF State Maintenance of Effort	\$147,169,083	\$147,169,083
D	GRF	600450 Program Operations	\$151,825,446	\$153,155,581
E	GRF	600502 Child Support - Local	\$26,400,000	\$26,400,000
F	GRF	600521 Family Assistance - Local	\$53,216,226	\$53,216,226
G	GRF	600533 Child, Family, and Community Protection Services	\$13,500,000	\$13,500,000
H	GRF	600534 Adult Protective Services	\$9,720,000	\$9,720,000
I	GRF	655425 Medicaid Program Support	\$15,779,739	\$16,393,535
J	GRF	655522 Medicaid Program Support - Local	\$49,000,000	\$49,000,000
K	GRF	655523 Medicaid Program Support - Local Transportation	\$43,530,000	\$43,530,000

L	General Revenue Fund Total	\$510,140,494	\$512,084,425
M	Dedicated Purpose Fund Group		
N	4A80 600658 Public Assistance Activities	\$21,400,000	\$21,400,000
O	4A90 600607 Unemployment Compensation Administration Fund	\$45,180,000	\$36,670,000
P	5CI1 6006B6 Utility Community Assistance	\$0	\$686,947
Q	5DM0 600633 Audit Settlements and Contingency	\$1,000,000	\$1,000,000
R	5ES0 600630 Food Bank Assistance	\$500,000	\$500,000
S	5M40 6006B2 Low Income Energy Assistance	\$0	\$176,222,102
T	5RX0 600699 Workforce Development Projects	\$1,500,000	\$1,500,000
U	5RY0 600698 Human Services Project	\$15,000,000	\$15,000,000
V	Dedicated Purpose Fund Group Total	\$84,580,000	\$252,979,049
W	Internal Service Activity Fund Group		
X	5HL0 600602 State and County Shared Services	\$2,000,000	\$2,000,000
Y	5WU0 6006C2 Ohio Benefits	\$0	\$169,005,914

Z Internal Service Activity Fund Group	\$2,000,000	\$171,005,914
Total		
AA Fiduciary Fund Group		
AB 1920 600646 Child Support Intercept- Federal	\$100,000,000	\$100,000,000
AC 5830 600642 Child Support Intercept- State	\$13,000,000	\$13,000,000
AD 5B60 600601 Food Assistance Intercept	\$9,000,000	\$9,000,000
AE Fiduciary Fund Group Total	\$122,000,000	\$122,000,000
AF Holding Account Fund Group		
AG R012 600643 Refunds and Audit Settlements	\$500,000	\$500,000
AH Holding Account Fund Group Total	\$500,000	\$500,000
AI Federal Fund Group		
AJ 3310 600615 Veterans Programs	\$9,729,693	\$10,046,576
AK 3310 600624 Employment Services	\$33,757,412	\$33,361,820
AL 3310 600686 Workforce Programs	\$3,726,601	\$3,831,863
AM 3840 600610 Food Assistance Programs	\$353,577,548	\$355,477,007
AN 3850 600614 Refugee Services	\$43,221,914	\$47,817,949
AO 3950 600616 Federal Discretionary	\$4,500,000	\$4,500,000

		Grants		
AP 3960	600620	Social Services Block Grant	\$38,100,747	\$38,339,506
AQ 3970	600626	Child Support - Federal	\$206,615,245	\$206,484,306
AR 3F01	655624	Medicaid Program Support - Federal	\$221,532,699	\$222,146,496
AS 3FI0	6006B4	Home Weatherization Program	\$0	\$45,000,000
AT 3K90	6006B3	Home Energy Assistance Block Grant	\$0	\$180,000,000
AU 3K90	6006B7	HEAP Weatherization	\$0	\$44,000,000
AV 3L00	6006B8	Community Services Block Grant	\$0	\$32,000,000
AW 3S50	600622	Child Support Projects	\$539,000	\$539,000
AX 3V00	600688	Workforce Innovation and Opportunity Act Programs	\$165,467,651	\$172,078,185
AY 3V40	600632	Trade Programs	\$3,001,000	\$3,001,000
AZ 3V40	600678	Federal Unemployment Programs	\$122,666,388	\$125,686,620
BA 3V40	600679	Unemployment Compensation Review Commission-Federal	\$6,068,609	\$6,249,573
BB 3V60	600689	TANF Block Grant	\$561,481,981	\$561,481,981

BC Federal Fund Group Total	\$1,773,986,488	\$2,092,041,882
BD TOTAL ALL BUDGET FUND GROUPS	\$2,493,206,982	\$3,150,611,270

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 106538

(A) The foregoing appropriation item 600521, Family 106539
Assistance - Local, may be provided to county departments of job 106540
and family services to administer food assistance and disability 106541
assistance programs. 106542

(B) Of the foregoing appropriation item 600521, Family 106543
Assistance -Local, an additional \$2,500,000 in each fiscal year 106544
shall be provided to assist county departments that submit an 106545
approved plan on increasing fraud prevention, early detection of 106546
fraud, and investigations on potential fraud that may be 106547
occurring in public assistance programs. 106548

(C) The foregoing appropriation item 655522, Medicaid 106549
Program Support - Local, shall be provided to county departments 106550
of job and family services to administer the Medicaid program 106551
and the State Children's Health Insurance program. 106552

(D) At the request of the Director of Job and Family 106553
Services, the Director of Budget and Management may transfer 106554
appropriations between the following appropriation items to 106555
ensure county administrative funds are expended from the proper 106556
appropriation item: 106557

(1) Appropriation item 600521, Family Assistance - Local, 106558
and appropriation item 655522, Medicaid Program Support - Local; 106559
and 106560

(2) Appropriation item 655523, Medicaid Program Support - 106561
Local Transportation, and appropriation item 655522, Medicaid 106562

Program Support - Local. 106563

Section 307.30. NAME OF FOOD STAMP PROGRAM 106564

The Director of Job and Family Services is not required to 106565
amend rules regarding the Food Stamp Program to change the name 106566
of the program to the Supplemental Nutrition Assistance Program. 106567
The Director may refer to the program as the Food Stamp Program, 106568
the Supplemental Nutrition Assistance Program, or the Food 106569
Assistance Program in rules and documents of the Department of 106570
Job and Family Services. 106571

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 106572

Of the foregoing appropriation items 600410, TANF State 106573
Maintenance of Effort, 600658, Public Assistance Activities, and 106574
600689, TANF Block Grant, a total of up to \$22,050,000 in each 106575
fiscal year shall be used to provide funds to the Ohio 106576
Association of Food Banks to purchase and distribute food 106577
products, support Innovative Summer Meals programs for children, 106578
provide SNAP outreach and free tax filing services, and provide 106579
capacity building equipment for food pantries and soup kitchens. 106580

Notwithstanding section 5101.46 of the Revised Code and 106581
any other provision in this act, the Director of Job and Family 106582
Services shall provide assistance from eligible funds to the 106583
Ohio Association of Food Banks in an amount not less than 106584
\$24,550,000 in each fiscal year. This amount includes the funds 106585
designated to the Ohio Association of Food Banks in the first 106586
paragraph of this section. 106587

Eligible nonfederal expenditures made by member food banks 106588
of the Association shall be counted by the Department of Job and 106589
Family Services toward the TANF maintenance of effort 106590
requirements of 42 U.S.C. 609(a)(7). The Director of Job and 106591

Family Services shall enter into an agreement with the Ohio 106592
Association of Food Banks, in accordance with sections 5101.80 106593
and 5101.801 of the Revised Code, to carry out the requirements 106594
under this section. 106595

Section 307.50. OHIO ASSOCIATION OF FOODBANKS SUBGRANT 106596

The Department of Job and Family Services shall enter into 106597
a subgrant agreement with the Ohio Association of Foodbanks to 106598
enable the Association to provide food distribution to low- 106599
income families and individuals via the statewide charitable 106600
emergency food provider network and to support transportation of 106601
meals for the Governor's Office of Faith-Based and Community 106602
Initiatives Innovative Summer Meals programs for children and 106603
provide capacity building equipment for food pantries and soup 106604
kitchens. 106605

The Ohio Association of Foodbanks shall do all of the 106606
following: 106607

(A) Purchase food for the Agriculture Clearance and Ohio 106608
Food Programs. Information regarding the food purchase shall be 106609
reflected in the plan for statewide distribution of food 106610
products to local food distribution agencies. 106611

(B) Support the Capacity Building Grant program and 106612
purchase equipment for partner agencies that is needed to 106613
increase their capacity to serve more families eligible under 106614
the Temporary Assistance for Needy Families program with 106615
perishable foods, fruits, and vegetables. This equipment 106616
purchase shall include, but is not limited to, shelving, pallet 106617
jacks, commercial refrigerators, and commercial freezers. 106618

(C) Submit a quarterly report to the Department of Job and 106619
Family Services not later than sixty days after the close of the 106620

quarter to which the report pertains. The quarterly report shall 106621
include all of the following: 106622

(1) A summary of the allocation and expenditure of grant 106623
funds; 106624

(2) Product type and pounds distributed by foodbank 106625
service region and county; 106626

(3) The number of households, households with children, a 106627
breakdown of individuals served by age, including those over the 106628
age of sixty, those between the ages of nineteen and fifty-nine, 106629
and those up to the age of eighteen, and the number of meals 106630
served. 106631

(D) Submit an annual report to the Agreement Manager at 106632
the Department of Job and Family Services not later than one 106633
hundred twenty days after the end of the fiscal year. The annual 106634
report shall include the following: 106635

(1) A summary of the allocation and expenditure of grant 106636
funds; 106637

(2) The number of households, households with children, a 106638
breakdown of individuals served by age, including those over the 106639
age of sixty, those between the ages of nineteen and fifty-nine, 106640
and those up to the age of eighteen, and the number of meals 106641
served. 106642

(3) The quantity and type of food distributed and the 106643
total per pound cost of the food purchased; 106644

(4) Information on the cost of storage, transportation, 106645
and processing; 106646

(5) An evaluation of the success in achieving expected 106647
performance outcomes. 106648

Section 307.60. FOOD STAMPS TRANSFER 106649

On July 1, 2025, or as soon as possible thereafter, and 106650
upon request of the Director of Job and Family Services, the 106651
Director of Budget and Management may transfer up to \$1,000,000 106652
cash from the Food Stamp Offset Fund (Fund 5B60), to the Food 106653
Assistance Fund (Fund 5ES0). 106654

Section 307.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 106655

The foregoing appropriation item 600658, Public Assistance 106656
Activities, shall be used by the Department of Job and Family 106657
Services to meet the TANF maintenance of effort requirements of 106658
42 U.S.C. 609(a)(7). When the state is assured that it will meet 106659
the maintenance of effort requirement, the Department of Job and 106660
Family Services may use funds from appropriation item 600658, 106661
Public Assistance Activities, to support public assistance 106662
activities. 106663

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 106664
FUNDS 106665

Of the foregoing appropriation items 600410, TANF State 106666
Maintenance of Effort, and 600689, TANF Block Grant, up to 106667
\$13,535,000 in each fiscal year shall be used, in accordance 106668
with sections 5101.80 and 5101.801 of the Revised Code, to 106669
provide support to programs or organizations that provide 106670
services that align with the mission and goals of the Governor's 106671
Office of Faith-Based and Community Initiatives, as outlined in 106672
section 107.12 of the Revised Code, and that further at least 106673
one of the four purposes of the TANF program, as specified in 42 106674
U.S.C. 601. 106675

Of the foregoing appropriation items 600410, TANF State 106676
Maintenance of Effort, and 600689, TANF Block Grant, \$12,500,000 106677

in each fiscal year shall be provided, in accordance with 106678
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 106679
Alliance of Boys and Girls Clubs to provide after-school and 106680
summer programs that protect at-risk children and enable youth 106681
to become responsible adults. Not less than \$150,000 in each 106682
fiscal year shall be provided to the Boys and Girls Club of 106683
Massillon. 106684

Of the foregoing appropriation item 600689, TANF Block 106685
Grant, \$3,750,000 in each fiscal year shall be provided, in 106686
accordance with sections 5101.80 and 5101.801 of the Revised 106687
Code, to the Children's Hunger Alliance to assist with meal 106688
sponsorship, early child care programs, child care, 106689
consultations and nutrition education, school district nutrition 106690
programs, after school nutrition programs, and summer nutrition 106691
programs. 106692

Of the foregoing appropriation item 600689, TANF Block 106693
Grant, up to \$2,000,000 in each fiscal year shall be provided, 106694
in accordance with sections 5101.80 and 5101.801 of the Revised 106695
Code, to the Ohio Community Action Training Organization for car 106696
repair services to TANF eligible individuals. 106697

Of the foregoing appropriation item, 600689, TANF Block 106698
Grant, up to \$2,000,000 in each fiscal year shall be provided, 106699
in accordance with sections 5101.80 and 5101.801 of the Revised 106700
Code, to the Siemer Institute to support family stability 106701
programs in collaboration with United Way affiliates. 106702

Of the foregoing appropriation item 600689, TANF Block 106703
Grant, \$1,500,000 in each fiscal year shall be provided, in 106704
accordance with sections 5101.80 and 5101.801 of the Revised 106705
Code, to the Ohio Council of YWCAs to support child care, food 106706
programs for youth and families, educational opportunities for 106707

at-risk youth, trauma-informed support, violence prevention, and 106708
food insecurity. 106709

Of the foregoing appropriation item 600689, TANF Block 106710
Grant, \$1,000,000 in each fiscal year shall be provided, in 106711
accordance with sections 5101.80 and 5101.801 of the Revised 106712
Code, to Big Brothers Big Sisters of Central Ohio to provide 106713
mentoring services to children throughout the state who have 106714
experienced trauma in their lives, including parental 106715
incarceration. 106716

Of the foregoing appropriation item 600689, TANF Block 106717
Grant, \$250,000 in each fiscal year shall be provided to the 106718
Toledo Seagate Foodbank, in accordance with sections 5101.80 and 106719
5101.801 of the Revised Code. 106720

Of the foregoing appropriation item 600689, TANF Block 106721
Grant, \$250,000 in each fiscal year shall be provided, in 106722
accordance with sections 5101.80 and 5101.801 of the Revised 106723
Code, to Ethiopian Tewahedo Social Services to expand and 106724
support out-of-school programs and employment services programs. 106725

Of the foregoing appropriation item 600689, TANF Block 106726
Grant, \$200,000 in each fiscal year shall be provided, in 106727
accordance with sections 5101.80 and 5101.801 of the Revised 106728
Code, to Marriage Works! Ohio in Dayton. 106729

Section 307.90. PROGRAM OPERATIONS 106730

Of the foregoing appropriation item 600450, Program 106731
Operations, \$5,000,000 in each fiscal year shall be allocated 106732
for the GRIT program to be administered by the Department of Job 106733
and Family Services, in coordination with the Governor's Office 106734
of Appalachia and the Department of Development. The program 106735
shall expand the qualified worker pipeline, remove barriers to 106736

fill local and remote jobs, and promote entrepreneurial 106737
endeavors in economically distressed and at-risk areas within 106738
the Appalachian region of Ohio, as defined in section 107.21 of 106739
the Revised Code, and other like counties within the state. The 106740
amount set aside for the GRIT program under this section shall 106741
be used for the following: 106742

(A) To establish, in collaboration with private businesses 106743
and public sector partners, virtual workforce development 106744
centers and supportive resources and to place unemployed and 106745
underemployed youth and adults into jobs; 106746

(B) To support assessment, coaching, wraparound services, 106747
and other career development and training activities for both 106748
high school youth and adults. 106749

The amount set aside for the GRIT program under this 106750
section may be used for operating costs. 106751

Section 307.100. CHILD, FAMILY, AND COMMUNITY PROTECTION 106752
SERVICES 106753

(A) The foregoing appropriation item 600533, Child, 106754
Family, and Community Protection Services, shall be distributed 106755
to county departments of job and family services. County 106756
departments shall use the funds distributed to them under this 106757
section as follows, in accordance with the written plan of 106758
cooperation entered into under section 307.983 of the Revised 106759
Code: 106760

(1) To assist individuals in achieving or maintaining 106761
self-sufficiency, including by reducing or preventing dependency 106762
among individuals with family income not exceeding two hundred 106763
per cent of the federal poverty guidelines; 106764

(2) Subject to division (B) of this section, to respond to 106765

reports of abuse, neglect, or exploitation of children and 106766
adults, including through the differential response approach 106767
program; 106768

(3) To provide outreach and referral services regarding 106769
home and community-based services to individuals at risk of 106770
placement in a group home or institution, regardless of the 106771
individuals' family income and without need for a written 106772
application; 106773

(4) To provide outreach, referral, application assistance, 106774
and other services to assist individuals to receive assistance, 106775
benefits, or services under Medicaid; Title IV-A programs, as 106776
defined in section 5101.80 of the Revised Code; the Supplemental 106777
Nutrition Assistance Program; and other public assistance 106778
programs. 106779

(B) Protective services may be provided to a child or 106780
adult as part of a response, under division (A)(2) of this 106781
section, to a report of abuse, neglect, or exploitation without 106782
regard to a child or adult's family income and without need for 106783
a written application. The protective services may be provided 106784
if the case record documents circumstances of actual or 106785
potential abuse, neglect, or exploitation. 106786

Section 307.110. ADULT PROTECTIVE SERVICES 106787

Of the foregoing appropriation item 600534, Adult 106788
Protective Services, \$7,040,000 in each fiscal year shall be 106789
used to provide an initial allocation of \$80,000 to each county. 106790
The remainder of appropriation item 600534 shall be provided to 106791
counties in accordance with the formula established in section 106792
5101.612 of the Revised Code. 106793

Section 307.120. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 106794

The Fiduciary Fund Group and Holding Account Fund Group 106795
shall be used to hold revenues until the appropriate fund is 106796
determined or until the revenues are directed to the appropriate 106797
governmental agency other than the Department of Job and Family 106798
Services. Any Department of Job and Family Services refunds or 106799
reconciliations received or held by the Department of Medicaid 106800
shall be transferred or credited to the Refunds and Audit 106801
Settlement Fund (Fund R012). If receipts credited to the Support 106802
Intercept - Federal Fund (Fund 1920), the Support Intercept - 106803
State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), 106804
or the Refunds and Audit Settlements Fund (Fund R012) exceed the 106805
amounts appropriated from the fund, the Director of Job and 106806
Family Services may request the Director of Budget and 106807
Management to authorize expenditures from the fund in excess of 106808
the amounts appropriated. Upon the approval of the Director of 106809
Budget and Management, the additional amounts are hereby 106810
appropriated. 106811

Section 307.130. HEAP WEATHERIZATION 106812

Up to twenty-five per cent of the federal funds deposited 106813
to the credit of the Home Energy Assistance Block Grant (Fund 106814
3K90) may be expended from appropriation item 6006B7, HEAP 106815
Weatherization, to provide home weatherization services in the 106816
state as determined by the Director of Job and Family Services. 106817

Section 307.140. SUMMER ELECTRONIC BENEFITS TRANSFER FOR 106818
CHILDREN FUND 106819

(A) The Summer Electronic Benefits Transfer for Children 106820
Fund is created, which shall be in the custody of the Treasurer 106821
of State but shall not be part of the state treasury. The fund 106822
shall consist of all money awarded by the United States 106823
Department of Agriculture as benefits under 42 U.S.C. 1762. All 106824

money in the fund shall be used by the Director of Job and 106825
Family Services solely for the purpose of paying eligible 106826
charges incurred by children and families eligible for, and 106827
participating in, the Summer Electronic Benefits Transfer for 106828
Children Program. 106829

(B) On or before August 1 of each fiscal year, the 106830
Director shall submit to the Governor, the Director of Budget 106831
and Management, the President of the Senate, the Speaker of the 106832
House of Representatives, the Minority Leader of the Senate, and 106833
the Minority Leader of the House of Representatives information 106834
regarding the Summer Electronic Benefits Transfer for Children 106835
Program created under 42 U.S.C. 1762, including the amount of 106836
federal funding received for the program in the previous fiscal 106837
year. 106838

Section 307.150. WORK REQUIREMENTS 106839

The Director of Job and Family Services may refer Ohio 106840
Works First and Supplemental Nutrition Assistance Program 106841
participants who have indicated that they have a mental or 106842
physical illness or impairment to the agency for vocational 106843
rehabilitation assessment and support services. Such 106844
participants must continue with vocational rehabilitation 106845
services pursuant to this section in order to meet Ohio Works 106846
First and Supplemental Nutrition Assistance Program work 106847
requirements, unless they are determined unable to work by the 106848
Opportunities for Ohioans with Disabilities agency, or otherwise 106849
meet minimum program work requirements. Participants who are not 106850
determined unable to work by the Opportunities for Ohioans with 106851
Disabilities agency and who do not participate with vocational 106852
rehabilitation services pursuant to this section or otherwise 106853
meet minimum program work requirements will have benefits 106854

terminated in accordance with federal regulations. 106855

Section 309.10. 106856

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A	JCR JOINT COMMITTEE ON AGENCY RULE REVIEW			
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B	General Revenue Fund			
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C	GRF 029321 Operating Expenses	\$620,000	\$620,000	
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D	General Revenue Fund Total	\$620,000	\$620,000	
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E	TOTAL ALL BUDGET FUND GROUPS	\$620,000	\$620,000	
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Section 309.20. 106858

OPERATING GUIDANCE 106859

The Legislative Service Commission shall act as fiscal 106860
agent for the Joint Committee on Agency Rule Review. Members of 106861
the Committee shall be paid in accordance with section 101.35 of 106862
the Revised Code. 106863

OPERATING EXPENSES 106864

On July 1, 2025, or as soon as possible thereafter, the 106865
Executive Director of the Joint Committee on Agency Rule Review 106866
may certify to the Director of Budget and Management an amount 106867
up to the unexpended, unencumbered balance of the foregoing 106868
appropriation item 029321, Operating Expenses, at the end of 106869
fiscal year 2025 to be reappropriated to fiscal year 2026. The 106870
amount certified is hereby reappropriated to the same 106871
appropriation item for fiscal year 2026. 106872

On July 1, 2026, or as soon as possible thereafter, the 106873

Executive Director of the Joint Committee on Agency Rule Review 106874
may certify to the Director of Budget and Management an amount 106875
up to the unexpended, unencumbered balance of the foregoing 106876
appropriation item 029321, Operating Expenses, at the end of 106877
fiscal year 2026 to be reappropriated to fiscal year 2027. The 106878
amount certified is hereby reappropriated to the same 106879
appropriation item for fiscal year 2027. 106880

Section 313.10.

106881
106882

	1	2	3	4	5
A			JMO JOINT MEDICAID OVERSIGHT COMMITTEE		
B			General Revenue Fund		
C	GRF	048321	Operating Expenses	\$530,532	\$654,606
D			General Revenue Fund Total	\$530,532	\$654,606
E			TOTAL ALL BUDGET FUND GROUPS	\$530,532	\$654,606

Section 313.20.

106883

OPERATING EXPENSES

106884

The foregoing appropriation item 048321, Operating 106885
Expenses, shall be used to support expenses related to the Joint 106886
Medicaid Oversight Committee created by section 103.41 of the 106887
Revised Code. 106888

On July 1, 2025, or as soon as possible thereafter, the 106889
Executive Director of the Joint Medicaid Oversight Committee may 106890
certify to the Director of Budget and Management an amount up to 106891
the unexpended, unencumbered balance of the foregoing 106892

appropriation item 048321, Operating Expenses, at the end of 106893
fiscal year 2025 to be reappropriated to fiscal year 2026. The 106894
amount certified is hereby reappropriated to the same 106895
appropriation item for fiscal year 2026. 106896

On July 1, 2026, or as soon as possible thereafter, the 106897
Executive Director of the Joint Medicaid Oversight Committee may 106898
certify to the Director of Budget and Management an amount up to 106899
the unexpended, unencumbered balance of the foregoing 106900
appropriation item 048321, Operating Expenses, at the end of 106901
fiscal year 2026 to be reappropriated to fiscal year 2027. The 106902
amount certified is hereby reappropriated to the same 106903
appropriation item for fiscal year 2027. 106904

Section 315.10.

106905

106906

1	2	3	4	5
A	JCO JUDICIAL CONFERENCE OF OHIO			
B	General Revenue Fund			
C	GRF 018321 Operating Expenses		\$1,398,265	\$1,475,131
D	General Revenue Fund Total		\$1,398,265	\$1,475,131
E	Dedicated Purpose Fund Group			
F	4030 018601 Ohio Jury Instructions		\$746,000	\$814,899
G	Dedicated Purpose Fund Group Total		\$746,000	\$814,899
H	TOTAL ALL BUDGET FUND GROUPS		\$2,144,265	\$2,290,030

Section 315.20.

106907

STATE COUNCIL OF UNIFORM STATE LAWS 106908

Notwithstanding section 105.26 of the Revised Code, of the 106909
foregoing appropriation item 018321, Operating Expenses, up to 106910
\$103,315 in fiscal year 2026 and up to \$108,481 in fiscal year 106911
2027 shall be used to pay the expenses of the State Council of 106912
Uniform State Laws, including membership dues to the National 106913
Conference of Commissioners on Uniform State Laws. 106914

OHIO JURY INSTRUCTIONS FUND 106915

The Ohio Jury Instructions Fund (Fund 4030) shall consist 106916
of grants, royalties, dues, conference fees, bequests, devises, 106917
and other gifts received for the purpose of supporting costs 106918
incurred by the Judicial Conference of Ohio in its activities as 106919
a part of the judicial system of the state as determined by the 106920
Judicial Conference Executive Committee. Fund 4030 shall be used 106921
by the Judicial Conference of Ohio to pay expenses incurred in 106922
its activities as a part of the judicial system of the state as 106923
determined by the Judicial Conference Executive Committee. All 106924
moneys accruing to Fund 4030 in excess of the amount 106925
appropriated for the current fiscal year are hereby appropriated 106926
for the purposes authorized. No money in Fund 4030 shall be 106927
transferred to any other fund by the Director of Budget and 106928
Management or the Controlling Board. 106929

Section 317.10. 106930
106931

1 2 3 4 5

A JSC THE JUDICIARY/SUPREME COURT

B General Revenue Fund

C	GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$213,543,246	\$220,494,519
D	GRF	005401	State Criminal Sentencing Commission	\$1,506,142	\$1,601,731
E	GRF	005406	Law-Related Education	\$250,000	\$250,000
F	GRF	005409	Ohio Courts Technology Initiative	\$4,505,000	\$4,505,000
G			General Revenue Fund Total	\$219,804,388	\$226,851,250
H			Dedicated Purpose Fund Group		
I	4C80	005605	Attorney Services	\$10,718,083	\$10,721,022
J	5HT0	005617	Court Interpreter Certification	\$9,000	\$9,000
K	5SP0	005626	Civil Justice Grant Program	\$425,000	\$425,000
L	5T80	005609	Grants and Awards	\$1,000	\$1,000
M	6720	005601	Continuing Judicial Education	\$37,500	\$37,500
N			Dedicated Purpose Fund Group Total	\$11,190,583	\$11,193,522
O			Fiduciary Fund Group		
P	5JY0	005620	County Law Library Resources Boards	\$313,800	\$318,500

Q	Fiduciary Fund Group Total	\$313,800	\$318,500
R	Federal Fund Group		
S	3J00 005603 Federal Grants	\$1,810,907	\$1,157,600
T	Federal Fund Group Total	\$1,810,907	\$1,157,600
U	TOTAL ALL BUDGET FUND GROUPS	\$233,119,678	\$239,520,872

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 106932

The foregoing appropriation item 005401, State Criminal 106933
Sentencing Commission, shall be used for the operation of the 106934
State Criminal Sentencing Commission established by section 106935
181.21 of the Revised Code. 106936

LAW-RELATED EDUCATION 106937

Of the foregoing appropriation item 005406, Law-Related 106938
Education, \$250,000 in each fiscal year shall be distributed 106939
directly to the Ohio Center for Law-Related Education for the 106940
purposes of providing continuing citizenship education 106941
activities to primary and secondary students, expanding 106942
delinquency prevention programs, increasing activities for at- 106943
risk youth, and accessing additional public and private money 106944
for new programs. 106945

OHIO COURTS TECHNOLOGY INITIATIVE 106946

The foregoing appropriation item 005409, Ohio Courts 106947
Technology Initiative, shall be used to fund an initiative by 106948
the Supreme Court to facilitate the exchange of information and 106949
warehousing of data by and between Ohio courts and other justice 106950
system partners through the maintenance of an Ohio Courts 106951

Network, the delivery of technology services to courts 106952
throughout the state, including the provision of hardware, 106953
software, and the development and implementation of educational 106954
and training programs for judges and court personnel, and 106955
operation of the Commission on Technology and the Courts by the 106956
Supreme Court for the promulgation of statewide rules, policies, 106957
and uniform standards, and to aid in the orderly adoption and 106958
comprehensive use of technology in Ohio courts. 106959

ATTORNEY SERVICES 106960

The Attorney Registration Fund (Fund 4C80) shall consist 106961
of money received by the Supreme Court (The Judiciary) pursuant 106962
to the Rules for the Government of the Bar of Ohio. In addition 106963
to funding other activities considered appropriate by the 106964
Supreme Court, the foregoing appropriation item 005605, Attorney 106965
Services, may be used to compensate employees and to fund 106966
appropriate activities of the following offices established by 106967
the Supreme Court: the Office of Disciplinary Counsel, the Board 106968
of Commissioners on Grievances and Discipline, the Clients' 106969
Security Fund, and the Attorney Services Division which include 106970
the Office of Bar Admissions. If it is determined by the 106971
Administrative Director of the Supreme Court that changes to the 106972
appropriation are necessary, the amounts are hereby 106973
appropriated. 106974

No money in Fund 4C80 shall be transferred to any other 106975
fund by the Director of Budget and Management or the Controlling 106976
Board. Interest earned on money in Fund 4C80 shall be credited 106977
to the fund. 106978

COURT INTERPRETER CERTIFICATION 106979

The Court Interpreter Certification Fund (Fund 5HT0) shall 106980

consist of money received by the Supreme Court (The Judiciary) 106981
pursuant to Rules 80 through 87 of the Rules of Superintendence 106982
for the Courts of Ohio. The foregoing appropriation item 005617, 106983
Court Interpreter Certification, shall be used to provide 106984
training, to provide the written examination, and to pay 106985
language experts to rate, or grade, the oral examinations of 106986
those applying to become certified court interpreters. If it is 106987
determined by the Administrative Director of the Supreme Court 106988
that changes to the appropriation are necessary, the amounts are 106989
hereby appropriated. 106990

No money in Fund 5HT0 shall be transferred to any other 106991
fund by the Director of Budget and Management or the Controlling 106992
Board. Interest earned on money in Fund 5HT0 shall be credited 106993
to the fund. 106994

CIVIL JUSTICE GRANT PROGRAM 106995

The Civil Justice Program Fund (Fund 5SP0) shall consist 106996
of (1) \$50 voluntary donations made as part of the biennium 106997
attorney registration process and (2) \$150 of the pro hac vice 106998
fees for out-of-state attorneys pursuant to Government of the 106999
Bar Rule amendments. The foregoing appropriation item 005626, 107000
Civil Justice Grant Program, shall be used by the Supreme Court 107001
of Ohio for grants to not-for-profit organizations and agencies 107002
dedicated to providing civil legal aid to underserved 107003
populations, to fund innovative programs directed at this 107004
purpose, and to increase access to judicial service to that 107005
population. If it is determined by the Administrative Director 107006
of the Supreme Court that changes to the appropriation are 107007
necessary, the amounts are hereby appropriated. 107008

No money in Fund 5SP0 shall be transferred to any other 107009
fund by the Director of Budget and Management or the Controlling 107010

Board. Interest earned on money in Fund 5SP0 shall be credited 107011
to the fund. 107012

GRANTS AND AWARDS 107013

The Grants and Awards Fund (Fund 5T80) shall consist of 107014
grants and other money awarded to the Supreme Court (The 107015
Judiciary) by the State Justice Institute, the Division of 107016
Criminal Justice Services, or other entities. The foregoing 107017
appropriation item 005609, Grants and Awards, shall be used in a 107018
manner consistent with the purpose of the grant or award. If it 107019
is determined by the Administrative Director of the Supreme 107020
Court that changes to the appropriation are necessary, the 107021
amounts are hereby appropriated. 107022

No money in Fund 5T80 shall be transferred to any other 107023
fund by the Director of Budget and Management or the Controlling 107024
Board. Interest earned on money in Fund 5T80 shall be credited 107025
or transferred to the General Revenue Fund. 107026

JUDICIARY/SUPREME COURT EDUCATION 107027

The Judiciary/Supreme Court Education Fund (Fund 6720) 107028
shall consist of fees paid for attending judicial and public 107029
education on the law, reimbursement of costs for judicial and 107030
public education on the law, and other gifts and grants received 107031
for the purpose of judicial and public education on the law. The 107032
foregoing appropriation item 005601, Continuing Judicial 107033
Education, shall be used to pay expenses for judicial education 107034
courses for judges, court personnel, and those who serve the 107035
courts, and for public education on the law. If it is determined 107036
by the Administrative Director of the Supreme Court that changes 107037
to the appropriation are necessary, the amounts are hereby 107038
appropriated. 107039

No money in Fund 6720 shall be transferred to any other 107040
fund by the Director of Budget and Management or the Controlling 107041
Board. Interest earned on money in Fund 6720 shall be credited 107042
to the fund. 107043

COUNTY LAW LIBRARY RESOURCES BOARDS 107044

The Statewide Consortium of County Law Library Resources 107045
Boards Fund (Fund 5JY0) shall consist of moneys deposited 107046
pursuant to section 307.515 of the Revised Code into a county's 107047
law library resources fund and forwarded by that county's 107048
treasurer for deposit in the state treasury pursuant to division 107049
(E) (1) of section 3375.481 of the Revised Code. The foregoing 107050
appropriation item 005620, County Law Library Resources Boards, 107051
shall be used for the operation of the Statewide Consortium of 107052
County Law Library Resources Boards. If it is determined by the 107053
Administrative Director of the Supreme Court that changes to the 107054
appropriation are necessary, the amounts are hereby 107055
appropriated. 107056

No money in Fund 5JY0 shall be transferred to any other 107057
fund by the Director of Budget and Management or the Controlling 107058
Board. Interest earned on money in Fund 5JY0 shall be credited 107059
to the fund. 107060

FEDERAL GRANTS 107061

The Federal Grants Fund (Fund 3J00) shall consist of 107062
grants and other moneys awarded to the Supreme Court (The 107063
Judiciary) by the United States Government or other entities 107064
that receive the moneys directly from the United States 107065
Government and distribute those moneys to the Supreme Court (The 107066
Judiciary). The foregoing appropriation item 005603, Federal 107067
Grants, shall be used in a manner consistent with the purpose of 107068

the grant or award. If it is determined by the Administrative 107069
Director of the Supreme Court that changes to the appropriation 107070
are necessary, the amounts are hereby appropriated. 107071

No money in Fund 3J00 shall be transferred to any other 107072
fund by the Director of Budget and Management or the Controlling 107073
Board. However, interest earned on money in Fund 3J00 shall be 107074
credited or transferred to the General Revenue Fund. 107075

Section 319.10. 107076
107077

	1	2	3	4	5
A	LEC LAKE ERIE COMMISSION				
B	Dedicated Purpose Fund Group				
C	4C00	780601	Lake Erie Protection	\$900,000	\$940,000
D	6H20	780604	H2Ohio	\$132,000	\$132,000
E	Dedicated Purpose Fund Group Total			\$1,032,000	\$1,072,000
F	Federal Fund Group				
G	3EP0	780603	LEC Federal Grants	\$1,140,000	\$1,140,000
H	Federal Fund Group Total			\$1,140,000	\$1,140,000
I	TOTAL ALL BUDGET FUND GROUPS			\$2,172,000	\$2,212,000

Section 319.20. 107078

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 107079

On July 1 of each fiscal year, or as soon as possible 107080
thereafter, the Director of Budget and Management may transfer 107081

cash from the funds specified below, up to the amounts specified 107082
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 107083
may accept contributions and transfers made to the fund. 107084
107085

1	2	3	4	5
A	Fund	Fund Name	User	FY 2026 FY 2027
B	5BC0	Environmental Protection	Environmental Protection Agency	\$25,000 \$25,000
C	6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000 \$25,000
D	4700	General Operations	Department of Health	\$25,000 \$25,000
E	1570	Program Support	Department of Natural Resources	\$25,000 \$25,000
F	7002	Highway Operating	Department of Transportation	\$25,000 \$25,000
G	1350	Supportive Services	Department of Development	\$25,000 \$25,000

Section 321.10. 107086
107087

1	2	3	4	5
A		JLE JOINT LEGISLATIVE ETHICS COMMITTEE		
B	General Revenue Fund			

C	GRF 028321 Legislative Ethics Committee	\$713,000	\$713,000
D	General Revenue Fund Total	\$713,000	\$713,000
E	Dedicated Purpose Fund Group		
F	4G70 028601 Joint Legislative Ethics Committee	\$150,000	\$150,000
G	5HN0 028602 Investigations and Financial Disclosure	\$10,000	\$10,000
H	Dedicated Purpose Fund Group Total	\$160,000	\$160,000
I	TOTAL ALL BUDGET FUND GROUPS	\$873,000	\$873,000

Section 321.20. LEGISLATIVE ETHICS COMMITTEE 107088

On July 1, 2025, or as soon as possible thereafter, the 107089
Legislative Inspector General of the Joint Legislative Ethics 107090
Committee may certify to the Director of Budget and Management 107091
an amount up to the unexpended, unencumbered balance of the 107092
foregoing appropriation item 028321, Legislative Ethics 107093
Committee, at the end of fiscal year 2025 to be reappropriated 107094
to fiscal year 2026. The amount certified is hereby 107095
reappropriated to the same appropriation item for fiscal year 107096
2026. 107097

On July 1, 2026, or as soon as possible thereafter, the 107098
Legislative Inspector General of the Joint Legislative Ethics 107099
Committee may certify to the Director of Budget and Management 107100
an amount up to the unexpended, unencumbered balance of the 107101
foregoing appropriation item 028321, Legislative Ethics 107102

Committee, at the end of fiscal year 2026 to be reappropriated 107103
to fiscal year 2027. The amount certified is hereby 107104
reappropriated to the same appropriation item for fiscal year 107105
2027. 107106

Section 323.10.

107107

107108

	1	2	3	4	5
A			LSC LEGISLATIVE SERVICE COMMISSION		
B			General Revenue Fund		
C	GRF	035321	Operating Expenses	\$24,800,000	\$24,800,000
D	GRF	035402	Legislative Fellows	\$1,200,000	\$1,200,000
E	GRF	035405	Correctional Institution Inspection Committee	\$497,000	\$522,000
F	GRF	035407	Legislative Task Force on Redistricting	\$100,000	\$0
G	GRF	035409	National Associations	\$712,000	\$712,000
H	GRF	035410	Legislative Information Systems	\$15,000,000	\$15,000,000
I	GRF	035501	Litigation	\$1,000,000	\$1,000,000
J			General Revenue Fund Total	\$43,309,000	\$43,234,000
K			TOTAL ALL BUDGET FUND GROUPS	\$43,309,000	\$43,234,000

Section 323.20. OPERATING EXPENSES

107109

On July 1, 2025, or as soon as possible thereafter, the 107110
Director of the Legislative Service Commission may certify to 107111
the Director of Budget and Management an amount up to the 107112
unexpended, unencumbered balance of the foregoing appropriation 107113
item 035321, Operating Expenses, at the end of fiscal year 2025 107114
to be reappropriated to fiscal year 2026. The amount certified 107115
is hereby reappropriated to the same appropriation item for 107116
fiscal year 2026. 107117

On July 1, 2026, or as soon as possible thereafter, the 107118
Director of the Legislative Service Commission may certify to 107119
the Director of Budget and Management an amount up to the 107120
unexpended, unencumbered balance of the foregoing appropriation 107121
item 035321, Operating Expenses, at the end of fiscal year 2026 107122
to be reappropriated to fiscal year 2027. The amount certified 107123
is hereby reappropriated to the same appropriation item for 107124
fiscal year 2027. 107125

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 107126

On July 1, 2025, or as soon as possible thereafter, the 107127
Director of the Legislative Service Commission may certify to 107128
the Director of Budget and Management an amount up to the 107129
unexpended, unencumbered balance of the foregoing appropriation 107130
item 035405, Correctional Institution Inspection Committee, at 107131
the end of fiscal year 2025 to be reappropriated to fiscal year 107132
2026. The amount certified is hereby reappropriated to the same 107133
appropriation item for fiscal year 2026. 107134

On July 1, 2026, or as soon as possible thereafter, the 107135
Director of the Legislative Service Commission may certify to 107136
the Director of Budget and Management an amount up to the 107137
unexpended, unencumbered balance of the foregoing appropriation 107138
item 035405, Correctional Institution Inspection Committee, at 107139

the end of fiscal year 2026 to be reappropriated to fiscal year 107140
2027. The amount certified is hereby reappropriated to the same 107141
appropriation item for fiscal year 2027. 107142

LEGISLATIVE TASK FORCE ON REDISTRICTING 107143

An amount equal to the unexpended, unencumbered balance of 107144
the foregoing appropriation item 035407, Legislative Task Force 107145
on Redistricting, at the end of fiscal year 2025 is hereby 107146
reappropriated to the Legislative Service Commission for the 107147
same purpose for fiscal year 2026. 107148

An amount equal to the unexpended, unencumbered balance of 107149
the foregoing appropriation item 035407, Legislative Task Force 107150
on Redistricting, at the end of fiscal year 2026 is hereby 107151
reappropriated to the Legislative Service Commission for the 107152
same purpose for fiscal year 2027. 107153

LEGISLATIVE INFORMATION SYSTEMS 107154

On July 1, 2025, or as soon as possible thereafter, the 107155
Director of the Legislative Service Commission may certify to 107156
the Director of Budget and Management an amount up to the 107157
unexpended, unencumbered balance of the foregoing appropriation 107158
item 035410, Legislative Information Systems, at the end of 107159
fiscal year 2025 to be reappropriated to fiscal year 2026. The 107160
amount certified is hereby reappropriated to the same 107161
appropriation item for fiscal year 2026. 107162

On July 1, 2026, or as soon as possible thereafter, the 107163
Director of the Legislative Service Commission may certify to 107164
the Director of Budget and Management an amount up to the 107165
unexpended, unencumbered balance of the foregoing appropriation 107166
item 035410, Legislative Information Systems, at the end of 107167
fiscal year 2026 to be reappropriated to fiscal year 2027. The 107168

amount certified is hereby reappropriated to the same 107169
appropriation item for fiscal year 2027. 107170

LITIGATION 107171

The foregoing appropriation item 035501, Litigation, shall 107172
be used for any lawsuit in which the General Assembly, or either 107173
house of the General Assembly, is made a party. The chairperson 107174
and vice-chairperson of the Legislative Service Commission shall 107175
both approve the use of the appropriated moneys. 107176

An amount equal to the unexpended, unencumbered balance of 107177
the foregoing appropriation item 035501, Litigation, at the end 107178
of fiscal year 2025 is hereby reappropriated to the Legislative 107179
Service Commission for the same purpose for fiscal year 2026. 107180

An amount equal to the unexpended, unencumbered balance of 107181
the foregoing appropriation item 035501, Litigation, at the end 107182
of fiscal year 2026 is hereby reappropriated to the Legislative 107183
Service Commission for the same purpose for fiscal year 2027. 107184

Section 325.10. 107185
107186

1	2	3	4	5
A	LIB STATE LIBRARY BOARD			
B	General Revenue Fund			
C	GRF	350321 Operating Expenses	\$4,772,036	\$4,858,474
D	GRF	350401 Ohioana Library Association	\$310,516	\$310,516
E	GRF	350502 Regional Library Systems	\$494,000	\$494,000

F	General Revenue Fund Total	\$5,576,552	\$5,662,990
G	Dedicated Purpose Fund Group		
H	4590 350603 Services for Libraries	\$6,748,455	\$6,783,244
I	4S40 350604 Ohio Public Library Information Network	\$5,567,715	\$5,587,432
J	5GB0 350605 Library for the Blind	\$1,274,194	\$1,274,194
K	Dedicated Purpose Fund Group Total	\$13,590,364	\$13,644,870
L	Internal Service Activity Fund Group		
M	1390 350602 Services for State Agencies	\$8,000	\$8,000
N	Internal Service Activity Fund Group Total	\$8,000	\$8,000
O	Federal Fund Group		
P	3130 350601 LSTA Federal	\$5,554,767	\$5,609,015
Q	Federal Fund Group Total	\$5,554,767	\$5,609,015
R	TOTAL ALL BUDGET FUND GROUPS	\$24,729,683	\$24,924,875

Section 325.20. OHIOANA LIBRARY ASSOCIATION

107187

Of the foregoing appropriation item 350401, Ohioana	107188
Library Association, \$191,000 in each fiscal year shall be used	107189
to support the operating expenses of the Martha Kinney Cooper	107190
Ohioana Library Association under section 3375.61 of the Revised	107191

Code. 107192

The remainder of the foregoing appropriation item 350401, 107193
Ohioana Library Association, shall be used to pay the rental 107194
expenses of the Martha Kinney Cooper Ohioana Library Association 107195
under section 3375.61 of the Revised Code. 107196

REGIONAL LIBRARY SYSTEMS 107197

The foregoing appropriation item 350502, Regional Library 107198
Systems, shall be used to support regional library systems 107199
eligible for funding under sections 3375.83 and 3375.90 of the 107200
Revised Code. 107201

OHIO PUBLIC LIBRARY INFORMATION NETWORK 107202

(A) The foregoing appropriation item 350604, Ohio Public 107203
Library Information Network, shall be used for an information 107204
telecommunications network linking public libraries in the state 107205
and such others as may participate in the Ohio Public Library 107206
Information Network (OPLIN). 107207

The Ohio Public Library Information Network Board of 107208
Trustees created under section 3375.65 of the Revised Code may 107209
make decisions regarding use of the foregoing appropriation item 107210
350604, Ohio Public Library Information Network. 107211

(B) The OPLIN Board shall research and assist or advise 107212
local libraries with regard to emerging technologies and methods 107213
that may be effective means to control access to obscene and 107214
illegal materials. The OPLIN Director shall provide written 107215
reports upon request within ten days to the Governor, the 107216
Speaker and Minority Leader of the House of Representatives, and 107217
the President and Minority Leader of the Senate on any steps 107218
being taken by OPLIN and public libraries in the state to limit 107219
and control such improper usage as well as information on 107220

technological, legal, and law enforcement trends nationally and 107221
internationally affecting this area of public access and 107222
service. 107223

(C) The Ohio Public Library Information Network, INFOhio, 107224
and OhioLINK shall, to the extent feasible, coordinate and 107225
cooperate in their purchase or other acquisition of the use of 107226
electronic databases for their respective users and shall 107227
contribute funds in an equitable manner to such effort. 107228

LIBRARY FOR THE BLIND 107229

The foregoing appropriation item 350605, Library for the 107230
Blind, shall be used for the statewide Talking Book Program to 107231
assist the blind and disabled. 107232

TRANSFER TO OPLIN TECHNOLOGY FUND 107233

Notwithstanding sections 5747.03 and 5747.47 of the 107234
Revised Code and any other provision of law to the contrary, in 107235
accordance with a schedule established by the Director of Budget 107236
and Management, the Director of Budget and Management shall 107237
transfer \$3,689,788 cash in each fiscal year from the Public 107238
Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 107239
4S40). 107240

TRANSFER TO LIBRARY FOR THE BLIND FUND 107241

Notwithstanding sections 5747.03 and 5747.47 of the 107242
Revised Code and any other provision of law to the contrary, in 107243
accordance with a schedule established by the Director of Budget 107244
and Management, the Director of Budget and Management shall 107245
transfer \$1,274,194 cash in each fiscal year from the Public 107246
Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 107247
5GB0). 107248

Section 327.10.

107249

107250

1	2	3	4	5
A	LCO LIQUOR CONTROL COMMISSION			
B	Dedicated Purpose Fund Group			
C	5LP0 970601 Commission Operating Expenses		\$1,177,114	\$1,241,735
D	Dedicated Purpose Fund Group Total		\$1,177,114	\$1,241,735
E	TOTAL ALL BUDGET FUND GROUPS		\$1,177,114	\$1,241,735

Section 329.10.

107251

107252

1	2	3	4	5
A	LOT STATE LOTTERY COMMISSION			
B	State Lottery Fund Group			
C	7044 950321 Operating Expenses		\$73,138,202	\$75,729,884
D	7044 950402 Advertising Contracts		\$30,811,375	\$30,811,375
E	7044 950403 Gaming Contracts		\$123,355,327	\$128,639,066
F	7044 950601 Direct Prize Payments		\$183,030,000	\$183,282,000
G	7044 950605 Responsible Gambling		\$5,000,000	\$5,000,000
H	8710 950602 Annuity Prizes		\$35,637,000	\$34,737,000

I	State Lottery Fund Group Total	\$450,971,904	\$458,199,325
J	TOTAL ALL BUDGET FUND GROUPS	\$450,971,904	\$458,199,325

Section 329.20. OPERATING EXPENSES 107253

Notwithstanding sections 127.14 and 131.35 of the Revised 107254
Code, the Controlling Board may, at the request of the State 107255
Lottery Commission, authorize expenditures from the State 107256
Lottery Fund in excess of the amount appropriated in each fiscal 107257
year, up to a maximum of 10 per cent of anticipated total 107258
revenue. Upon the approval of the Controlling Board, the 107259
additional amounts are hereby appropriated. 107260

DIRECT PRIZE PAYMENTS 107261

Any amounts, in addition to the amounts appropriated in 107262
appropriation item 950601, Direct Prize Payments, that the 107263
Director of the State Lottery Commission determines to be 107264
necessary to fund prizes are hereby appropriated. 107265

RESPONSIBLE GAMBLING 107266

Notwithstanding sections 127.14 and 131.35 of the Revised 107267
Code, if the revenue from the one-half of one per cent dispersed 107268
from the video lottery sales agent commissions, as well as the 107269
surrendered funds pursuant to rule 3770:2-8-03 of the 107270
Administrative Code, from the Voluntary Exclusion Program, 107271
exceeds the amount appropriated, the Director of the State 107272
Lottery Commission may certify to the Director of Budget and 107273
Management the amount in excess requesting to be increased in 107274
the foregoing appropriation item 950605, Responsible Gambling, 107275
or to be transferred to support programs provided for gambling 107276
addiction and other related services through the Responsible 107277
Gambling Services Fund (Fund 5T90). If the Director of Budget 107278

and Management determines sufficient cash is available, the 107279
Director may transfer up to the amount certified. Any additional 107280
amounts approved by the Director pursuant to this section are 107281
hereby appropriated. 107282

ANNUITY PRIZES 107283

Upon request of the State Lottery Commission, the Director 107284
of Budget and Management may transfer cash from the State 107285
Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 107286
8710) in an amount sufficient to fund deferred prizes. The 107287
Treasurer of State, from time to time, shall credit the Deferred 107288
Prizes Trust Fund (Fund 8710) the pro rata share of interest 107289
earned by the Treasurer of State on invested balances. 107290

Any amounts, in addition to the amounts appropriated in 107291
appropriation item 950602, Annuity Prizes, that the Director of 107292
the State Lottery Commission determines to be necessary to fund 107293
deferred prizes and interest are hereby appropriated. 107294

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 107295

Estimated transfers from the State Lottery Fund (Fund 107296
7044) to the Lottery Profits Education Fund (Fund 7017) are to 107297
be \$1,462,000,000 in fiscal year 2026 and \$1,467,000,000 in 107298
fiscal year 2027. Transfers by the Director of Budget and 107299
Management to the Lottery Profits Education Fund shall be 107300
administered as the statutes direct. 107301

Section 333.10. 107302

107303

1 2 3 4 5

B General Revenue Fund

C	GRF	651425	Medicaid Program Support - State	\$169,165,531	\$169,864,228
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D	GRF	651525	Medicaid Health Care Services - Total	\$20,232,492,970	\$21,770,643,885
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E			Medicaid Health Care Services - State	\$5,624,594,001	\$6,005,647,524
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F			Medicaid Health Care Services - Federal	\$14,607,898,969	\$15,764,996,361
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G	GRF	651526	Medicare Part D	\$745,500,073	\$829,099,684
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H			General Revenue Fund Total	\$21,147,158,574	\$22,769,607,797
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I Dedicated Purpose Fund Group

J	4E30	651605	Resident Protection Fund	\$7,000,000	\$7,000,000
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K	5AN0	651686	State Directed Payment Program	\$233,410,621	\$233,212,717
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L	5DL0	651639	Medicaid Services - Recoveries	\$928,907,575	\$903,678,835
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M	5DL0	651685	Medicaid Recoveries - Program Support	\$89,560,719	\$91,388,371
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N	5DL0	651690	Multi-system Youth Custody Relinquishment	\$20,000,000	\$20,000,000
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O	5FX0	651638	Medicaid Services -	\$12,000,000	\$12,000,000
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Payment Withholding

P	5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$2,632,211,017	\$3,030,014,270
Q	5R20	651608	Medicaid Services-Long Term	\$451,000,000	\$451,000,000
R	5SA4	651689	Medicaid Health and Human Services	\$500,000,000	\$500,000,000
S	5TN0	651684	Medicaid Services-HIC Fee	\$879,876,850	\$869,039,656
T	6510	651649	Medicaid Services- Hospital Care Assurance Program	\$320,543,800	\$168,455,600
U	Dedicated Purpose Fund Group Total			\$6,074,510,582	\$6,285,789,449
V	Holding Account Fund Group				
W	R055	651644	Refunds and Reconciliation	\$14,001,665	\$14,001,665
X	Holding Account Fund Group Total			\$14,001,665	\$14,001,665
Y	Federal Fund Group				
Z	3F00	651623	Medicaid Services - Federal	\$14,253,819,339	\$15,150,777,365
AA	3F00	651624	Medicaid Program Support - Federal	\$504,612,781	\$506,975,630
AB	3FA0	651680	Health Care Grants -	\$7,000,000	\$7,000,000

Federal

AC 3G50 651655 Medicaid Interagency Pass \$265,003,000 \$265,003,000
Through

AD Federal Fund Group Total \$15,030,435,120 \$15,929,755,995

AE TOTAL ALL BUDGET FUND GROUPS \$42,266,105,941 \$44,999,154,906

Section 333.30. LODGING FOR FAMILIES 107304

Of the foregoing appropriation item 651525, Medicaid 107305
Health Care Services, \$2,500,000 in each fiscal year shall be 107306
used by the Medicaid Director to work with the Centers for 107307
Medicare and Medicaid Services to continue lodging as an 107308
administrative service affiliated with Ohio children's hospitals 107309
available for families with children who have special health 107310
care needs. 107311

Section 333.40. PERSONAL NEEDS ALLOWANCE SUPPORT 107312

Upon the request of the Medicaid Director, the Director of 107313
Budget and Management may transfer up to \$2,200,000 cash in 107314
fiscal year 2026 and \$4,400,000 cash in fiscal year 2027 from 107315
appropriation item 651525, Medicaid Health Care Services, to 107316
appropriation items in the Department of Developmental 107317
Disabilities. This funding shall be used to support an increase 107318
in the personal needs allowance for individuals residing in an 107319
intermediate care facility for individuals with intellectual 107320
disabilities. The Medicaid Director may transfer federal funds 107321
as the state's single state agency for Medicaid reimbursements, 107322
as drawn for these transactions. Any amounts transferred are 107323
hereby appropriated. 107324

Section 333.50. MEDICARE PART D 107325

The foregoing appropriation item 651526, Medicare Part D, 107326
may be used by the Department of Medicaid for the implementation 107327
and operation of the Medicare Part D requirements contained in 107328
the "Medicare Prescription Drug, Improvement, and Modernization 107329
Act of 2003," Pub. L. No. 108-173, as amended. Upon the request 107330
of the Medicaid Director, the Director of Budget and Management 107331
may transfer the state share of appropriations between 107332
appropriation item 651525, Medicaid Health Care Services, and 107333
appropriation item 651526, Medicare Part D. If the state share 107334
of appropriation item 651525, Medicaid Health Care Services, is 107335
adjusted, the Director of Budget and Management shall adjust the 107336
federal share accordingly. The Department of Medicaid shall 107337
provide notification to the Controlling Board of any transfers 107338
at the next scheduled Controlling Board meeting. 107339

Section 333.70. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 107340
COSTS 107341

Upon the request of the Medicaid Director, the Director of 107342
Budget and Management may transfer state share appropriations in 107343
each fiscal year between appropriation item 651525, Medicaid 107344
Health Care Services, within the Department of Medicaid, and 107345
655522, Medicaid Program Support - Local, within the Department 107346
of Job and Family Services. If such a transfer occurs, the 107347
Director of Budget and Management shall adjust, using the 107348
federal reimbursement rate, the federal share appropriations of 107349
appropriation item 651525, Medicaid Health Care Services, within 107350
the Department of Medicaid, and appropriation item 655624, 107351
Medicaid Program Support - Federal, within the Department of Job 107352
and Family Services. Any increase in funding shall be provided 107353
to county departments of job and family services and shall only 107354
be used for costs related to processing cases for work 107355
requirements for the expansion eligibility group that are 107356

established under the medicaid waiver component required under 107357
section 5166.37 of the Revised Code, and as prescribed by the 107358
Medicaid Director. These funds shall not be used for existing 107359
and ongoing operating expenses. The Medicaid Director shall 107360
establish criteria for distributing these funds and for county 107361
departments of job and family services to submit allowable 107362
expenses. 107363

Section 333.80. DEPOSITS TO THE HEALTH CARE/MEDICAID 107364
SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT 107365

Of the amount received by the Department of Medicaid 107366
during fiscal year 2026 and fiscal year 2027 from the 107367
intergovernmental transfers paid under any directed payment 107368
program as authorized under 42 CFR 438.6(c), the Medicaid 107369
Director shall deposit a portion of the payments into the state 107370
treasury to the credit of the Health Care/Medicaid Support and 107371
Recoveries Fund (Fund 5DL0). The Director of Budget and 107372
Management may adjust appropriations in line item 651685, 107373
Medicaid Recoveries - Program Support, along with the 107374
corresponding federal share in line item 651624, Medicaid 107375
Program Support - Federal, based on the amount of the deposits 107376
to Fund 5DL0 made under this section. Any adjusted amounts are 107377
hereby appropriated. 107378

Section 333.85. DEPOSITS TO THE STATE DIRECTED PAYMENT 107379
PROGRAM FUND 107380

(A) Transfers made for the Hospital Directed Payment 107381
Program authorized by section 5162.25 of the Revised Code shall 107382
be deposited into the State Directed Payment Program Fund (Fund 107383
5AN0). The state share of the program shall be derived from 107384
deposits attributable to the intergovernmental transfers 107385
received for the Hospital Directed Payment Program, and the 107386

corresponding federal share in appropriation item 651623, 107387
Medicaid Services - Federal, shall be used for the Hospital 107388
Directed Payment Program. Except for deposits under Section 107389
333.80 of this act, the Director of Budget and Management may 107390
transfer any remaining cash in Fund 5DL0 at the end of the 107391
fiscal year 2025 attributable to the Hospital Directed Payment 107392
Program to Fund 5AN0 to the credit of the Hospital Directed 107393
Payment Program. 107394

(B) Notwithstanding paragraph (E) of section 131.35 of the 107395
Revised Code, if receipts credited to the State Directed Payment 107396
Program Fund (Fund 5AN0) exceed the amounts appropriated from 107397
the fund, the Medicaid Director may seek controlling board 107398
approval for expenditures from the fund in excess of the amounts 107399
appropriated. If any additional amounts are authorized, the 107400
Director of Budget and Management shall adjust, using the 107401
federal reimbursement rate, the amount in appropriation item 107402
651623, Medicaid Services - Federal, accordingly. Any authorized 107403
expenditures and adjusted amounts are hereby appropriated. 107404

(C) The Medicaid Director shall terminate the Hospital 107405
Directed Payment Program if funds deposited are insufficient to 107406
operate the program. 107407

Section 333.90. DEPOSITS TO THE HEALTH CARE/MEDICAID 107408
SUPPORT AND RECOVERIES FUND 107409

Of the amount received by the Department of Medicaid 107410
during fiscal year 2026 and fiscal year 2027 from the first 107411
installment of assessments paid under section 5168.06 of the 107412
Revised Code and intergovernmental transfers made under section 107413
5168.07 of the Revised Code, the Medicaid Director shall deposit 107414
\$2,500,000 cash in each fiscal year into the state treasury to 107415
the credit of the Health Care/Medicaid Support and Recoveries 107416

Fund (Fund 5DL0). 107417

Section 333.100. CASH TRANSFERS FROM THE HEALTH 107418
CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL 107419
HEALTH CARE FUND 107420

Upon the request of the Medicaid Director, the Director of 107421
Budget and Management may transfer up to \$3,200,000 cash in each 107422
fiscal year from the Health Care/Medicaid Support and Recoveries 107423
Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 107424
used by the Department of Behavioral Health. Any transferred 107425
funds shall be used to support Centers of Excellence and related 107426
activities. Any transferred amounts are hereby appropriated. 107427

Section 333.110. HOSPITAL FRANCHISE FEE PROGRAM 107428

The Director of Budget and Management may authorize 107429
additional expenditures from appropriation item 651623, Medicaid 107430
Services - Federal, appropriation item 651525, Medicaid Health 107431
Care Services, and appropriation item 651656, Medicaid Services 107432
- Hospital Franchise Fee, in order to implement the programs 107433
authorized by sections 5168.20 through 5168.28 of the Revised 107434
Code. Any amounts authorized are hereby appropriated. 107435

Section 333.120. HEALTH INSURING CORPORATION CLASS 107436
FRANCHISE FEE 107437

If receipts credited to the Health Insuring Corporation 107438
Class Franchise Fee Fund (Fund 5TN0) exceed the amounts 107439
appropriated from the fund, the Medicaid Director may request 107440
the Director of Budget and Management to authorize expenditures 107441
from the fund in excess of the amounts appropriated. If any 107442
additional amounts are authorized, the Director of Budget and 107443
Management shall adjust, using the federal reimbursement rate, 107444
the federal appropriation item identified by the Medicaid 107445

Director accordingly. Any authorized amounts and any 107446
corresponding federal adjustments are hereby appropriated. 107447

Section 333.130. HOSPITAL CARE ASSURANCE MATCH 107448

If receipts credited to the Health Care Federal Fund (Fund 107449
3F00) exceed the amounts appropriated from the fund for making 107450
the hospital care assurance program distribution, the Medicaid 107451
Director may request the Director of Budget and Management to 107452
authorize expenditures from the fund in excess of the amounts 107453
appropriated. Upon the approval of the Director of Budget and 107454
Management, the additional amounts are hereby appropriated. 107455

The foregoing appropriation item 651649, Medicaid Services 107456
- Health Care Assurance Program, shall be used by the Department 107457
of Medicaid for distributing the state share of all hospital 107458
care assurance program funds to hospitals under section 5168.09 107459
of the Revised Code. If receipts credited to the Hospital Care 107460
Assurance Program Fund (Fund 6510) exceed the amounts 107461
appropriated from the fund for making the hospital care 107462
assurance program distribution, the Medicaid Director may 107463
request the Director of Budget and Management to authorize 107464
expenditures from the fund in excess of the amounts 107465
appropriated. Upon the approval of the Director of Budget and 107466
Management, the additional amounts are hereby appropriated. 107467

Section 333.140. HOSPITAL ADDITIONAL PAYMENTS PROGRAM 107468

The Hospital Additional Payment Program is created. The 107469
program shall be a state directed payment program for inpatient 107470
and outpatient hospital services provided to Medicaid care 107471
management system enrollees receiving care at in-state 107472
hospitals. Participating hospitals or hospital industry 107473
representatives shall work collaboratively with the Department 107474

of Medicaid to establish quality improvement initiatives that 107475
are approved by the Medicaid Director and that align with and 107476
advance the goals of the Department of Medicaid's quality 107477
strategy required under 42. C.F.R. 438.340. Participating 107478
hospitals shall receive payments directly for services provided 107479
under the program. 107480

The non-federal share of services under the program shall 107481
be funded through the hospital franchise fee. Hospital franchise 107482
fees made for this program shall be deposited into the Medicaid 107483
Hospital Fund (Fund 5GF0). The state share of this program shall 107484
be derived from deposits attributable to the incremental 107485
franchise fee for the program, and the corresponding federal 107486
share in appropriation item 651623, Medicaid Services - Federal, 107487
shall be used for the HAP Program. The Medicaid Director shall 107488
seek approval from the Centers for Medicare and Medicaid 107489
Services for the program in accordance with section 5162.07 of 107490
the Revised Code. 107491

Section 333.150. REFUNDS AND RECONCILIATION FUND 107492

If estimated receipts to the Refunds and Reconciliation 107493
Fund (Fund R055) exceed the amounts appropriated from the fund, 107494
the Medicaid Director may request the Director of Budget and 107495
Management to authorize expenditures from the fund in excess of 107496
the amounts appropriated. Upon approval of the Director of 107497
Budget and Management, the additional amounts are hereby 107498
appropriated. 107499

Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION 107500

In order to ensure access to a non-emergency medical 107501
transportation brokerage program established pursuant to section 107502
1902(a) (70) of the "Social Security Act," 42 U.S.C. 1396a(a) 107503

(70), upon the request of the Medicaid Director, the Director of
Budget and Management may transfer the state share
appropriations between General Revenue Fund appropriation item
651525, Medicaid Health Care Services, within the Department of
Medicaid and 655523, Medicaid Program Support - Local
Transportation, within the Department of Job and Family
Services. If such a transfer occurs, the Director of Budget and
Management shall adjust, using the federal reimbursement rate,
the federal share appropriations of appropriation item 651525,
Medicaid Health Care Services, within the Department of
Medicaid, and appropriation item 655624, Medicaid Program
Support - Federal, within the Department of Job and Family
Services. The Medicaid Director may transfer federal funds as
the state's single state agency for Medicaid reimbursements, as
drawn for these transactions. Any amounts transferred are hereby
appropriated.

**Section 333.170. MEDICAID PAYMENT RATES FOR COMMUNITY
BEHAVIORAL HEALTH SERVICES**

(A) As used in this section:

(1) "Community behavioral health services" has the same
meaning as in section 5164.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3727.01
of the Revised Code.

(3) "Intermediate care facility for individuals with
intellectual disabilities" has the same meaning as in section
5124.01 of the Revised Code.

(4) "Nursing facility" has the same meaning as in section
5165.01 of the Revised Code.

(B) Subject to division (C) of this section, the

Department of Medicaid may establish Medicaid payment rates for 107533
community behavioral health services provided during fiscal year 107534
2026 and fiscal year 2027 that exceed the authorized rates paid 107535
for the services under the Medicare program. 107536

(C) This section does not apply to community behavioral 107537
health services provided by any of the following: 107538

(1) Hospitals; 107539

(2) Nursing facilities; 107540

(3) Intermediate care facilities for individuals with 107541
intellectual disabilities. 107542

Section 333.180. HOME AND COMMUNITY BASED SERVICES 107543
APPROPRIATIONS - STATE 107544

The Director of Budget and Management may authorize 107545
additional expenditures in appropriation items 651698, MCD Home 107546
and Community Based Services, 653698, DDD Home and Community 107547
Based Services, 652698, MHA Home and Community Based Services, 107548
655698, JFS Home and Community Based Services, 659698, BOR Home 107549
and Community Based Services, and 656698, AGE Home and Community 107550
Based Services, as long as the additional expenditures are 107551
offset by equal expenditure reductions in another of these 107552
appropriation items. Any additional expenditures shall be used 107553
in accordance with Section 9817 of the "American Rescue Plan Act 107554
of 2021," Pub. L. No. 117-2, and shall comply with the 107555
Department of Medicaid's Medicaid state plan approved by the 107556
Centers for Medicare and Medicaid Services (CMS) and any 107557
associated CMS guidance, reporting requirements, and 107558
certifications. Any additional expenditures are hereby 107559
appropriated. 107560

Section 333.190. HOME AND COMMUNITY BASED SERVICES 107561

APPROPRIATIONS - FEDERAL 107562

The Director of Budget and Management may authorize 107563
additional expenditures in appropriation items 651699, MCD Home 107564
and Community Based Services - Federal, 653699, DDD Home and 107565
Community Based Services - Federal, 652699, MHA Home and 107566
Community Based Services - Federal, 655699, JFS Home and 107567
Community Based Services - Federal, 659699, BOR Home and 107568
Community Based Services - Federal, and 656699, AGE Home and 107569
Community Based Services - Federal. 107570

If additional expenditures are authorized in any of these 107571
appropriation items, the Director of Budget and Management shall 107572
make appropriation adjustments in any of the other items as 107573
necessary. Any additional expenditures shall be used in 107574
accordance with Section 9817 of the "American Rescue Plan Act of 107575
2021," Pub. L. No. 117-2, and shall comply with the Department 107576
of Medicaid's Medicaid state plan approved by the Centers for 107577
Medicare and Medicaid Services (CMS) and any associated CMS 107578
guidance, reporting requirements, and certifications. Any 107579
additional expenditures are hereby appropriated. 107580

Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY 107581
DETERMINATIONS 107582

Up to \$5,000,000 in each fiscal year of funds within 107583
appropriation item 655522, Medicaid Program Support - Local, may 107584
be distributed based on performance criteria established by the 107585
Ohio Department of Medicaid. Performance based amounts and 107586
criteria, and criteria for transfer approval may include but are 107587
not limited to timeliness and accuracy of application and 107588
renewal processing. 107589

Section 333.210. CASH TRANSFERS FROM FRANCHISE PERMIT FEE 107590

FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING 107591

Upon the request of the Medicaid Director, the Director of 107592
Budget and Management may transfer up to \$5,000,000 cash in each 107593
fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) 107594
to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used 107595
by the Department of Health. Also, upon the request of the 107596
Medicaid Director, the Director of Budget and Management may 107597
transfer up to \$11,885,000 cash in each fiscal year from the 107598
Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman 107599
Support Fund (Fund 5BA0), used by the Department of Aging. All 107600
transferred funds shall be utilized in accordance with section 107601
5168.54 of the Revised Code. At the end of each fiscal year, the 107602
Department of Health and the Department of Aging shall report on 107603
spending activities to the Office of Budget and Management. 107604

Section 333.230. MEDICAID INTERAGENCY PASS-THROUGH 107605

The Medicaid Director may request the Director of Budget 107606
and Management to increase appropriation item 651655, Medicaid 107607
Interagency Pass-Through. Upon the approval of the Director of 107608
Budget and Management, the additional amounts are hereby 107609
appropriated. 107610

Section 333.240. MEDICAID SERVICES RECOVERIES 107611

The Medicaid Director may request the Director of Budget 107612
and Management to increase appropriation item 651639, Medicaid 107613
Services Recoveries. Upon the approval of the Director of Budget 107614
and Management, the additional amounts are hereby appropriated. 107615

Section 333.250. MYCARE OHIO EXPANSION 107616

(A) As required by H.B. 33 of the 135th General Assembly, 107617
the Medicaid Director shall continue, during fiscal years 2026 107618
and 2027, to expand the Integrated Care Delivery System, as that 107619

phrase is defined in section 5164.01 of the Revised Code, or if 107620
the Director terminates the Integrated Care Delivery System, the 107621
successor program developed by the Director and approved by the 107622
United States Centers for Medicare and Medicaid Services, to all 107623
counties of this state. 107624

(B) The entities selected for the expanded Integrated Care 107625
Delivery System shall be selected by the Department. 107626

(C) The Department shall establish requirements for care 107627
management and coordination of waiver services in the expanded 107628
Integrated Care Delivery System, subject to all of the 107629
following: 107630

(1) The entities selected pursuant to division (B) of this 107631
section shall employ the applicable area agency on aging to be 107632
coordinators of home and community-based services available 107633
under a Medicaid waiver component available for eligible 107634
individuals over the age of fifty-nine; 107635

(2) The entities may delegate to the applicable area 107636
agency on aging full care coordination function for home and 107637
community-based services and other health care services received 107638
by those eligible individuals; 107639

(3) Individuals enrolled in an entity's plan or plans may 107640
choose the entity or its designee as the care coordinator as an 107641
alternative to the area agency on aging; 107642

(4) The Department may specify an alternative approach to 107643
care management and coordination of waiver services if the 107644
performance of the area agency on aging does not meet the 107645
requirements of the Integrated Care Delivery System or if the 107646
Department determines that the needs of a defined group of 107647
individuals requires an alternative approach. 107648

Section 333.260. INCREASING CHILDREN'S ACCESS TO VISION 107649
AND DENTAL SERVICES 107650

Upon the request of the Medicaid Director, the Director of 107651
Budget and Management may transfer up to \$7,000,000 cash in each 107652
fiscal year from appropriation item 651525, Medicaid Health Care 107653
Services, to appropriation items in the Department of Health. 107654
This funding shall be used to support public health programs or 107655
the provision of certain services, including preventive care and 107656
other interventions, to improve the health of low-income 107657
children. 107658

Of the transferred funds, up to \$5,000,000 in each fiscal 107659
year shall be used to increase children's access to vision care, 107660
and up to \$2,000,000 in each fiscal year shall be used to 107661
increase children's access to dental care. The Director of 107662
Medicaid may transfer federal funds as the state's single state 107663
agency for Medicaid reimbursements, as drawn for these 107664
transactions. Any transferred amounts are hereby appropriated. 107665

Section 333.270. HCBS DIRECT CARE WORKER WAGES 107666

The Department of Medicaid, jointly, with the Department 107667
of Aging and the Department of Developmental Disabilities, shall 107668
collect data from providers regarding the wages paid to direct 107669
care workers providing direct care services under the Medicaid 107670
home and community-based waiver components administered by those 107671
agencies. Not later than the last day in December of each fiscal 107672
year of the biennium, the Department of Medicaid shall compile a 107673
report and submit the report to the Governor. 107674

Section 333.280. GRADUAL IMPLEMENTATION OF PDPM TO 107675
CALCULATE NURSING FACILITY DIRECT CARE RATES 107676

For fiscal year 2026, a nursing facility's quarterly case 107677

mix score from June 30, 2025, shall be used to determine the 107678
facility's direct care rate from July 1, 2025, through December 107679
31, 2025. Beginning January 1, 2026, the increase or decrease in 107680
a nursing facility's direct care rate shall be one-third of the 107681
difference between the direct care rate on January 1, 2025, and 107682
the direct care rate determined utilizing case mix scores 107683
calculated in accordance with section 5165.192 of the Revised 107684
Code. 107685

In fiscal year 2027, the increase or decrease to a nursing 107686
facility's direct care rate shall be two-thirds of the 107687
difference between the direct care rate on January 1, 2025, and 107688
the direct care rate determined utilizing case mix scores 107689
calculated in accordance with section 5165.192 of the Revised 107690
Code. Thereafter, a nursing facility's direct care rate shall be 107691
determined utilizing case mix scores calculated in accordance 107692
with section 5165.192 of the Revised Code. 107693

Section 333.290. RURAL SOUTHERN OHIO HOSPITAL TAX PILOT 107694
PROGRAM 107695

(A) As used in this section: 107696

(1) "Hospital tax assessment" means an assessment imposed 107697
under Section 333.300 of this act to fund the nonfederal share 107698
of the Rural Southern Ohio Hospital Tax Pilot Program. 107699

(2) "Preprint" means a form created by the United States 107700
Centers for Medicare and Medicaid Services to request approval 107701
of a state directed payment program as required under 42 C.F.R. 107702
438.6(c) . 107703

(B) The Rural Southern Ohio Hospital Tax Pilot Program 107704
Fund (Fund 5CM1) is created. Investment earnings of the Rural 107705
Southern Ohio Hospital Tax Pilot Program Fund shall be credited 107706

to the fund. 107707

(C) The Medicaid Director may create a Rural Southern Ohio 107708
Hospital Tax Pilot Program for directed payments to rural 107709
southern Ohio hospitals, and their related health systems, that 107710
meet the following criteria: 107711

(1) The hospital is located in one of the following 107712
counties: Fayette, Greene, Highland, Hocking, Muskingum, Perry, 107713
Pike, Ross, or Scioto. 107714

(2) The hospital is enrolled as a provider in the Medicaid 107715
program. 107716

(D) The Rural Southern Ohio Hospital Tax Pilot Program 107717
established pursuant to this section shall comply with the 107718
requirements of 42 C.F.R. 438.6(c), including all of the 107719
following: 107720

(1) The program shall be approved by the United States 107721
Centers for Medicare and Medicaid Services, and the Medicaid 107722
Director shall seek approval for the program in accordance with 107723
section 5162.07 of the Revised Code. 107724

(2) Directed payments under the program shall not exceed 107725
the average commercial rate under a preprint as approved by the 107726
United States Centers for Medicare and Medicaid Services. 107727

(3) The program shall be subject to an evaluation plan, in 107728
accordance with 42 C.F.R. 438.6(c)(2)(ii)(D). 107729

(E) Hospital providers participating in the Rural Southern 107730
Ohio Hospital Tax Pilot Program shall do all of the following: 107731

(1) Enter into one or more contracts related to the 107732
program as necessary, as determined by the Department of 107733
Medicaid; 107734

(2) Comply with average commercial rate reporting 107735
requirements established by the Department, related to the 107736
requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 107737

(3) Comply with the Department's quality measure set, 107738
including the metrics and targets set by the Department to 107739
advance the goals and objectives in the Department's quality 107740
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 107741
C.F.R. 438.340; 107742

(4) Cooperate with any evaluation or reporting 107743
requirements established by the Department related to the 107744
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 107745

(F) Any hospital provider contracts required under 107746
division (E) (1) of this section shall be executed not later than 107747
the first day of October preceding the first fiscal year of a 107748
biennium. A contract required under this section may be entered 107749
into in accordance with section 5162.32 of the Revised Code. 107750

(G) All funds supporting the Rural Southern Ohio Tax Pilot 107751
Program shall comply with the requirements specified in 42 107752
C.F.R. Part 433. No hospital provider may participate in the 107753
Rural Southern Ohio Hospital Tax Pilot Program unless sufficient 107754
tax funds are assessed, collected, obligated, and appropriated. 107755

(H) The Director may terminate or decline to establish the 107756
Rural Southern Ohio Hospital Tax Pilot Program if federal or 107757
local tax funding is not available or sufficient to sustain the 107758
program. The Department shall not at any time be required to 107759
provide funding for the Rural Southern Ohio Hospital Tax Pilot 107760
Program. The requirements of this section apply only as long as 107761
the United States Centers for Medicare and Medicaid Services 107762
determines that the assessment imposed under Section 333.300 of 107763

this act is a permissible health care-related tax pursuant to 107764
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 107765
If the Department is informed that the assessment is an 107766
impermissible health care related tax, the Department shall 107767
promptly refund to each hospital the amount of money currently 107768
in the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 107769
5CM1) that has been paid by the hospital under Section 333.300 107770
of this act, plus any investment earnings on that amount. 107771

(I) The nonfederal share of the directed payments shall be 107772
funded exclusively by a hospital tax assessment pursuant to 107773
Section 333.300 of this act and must be remitted to the 107774
Department through intergovernmental transfer from a multi- 107775
county funding district, as specified in that section. 107776

(J) Transfers made for the program shall be deposited into 107777
the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 107778
5CM1). The state share of this program shall be derived from 107779
deposits attributable to the intergovernmental transfers 107780
received for the Rural Southern Ohio Hospital Tax Pilot Program, 107781
and the corresponding federal share in appropriation item 107782
651623, Medicaid Services - Federal, shall be used for the Rural 107783
Southern Ohio Hospital Tax Pilot Program. 107784

Section 333.300. RURAL SOUTHERN OHIO HOSPITAL PILOT 107785
PROGRAM ASSESSMENTS 107786

(A) (1) As used in this section, "county" means a county 107787
identified in Section 333.290 of this act that has fewer than 107788
two hospitals located in the county. 107789

(2) For purposes of this section, one or more contiguous 107790
counties may create a multi-county funding district. The 107791
boundary of any multi-county funding district shall be 107792

coextensive with the combined boundaries of the counties 107793
contained in the multi-county funding district. 107794

(B) In establishing a multi-county funding district, all 107795
of the following apply: 107796

(1) A multi-county funding district is a governmental 107797
entity. 107798

(2) The board of county commissioners of each county 107799
within the boundaries of a proposed multi-county funding 107800
district shall pass a resolution or ordinance establishing the 107801
multi-county funding district and appointing one county 107802
commissioner to serve on the district's governing board. Upon 107803
the adoption of a resolution or ordinance by each board of 107804
county commissioners, the multi-county funding district is 107805
created. Following the creation of a multi-county funding 107806
district, each resolution or ordinance required to establish the 107807
district shall be amended before a new county may join the 107808
district. 107809

(3) The governing board of a multi-county funding district 107810
shall be comprised solely of the county commissioners appointed 107811
by each county within the boundaries of the district. A county 107812
may replace its appointment to the governing board by resolution 107813
or ordinance. 107814

(4) The governing board of a multi-county funding district 107815
shall delegate the operational and administrative burdens of the 107816
districts to the counties that comprise the district. Within 107817
sixty days of the establishment of a multi-county funding 107818
district, the governing board shall designate at least one 107819
county to serve as the operational and administrative lead for 107820
the district. The governing board may change this designation at 107821

any time. 107822

(C) A county or multi-county funding district may 107823
establish a local hospital assessment to provide the nonfederal 107824
share for Medicaid payments under division (G) of Section 107825
333.290 of this act. Any local assessment established under this 107826
section shall comply with all of the requirements applicable to 107827
provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 107828
C.F.R. 433.68. 107829

(1) Each county or multi-county funding district shall set 107830
the annual rate of the local hospital assessment. 107831

(2) An assessment established under this section shall 107832
apply uniformly to all non-public hospitals within the 107833
jurisdiction of the county or multi-county funding district. A 107834
county or multi-county funding district may apply the assessment 107835
to public hospitals. 107836

(3) A county or multi-county funding district shall set 107837
the rate of the assessment such that, in the aggregate, the 107838
assessment will generate sufficient revenue to cover both of the 107839
following: 107840

(a) The nonfederal share of Medicaid payments that benefit 107841
hospitals in the county or multi-county funding district; 107842

(b) The administrative expenses of the county or multi- 107843
county funding district in administering the local hospital 107844
assessment, except that administrative expenses shall not exceed 107845
one hundred fifty thousand dollars annually. 107846

(4) Implementation of an assessment established under this 107847
section shall further the state's evolving quality goals, 107848
including improving mental health, substance abuse prevention, 107849
and advancing maternal health. 107850

(5) A county or multi-county funding district may impose 107851
penalties upon a hospital that is subject to an assessment that 107852
fails to pay the assessment in a timely manner. 107853

Section 335.10. 107854
107855

1	2	3	4	5
A	MED STATE MEDICAL BOARD			
B	Dedicated Purpose Fund Group			
C	5C60 883609 Operating Expenses		\$14,315,005	\$14,891,225
D	Dedicated Purpose Fund Group Total		\$14,315,005	\$14,891,225
E	TOTAL ALL BUDGET FUND GROUPS		\$14,315,005	\$14,891,225

Section 337.10. 107856
107857

1	2	3	4	5
A	MHA DEPARTMENT OF BEHAVIORAL HEALTH			
B	General Revenue Fund			
C	GRF 336321 Program Support and Operations		\$59,724,405	\$61,389,013
D	GRF 336402 Resident Trainees		\$380,000	\$380,000
E	GRF 336406 Prevention and Wellness		\$7,650,000	\$7,650,000
F	GRF 336407 Crisis Services and Stablization		\$17,000,000	\$22,000,000

G	GRF	336409	State of Ohio Action Resiliency Network	\$10,000,000	\$10,000,000
H	GRF	336412	Hospital Services	\$333,954,104	\$342,325,387
I	GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
J	GRF	336421	Continuum of Care Services	\$103,580,000	\$103,580,000
K	GRF	336422	Criminal Justice Services	\$34,561,738	\$34,821,119
L	GRF	336425	Specialized Docket Support	\$11,282,469	\$11,287,028
M	GRF	336504	Community Innovations	\$23,500,000	\$8,500,000
N	GRF	336510	Residential State Supplement	\$24,000,000	\$24,000,000
O	GRF	336516	Appalachian Children Coalition	\$2,500,000	\$2,500,000
P	GRF	652321	Medicaid Support	\$478,055	\$492,396
Q			General Revenue Fund Total	\$656,110,771	\$653,124,943
R			Dedicated Purpose Fund Group		
S	4750	336623	Statewide Treatment and Prevention	\$24,000,000	\$24,000,000
T	4850	336632	Mental Health Operating	\$19,000,000	\$24,200,000

U	5AA1	336661	988 Suicide and Crisis Response	\$2,500,000	\$0
V	5AU0	336615	Behavioral Health Care	\$11,000,000	\$11,000,000
W	5JL0	336629	Problem Gambling and Casino Addiction	\$9,000,000	\$7,750,000
X	5T90	336641	Problem Gambling Services	\$3,200,000	\$3,200,000
Y	5TZ0	336666	Behavioral Health Assistance	\$20,000,000	\$20,000,000
Z	5VV0	336645	Transcranial Magnetic Stimulation Program	\$4,000,000	\$4,000,000
AA	6320	336616	Community Capital Replacement	\$350,000	\$350,000
AB	6890	336640	Education and Conferences	\$200,000	\$200,000
AC	QG18	336667	Treatment, Prevention, and Education	\$3,273,160	\$10,501,800
AD	QG18	336668	9-8-8 Suicide Crisis and Response	\$31,691,840	\$41,298,200
AE	Dedicated Purpose Fund Group Total			\$128,215,000	\$146,500,000
AF	Internal Service Activity Fund Group				
AG	1490	336609	Hospital Operating Expenses	\$16,000,000	\$16,000,000
AH	1490	336610	Operating Expenses	\$7,350,000	\$7,350,000

AI 1510 336601 Ohio Pharmacy Services	\$124,937,150	\$146,503,708
AJ 4P90 336604 Community Mental Health Projects	\$250,000	\$250,000
AK Internal Service Activity Fund Group Total	\$148,537,150	\$170,103,708
AL Federal Fund Group		
AM 3240 336605 Medicaid/Medicare	\$18,000,000	\$18,000,000
AN 3A70 336612 Social Services Block Grant	\$8,500,000	\$8,500,000
AO 3A80 336613 Federal Grants	\$8,600,000	\$8,600,000
AP 3A90 336614 Mental Health Block Grant	\$52,000,000	\$46,000,000
AQ 3B10 652636 Community Medicaid Legacy Support	\$1,600,000	\$1,600,000
AR 3G40 336618 Substance Abuse Block Grant	\$87,000,000	\$86,000,000
AS 3H80 336606 Demonstration Grants	\$16,000,000	\$16,000,000
AT 3HB1 336644 State Opioid Response	\$170,000,000	\$170,000,000
AU 3N80 336639 Administrative Reimbursement	\$1,000,000	\$1,000,000
AV Federal Fund Group Total	\$362,700,000	\$355,700,000
AW TOTAL ALL BUDGET FUND GROUPS	\$1,295,562,921	\$1,325,428,651

Section 337.20. STATE BLOCK GRANTS	107858
(A) As used in this section:	107859
(1) "Drug used in withdrawal management or detoxification"	107860
means a drug approved by the United States Food and Drug	107861
Administration for use in, or a drug in standard use for,	107862
mitigating alcohol or opioid withdrawal symptoms or assisting	107863
with detoxification.	107864
(2) "Jail" has the same meaning as in section 2929.01 of	107865
the Revised Code.	107866
(3) "Medication-assisted treatment" has the same meaning	107867
as in section 340.01 of the Revised Code.	107868
(4) "Medication-assisted treatment drug court program"	107869
means a session of any of the following that holds initial or	107870
final certification from the Supreme Court of Ohio as a	107871
specialized docket program for drugs and that uses medication-	107872
assisted treatment as part of its specialized docket program: a	107873
common pleas court, municipal court, or county court, or a	107874
division of any of those courts.	107875
(5) "Alcohol and drug addiction services," "mental health	107876
services," "recovery housing residence," and "recovery supports"	107877
have the same meanings as in section 5119.01 of the Revised	107878
Code.	107879
(B) In fiscal years 2026 and 2027, the Department of	107880
Behavioral Health may allocate General Revenue Funds described	107881
in this section, as well as any other General Revenue Funds and	107882
Dedicated Purpose Funds determined by the Department, to boards	107883
of alcohol, drug addiction, and mental health services through	107884
state block grants. These state block grants shall serve to	107885
provide flexibility within established allowable uses for the	107886

boards to disburse funds to behavioral health providers to 107887
provide harm reduction, prevention, substance use disorder 107888
treatment, mental health treatment, recovery supports, and 107889
crisis services in local communities. The Director of Behavioral 107890
Health shall adopt guidelines on the eligible uses of these 107891
block grants. 107892

(C) The Director of Behavioral Health shall create a 107893
uniform reporting structure related to the expenditures, uses, 107894
and outcomes of the state block grants described in this section 107895
to ensure that thorough and accurate data is reported with a 107896
focus on transparency, accountability, process improvement, 107897
outcomes, and return on investment. This data shall be made 107898
available in accordance with state of Ohio data governance best 107899
practices and federal and state security and privacy laws, 107900
regulations, and standards. 107901

(D) The Department of Behavioral Health shall disburse the 107902
state block grant funds to boards of alcohol, drug addiction, 107903
and mental health services in accordance with distribution 107904
methodologies determined by the Director of Behavioral Health. 107905
In determining the methodologies, the Director shall consider, 107906
at a minimum, all of the following factors: population 107907
indicators, poverty rates, health workforce shortage statistics, 107908
relevant emerging behavioral health trends, and the amounts of 107909
fiscal year 2025 awards made to each board of alcohol, drug 107910
addiction, and mental health services for related programs that 107911
are eligible uses of the state block grant funds. 107912

(E) A portion of the foregoing appropriation item 336406, 107913
Prevention and Wellness, shall be used to create a Prevention 107914
State Block Grant that boards of alcohol, drug addiction, and 107915
mental health services shall use to fund the provision of 107916

evidence-based or evidence-informed early intervention, suicide prevention, and other prevention services. 107917
107918

The Director of Behavioral Health shall establish 107919
allowable uses for the Prevention State Block Grant that 107920
include, but are not limited to, all of the following: 107921

(1) Prevention across the lifespan; 107922

(2) Suicide prevention across the lifespan; 107923

(3) Early intervention; 107924

(4) Cross-system collaborative effort to address 107925
prevention needs in the community. 107926

(F) A portion of the foregoing appropriation item 336407, 107927
Crisis Services and Stabilization, shall be used to create a 107928
Crisis Services State Block Grant that shall be used by boards 107929
of alcohol, drug addiction, and mental health services to fund 107930
the provision of crisis services and supports. 107931

The Director of Behavioral Health shall establish 107932
allowable uses for the Crisis Services State Block Grant that 107933
include, but are not limited to, all of the following: 107934

(1) Substance use and mental health crisis stabilization 107935
centers; 107936

(2) Crisis stabilization and crisis prevention services 107937
and supports; 107938

(3) Cross-systems collaborative efforts to address crisis 107939
services needs in the community. 107940

(G) A portion of the foregoing appropriation item 336421, 107941
Continuum of Care Services, shall be used to create a Mental 107942
Health State Block Grant that shall be used by boards of 107943

alcohol, drug addiction, and mental health services to fund the 107944
provision of mental health services and recovery supports. 107945

The Director of Behavioral Health shall establish 107946
allowable uses for the Mental Health State Block Grant that 107947
include, but are not limited to, all of the following: 107948

(1) Mental health services, including the treatment of 107949
indigent mentally ill persons subject to court order in 107950
hospitals or inpatient units licensed by the Department of 107951
Behavioral Health under section 5119.33 of the Revised Code; 107952

(2) Cross-system collaborative efforts to serve adults 107953
with serious mental illness who are involved in multiple human 107954
services or criminal justice systems; 107955

(3) Other initiatives designed to address mental health 107956
needs. 107957

(H) A portion of the foregoing appropriation item 336421, 107958
Continuum of Care Services, shall also be used to create a 107959
Substance Use Disorder State Block Grant that shall be used by 107960
boards of alcohol, drug addiction, and mental health services to 107961
fund the provision of alcohol and drug addiction services and 107962
recovery supports. 107963

The Director of Behavioral Health shall establish 107964
allowable uses for the Substance Use Disorder State Block Grant 107965
that include, but are not limited to, all of the following: 107966

(1) Initiatives concerning alcohol and drug addiction 107967
services; 107968

(2) Substance use stabilization centers; 107969

(3) Cross-system collaborative efforts to address 107970
substance use disorder needs in the community. 107971

(I) A portion of the foregoing appropriation item 336421, 107972
Continuum of Care Services, shall be used to create a Recovery 107973
Supports State Block Grant that shall be used by boards of 107974
alcohol, drug addiction, and mental health services to fund the 107975
provision of recovery supports. 107976

The Director of Behavioral Health shall establish 107977
allowable uses for the Recovery Supports State Block Grant that 107978
include, but are not limited to, all of the following: 107979

(1) Subsidized support for psychotropic and substance use 107980
disorder treatment medication needs of indigent citizens in the 107981
community to reduce unnecessary hospitalization due to lack of 107982
medication; 107983

(2) Peer support; 107984

(3) Operational expenses and minor facility improvements 107985
to class two and class three residential facilities licensed 107986
under section 5119.34 of the Revised Code and recovery housing 107987
residences; 107988

(4) Community reintegration supports; 107989

(5) Cross-system collaborative efforts to address recovery 107990
support needs in the community. 107991

(J) A portion of the foregoing appropriation item 336422, 107992
Criminal Justice Services, shall be used to create a Criminal 107993
Justice State Block Grant that shall be used by boards of 107994
alcohol, drug addiction, and mental health services to fund the 107995
provision of services and supports to incarcerated individuals 107996
and individuals being discharged from prisons and jails. 107997

The Director of Behavioral Health shall establish 107998
allowable uses for the Criminal Justice State Block Grant that 107999

include, but are not limited to, all of the following: 108000

(1) Medication-assisted treatment and treatment involving 108001
drugs used in withdrawal management or detoxification; 108002

(2) Community reintegration supports; 108003

(3) Substance use disorder treatment and mental health 108004
treatment, including the provision of such treatment as an 108005
alternative to incarceration, as well as recovery supports; 108006

(4) Forensic monitoring and tracking of individuals on 108007
conditional release; 108008

(5) Forensic and crisis response training; 108009

(6) Projects that assist courts and law enforcement in 108010
identifying and developing appropriate alternative services to 108011
incarceration for nonviolent offenders with mental illness; 108012

(7) The provision of services to incarcerated individuals 108013
in jails with a substance use disorder, severe mental illness, 108014
or both, including screening and clinically appropriate 108015
treatment; 108016

(8) Linkages to, and the provision of, substance use 108017
disorder treatment, mental health treatment, recovery supports, 108018
and specialized re-entry services for incarcerated individuals 108019
leaving prisons and jails; 108020

(9) The support of specialized dockets, including the 108021
expansion of existing medication-assisted treatment drug court 108022
programs, the creation of new medication-assisted treatment drug 108023
court programs, and assistance with the administrative expenses 108024
of participating courts, community addiction services providers, 108025
and community mental health services providers; 108026

(10) Cross-system collaborative efforts to address the 108027
needs of individuals involved in the criminal justice system. 108028

Section 337.30. PREVENTION AND WELLNESS 108029

The foregoing appropriation item 336406, Prevention and 108030
Wellness, shall be used as follows: 108031

(A) Up to \$3,000,000 in each fiscal year shall be 108032
allocated to boards of alcohol, drug addiction, and mental 108033
health services through the Prevention State Block Grant 108034
established in division (E) of Section 337.20 of this act. 108035

(B) Up to \$2,500,000 in each fiscal year shall be used to 108036
support suicide prevention efforts. 108037

(C) Up to \$2,150,000 in each fiscal year shall be used to 108038
increase access to early identification and prevention of 108039
behavioral health disorders across the lifespan. 108040

Section 337.40. ACTION RESILIENCY NETWORK 108041

The foregoing appropriation item 336409, State of Ohio 108042
Action Resiliency Network, shall be used by the Department of 108043
Behavioral Health for the State of Ohio Action for Resiliency 108044
Network and a strategic research agenda and capacity needed to 108045
conduct research, clinical trials, direct care, telehealth, data 108046
collection, and workforce training pertaining to innovative 108047
practices in behavioral prevention, harm reduction, treatment, 108048
and recovery. 108049

Section 337.50. HOSPITAL SERVICES 108050

The foregoing appropriation item 336412, Hospital 108051
Services, may be used for any of the following purposes: 108052

(A) Supporting all operations related to the hospitals 108053

established, controlled, or supervised by the Department of Behavioral Health under Chapter 5119. of the Revised Code;

(B) Supporting physical environments that are designed for patients to receive assessment, evaluation, and stabilization interventions within general hospitals;

(C) Establishing and operating the Pretrial Behavioral Health Intervention Pilot Program established in Section 751.10 of this act;

(D) Providing jails and associated health care providers with access to telehealth consultations with psychiatric specialists, such as psychiatrists and psychiatric nurse practitioners.

Section 337.60. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Behavioral Health pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Section 337.70. CONTINUUM OF CARE SERVICES

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) Up to \$69,500,000 in each fiscal year shall be allocated to boards of alcohol, drug addiction, and mental health services through the Mental Health State Block Grant

established in division (G) of Section 337.20 of this act; 108082

(B) Up to \$9,500,000 in each fiscal year shall be 108083
allocated to boards of alcohol, drug addiction, and mental 108084
health services through the Substance Use Disorder State Block 108085
Grant established in division (H) of Section 337.20 of this act; 108086

(C) Up to \$19,500,000 in each fiscal year shall be 108087
allocated to boards of alcohol, drug addiction, and mental 108088
health services through the Recovery Supports State Block Grant 108089
established in division (I) of Section 337.20 of this act; 108090

(D) Of the foregoing appropriation item 336421, Continuum 108091
of Care Services, up to \$4,000,000 in each fiscal year shall be 108092
used to expand statewide access to rapid mobile response and 108093
stabilization services provided to youth experiencing an 108094
emotional or behavioral health crisis and their families; 108095

(E) Up to \$455,000 in each fiscal year shall be used to 108096
implement sections 5119.39 to 5119.397 of the Revised Code; 108097

(F) Up to \$400,000 in each fiscal year shall be used to 108098
provide funding for community projects across the state that 108099
focus on support for families, assisting families in avoiding 108100
crisis, and crisis intervention; and 108101

(G) \$225,000 in each fiscal year shall be allocated to 108102
LifeTown Columbus to provide additional support for facility 108103
renovations and operations, including professional development, 108104
curriculum development, education materials, equipment, 108105
marketing, and recruitment. 108106

Section 337.80. CRIMINAL JUSTICE SERVICES 108107

(A) Of the foregoing appropriation item 336422, Criminal 108108
Justice Services, up to \$6,800,000 in each fiscal year shall be 108109

allocated to boards of alcohol, drug addiction, and mental 108110
health services through the Criminal Justice State Block Grant 108111
established in division (J) of Section 337.20 of this act. 108112

(B) Of the foregoing appropriation item 336422, Criminal 108113
Justice Services, up to \$5,250,000 in each fiscal year shall be 108114
allocated to the Behavioral Health Drug Reimbursement Program 108115
established in section 5119.19 of the Revised Code. 108116

(C) The remainder of appropriation item 336422, Criminal 108117
Justice Services, shall be used for all of the following: 108118

(1) The provision of forensic psychiatric evaluations to 108119
courts of common pleas; 108120

(2) The completion of evaluations of patients of forensic 108121
status in facilities operated or designated by the Department of 108122
Behavioral Health prior to each patient's conditional release to 108123
the community; 108124

(3) Workforce, training, and technological initiatives 108125
that support the items specified in divisions (C)(1) and (2) of 108126
this section; 108127

(4) Support therapeutic communities; 108128

(5) Provide forensic and crisis response training; 108129

(6) Establish and administer outpatient and jail-based 108130
competency restoration services; 108131

(7) Establish and administer pre-trial diversion programs; 108132

(8) Support assisted outpatient treatment programs; 108133

(9) Link and provide behavioral health treatment and 108134
recovery supports, including housing assistance, to incarcerated 108135
individuals with a substance use disorder, severe mental 108136

illness, or both, upon their release from jail or prison; 108137

(10) Support jail-based treatment and symptom management; 108138

(11) Support specialized dockets, including the expansion 108139
of existing medication-assisted treatment drug court programs, 108140
the creation of new medication-assisted treatment drug court 108141
programs, and assistance with the administrative expenses of 108142
participating courts and community addiction services providers 108143
and community mental health services providers; 108144

(12) Establish and administer outpatient competency 108145
restoration services. The services shall be provided by forensic 108146
centers described in section 5119.10 of the Revised Code or, to 108147
the extent a forensic center in a community does not provide 108148
outpatient competency restoration services, a psychiatric 108149
program or facility selected by a board of alcohol, drug 108150
addiction, and mental health services to provide such services. 108151

Section 337.90. SPECIALIZED DOCKET SUPPORT 108152

(A) Except as otherwise provided in this section, the 108153
foregoing appropriation item 336425, Specialized Docket Support, 108154
shall be used to defray a portion of the annual payroll costs 108155
associated with the specialized docket of a common pleas court, 108156
municipal court, county court, juvenile court, or family court 108157
that meets all of the eligibility requirements in division (B) 108158
of this section, including a family dependency treatment docket. 108159
The foregoing appropriation item 336425, Specialized Docket 108160
Support, may also be used to defray costs associated with 108161
treatment services and recovery supports for participants. 108162

(B) To be eligible, the specialized docket must have 108163
received Supreme Court of Ohio initial or final certification 108164
and include participants with behavioral health needs in its 108165

target population. 108166

(C) Of the foregoing appropriation item 336425, 108167
Specialized Docket Support, the Department of Behavioral Health 108168
shall use up to one per cent of the funds appropriated in each 108169
fiscal year to pay the cost it incurs in administering the 108170
duties established in this section. 108171

(D) The Department, in consultation with the Supreme Court 108172
of Ohio, may adopt funding distribution methodology, guidelines, 108173
and procedures as necessary to carry out the purposes of this 108174
section. 108175

Section 337.100. COMMUNITY INNOVATIONS 108176

The foregoing appropriation item 336504, Community 108177
Innovations, may be used by the Department of Behavioral Health 108178
to make targeted investments in programs, projects, or systems 108179
operated by or under the authority of other state agencies, 108180
governmental entities, or private not-for-profit agencies that 108181
impact, or are impacted by, the operations and functions of the 108182
Department, with the goal of achieving a net reduction in 108183
expenditure of state general revenue funds and/or improved 108184
outcomes for Ohio citizens without a net increase in state 108185
general revenue fund spending. 108186

The Director shall identify and evaluate programs, 108187
projects, or systems proposed or operated, in whole or in part, 108188
outside of the authority of the Department, where targeted 108189
investment of these funds in the program, project, or system is 108190
expected to decrease demand for the Department or other 108191
resources funded with state general revenue funds, and/or to 108192
measurably improve outcomes for Ohio citizens with mental 108193
illness or with alcohol, drug, or gambling addictions. The 108194

Director shall have discretion to provide funds from this 108195
appropriation item to private not-for-profit entities in 108196
amounts, and subject to conditions, that the Director determines 108197
most likely to achieve state savings and/or improved outcomes. 108198
Distribution of funds from this appropriation item shall not be 108199
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 108200
Code. 108201

The Department shall enter into an agreement with each 108202
recipient of community innovation funds, identifying the 108203
following: allowable expenditure of the funds; other commitment 108204
of funds or other resources to the program, project, or system; 108205
expected state savings and/or improved outcomes and proposed 108206
mechanisms for measurement of such savings or outcomes; and 108207
required reporting regarding expenditure of funds and savings or 108208
outcomes achieved. 108209

Of the foregoing appropriation item 336504, Community 108210
Innovations, up to \$3,000,000 in each fiscal year shall be used 108211
to support workforce development initiatives. 108212

Of the foregoing appropriation item 336504, Community 108213
Innovations, up to \$1,500,000 in each fiscal year shall be used 108214
to provide behavioral health access and opportunities. 108215

Of the foregoing appropriation item 336504, Community 108216
Innovations, up to \$3,000,000 in each fiscal year shall be used 108217
to support the creation and expansion of programs established by 108218
peer-run organizations in this state for the purpose of offering 108219
individuals with a mental illness, or a mental illness and co- 108220
occurring substance use disorder, opportunities for employment, 108221
housing, education, and access to medical and psychiatric 108222
services. Programs and facilities shall be operated in 108223
accordance with model standards and benchmarks selected by the 108224

Department of Behavioral Health. 108225

Of the foregoing appropriation item 336504, Community 108226
Innovations, up to \$15,000,000 in fiscal year 2026 shall be used 108227
to support the coordination of care across the behavioral health 108228
continuum and enhance patient care by establishing and 108229
sustaining health information systems for providers licensed or 108230
certified by the Department of Behavioral Health. 108231

Section 337.110. RESIDENTIAL STATE SUPPLEMENT 108232

The foregoing appropriation item 336510, Residential State 108233
Supplement, may be used by the Department of Behavioral Health 108234
to implement and operate the Residential State Supplement (RSS) 108235
Program required by section 5119.41 of the Revised Code. 108236

Section 337.115. APPALACHIAN CHILDREN COALITION 108237

The foregoing appropriation item 336516, Appalachian 108238
Children Coalition, shall be provided to the Appalachian 108239
Children Coalition to address systemic challenges children face 108240
in Appalachian Ohio. 108241

Section 337.120. MEDICAID SUPPORT 108242

The foregoing appropriation item 652321, Medicaid Support, 108243
shall be used to fund specified Medicaid Services as delegated 108244
by the state's single agency responsible for the Medicaid 108245
Program. 108246

Section 337.130. 9-8-8 LIFELINE 108247

(A) As used in this section, "9-8-8 Suicide and Crisis 108248
Lifeline" means the 9-8-8 universal telephone number designated 108249
for use within the United States under section 251(e) of the 108250
"Communications Act of 1934," 47 U.S.C. 251(e), as amended by 108251
the "National Suicide Hotline Designation Act of 2020," Pub. L. 108252

No. 116-172, for the purpose of the national suicide prevention 108253
and mental health crisis hotline system. 108254

(B) The foregoing appropriation items 336661, 988 Suicide 108255
and Crisis Response, and 336668, 988 Suicide and Crisis 108256
Response, shall be used to support statewide operations and 108257
related activities of the 9-8-8 Suicide and Crisis Lifeline and 108258
mental health treatment and response. 108259

Section 337.140. COORDINATED SPECIALTY CARE FOR FIRST 108260
EPISODE PSYCHOSIS 108261

Of the foregoing appropriation item 336667, Treatment, 108262
Prevention, and Education, up to \$2,400,000 in each fiscal year 108263
may be used to support coordinated specialty care (CSC) for 108264
individuals experiencing first episode psychosis (FEP) and 108265
receiving care from a CSC for FEP team housed within a provider 108266
certified or licensed by the Department of Behavioral Health. 108267

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 108268

A portion of appropriation item 336629, Problem Gambling 108269
and Casino Addiction, shall be allocated to boards of alcohol, 108270
drug addiction, and mental health services in accordance with a 108271
distribution methodology determined by the Director of 108272
Behavioral Health. 108273

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 108274

The foregoing appropriation item 336645, Transcranial 108275
Magnetic Stimulation Program, shall be used for the 108276
Electroencephalogram (EEG) Combined Transcranial Magnetic 108277
Stimulation Program as described in section 5119.20 of the 108278
Revised Code. 108279

Section 337.170. ACCESS SUCCESS II PROGRAM 108280

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Behavioral Health. The transferred cash is hereby appropriated.

The Department of Behavioral Health shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND

On a schedule determined by the Director of Budget and Management, the Director of Behavioral Health shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

Section 337.190. STATEWIDE MOBILE CRISIS SYSTEM

(A) The Department of Behavioral Health, in coordination with local, state, and federal government entities, shall assist with the development and implementation of a statewide system of mobile crisis services for adults and children.

(B) The development of a statewide mobile crisis system is 108310
contingent on the availability of state and federal funding. 108311
Should state and federal funding be insufficient for the 108312
development of a full system or limit the extent to which the 108313
system can be developed, the Department shall determine whether 108314
and to what extent pilot projects or other initiatives for the 108315
provision of mobile crisis services could be implemented. 108316

Section 337.200. COMMUNITY BEHAVIORAL HEALTH CLINICS 108317

The ability of the Department of Behavioral Health to 108318
establish a process and standards for the state certification of 108319
certified community behavioral health clinics under section 108320
5119.211 of the Revised Code is contingent on the availability 108321
of state and federal funding. Should state or federal funding be 108322
insufficient for the state certification of certified community 108323
behavioral health clinics, the Department shall determine 108324
whether and to what extent pilot projects or other initiatives 108325
to support an integrated care approach for the provision of 108326
substance use disorder treatment and mental health treatment 108327
could be implemented. 108328

Section 339.10. 108329
108330

1	2	3	4	5
A	MIH COMMISSION ON MINORITY HEALTH			
B	General Revenue Fund			
C	GRF 149321 Operating Expenses		\$844,088	\$855,455
D	GRF 149501 Demonstration Grants		\$1,352,000	\$1,352,000

E	GRF 149502 Lupus Program	\$118,000	\$118,000
F	GRF 149503 Infant Mortality Health Grants	\$4,970,489	\$4,974,489
G	General Revenue Fund Total	\$7,284,577	\$7,299,944
H	Dedicated Purpose Fund Group		
I	4C20 149601 Minority Health Conference	\$35,000	\$35,000
J	Dedicated Purpose Fund Group Total	\$35,000	\$35,000
K	Federal Fund Group		
L	3J90 149405 Healthier Communities	\$1,000,000	\$1,000,000
M	Federal Fund Group Total	\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS	\$8,319,577	\$8,334,944

Section 341.10.

108331

108332

	1	2	3	4	5
A	CRB MOTOR VEHICLE REPAIR BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	865601	Operating Expenses	\$781,067	\$821,804
D	Dedicated Purpose Fund Group Total			\$781,067	\$821,804
E	TOTAL ALL BUDGET FUND GROUPS			\$781,067	\$821,804

Section 343.10.

108333

108334

1	2	3	4	5
A	DNR DEPARTMENT OF NATURAL RESOURCES			
B	General Revenue Fund			
C	GRF	725401 Division of Wildlife - Operating Subsidy	\$1,700,000	\$1,700,000
D	GRF	725413 Parks and Recreational Facilities Lease Rental Bond Payments	\$57,500,000	\$76,500,000
E	GRF	725456 Canal Lands	\$118,000	\$118,000
F	GRF	725459 Buckeye State Tree Nursery	\$1,134,650	\$1,134,650
G	GRF	725460 LWCF Recreation Lands	\$262,646	\$266,995
H	GRF	725505 Healthy Lake Erie Program	\$931,976	\$939,077
I	GRF	725507 Coal and Mine Safety Programs	\$3,222,147	\$3,297,340
J	GRF	725903 Natural Resources General Obligation Bond Debt Service	\$14,300,000	\$14,300,000
K	GRF	727321 Division of Forestry	\$10,216,231	\$10,437,678
L	GRF	729321 Office of Information Technology	\$576,055	\$593,337

M	GRF	730321	Parks and Recreation	\$55,000,000	\$55,000,000
N	GRF	736321	Division of Engineering	\$2,531,760	\$2,576,358
O	GRF	737321	Division of Water Resources	\$2,752,230	\$2,803,759
P	GRF	738321	Office of Real Estate and Land Management	\$1,038,539	\$1,060,089
Q	GRF	741321	Division of Natural Areas and Preserves	\$5,104,211	\$5,205,199
R			General Revenue Fund Total	\$156,388,445	\$175,932,482
S			Dedicated Purpose Fund Group		
T	2270	725406	Parks Projects Personnel	\$4,831,529	\$4,976,475
U	4300	725671	Canal Lands	\$479,012	\$479,012
V	4S90	725622	NatureWorks Personnel	\$317,806	\$327,341
W	4U60	725668	Scenic Rivers Protection	\$58,860	\$58,860
X	5090	725602	State Forest	\$10,852,951	\$11,010,594
Y	5110	725646	Ohio Geological Mapping	\$6,123,647	\$6,323,883
Z	5120	725605	State Parks Operations	\$43,122,931	\$43,358,465
AA	5140	725606	Lake Erie Shoreline	\$1,694,771	\$1,732,863
AB	5160	725620	Water Management	\$3,256,522	\$3,562,000

AC 5180	725643	Oil and Gas Regulation and Safety	\$31,230,432	\$31,784,411
AD 5180	725677	Oil and Gas Well Plugging	\$47,734,902	\$48,022,027
AE 5210	725627	Off-Road Vehicle Trails	\$1,781,723	\$286,068
AF 5220	725656	Natural Areas and Preserves	\$585,191	\$600,500
AG 5290	725639	Mining Regulation and Safety	\$4,004,552	\$4,090,096
AH 5310	725648	Reclamation Forfeiture	\$195,573	\$195,579
AI 5BJ1	7256A6	State Park Land Royalties	\$20,000,000	\$20,000,000
AJ 5BJ1	7256A7	Wildlife Area Land Royalties	\$3,000,000	\$0
AK 5EL0	725612	Wildlife Law Enforcement	\$11,826	\$11,826
AL 5HK0	725625	Ohio Nature Preserves	\$9,239	\$9,239
AM 5LD0	725458	Oil and Gas Leasing Commission	\$10,000	\$10,000
AN 5P20	725634	Wildlife Boater Angler Administration	\$5,968,330	\$5,968,330
AO 5TD0	725514	Park Maintenance	\$1,540,331	\$1,540,331
AP 6150	725661	Dam Safety	\$5,673,950	\$6,473,950
AQ 6970	725670	Submerged Lands	\$667,210	\$679,080

AR 6H20	725681	H2Ohio	\$46,622,268	\$46,622,268
AS 7015	740401	Division of Wildlife Conservation	\$84,946,128	\$87,919,242
AT 7086	725414	Waterways Improvement	\$5,782,184	\$5,880,807
AU 7086	739401	Watercraft Operations	\$28,432,898	\$28,922,532
AV 8150	725636	Cooperative Management Projects	\$625,271	\$625,271
AW 8160	725649	Wetlands Habitat	\$659,691	\$659,691
AX 8170	725655	Wildlife Conservation Checkoff	\$1,923,060	\$1,923,060
AY 8180	725629	Cooperative Fisheries Research	\$1,500,000	\$1,500,000
AZ 8190	725685	Ohio River Management	\$43,786	\$43,786
BA 81B0	725688	Wildlife Habitats	\$1,359,102	\$1,359,102
BB	Dedicated Purpose Fund Group Total		\$365,045,676	\$366,956,689
BC	Internal Service Activity Fund Group			
BD 1550	725601	Departmental Projects	\$1,566,470	\$1,586,980
BE 1570	725651	Program Support	\$26,713,040	\$27,292,005
BF 5100	725631	Maintenance - State-owned Residences	\$43,713	\$43,713

BG Internal Service Activity Fund Group	\$28,323,223	\$28,922,698
Total		
BH Capital Projects Fund Group		
BI 7061 725405 Clean Ohio Trail	\$267,307	\$273,030
Operating		
BJ Capital Projects Fund Group Total	\$267,307	\$273,030
BK Fiduciary Fund Group		
BL 5ZT0 7256A2 State Park Lodges	\$11,950,641	\$11,950,641
Maintenance and Repair		
BM Fiduciary Fund Group Total	\$11,950,641	\$11,950,641
BN Holding Account Fund Group		
BO R017 725659 Performance Cash Bond	\$450,999	\$450,999
Refunds		
BP R043 725624 Forestry	\$2,104,919	\$2,104,919
BQ Holding Account Fund Group Total	\$2,555,918	\$2,555,918
BR Federal Fund Group		
BS 3320 725669 Federal Mine Safety Grant	\$306,979	\$316,189
BT 3B30 725640 Federal Forest Pass-Thru	\$419,535	\$419,535
BU 3B40 725641 Federal Flood Pass-Thru	\$106,648	\$106,648
BV 3B50 725645 Federal Abandoned Mine	\$69,114,806	\$69,268,735

		Lands		
BW	3B60	725653	Federal Land and Water Conservation Grants	\$10,800,000 \$25,800,000
BX	3B70	725654	Reclamation - Regulatory	\$1,311,309 \$1,340,625
BY	3IR0	7256A5	Long Term Abandoned Mine Land Reclamation	\$100,000 \$100,000
BZ	3P10	725632	Geological Survey - Federal	\$805,102 \$786,700
CA	3P20	725642	Oil and Gas - Federal	\$20,109,957 \$20,115,008
CB	3P20	725698	Oil And Gas - Federal Orphan Well Plug	\$22,363,120 \$22,363,120
CC	3P30	725650	Coastal Management - Federal	\$3,953,487 \$4,013,587
CD	3P40	725660	Federal - Soil and Water Resources	\$416,420 \$422,292
CE	3R50	725673	Acid Mine Drainage Abatement/Treatment	\$860,489 \$860,489
CF	3Z50	725657	Federal Recreation and Trails	\$1,122,594 \$1,127,603
CG	Federal Fund Group Total			\$131,790,446 \$147,040,531
CH	TOTAL ALL BUDGET FUND GROUPS			\$696,321,656 \$733,631,989

The Department of Natural Resources shall use a methodology for determining each division's payments into the Program Support Fund (Fund 1570). The methodology used shall contain the characteristics of administrative ease and uniform application in compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to Fund 1570 shall be made using an intrastate transfer voucher.

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND
PAYMENTS

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, and animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the

Director may decide. The Director shall give priority to 108365
recommendations that encourage farmers to adopt agricultural 108366
production guidelines commonly known as 4R nutrient stewardship 108367
practices. 108368

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 108369

The foregoing appropriation item 725903, Natural Resources 108370
General Obligation Bond Debt Service, shall be used to pay all 108371
debt service and related financing costs during the period July 108372
1, 2025, through June 30, 2027, on obligations issued under 108373
sections 151.01 and 151.05 of the Revised Code. 108374

Section 343.30. WELL LOG FILING FEES 108375

The Chief of the Division of Water Resources shall deposit 108376
fees forwarded to the Division pursuant to section 1521.05 of 108377
the Revised Code into the Water Management Fund (Fund 5160) for 108378
the purposes described in that section. 108379

PARKS CAPITAL EXPENSES FUND 108380

The Director of Natural Resources shall submit to the 108381
Director of Budget and Management the estimated design, 108382
engineering, and planning costs of capital-related work to be 108383
done by Department of Natural Resources staff for parks projects 108384
within the Ohio Parks and Recreation Improvement Fund (Fund 108385
7035). If the Director of Budget and Management approves the 108386
estimated costs, the Director may release appropriations from 108387
Fund 7035 appropriation item C725E6, Project Planning, for those 108388
purposes. Upon release of the appropriations, the Department of 108389
Natural Resources shall pay for these expenses from the Parks 108390
Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 108391
shall be reimbursed by Fund 7035 using an intrastate transfer 108392
voucher. 108393

NATUREWORKS CAPITAL EXPENSES FUND 108394

The Department of Natural Resources shall submit to the 108395
Director of Budget and Management the estimated design, 108396
planning, and engineering costs of capital-related work to be 108397
done by Department of Natural Resources staff for each capital 108398
improvement project within the Ohio Parks and Natural Resources 108399
Fund (Fund 7031). If the Director of Budget and Management 108400
approves the estimated costs, the Director may release 108401
appropriations from Fund 7031 appropriation item C725E5, Project 108402
Planning, for those purposes. Upon release of the 108403
appropriations, the Department of Natural Resources shall pay 108404
for these expenses from the Capital Expenses Fund (Fund 4S90). 108405
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 108406
using an intrastate transfer voucher. 108407

PARK MAINTENANCE 108408

The foregoing appropriation item 725514, Park Maintenance, 108409
shall be used by the Department of Natural Resources to pay the 108410
costs of projects supported by the State Park Maintenance Fund 108411
(Fund 5TD0) under section 1501.08 of the Revised Code. 108412

On July 1 of each fiscal year or as soon as possible 108413
thereafter, the Director of Natural Resources shall certify the 108414
amount of five percent of the average of the previous five years 108415
of deposits in the State Park Fund (Fund 5120) to the Director 108416
of Budget and Management. The Director of Budget and Management 108417
may transfer up to \$2,200,000 from Fund 5120 to the State Park 108418
Maintenance Fund (Fund 5TD0). 108419

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 108420

The foregoing appropriation item 725405, Clean Ohio Trail 108421
Operating, shall be used by the Department of Natural Resources 108422

in administering Clean Ohio Trail Fund (Fund 7061) projects 108423
pursuant to section 1519.05 of the Revised Code. 108424

Section 343.60. (A) As used in this section: 108425

(1) "Locally administer" means to supervise the design and 108426
construction of, and make contracts for the construction, 108427
reconstruction, improvement, enlargement, alteration, repair, or 108428
decoration of a capital facility project without the assistance 108429
of the Ohio Facilities Construction Commission. 108430

(2) "Capital facility project" means any activities, 108431
projects, or improvements described in division (B) (1) of 108432
section 1501.011 of the Revised Code. "Capital facility project" 108433
does not include the construction of a new facility, structure, 108434
or lodge. 108435

(B) Notwithstanding section 123.21 of the Revised Code or 108436
any other provision of law to the contrary, for fiscal years 108437
2026 and 2027, the Department of Natural Resources may locally 108438
administer any capital facility project commenced within those 108439
fiscal years, regardless of estimated cost. 108440

(C) The Department shall do both of the following 108441
regarding a capital facility project that is locally 108442
administered: 108443

(1) Comply with the applicable procedures and guidelines 108444
established in Chapter 153. of the Revised Code; 108445

(2) Track all project information in the Ohio 108446
Administrative Knowledge System capital improvements application 108447
pursuant to Ohio Facilities Construction Commission guidelines 108448
as though the Department is administering the project pursuant 108449
to section 123.211 of the Revised Code and all generally 108450
applicable laws. 108451

(D) Nothing in this section interferes with the powers of 108452
the Department of Natural Resources authorized in Chapter 1501. 108453
of the Revised Code. 108454

Section 345.10. 108455
108456

	1	2	3	4	5
A			NUR STATE BOARD OF NURSING		
B			Dedicated Purpose Fund Group		
C	4K90	884609	Operating Expenses	\$13,033,034	\$13,491,425
D	5AC0	884602	Nurse Education Grant Program	\$1,350,000	\$1,350,000
E			Dedicated Purpose Fund Group Total	\$14,383,034	\$14,841,425
F			TOTAL ALL BUDGET FUND GROUPS	\$14,383,034	\$14,841,425

Section 347.10. 108457
108458

	1	2	3	4	5
A			PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD		
B			Dedicated Purpose Fund Group		
C	4K90	890609	Operating Expenses	\$1,352,852	\$1,434,859
D			Dedicated Purpose Fund Group Total	\$1,352,852	\$1,434,859
E			TOTAL ALL BUDGET FUND GROUPS	\$1,352,852	\$1,434,859

Section 353.10.

108459

108460

1	2	3	4	5
A	OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY			
B	General Revenue Fund			
C	GRF	415402 Independent Living Council	\$252,000	\$252,000
D	GRF	415406 Assistive Technology	\$26,000	\$26,000
E	GRF	415431 Brain Injury	\$550,000	\$550,000
F	GRF	415506 Services for Individuals with Disabilities	\$40,015,000	\$40,015,000
G	GRF	415508 Services for the Deaf	\$527,000	\$527,000
H	GRF	415511 Centers for Independent Living	\$1,500,000	\$1,500,000
I	GRF	415512 Visually Impaired Reading Services	\$50,000	\$50,000
J	GRF	415513 Accessible Ohio	\$1,000,000	\$1,000,000
K	General Revenue Fund Total		\$43,920,000	\$43,920,000
L	Dedicated Purpose Fund Group			
M	4670	415609 Business Enterprise Operating Expenses	\$913,127	\$918,806

N	4680	415618	Third Party Services Funding	\$3,725,233	\$3,725,233
O	4L10	415619	Services for Rehabilitation	\$2,000,000	\$2,000,000
P			Dedicated Purpose Fund Group Total	\$6,638,360	\$6,644,039
Q			Internal Service Activity Fund Group		
R	4W50	415606	Program Management	\$17,083,462	\$17,539,339
S			Internal Service Activity Fund Group Total	\$17,083,462	\$17,539,339
T			Federal Fund Group		
U	3170	415620	Disability Determination	\$88,981,907	\$90,733,204
V	3790	415616	Federal-Vocational Rehabilitation	\$170,000,000	\$175,100,000
W	3GH0	415602	Personal Care Assistance	\$3,995,399	\$4,017,337
X	3GH0	415604	Community Centers for the Deaf	\$772,420	\$772,420
Y	3GH0	415613	Independent Living	\$2,737,411	\$2,737,411
Z	3GH0	415627	Independent Living Projects	\$100,000	\$100,000
AA	3IL0	415629	Works4Me Disability Innovation Fund Grant	\$2,300,000	\$2,300,000

AB 3L40 415615 Federal-Supported Employment	\$1,200,000	\$1,200,000
AC 3L40 415617 Independent Living Older Blind	\$2,567,746	\$2,908,622
AD Federal Fund Group Total	\$272,654,883	\$279,868,994
AE TOTAL ALL BUDGET FUND GROUPS	\$340,296,705	\$347,972,372

Section 353.20. INDEPENDENT LIVING 108461

The foregoing appropriation item 415402, Independent 108462
Living Council, shall be provided to the Ohio Statewide 108463
Independent Living Council to support its operations under the 108464
State Plan for Independent Living. 108465

Of the foregoing appropriation item 415511, Centers for 108466
Independent Living, the amount needed in each fiscal year for 108467
state matching funds for the Federal Independent Living Grant 108468
shall be provided to support the state independent living 108469
programs and centers under Title VII of the federal 108470
"Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended 108471
by the Rehabilitation Act Amendments of 1992 and known as the 108472
federal Independent Living Services and Centers for Independent 108473
Living. 108474

Of the foregoing appropriation item 415511, Centers for 108475
Independent Living, up to \$1,355,608 in each fiscal year may be 108476
used as state matching funds to provide vocational 108477
rehabilitation services to Ohioans with disabilities. 108478

Of the foregoing appropriation item 415511, Centers for 108479
Independent Living, \$74,124 in each fiscal year shall be used as 108480
state matching funds for vocational rehabilitation innovation 108481

and expansion activities. 108482

The foregoing appropriation item 415613, Independent 108483
Living, shall be used to support the operations of the Centers 108484
for Independent Living in accordance with the State Plan for 108485
Independent Living. 108486

ASSISTIVE TECHNOLOGY 108487

The foregoing appropriation item 415406, Assistive 108488
Technology, shall be provided to Assistive Technology of Ohio to 108489
provide grants and assistive technology services for people with 108490
disabilities in the state of Ohio. 108491

BRAIN INJURY 108492

The foregoing appropriation item 415431, Brain Injury, 108493
shall be provided to The Ohio State University College of 108494
Medicine to support the Brain Injury Program established under 108495
section 3335.60 of the Revised Code. 108496

SERVICES FOR THE DEAF 108497

The foregoing appropriation item 415508, Services for the 108498
Deaf, shall be used to support community centers for the deaf. 108499

VISUALLY IMPAIRED READING SERVICES 108500

The foregoing appropriation item 415512, Visually Impaired 108501
Reading Services, shall be used to support VOICEcorps Reading 108502
Services to provide reading services for blind individuals. 108503

SIGHT CENTERS 108504

Of the foregoing appropriation item 415617, Independent 108505
Living Older Blind, \$30,000 in each fiscal year shall be used to 108506
contract in equal amounts with the Cleveland Sight Center, the 108507
Cincinnati Association for the Blind and Visually Impaired, and 108508

the Sight Center of Northwest Ohio to provide outreach to the 108509
community of individuals with blindness or low vision. 108510

Section 361.10.

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	1	2	3	4	5
A			PEN PENSION SUBSIDIES		
B			General Revenue Fund		
C	GRF	090524	Police and Fire Disability Pension Fund	\$300	\$300
D	GRF	090534	Police and Fire Ad Hoc Cost of Living	\$14,000	\$14,000
E	GRF	090554	Police and Fire Survivor Benefits	\$138,000	\$138,000
F	GRF	090575	Police and Fire Death Benefits	\$40,000,000	\$40,000,000
G			General Revenue Fund Total	\$40,152,300	\$40,152,300
H			TOTAL ALL BUDGET FUND GROUPS	\$40,152,300	\$40,152,300

Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND

108513

The foregoing appropriation item 090575, Police and Fire 108514
Death Benefits, shall be disbursed quarterly by the Treasurer of 108515
State at the beginning of each quarter of each fiscal year to 108516
the Board of Trustees of the Ohio Police and Fire Pension Fund, 108517
which serves as trustees of the Ohio Public Safety Officers 108518
Death Benefit Fund pursuant to section 742.62 of the Revised 108519

Code. The Treasurer of State shall certify such amounts 108520
quarterly to the Director of Budget and Management. By the 108521
twentieth day of June of each fiscal year, the Board of Trustees 108522
shall certify to the Treasurer of State the amount disbursed in 108523
the current fiscal year to make the payments required by 108524
sections 124.824 and 742.63 of the Revised Code and shall return 108525
to the Treasurer of State moneys received from this 108526
appropriation item but not disbursed. 108527

Notwithstanding any provision of section 124.824 of the 108528
Revised Code to the contrary, for each death benefit fund 108529
recipient who participates in health, medical, hospital, dental, 108530
surgical, or vision benefits under section 124.824 of the 108531
Revised Code, the Board of Trustees of the Ohio Police and Fire 108532
Pension Fund shall forward as a pass-through from the revenue 108533
received from the foregoing appropriation item 090575, Police 108534
and Fire Death Benefits, the percentage of the cost for the 108535
applicable benefits that would be paid by a state employer for a 108536
state employee who elects that coverage and any applicable 108537
administrative costs, which shall not exceed two per cent of the 108538
total cost of the benefits. The Board of Trustees shall also 108539
withhold from the benefits paid to a death benefit fund 108540
recipient under section 742.63 of the Revised Code the 108541
percentage of the cost for such benefits that would be paid by a 108542
state employee, and forward the withheld amounts to the 108543
Department of Administrative Services from the revenue received 108544
from the foregoing appropriation item 090575, Police and Fire 108545
Death Benefits. 108546

In fiscal year 2026 or 2027, if it is determined by the 108547
Director of Administrative Services, in consultation with the 108548
Chairperson of the Board of Trustees of the Ohio Police and Fire 108549
Pension Fund, or designee, that additional amounts are necessary 108550

to pay the cost of providing benefits under section 124.824 or 108551
742.63 of the Revised Code, the Director of Administrative 108552
Services may certify the additional amount necessary to the 108553
Director of Budget and Management. The amount certified is 108554
hereby appropriated. 108555

Section 363.10.

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	1	2	3	4	5
A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD				
B	Dedicated Purpose Fund Group				
C	6910	810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$1,778,594	\$1,910,092
D	Dedicated Purpose Fund Group Total			\$1,778,594	\$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS			\$1,778,594	\$1,910,092

Section 367.10.

108558

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	1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY				
B	Dedicated Purpose Fund Group				
C	4A50	887605	Drug Law Enforcement	\$50,000	\$50,000
D	4K90	658605	OARRS Integration - State	\$207,657	\$208,860

E	4K90 887609 Operating Expenses	\$13,773,784	\$14,491,459
F	5SG0 887612 Drug Database	\$2,826,000	\$2,865,000
G	Dedicated Purpose Fund Group Total	\$16,857,441	\$17,615,319
H	Federal Fund Group		
I	3HD0 887614 Pharmacy Federal Grants	\$2,094,643	\$2,111,622
J	3HH0 658601 OARRS Integration - Federal	\$642,117	\$645,729
K	Federal Fund Group Total	\$2,736,760	\$2,757,351
L	TOTAL ALL BUDGET FUND GROUPS	\$19,594,201	\$20,372,670

Section 367.20.

108560

CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM
FUND TO THE DRUG DATABASE FUND

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Upon the request of the Executive Director of the State
Board of Pharmacy, the Director of Budget and Management may
transfer up to \$2,745,500 in cash in each fiscal year from the
Medical Marijuana Control Program Fund (Fund 5SY0), used by the
Department of Commerce, to the Drug Database Fund (Fund 5SG0),
used by the State Board of Pharmacy.

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Section 369.10.

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PSY STATE BOARD OF PSYCHOLOGY

B	Dedicated Purpose Fund Group		
C	4K90 882609 Operating Expenses	\$975,010	\$1,011,722
D	Dedicated Purpose Fund Group Total	\$975,010	\$1,011,722
E	TOTAL ALL BUDGET FUND GROUPS	\$975,010	\$1,011,722

Section 371.10.

108571

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	1	2	3	4	5
A	PUB OHIO PUBLIC DEFENDER COMMISSION				
B	General Revenue Fund				
C	GRF	019401	State Legal Defense Services	\$13,227,100	\$13,467,000
D	GRF	019406	Northwest Regional Hub Support	\$3,350,000	\$3,350,000
E	GRF	019501	County Reimbursement	\$173,719,360	\$178,930,940
F	General Revenue Fund Total			\$190,296,460	\$195,747,940
G	Dedicated Purpose Fund Group				
H	1010	019607	Juvenile Legal Assistance	\$217,456	\$223,980
I	4060	019603	Training and Publications	\$75,000	\$75,000
J	4070	019604	County Representation	\$375,000	\$375,000
K	4080	019605	Client Payments	\$800,000	\$800,000

L	4C70	019601	Multi-County: County Share	\$594,900	\$624,300
M	4N90	019613	Gifts and Grants	\$13,400	\$13,400
N	5740	019606	Civil Legal Aid	\$38,000,000	\$34,000,000
O	5CX0	019617	Civil Case Filing Fee	\$620,000	\$620,000
P	5DY0	019618	Indigent Defense Support - County Share	\$22,908,000	\$22,908,000
Q	5DY0	019619	Indigent Defense Support - State Office	\$4,692,000	\$4,692,000
R			Dedicated Purpose Fund Group Total	\$68,295,756	\$64,331,680
S			Federal Fund Group		
T	3IQ0	019626	Reforming Reentry Program	\$350,000	\$85,321
U	3S80	019608	Federal Representation	\$38,300	\$38,300
V			Federal Fund Group Total	\$388,300	\$123,621
W			TOTAL ALL BUDGET FUND GROUPS	\$258,980,516	\$260,203,241

Section 371.20. STATE LEGAL DEFENSE SERVICES 108573

Of the foregoing appropriation item 019401, State Legal	108574
Defense Services, up to \$50,000 in each fiscal year, shall be	108575
used by the Ohio Public Defender to provide legal training	108576
programs at no cost for private appointed counsel who represent	108577
at least one indigent defendant at no cost, and for state and	108578
county public defenders and attorneys who contract with the Ohio	108579

Public Defender to provide indigent defense services. 108580

INDIGENT DEFENSE SUPPORT 108581

The foregoing appropriation item 019501, County 108582
Reimbursement, shall be used to reimburse counties for the costs 108583
of operating county public defender offices, joint county public 108584
defender offices and county appointed counsel systems, the 108585
counties' costs and expenses of conducting the defense in 108586
capital cases, the counties' costs and expenses of appointed 108587
counsel covered by section 2941.51 of the Revised Code, and the 108588
costs and expenses of contracting with the state public defender 108589
or with any nonprofit organization to provide legal 108590
representation to indigent persons. The counties' costs and 108591
expenses of appointed counsel covered by section 2941.51 of the 108592
Revised Code shall be reimbursed at an hourly rate not to exceed 108593
\$75 per hour, except that the counties' costs and expenses of 108594
conducting the defense in capital cases shall be reimbursed at 108595
an hourly rate not to exceed \$140 per hour. 108596

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL 108597
AID FUND 108598

On July 1 of each fiscal year, or as soon as possible 108599
thereafter, the Director of Budget and Management shall transfer 108600
\$1,000,000 cash from the General Revenue Fund to the Legal Aid 108601
Fund (Fund 5740). The transferred cash shall be distributed by 108602
the Ohio Access to Justice Foundation to Ohio's civil legal aid 108603
societies as follows: \$500,000 in each fiscal year for the sole 108604
purpose of providing legal services for economically 108605
disadvantaged individuals and families seeking assistance with 108606
legal issues arising as a result of substance abuse disorders, 108607
and \$250,000 in each fiscal year for the sole purpose of 108608
providing legal services for veterans. None of the funds shall 108609

be used for administrative costs, including, but not limited to, 108610
salaries, benefits, or travel reimbursements. 108611

FEDERAL REPRESENTATION 108612

The foregoing appropriation item 019608, Federal 108613
Representation, shall be used to support representation provided 108614
by the Ohio Public Defender in federal court cases. 108615

COUNTY INDIGENT DEFENSE BUDGETS 108616

Not later than July 31, 2026, each county through its 108617
county commission shall submit a biannual indigent defense cost 108618
projection report to the Ohio Public Defender. The report shall 108619
contain data on the most current projected costs of the indigent 108620
defense services in the county for the next two upcoming state 108621
fiscal years at the time of submission. 108622

Section 371.30. NORTHWEST REGIONAL HUB 108623

(A) In fiscal year 2026 and fiscal year 2027, the Ohio 108624
Public Defender shall create the Northwest Regional Hub pilot 108625
program to provide indigent defense services in the counties 108626
that elect to join, in lieu of managing those services directly 108627
and applying for reimbursement. 108628

(B) The following counties may elect to participate in the 108629
Northwest Regional Hub, and no other counties are permitted to 108630
participate: 108631

(1) Allen County; 108632

(2) Hardin County; 108633

(3) Putnam County. 108634

(C) On or after the effective date of this section, any 108635
county listed in division (B) of this section may elect, by 108636

resolution, to become part of the Northwest Regional Hub and 108637
thereby transfer administration of the county's indigent defense 108638
system to the Ohio Public Defender for the period of the pilot 108639
program. 108640

(D) If a county elects to become part of the Northwest 108641
Regional Hub and transfer indigent defense services to the Ohio 108642
Public Defender pursuant to this section, the Ohio Public 108643
Defender shall assume responsibility for representation of 108644
indigent persons in the proceedings set forth in division (A) of 108645
section 120.16 of the Revised Code, to the extent that 108646
representation is not provided by outside counsel in accordance 108647
with section 120.33 of the Revised Code. 108648

(E) (1) The Ohio Public Defender shall consult with the 108649
county commissioners, judiciary, and local attorneys in counties 108650
that have opted to participate in the Northwest Regional Hub to 108651
determine the number of indigent defense cases the public 108652
defender will handle directly. 108653

(2) Except as provided in division (E) (4) of this section, 108654
in a county that elects to participate in the Northwest Regional 108655
Hub, the Ohio Public Defender shall provide direct 108656
representation to indigent defendants in not more than eighty 108657
per cent of indigent defense cases. 108658

(3) In cases where the Ohio Public Defender does not 108659
provide direct representation, the court shall appoint counsel 108660
in accordance with section 120.33 of the Revised Code. 108661

(4) If the Ohio Public Defender, in consultation with the 108662
county commissioners, judiciary, and local attorneys, determines 108663
that there is insufficient local counsel available to fill an 108664
appointment under division (E) (3) of this section, the Ohio 108665

Public Defender shall provide direct representation in the case. 108666

(F) A county that wishes to withdraw from the Northwest 108667
Regional Hub and resume responsibility for the delivery of 108668
indigent defense services shall do all of the following: 108669

(1) Hold a public meeting regarding the withdrawal and 108670
provide notice to all of the following, seven or more days 108671
before the meeting: 108672

(a) The local bar association; 108673

(b) Every judge serving in the county; 108674

(c) The county prosecutor; 108675

(d) The county public defender; 108676

(e) Every attorney who is on the court's roster for 108677
appointment to provide indigent defense in accordance with 108678
section 120.33 of the Revised Code. 108679

(2) Provide the Ohio Public Defender with a copy of the 108680
resolution electing to withdraw. 108681

(G) When a county transfers indigent defense services to 108682
the Ohio Public Defender pursuant to this section, and the 108683
transferring county operates a county public defender office at 108684
the time of the transfer, the employees of the transferring 108685
county public defender may be transferred to employees of the 108686
Ohio Public Defender as the Ohio Public Defender determines to 108687
be necessary for successful implementation of this section, to 108688
the extent possible, with no loss of service credit. 108689

NORTHWEST REGIONAL HUB SUPPORT 108690

The foregoing appropriation item 019406, Northwest 108691
Regional Hub Support, shall be used by the Ohio Public Defender 108692

to pay for all the costs of providing indigent defense services 108693
in counties that have transferred administration of those 108694
services pursuant to this section. Expenses may include the cost 108695
of operating public defender offices, reimbursement of expenses 108696
of court appointed counsel, and other associated costs of 108697
providing legal representation to indigent persons as covered by 108698
section 120.04 of the Revised Code. 108699

Section 373.10.

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108701

1	2	3	4	5
A	DPS DEPARTMENT OF PUBLIC SAFETY			
B	General Revenue Fund			
C	GRF	761403 Recovery Ohio Law Enforcement	\$6,000,000	\$6,000,000
D	GRF	761411 Ohio Narcotics Intelligence Center	\$13,077,345	\$13,641,498
E	GRF	763403 EMA Operating	\$8,931,000	\$9,102,000
F	GRF	763407 State Hazard Mitigation	\$1,000,000	\$1,000,000
G	GRF	763408 State Disaster Relief	\$939,481	\$969,481
H	GRF	763513 Security Grants	\$8,500,000	\$8,500,000
I	GRF	765401 Emergency Medical Services Operating	\$5,497,851	\$5,768,030
J	GRF	767420 Investigative Unit Operating	\$12,554,073	\$10,718,860

K	GRF	768425	Justice Program Services	\$17,495,430	\$17,675,918
L	GRF	768435	Community Police Relations	\$2,445,800	\$2,607,939
M	GRF	769406	Homeland Security - Operating	\$4,946,000	\$5,046,000
N	GRF	769407	Driver Safety	\$6,425,545	\$6,458,591
O	GRF	769412	Ohio School Safety Center	\$8,963,284	\$9,367,524
P			General Revenue Fund Total	\$96,775,809	\$96,855,841
Q			Highway Safety Fund Group		
R	5TM0	762321	Operating Expense - BMV	\$128,500,000	\$129,645,783
S	5TM0	762637	Local Immobilization Reimbursement	\$87,000	\$90,000
T	5TM0	764321	Operating Expense - Highway Patrol	\$404,019,560	\$416,140,146
U	5TM0	764605	Motor Carrier Enforcement Expenses	\$709,000	\$730,000
V	5TM0	769636	Administrative Expenses - Highway Purposes	\$56,062,283	\$58,959,468
W	8370	764602	Turnpike Policing	\$13,652,000	\$14,117,000
X	83C0	764630	Contraband, Forfeiture, and Other	\$500,000	\$500,000

Y	83F0	764657	Law Enforcement Automated Data System	\$6,216,213	\$6,380,428
Z	83G0	764633	OMVI Enforcement/Education	\$156,727	\$157,703
AA	83M0	765640	EMS Grants	\$2,900,000	\$2,900,000
AB	8400	764607	State Fair Security	\$1,788,386	\$1,842,038
AC	8400	764617	Security and Investigations	\$14,376,926	\$14,808,233
AD	8400	764626	State Fairgrounds Police Force	\$1,031,556	\$1,062,502
AE	8460	761625	Motorcycle Safety Education	\$4,215,000	\$4,220,000
AF	8490	762627	Automated Title Processing Board	\$11,000,000	\$10,950,000
AG	8490	762630	Electronic Liens and Titles	\$2,008,000	\$2,008,000
AH	Highway Safety Fund Group Total			\$647,222,651	\$664,511,301
AI	Dedicated Purpose Fund Group				
AJ	4P60	768601	Justice Program Services	\$95,000	\$100,000
AK	4V30	763662	EMA Service and Reimbursements	\$559,000	\$562,000
AL	5390	762614	Motor Vehicle Dealers	\$140,000	\$140,000

	Board		
AM 5AZ1 761680	eWarrant Local Integration	\$2,390,000	\$2,405,000
AN 5B90 766632	Private Investigator and Security Guard Provider	\$2,134,000	\$2,203,000
AO 5BC1 769638	Ohio School Safety and Security Center Training Fees	\$100,000	\$100,000
AP 5BK0 768687	Criminal Justice Services - Operating	\$770,000	\$795,000
AQ 5BK0 768689	Family Violence Shelter Programs	\$1,550,000	\$1,550,000
AR 5ET0 768625	Drug Law Enforcement	\$3,750,000	\$3,750,000
AS 5FF0 762621	Indigent Interlock and Alcohol Monitoring	\$1,400,000	\$1,400,000
AT 5LM0 768698	Criminal Justice Services Law Enforcement Support	\$850,000	\$850,000
AU 5ML0 769635	Infrastructure Protection	\$89,000	\$91,000
AV 5RH0 767697	OIU Special Projects	\$750,000	\$750,000
AW 5Y10 764695	State Highway Patrol Continuing Professional Training	\$148,000	\$148,000

AX 5Y10 767696	Ohio Investigative Unit Continuing Professional Training	\$10,000	\$10,000
AY 6220 767615	Investigative, Contraband, and Forfeiture	\$61,000	\$61,000
AZ 6570 763652	Utility Radiological Safety	\$1,420,000	\$1,467,000
BA 6810 763653	SARA Title III Hazmat Planning	\$400,000	\$331,000
BB QG18 761681	Peace Officer Training	\$39,960,000	\$59,200,000
BC QG18 767602	Investigative Unit Administration	\$9,990,000	\$14,800,000
BD QG18 768623	Local Drug Task Force	\$12,487,500	\$18,500,000
BE QG18 769639	Safe Driving Programs	\$19,980,000	\$29,600,000
BF	Dedicated Purpose Fund Group Total	\$99,033,500	\$138,813,000
BG	Fiduciary Fund Group		
BH 5J90 761678	Federal Salvage/GSA	\$600,000	\$600,000
BI 5V10 762682	License Plate Contributions	\$2,900,000	\$3,000,000
BJ	Fiduciary Fund Group Total	\$3,500,000	\$3,600,000
BK	Holding Account Fund Group		

BL R024 762619	Unidentified Motor Vehicle Receipts	\$1,641,000	\$1,641,000
BM R052 762623	Security Deposits	\$50,000	\$50,000
BN Holding Account Fund Group Total		\$1,691,000	\$1,691,000
BO Federal Fund Group			
BP 3370 763515	COVID Relief - Federal	\$150,000,000	\$150,000,000
BQ 3370 763609	Federal Disaster Relief	\$73,500,000	\$73,500,000
BR 3FP0 767620	Ohio Investigative Unit Justice Contraband	\$10,000	\$10,000
BS 3GL0 768619	Justice Assistance Grants	\$10,000,000	\$10,000,000
BT 3GR0 764693	Highway Patrol Justice Contraband	\$227,000	\$227,000
BU 3GS0 764694	Highway Patrol Treasury Contraband	\$80,000	\$80,000
BV 3GT0 767691	Investigative Unit Federal Equity Share	\$100,000	\$100,000
BW 3GU0 761610	Information and Education Grant	\$435,000	\$435,000
BX 3GU0 764608	Fatality Analysis Report System Grant	\$175,000	\$175,000
BY 3GU0 764610	Highway Safety Programs Grant	\$5,226,000	\$5,333,000

BZ 3GU0 764659	Motor Carrier Safety Assistance Program Grant	\$11,242,000	\$11,582,000
CA 3GU0 769610	Investigations Grants - Food Stamps, Liquor, and Tobacco Laws	\$1,000,000	\$1,000,000
CB 3GU0 769631	Homeland Security Disaster Grants	\$1,500,000	\$1,500,000
CC 3GV0 761612	Traffic Safety Action Plan Grant	\$31,625,000	\$31,685,000
CD 3L50 768604	Justice Program	\$25,000,000	\$25,000,000
CE	Federal Fund Group Total	\$310,120,000	\$310,627,000
CF	TOTAL ALL BUDGET FUND GROUPS	\$1,158,342,960	\$1,216,098,142

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 108702

Of the foregoing appropriation item 761403, Recovery Ohio 108703
Law Enforcement, up to \$2,900,000 in each fiscal year may be 108704
used by the Office of Criminal Justice Services to support local 108705
law enforcement narcotics task forces that focus on cartel 108706
trafficking interdiction. The interdiction task forces shall be 108707
designated Ohio Organized Crime Commission task forces subject 108708
to approval and supervision of the Commission. This earmarked 108709
amount may also be used to provide funding to local law 108710
enforcement agencies, the Commission for task force-related 108711
equipment purchases, and for operating expenses of the Office of 108712
Criminal Justice Services related to the narcotics interdiction 108713
task force program. 108714

Of the foregoing appropriation item 761403, Recovery Ohio 108715
Law Enforcement, up to \$2,500,000 in each fiscal year may be 108716
used by the Office of Criminal Justice Services for Ohio's 108717
narcotics task forces in order to build new and strengthen 108718
existing partnerships with local law enforcement. This earmarked 108719
amount may also be used to provide funding to local law 108720
enforcement agencies and for operating expenses of the Office of 108721
Criminal Justice Services related to the Ohio narcotics task 108722
force program. 108723

Of the foregoing appropriation item 761403, Recovery Ohio 108724
Law Enforcement, up to \$600,000 in each fiscal year may be used 108725
to partner with the Office of Information Technology in the 108726
Department of Administrative Services to enhance and maintain a 108727
uniform records management and data intelligence system, and 108728
provide case management, collaboration, data sharing, and data 108729
analytics tools for Ohio narcotics task forces and law 108730
enforcement agencies. 108731

LOCAL DISASTER ASSISTANCE 108732

An amount equal to the unexpended, unencumbered balance of 108733
appropriation item 763511, Local Disaster Assistance, at the end 108734
of fiscal year 2025 is hereby reappropriated for the April 17, 108735
2018, and April 8, 2019, Major Disaster Declarations for fiscal 108736
year 2026. 108737

An amount equal to the unexpended, unencumbered balance of 108738
appropriation item 763511, Local Disaster Assistance, at the end 108739
of fiscal year 2026 is hereby reappropriated for the April 17, 108740
2018, and April 8, 2019, Major Disaster Declarations for fiscal 108741
year 2027. 108742

Section 373.30. SECURITY GRANTS 108743

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for all of the following purposes:

(1) Eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism;

(2) Acquiring or retaining the services of a resource officer, special duty police officer, or licensed armed security guards, including the training, licensing, or certification of resource officers;

(3) The lease or purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism;

(4) Placing the qualified equipment at alternative locations that are off the premises belonging to the grantee, provided that the grantee receives prior permission from any appropriate county, municipal corporation, local law enforcement agency, local emergency management agency, or local transportation agency, as applicable;

(5) Funding coordinated training between law enforcement, counterterrorism agencies, and emergency responders on either the premises of a nonprofit corporation or through community-wide training efforts.

(B) The Emergency Management Agency shall administer and award the grants described in division (A) of this section. The Agency shall establish procedures and forms by which applicants

may apply for a grant, a competitive process for ranking 108773
applicants and awarding the grants, and procedures for 108774
distributing grants to recipients. The Agency shall include 108775
information about the grants and the application process on its 108776
web site. 108777

(C) An amount equal to the unexpended, unencumbered 108778
balance of the foregoing appropriation item 763513, Security 108779
Grants, at the end of fiscal year 2025 is hereby reappropriated 108780
for the same purpose in fiscal year 2026. 108781

(D) An amount equal to the unexpended, unencumbered 108782
balance of the foregoing appropriation item 763513, Security 108783
Grants, at the end of fiscal year 2026 is hereby reappropriated 108784
for the same purpose in fiscal year 2027. 108785

JUSTICE PROGRAM SERVICES 108786

Of the foregoing appropriation item 768425, Justice 108787
Program Services, up to \$5,000,000 in each fiscal year shall be 108788
used by the Office of Criminal Justice Services to administer 108789
and distribute grants to state and local law enforcement 108790
agencies to implement or enhance body-worn camera programs. 108791

Of the foregoing appropriation item 768425, Justice 108792
Program Services, up to \$4,531,000 in each fiscal year shall be 108793
used by the Office of Criminal Justice Services to support anti- 108794
human trafficking efforts in the areas of prosecution, victim 108795
services to specifically include assistance for child victims, 108796
and prevention and policy to implement the priorities of the 108797
Governor's Ohio Human Trafficking Task Force. 108798

Of the foregoing appropriation item 768425, Justice 108799
Program Services, up to \$4,000,000 in each fiscal year shall be 108800
used by the Office of Criminal Justice Services to administer 108801

and distribute grants to state and local law enforcement 108802
agencies to assist local communities in reducing and preventing 108803
crime through the use of promising or proven crime reduction 108804
strategies. The use of the grants includes, but is not limited 108805
to, overtime, equipment, technical assistance, and analytical 108806
support to implement crime reduction strategies. 108807

Of the foregoing appropriation item 768425, Justice 108808
Program Services, up to \$1,000,000 in each fiscal year shall be 108809
used by the Office of Criminal Justice Services to distribute 108810
grants to state and/or local law enforcement to conduct 108811
investigations on sexual assault kit testing results and related 108812
expenses. 108813

Of the foregoing appropriation item 768425, Justice 108814
Program Services, up to \$1,000,000 in each fiscal year shall be 108815
used to support state and local law enforcement agencies in the 108816
recruitment, hiring, and training of qualified individuals to 108817
serve as peace officers; to support state and local first 108818
responder agencies in mental, physical, and emotional wellness; 108819
and to administer and distribute grants to state and local first 108820
responder agencies to assist in recruitment, retention, and 108821
wellness of their workforce. 108822

Of the foregoing appropriation item 768425, Justice 108823
Program Services, up to \$200,000 in each fiscal year shall be 108824
used by the Office of Criminal Justice Services to implement 108825
recommendations of the Governor's Warrant Task Force. 108826

DRIVER TRAINING IN SCHOOLS GRANT PROGRAM 108827

The foregoing appropriation item 769639, Safe Driving 108828
Programs, shall be used by the Department of Public Safety, in 108829
consultation with the Department of Education and Workforce, to 108830

administer the driver training in schools grant program under 108831
section 4508.023 of the Revised Code. 108832

Section 373.40. MOTOR VEHICLE REGISTRATION 108833

The Director of Public Safety may deposit revenues to meet 108834
the cash needs of the Public Safety - Highway Purposes Fund 108835
(Fund 5TM0) established in section 4501.06 of the Revised Code, 108836
obtained under section 4503.02 of the Revised Code, less all 108837
other available cash. Revenue deposited pursuant to this 108838
paragraph shall support in part appropriations for the 108839
administration and enforcement of laws relative to the operation 108840
and registration of motor vehicles, for payment of highway 108841
obligations and other statutory highway purposes. 108842
Notwithstanding section 4501.03 of the Revised Code, the 108843
revenues shall be paid into Fund 5TM0 before any revenues 108844
obtained pursuant to section 4503.02 of the Revised Code are 108845
paid into any other fund. The deposit of revenues to meet the 108846
aforementioned cash needs shall be in approximately equal 108847
amounts on a monthly basis or as otherwise approved by the 108848
Director of Budget and Management. Prior to July 1 of each 108849
fiscal year, the Director of Public Safety shall submit a plan 108850
to the Director of Budget and Management requesting approval of 108851
the anticipated revenue amounts to be deposited into Fund 5TM0 108852
pursuant to this paragraph. If during the fiscal year changes to 108853
the plan as approved by the Director of Budget and Management 108854
are necessary, the Director of Public Safety shall submit a 108855
revised plan to the Director of Budget and Management for 108856
approval prior to any change in the deposit of revenues. 108857

VALIDATION STICKER REQUIREMENTS 108858

Validation stickers are required for the annual 108859
registration of passenger, commercial, motorcycle, and other 108860

vehicles and are produced in accordance with section 4503.191 of 108861
the Revised Code. Notwithstanding section 4503.191 of the 108862
Revised Code, the Registrar of Motor Vehicles may adopt rules 108863
authorizing validation stickers to be produced at any location. 108864

OPERATING EXPENSE - HIGHWAY PATROL 108865

Any new revenue derived from an increase of the Highway 108866
Safety fee as prescribed in section 4503.10 of the Revised Code 108867
that becomes effective with any application for registration or 108868
registration renewal received on or after January 1, 2026, shall 108869
be used exclusively for the State Highway Patrol. 108870

Section 373.50. CASH TRANSFERS TO THE PUBLIC SAFETY - 108871
HIGHWAY PURPOSES FUND - SHIPLEY UPGRADES 108872

Pursuant to a plan submitted by the Director of Public 108873
Safety, or as otherwise determined by the Director of Budget and 108874
Management, the Director of Budget and Management, upon approval 108875
of the Controlling Board, may make appropriate cash transfers on 108876
a pro-rata basis as approved by the Director of Budget and 108877
Management from other funds used by the Department of Public 108878
Safety, excluding the Public Safety Building Fund (Fund 7025), 108879
to the Public Safety - Highway Purposes Fund (Fund 5TM0) in 108880
order to reimburse expenditures for capital upgrades to the 108881
Shipley Building. 108882

CASH BALANCE FUND REVIEW 108883

The Director of Public Safety shall review the cash 108884
balances for each fund in the State Highway Safety Fund Group, 108885
and may submit a request in writing to the Director of Budget 108886
and Management to transfer amounts from any fund in the State 108887
Highway Safety Fund Group to the credit of the Public Safety - 108888
Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt 108889

of such a request, and subject to the approval of the 108890
Controlling Board, the Director of Budget and Management may 108891
make appropriate transfers as requested by the Director of 108892
Public Safety or as otherwise determined by the Director of 108893
Budget and Management. 108894

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND 108895
POLICING FUND 108896

Notwithstanding any other provision of law to the 108897
contrary, the Director of Budget and Management, upon written 108898
request of the Director of Public Safety and approval of the 108899
Controlling Board, may approve the transfer of cash from the 108900
State Highway Patrol Contraband, Forfeiture, and Other Fund 108901
(Fund 83C0) to the Security, Investigations and Policing Fund 108902
(Fund 8400). 108903

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY 108904
MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 108905

On July 1 of each fiscal year, or as soon as possible 108906
thereafter, the Director of Budget and Management shall transfer 108907
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to 108908
the Emergency Management Agency Service and Reimbursement Fund 108909
(Fund 4V30). 108910

Of the foregoing appropriation item 763662, EMA Service 108911
and Reimbursements, \$250,000 in each fiscal year shall be 108912
distributed to the Ohio Task Force One - Urban Search and Rescue 108913
Unit to pay for its operating expenses and developing new 108914
programs. 108915

Of the foregoing appropriation item 763662, EMA Service 108916
and Reimbursements, \$200,000 in each fiscal year shall be 108917
distributed to the Ohio Task Force One - Urban Search and Rescue 108918

Unit, other similar urban search and rescue units around the 108919
state, and for maintenance of the statewide fire emergency 108920
response plan by an entity recognized by the Ohio Emergency 108921
Management Agency. 108922

STATE DISASTER RELIEF 108923

The State Disaster Relief Fund (Fund 5330) may accept 108924
transfers of cash or appropriations from Controlling Board 108925
appropriation items for the Ohio Emergency Management Agency 108926
disaster response costs and disaster program management costs, 108927
and may also be used for the following purposes: 108928

(A) To accept transfers of cash or appropriations from 108929
Controlling Board appropriation items for Ohio Emergency 108930
Management Agency recovery and mitigation program match costs to 108931
reimburse eligible local governments and private nonprofit 108932
organizations for costs related to disasters; 108933

(B) To accept transfers of cash or appropriations from 108934
Controlling Board appropriation items to cover costs incurred 108935
and to reimburse government entities for Emergency Management 108936
Assistance Compact (EMAC) missions; 108937

(C) To accept disaster related reimbursement from federal, 108938
state, and local governments. The Director of Budget and 108939
Management may transfer cash from reimbursements received by 108940
this fund to other funds of the state from which transfers were 108941
originally approved by the Controlling Board. 108942

(D) To accept transfers of cash or appropriations from 108943
Controlling Board appropriation items to fund the State Disaster 108944
Relief Program, for disasters that qualify for the program by 108945
written authorization of the Governor, and the State Individual 108946
Assistance Program for disasters that have been declared by the 108947

federal Small Business Administration and that qualify for the 108948
program by written authorization from the Governor. 108949

(E) The State Disaster Relief Fund (Fund 5330) may accept, 108950
hold, administer, and expend any cash received from a gift, 108951
donation, bequest, devise, or contribution. 108952

DRUG LAW ENFORCEMENT FUND 108953

Notwithstanding division (D) of section 5502.68 of the 108954
Revised Code, in each of fiscal years 2026 and 2027, the 108955
cumulative amount of funding provided to any single drug task 108956
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 108957
exceed \$500,000 in any calendar year. 108958

SARA TITLE III HAZMAT PLANNING 108959

The SARA Title III Hazmat Planning Fund (Fund 6810) is 108960
entitled to receive grant funds from the Emergency Response 108961
Commission to implement the Emergency Management Agency's 108962
responsibilities under Chapter 3750. of the Revised Code. 108963

Section 373.60. COLLECTIVE BARGAINING INCREASES 108964

Notwithstanding division (D) of section 127.14 and 108965
division (B) of section 131.35 of the Revised Code, except for 108966
the General Revenue Fund, the Controlling Board may, upon the 108967
request of either the Director of Budget and Management, or the 108968
Department of Public Safety with the approval of the Director of 108969
Budget and Management, authorize expenditures in excess of 108970
appropriations and transfer appropriations, as necessary, for 108971
any fund used by the Department of Public Safety, to assist in 108972
paying the costs of increases in employee compensation that have 108973
occurred pursuant to collective bargaining agreements under 108974
Chapter 4117. of the Revised Code and, for exempt employees, 108975
under section 124.152 of the Revised Code. Any money approved 108976

for expenditure under this paragraph is hereby appropriated. 108977

Section 375.10. 108978

108979

	1	2	3	4	5
A			PUC PUBLIC UTILITIES COMMISSION OF OHIO		
B			Dedicated Purpose Fund Group		
C	4A30	870614	Grade Crossing Protection Devices - State	\$1,200,000	\$1,200,000
D	4L80	870617	Pipeline Safety - State	\$350,000	\$360,000
E	5610	870606	Power Siting Board	\$1,100,000	\$1,100,000
F	5F60	870622	Utility and Railroad Regulation	\$45,851,137	\$47,757,281
G	5F60	870624	NARUC/NRRI Subsidy	\$45,340	\$45,340
H	5LT0	870640	Intrastate Registration	\$230,298	\$237,207
I	5LT0	870641	Unified Carrier Registration	\$451,794	\$465,348
J	5LT0	870643	Non-Hazardous Materials Civil Forfeiture	\$278,202	\$286,548
K	5LT0	870644	Hazardous Materials Civil Forfeiture	\$1,167,567	\$1,178,594
L	5LT0	870645	Motor Carrier Enforcement	\$5,680,962	\$5,786,733

M	5Q50	870626	Telecommunications Relay Service	\$1,020,000	\$1,020,000
N	5QR0	870646	Underground Facilities Protection	\$20,000	\$20,000
O	5QS0	870647	Underground Facilities Administration	\$239,729	\$246,776
P			Dedicated Purpose Fund Group Total	\$57,635,029	\$59,703,827
Q			Federal Fund Group		
R	3330	870601	Gas Pipeline Safety	\$1,683,226	\$1,733,723
S	3500	870608	Motor Carrier Safety	\$16,103,547	\$16,288,415
T	3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$750,000	\$750,000
U	3ID0	870649	Department of Energy Grid Resiliency	\$7,122,706	\$7,122,706
V	3IE0	870650	Hazardous Material Commercial Vehicle Inspection Grants	\$300,000	\$300,000
W			Federal Fund Group Total	\$25,959,479	\$26,194,844
X			TOTAL ALL BUDGET FUND GROUPS	\$83,594,508	\$85,898,671

108981

1	2	3	4	5
A	PWC PUBLIC WORKS COMMISSION			
B	General Revenue Fund			
C	GRF 150904	Conservation General Obligation Bond Debt Service	\$46,500,000	\$39,000,000
D	GRF 150907	Infrastructure Improvement General Obligation Bond Debt Service	\$225,000,000	\$240,000,000
E	General Revenue Fund Total		\$271,500,000	\$279,000,000
F	Capital Projects Fund Group			
G	7038 150321	State Capital Improvements Program - Operating Expenses	\$974,304	\$991,125
H	7056 150403	Clean Ohio Conservation Operating	\$324,768	\$330,375
I	Capital Projects Fund Group Total		\$1,299,072	\$1,321,500
J	TOTAL ALL BUDGET FUND GROUPS		\$272,799,072	\$280,321,500

Section 379.10.

108982

108983

1	2	3	4	5
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A	RAC STATE RACING COMMISSION		
B	Dedicated Purpose Fund Group		
C	5620 875601 Thoroughbred Development	\$870,555	\$873,434
D	5630 875602 Standardbred Development	\$1,246,399	\$1,246,970
E	5650 875604 Racing Commission Operating	\$3,473,682	\$3,503,170
F	5JK0 875610 Horse Racing Development - Casino	\$10,499,999	\$10,499,999
G	5NL0 875611 Revenue Redistribution	\$12,800,000	\$12,800,000
H	Dedicated Purpose Fund Group Total	\$28,890,635	\$28,923,573
I	Fiduciary Fund Group		
J	5C40 875607 Simulcast Horse Racing Purse	\$3,921,226	\$3,921,226
K	Fiduciary Fund Group Total	\$3,921,226	\$3,921,226
L	Holding Account Fund Group		
M	R021 875605 Bond Reimbursements	\$108,700	\$108,700
N	Holding Account Fund Group Total	\$108,700	\$108,700
O	TOTAL ALL BUDGET FUND GROUPS	\$32,920,561	\$32,953,499

Section 381.10.

108984

108985

1	2	3	4	5
A	BOR DEPARTMENT OF HIGHER EDUCATION			
B	General Revenue Fund			
C	GRF	235321 Operating Expenses	\$9,155,067	\$9,331,598
D	GRF	235402 Sea Grants	\$308,000	\$308,000
E	GRF	235406 Articulation and Transfer	\$2,269,500	\$2,314,890
F	GRF	235408 Midwest Higher Education Compact	\$115,000	\$115,000
G	GRF	235413 Computer Science	\$4,004,863	\$4,006,508
H	GRF	235414 Grants and Scholarship Administration	\$922,538	\$985,378
I	GRF	235417 Technology Maintenance and Operations	\$4,520,396	\$4,528,397
J	GRF	235419 Mental Health Support	\$10,000,000	\$10,000,000
K	GRF	235425 Ohio Work Ready Grant	\$10,000,000	\$10,000,000
L	GRF	235428 Appalachian New Economy Workforce Partnership	\$4,455,000	\$4,455,000
M	GRF	235438 Choose Ohio First Scholarship	\$34,000,000	\$36,000,000
N	GRF	235443 Aspire - State	\$7,083,000	\$7,083,000

O	GRF	235444	Ohio Technical Centers	\$23,138,000	\$23,138,000
P	GRF	235474	Area Health Education Centers Program Support	\$899,000	\$899,000
Q	GRF	235475	Campus Security Support Program	\$2,000,000	\$2,000,000
R	GRF	235476	Campus Student Safety Grant Program	\$1,000,000	\$1,000,000
S	GRF	235492	Campus Safety and Training	\$656,504	\$661,950
T	GRF	235501	State Share of Instruction	\$2,119,751,939	\$2,119,751,939
U	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$25,000,000	\$30,000,000
V	GRF	235507	OhioLINK	\$6,447,000	\$6,447,000
W	GRF	235508	Air Force Institute of Technology	\$2,000,000	\$2,000,000
X	GRF	235510	Ohio Supercomputer Center	\$5,086,000	\$5,086,000
Y	GRF	235511	The Ohio State University Extension Service	\$25,504,000	\$25,504,000
Z	GRF	235514	Central State Supplement	\$12,768,910	\$13,151,977
AA	GRF	235515	Case Western Reserve	\$2,100,000	\$2,100,000

University School of
Medicine

AB	GRF	235519	Family Practice	\$3,098,000	\$3,098,000
AC	GRF	235520	Shawnee State Supplement	\$9,270,000	\$9,548,100
AD	GRF	235525	Geriatric Medicine	\$511,000	\$511,000
AE	GRF	235526	Primary Care Residencies	\$1,468,000	\$1,468,000
AF	GRF	235530	Governor's Merit Scholarship	\$47,000,000	\$70,000,000
AG	GRF	235533	Program and Project Support	\$24,500,000	\$10,500,000
AH	GRF	235535	Ohio State Agricultural Research	\$37,169,000	\$37,169,000
AI	GRF	235536	The Ohio State University Clinical Teaching	\$9,461,000	\$9,461,000
AJ	GRF	235537	University of Cincinnati Clinical Teaching	\$8,085,000	\$8,085,000
AK	GRF	235538	University of Toledo Clinical Teaching	\$6,065,000	\$6,065,000
AL	GRF	235539	Wright State University Clinical Teaching	\$4,447,000	\$4,447,000
AM	GRF	235540	Ohio University Clinical Teaching	\$2,849,000	\$2,849,000

AN	GRF	235541	Northeast Ohio Medical University Clinical Teaching	\$2,930,000	\$2,930,000
AO	GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$500,000	\$500,000
AP	GRF	235546	Central State Agricultural Research and Development	\$5,828,000	\$5,828,000
AQ	GRF	235548	Central State Cooperative Extension Services	\$5,168,000	\$5,168,000
AR	GRF	235552	Capital Component	\$3,629,566	\$3,629,566
AS	GRF	235555	Library Depositories	\$1,100,000	\$1,100,000
AT	GRF	235556	Ohio Academic Resources Network	\$3,568,000	\$3,568,000
AU	GRF	235558	Long-term Care Research	\$318,000	\$318,000
AV	GRF	235563	Ohio College Opportunity Grant	\$220,600,000	\$207,400,000
AW	GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$20,000,000	\$20,000,000
AX	GRF	235572	The Ohio State University Clinic Support	\$750,000	\$750,000

AY	GRF	235578	Federal Research Network	\$5,099,000	\$5,099,000
AZ	GRF	235585	Educator Preparation Programs	\$2,500,000	\$2,500,000
BA	GRF	235591	Co-Op Internship Program	\$165,000	\$165,000
BB	GRF	235595	Commercial Truck Driver Student Aid Program	\$2,550,486	\$2,550,651
BC	GRF	235598	Rural University Program	\$412,000	\$412,000
BD	GRF	235599	National Guard Scholarship Program	\$18,399,750	\$18,399,750
BE	GRF	2355A1	FAFSA Support Teams	\$1,000,000	\$1,000,000
BF	GRF	2355A3	Campus Community Grant Program	\$1,000,000	\$1,000,000
BG	GRF	235909	Higher Education General Obligation Bond Debt Service	\$250,000,000	\$210,000,000
BH	General Revenue Fund Total			\$3,012,625,519	\$2,976,386,704
BI	Dedicated Purpose Fund Group				
BJ	2200	235614	Program Approval and Reauthorization	\$769,126	\$789,679
BK	4560	235603	Sales and Services	\$129,725	\$133,017
BL	4E80	235602	Higher Educational Facility Commission	\$69,839	\$73,807

Administration			
BM	5CJ1	2356A2 Strategic Square Footage Reduction	\$82,650,000 \$0
BN	5D40	235675 Conference/Special Purposes	\$125,000 \$125,000
BO	5FR0	235650 State and Non-Federal Grants and Awards	\$1,405,944 \$1,412,670
BP	5NH0	235517 Talent Ready Grant Program	\$10,000,000 \$10,000,000
BQ	5P30	235663 Variable Savings Plan	\$8,522,034 \$8,522,034
BR	5YD0	235494 Second Chance Grant Program	\$2,000,000 \$2,000,000
BS	5ZY0	235592 Grow Your Own Teacher Program	\$7,000,000 \$7,000,000
BT	6450	235664 Guaranteed Savings Plan	\$1,110,131 \$1,110,132
BU	6820	235606 Nursing Loan Program	\$1,203,730 \$1,210,344
BV	Dedicated Purpose Fund Group Total		\$114,985,529 \$32,376,683
BW	Bond Research and Development Fund Group		
BX	7014	235639 Research Incentive Third Frontier - Tax	\$8,000,000 \$8,000,000
BY	Bond Research and Development Fund Group Total		\$8,000,000 \$8,000,000

BZ Federal Fund Group

CA 3120 235611	Gear-up Grant	\$2,956,000	\$2,956,000
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CB 3120 235612	Carl D. Perkins Grant/Plan Administration	\$1,371,939	\$1,388,525
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CC 3120 235641	Aspire - Federal	\$18,996,799	\$18,996,799
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CD 3120 235669	Industry Credential Transfer Assurance Guides Initiative	\$300,000	\$300,000
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CE 3BG0 235651	Gear Up Grant Scholarships	\$3,100,000	\$3,100,000
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CF 3N60 235658	John R. Justice Student Loan Repayment Program	\$128,000	\$128,000
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CG Federal Fund Group	Total	\$26,852,738	\$26,869,324
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CH TOTAL ALL BUDGET FUND GROUPS		\$3,162,463,786	\$3,043,632,711
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Section 381.20. OPERATING EXPENSES 108986

(A) Of the foregoing appropriation item 235321, Operating 108987
Expenses, up to \$1,200,000 in each fiscal year shall be used by 108988
the Chancellor of Higher Education, in consultation with OH- 108989
TECH, to enhance security operations and services. 108990

(B) Enhanced security operations and services shall 108991
benefit all members of OH-TECH and may include, but shall not be 108992
limited to: 108993

(1) Establishing an enterprise security operations center; 108994

(2) Configuration management in the area of data loss prevention;	108995 108996
(3) Endpoint patch and compliance;	108997
(4) Log aggregation;	108998
(5) Web application firewall;	108999
(6) Vulnerability management across the consortium;	109000
(7) Other critical security enhancement services as determined appropriate by the Chancellor.	109001 109002
(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense.	109003 109004 109005 109006 109007 109008 109009 109010
SEA GRANTS	109011
The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.	109012 109013 109014 109015 109016 109017
Section 381.30. ARTICULATION AND TRANSFER	109018
The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer	109019 109020 109021

Network Advisory Council to develop a system of transfer 109022
policies to ensure that students at state institutions of higher 109023
education can transfer and have coursework apply to their majors 109024
and degrees at any other state institution of higher education 109025
without unnecessary duplication or institutional barriers under 109026
sections 3333.16, 3333.161, 3333.162, and 3333.164 of the 109027
Revised Code. 109028

Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE 109029
COMPACT 109030

The foregoing appropriation item 235408, Midwest Higher 109031
Education Compact, shall be distributed by the Chancellor of 109032
Higher Education under section 3333.40 of the Revised Code. 109033

Section 381.80. COMPUTER SCIENCE 109034

The foregoing appropriation item 235413, Computer Science, 109035
shall be used to administer and award grants under the Teach CS 109036
Grant Program established in section 3333.129 of the Revised 109037
Code. 109038

Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION 109039

The foregoing appropriation item 235414, Grants and 109040
Scholarship Administration, shall be used by the Chancellor of 109041
Higher Education to manage and administer student financial aid 109042
programs created by the General Assembly and grants for which 109043
the Department of Higher Education is responsible. The 109044
appropriation item also shall be used to support all state 109045
financial aid audits and student financial aid programs created 109046
by Congress, and to provide fiscal and administrative services 109047
for the Ohio National Guard Scholarship Program. 109048

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS 109049

The foregoing appropriation item 235417, Technology 109050
Maintenance and Operations, shall be used by the Chancellor of 109051
Higher Education to support the development and implementation 109052
of information technology solutions designed to improve the 109053
performance and capacity of the Department of Higher Education. 109054
The information technology solutions may be provided by the Ohio 109055
Technology Consortium (OH-TECH). 109056

Of the foregoing appropriation item 235417, Technology 109057
Maintenance and Operations, a portion in each fiscal year may be 109058
used by the Chancellor to support the continued implementation 109059
of eStudent Services, a consortium organized under division (T) 109060
of section 3333.04 of the Revised Code to expand access to dual 109061
enrollment opportunities for high school students, continue the 109062
support of the statewide eTutoring program, and for any other 109063
strategic priorities of the Chancellor. 109064

Of the foregoing appropriation item 235417, Technology 109065
Maintenance and Operations, a portion in each fiscal year shall 109066
be used by the Chancellor to implement a high priority data 109067
warehouse, advanced analytics, and visualization integration 109068
services associated with the Higher Education Information (HEI) 109069
system. The services may be facilitated by OH-TECH. 109070

Of the foregoing appropriation item 235417, Technology 109071
Maintenance and Operations, \$150,000 in each fiscal year shall 109072
be used to support Ohio Reach to provide mentoring and support 109073
services to former foster youth attending college. 109074

Section 381.130. MENTAL HEALTH SUPPORT 109075

(A) The foregoing appropriation item 235419, Mental Health 109076
Support, shall be used by the Chancellor of Higher Education to 109077
provide resources and support to address behavioral health needs 109078

at state institutions of higher education as defined in section 109079
3345.011 of the Revised Code and private nonprofit institutions 109080
of higher education holding certificates of authorization under 109081
Chapter 1713. of the Revised Code. The Chancellor shall use the 109082
funds to prioritize behavioral health services, including, but 109083
not limited to, expansion of telehealth options, increased 109084
awareness of telephone and text message care line services, 109085
expansion of certified peer educator programs, and direct aid to 109086
students who are unable to afford care. 109087

(B) In allocating funds under this section, the Chancellor 109088
shall consider at least the following factors: 109089

(1) The relative severity of needs expressed and 109090
associated risks involved; 109091

(2) The extent to which funds awarded will increase 109092
campus-wide knowledge and awareness of available care options; 109093

(3) The extent to which funds awarded will increase access 109094
to, and availability of, care options; 109095

(4) The extent to which funds awarded will remove barriers 109096
to care options; and 109097

(5) The extent to which funds awarded will be leveraged to 109098
create long-term sustainability on campus and support 109099
collaborative, community-based programs and initiatives that can 109100
be sustained with community resources. 109101

(C) The Chancellor may consult with the Department of 109102
Behavioral Health, RecoveryOhio, local and regional behavioral 109103
health providers, and other stakeholders as determined by the 109104
Chancellor to be appropriate when allocating funds under this 109105
section. 109106

(D) An institution receiving funds under this section 109107
shall not make changes to mental health support services offered 109108
by the institution that have the goal or net effect of shifting 109109
the cost burden of those programs to the program described in 109110
this section. An institution receiving funds under this section 109111
shall maintain the same level of mental health support services 109112
that the institution provided in the most recent academic year 109113
in the aggregate to all students or on a per-student basis. 109114

Section 381.160. OHIO WORK READY GRANT 109115

The foregoing appropriation item 235425, Ohio Work Ready 109116
Grant, shall be used by the Chancellor of Higher Education to 109117
establish and operate the Ohio Work Ready Grant Program pursuant 109118
to section 3333.24 of the Revised Code. 109119

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE 109120
PARTNERSHIP 109121

Of the foregoing appropriation item 235428, Appalachian 109122
New Economy Workforce Partnership, \$500,000 in each fiscal year 109123
shall be allocated to the Mahoning Valley Innovation and 109124
Commercialization Center. 109125

The remainder of the foregoing appropriation item 235428, 109126
Appalachian New Economy Workforce Partnership, shall be 109127
distributed to Ohio University's Voinovich School to continue a 109128
multi-campus and multi-agency coordinated effort to link 109129
Appalachia to the new economy. Ohio University shall use these 109130
funds to provide leadership in the development and 109131
implementation of initiatives in the areas of entrepreneurship, 109132
management, education, and technology. 109133

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP 109134

The foregoing appropriation item 235438, Choose Ohio First 109135

Scholarship, shall be used to operate the program prescribed in 109136
sections 3333.60 to 3333.69 of the Revised Code. 109137

During each fiscal year, the Chancellor of Higher 109138
Education, as soon as possible after cancellation, may certify 109139
to the Director of Budget and Management the amount of canceled 109140
prior-year encumbrances in appropriation item 235438, Choose 109141
Ohio First Scholarship. Upon receipt of the certification, the 109142
Director of Budget and Management may transfer cash, up to the 109143
certified amount, from the General Revenue Fund to the Choose 109144
Ohio First Scholarship Reserve Fund (Fund 5PV0). 109145

Section 381.200. ASPIRE 109146

The foregoing appropriation item 235443, Aspire - State, 109147
shall be used to support the Aspire program. The supported 109148
programs shall satisfy the state match and maintenance of effort 109149
requirements for the state-administered grant program. The funds 109150
may be used to support students that speak English as their 109151
second language. 109152

Section 381.210. OHIO TECHNICAL CENTERS FUNDING 109153

The foregoing appropriation item 235444, Ohio Technical 109154
Centers, shall be used by the Chancellor of Higher Education to 109155
support post-secondary adult career-technical education. The 109156
Chancellor shall provide coordination for Ohio Technical Centers 109157
through program approval processes, data collection of program 109158
and student outcomes, and subsidy disbursements from the 109159
foregoing appropriation item 235444, Ohio Technical Centers. 109160

(A) (1) As soon as possible in each fiscal year, in 109161
accordance with instructions of the Chancellor, each Ohio 109162
Technical Center shall report its actual data, consistent with 109163
the definitions in the Higher Education Information (HEI) 109164

system's files, to the Chancellor. 109165

(a) In defining the number of full-time equivalent 109166
students for state subsidy purposes, the Chancellor shall 109167
exclude all students who are not residents of Ohio. 109168

(b) A full-time equivalent student shall be defined as a 109169
student who completes 450 hours. Those students that complete 109170
some portion of 450 hours shall be counted as a partial full- 109171
time equivalent for funding purposes, while students that 109172
complete more than 450 hours shall be counted as proportionally 109173
greater than one full-time equivalent. 109174

(c) In calculating each Ohio Technical Center's full-time 109175
equivalent students, the Chancellor shall use a three-year 109176
average. 109177

(d) Ohio Technical Centers shall operate with, or be an 109178
active candidate for, accreditation by an accreditor authorized 109179
by the United States Department of Education to be eligible to 109180
receive subsidies from the foregoing appropriation item 235444, 109181
Ohio Technical Centers. 109182

(2) In each fiscal year, 25 per cent of the allocation for 109183
Ohio Technical Centers shall be distributed based on the 109184
proportion of each Center's full-time equivalent students to the 109185
total full-time equivalent students who complete a post- 109186
secondary technical workforce training program approved by the 109187
Chancellor with a grade of C or better or a grade of pass if the 109188
program is evaluated on a pass/fail basis. 109189

(3) In each fiscal year, 20 per cent of the allocation for 109190
Ohio Technical Centers shall be distributed based on the 109191
proportion of each Center's full-time equivalent students to the 109192
total full-time equivalent students who complete 50 per cent of 109193

a program of study as a measure of student retention. 109194

(4) In each fiscal year, 50 per cent of the allocation for 109195
Ohio Technical Centers shall be distributed based on the 109196
proportion of each Center's full-time equivalent students to the 109197
total full-time equivalent students who have found employment, 109198
entered military service, or enrolled in additional post- 109199
secondary education and training in accordance with the 109200
placement definitions of the Strengthening Career and Technical 109201
Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). 109202
The calculation for eligible full-time equivalent students shall 109203
be based on the per cent of Perkins placements for students who 109204
have completed at least 50 per cent of a program of study. 109205

(5) In each fiscal year, five per cent of the allocation 109206
for Ohio Technical Centers shall be distributed based on the 109207
proportion of each Center's full-time equivalent students to the 109208
total full-time equivalent students who have earned a credential 109209
from an industry-recognized third party. 109210

(B) Of the foregoing appropriation item 235444, Ohio 109211
Technical Centers, up to 2.38 per cent in each fiscal year may 109212
be distributed by the Chancellor to the Ohio Central School 109213
System, up to \$48,000 in each fiscal year may be utilized for 109214
assistance for Ohio Technical Centers, and up to \$3,000,000 in 109215
each fiscal year may be distributed by the Chancellor to Ohio 109216
Technical Centers that provide customized training and business 109217
consultation services with matching local dollars, with 109218
preference to industries on the in-demand jobs list created 109219
under section 6301.11 of the Revised Code, industries in 109220
regionally emerging fields, or local businesses and industries. 109221
Each center meeting this requirement shall receive at least 109222
\$25,000 but not more than a maximum amount determined by the 109223

Chancellor. 109224

(C) The remainder of the foregoing appropriation item 109225
235444, Ohio Technical Centers, in each fiscal year shall be 109226
distributed in accordance with division (A) of this section. 109227

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM 109228
SUPPORT 109229

The foregoing appropriation item 235474, Area Health 109230
Education Centers Program Support, shall be used by the 109231
Chancellor of Higher Education to support the medical school 109232
regional area health education centers' educational programs for 109233
the continued support of medical and other health professions 109234
education and for support of the Area Health Education Center 109235
Program. 109236

CAMPUS SECURITY SUPPORT PROGRAM 109237

The foregoing appropriation item 235475, Campus Security 109238
Support Program, shall be distributed by the Chancellor of 109239
Higher Education to institutionally sanctioned student 109240
organizations affiliated with communities that are at risk for 109241
increased threats of violent crime, terror attacks, hate crimes, 109242
or harassment to enhance security measures and increase student 109243
safety at institutions of higher education throughout the state. 109244
A portion of the foregoing appropriation item 235475, Campus 109245
Security Support Program, may be used by the Chancellor to 109246
administer the program. 109247

CAMPUS STUDENT SAFETY GRANT PROGRAM 109248

The foregoing appropriation item 235476, Campus Student 109249
Safety Grant Program, shall be used by the Chancellor of Higher 109250
Education to support the Campus Student Safety Grant Program 109251
pursuant to section 3333.80 of the Revised Code. 109252

Section 381.230. CAMPUS SAFETY AND TRAINING

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The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and responding to sexual violence on campus. The Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, shall continue to develop model best practices in line with emerging trends, research, and evidence-based training for preventing and responding to sexual violence and protecting students and staff who are victims of sexual violence on campus. The Chancellor shall convene state institutions of higher education and private nonprofit institutions of higher education in the training and implementation of best practices regarding campus sexual violence.

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Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS

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The Chancellor of Higher Education shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas detailed in this section that utilize the enrollment, course completion, degree attainment, and student achievement factors reported annually by each state institution of higher education participating in the Higher Education Information (HEI) system. A state institution that does not report data for a full academic year for any of the years included in the three-year reporting period for a fiscal year's state share of instruction allocations shall not receive an allocation for that fiscal year unless the Chancellor determines that exceptional circumstances

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warrant the institution receiving a full or partial allocation. 109283

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 109284

COMPLETIONS 109285

(1) As soon as possible during each fiscal year of the 109286

biennium ending June 30, 2027, in accordance with instructions 109287

of the Department of Higher Education, each state institution of 109288

higher education shall report its actual data, consistent with 109289

the definitions in the Higher Education Information (HEI) 109290

system's enrollment files, to the Chancellor. 109291

(2) In defining the number of full-time equivalent 109292

students for state subsidy instructional cost purposes, the 109293

Chancellor shall exclude all undergraduate students who are not 109294

residents of Ohio or who do not meet the definition of residency 109295

for state subsidy and tuition surcharge purposes, except those 109296

charged in-state fees in accordance with reciprocity agreements 109297

made under section 3333.17 of the Revised Code or employer 109298

contracts entered into under section 3333.32 of the Revised 109299

Code. 109300

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 109301

For purposes of calculating state share of instruction 109302

allocations, the total instructional costs per full-time 109303

equivalent student shall be: 109304

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	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	\$12,218	\$12,710
C	ARTS AND HUMANITIES 2	\$16,282	\$16,938

D	ARTS AND HUMANITIES 3	\$20,250	\$21,066
E	ARTS AND HUMANITIES 4	\$28,250	\$29,388
F	ARTS AND HUMANITIES 5	\$45,031	\$46,846
G	ARTS AND HUMANITIES 6	\$41,346	\$43,013
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$12,297	\$12,793
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$12,723	\$13,235
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$15,491	\$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$16,941	\$17,623
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,293	\$24,232
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$28,346	\$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,425	\$35,812
O	DOCTORAL 1	\$52,586	\$54,705
P	DOCTORAL 2	\$57,637	\$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$12,059	\$12,545

	MEDICINE 1		
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$15,367	\$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$17,403	\$18,105
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$19,364	\$20,144
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$24,715	\$25,711
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,736	\$22,612
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$28,839	\$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$42,767	\$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$60,542	\$62,982

Doctoral I and Doctoral II models shall be allocated in 109306
accordance with division (D) (2) of this section. 109307

Medical I and Medical II models shall be allocated in 109308
accordance with divisions (D) (3) and (D) (4) of this section. 109309

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 109310
MEDICAL, AND GRADUATE WEIGHTS 109311

For the purpose of implementing the recommendations of the 109312
2006 State Share of Instruction Consultation and the Higher 109313
Education Funding Study Council that priority be given to 109314
maintaining state support for science, technology, engineering, 109315
mathematics, medicine, and graduate programs, the costs in 109316
division (B) of this section shall be weighted by the amounts 109317
provided below: 109318
109319

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	1.0000	1.0000
C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000

I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425
O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150

T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA	109320
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES	109321

(1) Of the foregoing appropriation item 235501, State	109322
Share of Instruction, 50 per cent of the appropriation for	109323
universities, as established in division (B) (1) (b) of the	109324
section of this act entitled "STATE SHARE OF INSTRUCTION FOR	109325
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be	109326
reserved for support of associate, baccalaureate, master's, and	109327

professional level degree attainment. 109328

The degree attainment funding shall be allocated to 109329
universities in proportion to each campus's share of the total 109330
statewide degrees granted, weighted by the cost of the degree 109331
programs. The degree cost calculations shall include the model 109332
cost weights for the science, technology, engineering, 109333
mathematics, and medicine models as established in division (C) 109334
of this section. 109335

For degrees including credits earned at multiple 109336
institutions, degree attainment funding shall be allocated to 109337
universities in proportion to each campus's share of the 109338
student-specific cost of earned credits for the degree. Each 109339
institution shall receive its prorated share of degree funding 109340
for credits earned at that institution. Cost of credits not 109341
earned at a university main or regional campus shall be credited 109342
to the degree-granting institution for the first degree earned 109343
by a student at each degree level. The cost credited to the 109344
degree-granting institution shall not be eligible for at-risk 109345
weights and shall be limited to 12.5 per cent of the student- 109346
specific degree costs. However, the 12.5 per cent limitation 109347
shall not apply if the student transferred 12 or fewer credits 109348
into the degree granting institution. 109349

In calculating the subsidy entitlements for degree 109350
attainment for universities, the Chancellor shall use the 109351
following count of degrees and degree costs: 109352

(a) The subsidy eligible undergraduate degrees shall be 109353
defined as follows: 109354

(i) The subsidy eligible degrees conferred to students 109355
identified as residents of the state of Ohio in any term of 109356

their studies, as reported through the Higher Education 109357
Information (HEI) system student enrollment file, shall be 109358
weighted by a factor of 1. 109359

(ii) The subsidy eligible degrees conferred to students 109360
identified as out-of-state residents during all terms of their 109361
studies, as reported through the Higher Education Information 109362
(HEI) system student enrollment file, who remain in the state of 109363
Ohio at least one year after graduation, as calculated based on 109364
the three-year average in-state residency rate using the 109365
Unemployment Wage data for out-of-state graduates at each 109366
institution, shall be weighted by a factor of 50 per cent. 109367

(iii) Subsidy eligible associate degrees are defined as 109368
those earned by students attending any state-supported 109369
university main or regional campus. 109370

(b) In calculating each campus's count of degrees, the 109371
Chancellor shall use the three-year average associate, 109372
baccalaureate, master's, and professional degrees awarded for 109373
the most recent completed three-year period that is practicable 109374
as agreed to by the Inter-University Council and the Chancellor. 109375

(i) If a student is awarded an associate degree and, 109376
subsequently, is awarded a baccalaureate degree, the amount 109377
funded for the baccalaureate degree shall be limited to either 109378
the difference in cost between the cost of the baccalaureate 109379
degree and the cost of the associate degree paid previously, or 109380
if the associate degree has a higher cost than the baccalaureate 109381
degree, the cost of the credits earned by the student after the 109382
associate degree was awarded. 109383

(ii) If a student earns an associate degree then, 109384
subsequently, earns a baccalaureate degree, the associate degree 109385

granting institution shall only receive the prorated share of 109386
the baccalaureate degree funding for the credits earned at that 109387
institution after the associate degree is awarded. 109388

(iii) If a student earns more than one degree at the same 109389
institution at the same degree level in the same fiscal year, 109390
the funding for the highest cost degree shall be prorated among 109391
institutions based on where the credits were earned and 109392
additional degrees shall be funded at 25 per cent of the cost of 109393
the degrees. 109394

(c) Associate degrees and baccalaureate degrees earned by 109395
a student defined as at-risk based on academic under- 109396
preparation, age, minority status, financial status, or first 109397
generation post-secondary status based on neither parent 109398
completing any education beyond high school, shall be defined as 109399
degrees earned by an at-risk student and shall be weighted by 109400
the following: 109401

A student-specific degree completion weight, where the 109402
weight is calculated based on the at-risk factors of the 109403
individual student, determined by calculating the difference 109404
between the percentage of students with each risk factor who 109405
earned a degree and the percentage of non-at-risk students who 109406
earned a degree. 109407

(2) Of the foregoing appropriation item 235501, State 109408
Share of Instruction, up to 11.78 per cent of the appropriation 109409
for universities, as established in division (B) (1) (b) of the 109410
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 109411
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 109412
reserved for support of doctoral programs to implement the 109413
funding recommendations made by representatives of the 109414
universities. The amount so reserved shall be referred to as the 109415

doctoral set-aside. 109416

In each fiscal year, the doctoral set-aside funding 109417
allocation shall be allocated to universities as follows: 109418

(a) 25 per cent of the doctoral set-aside shall be 109419
allocated to universities in proportion to their share of the 109420
statewide total earnings of each state institution's three-year 109421
average course completions. The subsidy eligible enrollments by 109422
model shall equal only those FTE students who successfully 109423
complete the course as defined and reported through the Higher 109424
Education Information (HEI) system course enrollment file. 109425
Course completion earnings shall be determined by multiplying 109426
the amounts listed above in divisions (B) and (C) of this 109427
section by the subsidy-eligible FTEs for the most recent 109428
completed three-year period that is practicable as agreed to by 109429
the Inter-University Council and the Chancellor for all doctoral 109430
enrollments in graduate-level models. 109431

(b) 50 per cent of the doctoral set-aside shall be 109432
allocated to universities in proportion to each campus's share 109433
of the total statewide doctoral degrees, weighted by the cost of 109434
the doctoral discipline. In calculating each campus's doctoral 109435
degrees the Chancellor shall use the three-year average doctoral 109436
degrees awarded for the most recent completed three-year period 109437
that is practicable as agreed to by the Inter-University Council 109438
and the Chancellor. 109439

(c) 25 per cent of the doctoral set-aside shall be 109440
allocated to universities in proportion to their share of 109441
research grant activity. Funding for this component shall be 109442
allocated to eligible universities in proportion to their share 109443
of research grant activity published by the National Science 109444
Foundation. Grant awards from the Department of Health and Human 109445

Services shall be weighted at 50 per cent. 109446

(3) Of the foregoing appropriation item 235501, State 109447
Share of Instruction, 6.41 per cent of the appropriation for 109448
universities, as established in division (B)(1)(b) of the 109449
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 109450
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 109451
reserved for support of Medical II FTEs. The amount so reserved 109452
shall be referred to as the medical II set-aside. 109453

The medical II set-aside shall be allocated to 109454
universities in proportion to their share of the statewide total 109455
of each state institution's three-year average Medical II FTEs 109456
as calculated in division (A) of this section. 109457

In calculating the core subsidy entitlements for Medical 109458
II models only, students repeating terms may be no more than 109459
five per cent of current year enrollment. 109460

(4) Of the foregoing appropriation item 235501, State 109461
Share of Instruction, 1.69 per cent of the appropriation for 109462
universities, as established in division (B)(1)(b) of the 109463
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 109464
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 109465
reserved for support of Medical I FTEs. The amount so reserved 109466
shall be referred to as the medical I set-aside. 109467

In each fiscal year, the medical I set-aside shall be 109468
allocated to universities as follows: 109469

(a) 12.34 per cent of the medical I set-aside shall be 109470
allocated to universities in proportion to their share of the 109471
statewide total of each state institution's three-year average 109472
Medical I FTEs, as calculated in division (A) of this section, 109473
enrolled in public colleges of podiatric medicine. 109474

(b) 87.66 per cent of the medical I set-aside shall be 109475
allocated to universities in proportion to their share of the 109476
statewide total of each state institution's three-year average 109477
Medical I FTEs, as calculated in division (A) of this section, 109478
enrolled in public colleges of dentistry and veterinary 109479
medicine. 109480

(5) In calculating the course completion funding for 109481
universities, the Chancellor shall use the following count of 109482
FTE students: 109483

(a) The subsidy eligible enrollments by model shall equal 109484
only those FTE students who successfully complete the course as 109485
defined and reported through the Higher Education Information 109486
(HEI) system course enrollment file; 109487

(b) Those undergraduate FTE students with successful 109488
course completions, identified in division (D)(5)(a) of this 109489
section, that are defined as at-risk based on academic under- 109490
preparation or financial status shall have their eligible 109491
completions weighted by the following: 109492

(i) Institution-specific course completion indexes, where 109493
the indexes are calculated based upon the number of at-risk 109494
students enrolled during the prior three calendar years; and 109495

(ii) A statewide average at-risk course completion weight 109496
determined for each subsidy model. The statewide average at-risk 109497
course completion weight shall be determined by calculating the 109498
difference between the percentage of traditional students who 109499
complete a course and the percentage of at-risk students who 109500
complete the same course. 109501

(c) The course completion earnings shall be determined by 109502
multiplying the amounts listed above in divisions (B) and (C) of 109503

this section by the subsidy-eligible FTEs for the most recent 109504
completed three-year period that is practicable as agreed to by 109505
the Inter-University Council and the Chancellor for all models 109506
except Medical I and Medical II. 109507

(d) For universities, the Chancellor shall compute the 109508
course completion earnings by dividing the appropriation for 109509
universities, established in division (B)(1)(b) of the section 109510
of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 109511
YEARS 2026 AND 2027," less the degree attainment funding as 109512
calculated in division (D)(1) of this section, less the doctoral 109513
set-aside, less the medical I set-aside, and less the medical II 109514
set-aside, by the sum of all campuses' instructional costs as 109515
calculated in division (D)(5) of this section. 109516

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 109517
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 109518

(1) Of the foregoing appropriation item 235501, State 109519
Share of Instruction, 50 per cent of the appropriation for 109520
state-supported community colleges, state community colleges, 109521
and technical colleges as established in division (B)(1)(a) of 109522
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 109523
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 109524
reserved for course completion FTEs as aggregated by the subsidy 109525
models defined in division (B) of this section. 109526

The course completion funding shall be allocated to 109527
campuses in proportion to each campus's share of the total 109528
sector's course completions, weighted by the instructional cost 109529
of the subsidy models. 109530

To calculate the subsidy entitlements for course 109531
completions at community colleges, state community colleges, and 109532

technical colleges, the Chancellor shall use the following 109533
calculations: 109534

(a) In calculating each campus's count of FTE course 109535
completions, the Chancellor shall use a three-year average for 109536
course completions for the three-year period ending in the prior 109537
year for students identified as residents of the state of Ohio 109538
in any term of their studies, as reported through the Higher 109539
Education Information (HEI) system student enrollment file. 109540

(b) The subsidy eligible enrollments by model shall equal 109541
only those FTE students who successfully complete the course as 109542
defined and reported through the Higher Education Information 109543
(HEI) system course enrollment file. 109544

(c) Those students with successful course completions, 109545
that are defined as access students based on financial status, 109546
minority status, age, or academic under-preparation shall have 109547
their eligible course completions weighted by a statewide access 109548
weight. The weight given to any student that meets any access 109549
factor shall be 15 per cent for all course completions. 109550

(d) The model costs as used in the calculation shall be 109551
augmented by the model weights for science, technology, 109552
engineering, mathematics, and medicine models as established in 109553
division (C) of this section. 109554

(2) Of the foregoing appropriation item 235501, State 109555
Share of Instruction, 25 per cent of the appropriation for 109556
state-supported community colleges, state community colleges, 109557
and technical colleges as established in division (B)(1)(a) of 109558
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 109559
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 109560
reserved for colleges in proportion to their share of college 109561

student success factors. 109562

Student success factors shall be awarded at the 109563
institutional level for each subsidy-eligible student that 109564
successfully: 109565

(a) Completes a college-level math course within the first 109566
30 hours of completed coursework. 109567

(b) Completes a college-level English course within the 109568
first 30 hours of completed coursework. 109569

(c) Completes 12 semester credit hours of college-level 109570
coursework. 109571

(d) Completes 24 semester credit hours of college-level 109572
coursework. 109573

(e) Completes 36 semester credit hours of college-level 109574
coursework. 109575

(3) Of the foregoing appropriation item 235501, State 109576
Share of Instruction, 25 per cent of the appropriation for 109577
state-supported community colleges, state community colleges, 109578
and technical colleges as established in division (B)(1)(a) of 109579
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 109580
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 109581
reserved for completion milestones. 109582

Completion milestones shall include baccalaureate degrees, 109583
associate degrees, technical certificates over 30 credit hours 109584
as designated by the Department of Higher Education, and 109585
students transferring to any four-year institution with at least 109586
12 credit hours of college-level coursework earned at that 109587
community college, state community college, or technical 109588
college. 109589

The completion milestone funding shall be allocated to 109590
colleges in proportion to each institution's share of the 109591
sector's total completion milestones, weighted by the 109592
instructional cost of the degree, certificate, or transfer 109593
models. Costs for technical certificates over 30 hours shall be 109594
weighted at one-half of the associate degree model costs and 109595
transfers with at least 12 credit hours of college-level 109596
coursework shall be weighted at one-fourth of the average cost 109597
for all associate degree model costs. 109598

(4) To calculate the subsidy entitlements for completions 109599
at community colleges, state community colleges, and technical 109600
colleges, the Chancellor shall use the following calculations: 109601

(a) In calculating each campus's count of completions, the 109602
Chancellor shall use a three-year average for completion 109603
milestones awarded to students identified as subsidy eligible in 109604
any term of their studies, as reported through the Higher 109605
Education Information (HEI) system student enrollment file. 109606

(b) The subsidy eligible completion milestones by model 109607
shall equal only those students who successfully complete a 109608
baccalaureate or an associate degree, or technical certificate 109609
over 30 credit hours, or transfer to any four-year institution 109610
with at least 12 credit hours of college-level coursework as 109611
defined and reported in the Higher Education Information (HEI) 109612
system. Student completions reported in HEI shall have an 109613
accompanying course enrollment record in order to be subsidy 109614
eligible. 109615

(c) Those students with successful completions for 109616
baccalaureate or associate degrees, technical certificates over 109617
30 credit hours, or transfer to any four-year institution with 109618
at least 12 credit hours of college-level coursework, identified 109619

in division (E) (3) of this section, that are defined as access 109620
students based on financial status, minority status, age, or 109621
academic under-preparation shall have their eligible completions 109622
weighted by a statewide access weight. The weight shall be 25 109623
per cent for students with one access factor, 66 per cent for 109624
students with two access factors, 150 per cent for students with 109625
three access factors, and 200 per cent for students with four 109626
access factors. 109627

(d) For those students who complete more than one 109628
completion milestone, funding for each additional degree or 109629
technical certificate over 30 credit hours designated as such by 109630
the Department of Higher Education shall be funded at 50 per 109631
cent of the model costs as defined in division (E) (3) of this 109632
section. 109633

(5) For purposes of the calculations made in division (E) 109634
of this section, the Chancellor shall only include subsidy- 109635
eligible students identified as residents of the state of Ohio 109636
in any term of their studies, as reported through the Higher 109637
Education Information (HEI) system student enrollment file. The 109638
Chancellor shall be prohibited from including nonresident 109639
students as subsidy-eligible except for those students otherwise 109640
identified as subsidy-eligible in division (A) (2) of this 109641
section. 109642

(F) CAPITAL COMPONENT DEDUCTION 109643

After all other adjustments have been made, state share of 109644
instruction earnings shall be reduced for each campus by the 109645
amount, if any, by which debt service charged in H.B. 16 of the 109646
126th General Assembly, H.B. 699 of the 126th General Assembly, 109647
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 109648
127th General Assembly for that campus exceeds that campus's 109649

capital component earnings. Half of the sum of the total amounts 109650
of these deductions for the remainder of the program shall be 109651
transferred to appropriation item 235552, Capital Component, in 109652
each fiscal year, except that the deduction and transfer may be 109653
reduced to the extent that appropriation item 235552, Capital 109654
Component, is sufficient to cover the payments under division 109655
(A) of the section of this act entitled "CAPITAL COMPONENT." If 109656
the Chancellor of Higher Education determines that the transfer 109657
and deduction from this appropriation item can be reduced, the 109658
adjustments shall be completed proportionately to each 109659
institution's share of the total. 109660

(G) EXCEPTIONAL CIRCUMSTANCES 109661

Adjustments may be made to the state share of instruction 109662
payments and other subsidies distributed by the Chancellor to 109663
state colleges and universities for exceptional circumstances. 109664
No adjustments for exceptional circumstances may be made without 109665
the recommendation of the Chancellor and the approval of the 109666
Controlling Board. 109667

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 109668
INSTRUCTION 109669

The standard provisions of the state share of instruction 109670
calculation as described in the preceding sections of temporary 109671
law shall apply to any reductions made to appropriation item 109672
235501, State Share of Instruction, before the Chancellor has 109673
formally approved the final allocation of the state share of 109674
instruction funds for any fiscal year. 109675

Any reductions made to appropriation item 235501, State 109676
Share of Instruction, after the Chancellor has formally approved 109677
the final allocation of the state share of instruction funds for 109678

any fiscal year, shall be uniformly applied to each campus in 109679
proportion to its share of the final allocation. 109680

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 109681

The state share of instruction payments to the 109682
institutions shall be in substantially equal monthly amounts 109683
during the fiscal year, unless otherwise determined by the 109684
Director of Budget and Management pursuant to section 126.09 of 109685
the Revised Code. Payments during the first six months of the 109686
fiscal year may be based upon the state share of instruction 109687
appropriation estimates made for the various institutions of 109688
higher education, and payments during the last six months of the 109689
fiscal year may be based on the final data from the Chancellor. 109690
If agreed to by the Chancellor and the Inter-University Council, 109691
payments to universities in each month of a fiscal year shall be 109692
based on final data in the higher education information system 109693
for the selected three-year period that is acceptable to both 109694
parties. 109695

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL 109696
YEARS 2026 AND 2027 109697

(A) (1) Of the foregoing appropriation item 235501, State 109698
Share of Instruction, up to \$100,000,000 in each fiscal year 109699
shall be distributed according to a formula devised by the 109700
Chancellor of Higher Education based on employment and wage 109701
outcomes of the graduates of each college and university, using 109702
data from the United States Census Post-Secondary Employment 109703
Outcomes project. The formula shall use as factors employment 109704
and earnings by the graduates of each institution, measured at 109705
the 2-digit level of the Classification of Instructional 109706
Programs codes published by the National Center for Education 109707
Statistics. 109708

(2) Of the foregoing appropriation item 235501, State 109709
Share of Instruction, up to \$10,000,000 in each fiscal year 109710
shall be distributed according to a formula devised by the 109711
Chancellor that provides funding bonuses of \$10,000 per graduate 109712
for technician-aligned associate degrees, as determined by the 109713
Governor's Office of Workforce Transformation, that are produced 109714
above a historical baseline of institutional production, as 109715
calculated by the Chancellor. 109716

(3) Of the amounts set aside in divisions (A) (1) and (2) 109717
of this section for each fiscal year, 76.8 per cent shall be 109718
distributed to state-supported university main and regional 109719
campuses and 23.2 per cent shall be distributed to state- 109720
supported community colleges, state community colleges, and 109721
technical colleges. 109722

(B) (1) The remainder of the foregoing appropriation item 109723
235501, State Share of Instruction, shall be distributed 109724
according to the section of this act entitled "STATE SHARE OF 109725
INSTRUCTION FORMULAS." Of these funds: 109726

(a) 23.2 per cent in each fiscal year shall be distributed 109727
to state-supported community colleges, state community colleges, 109728
and technical colleges; 109729

(b) 76.8 per cent in each fiscal year shall be distributed 109730
to state-supported university main and regional campuses. 109731

(2) Any increases in the amount distributed to an 109732
institution from the funds set aside in division (B) of this 109733
section that are above the prior year may be used by the 109734
institution to provide need-based aid and to provide counseling, 109735
support services, and workforce preparation services to 109736
students. 109737

Section 381.260. RESTRICTION ON FEE INCREASES 109738

(A) In fiscal years 2026 and 2027, the boards of trustees 109739
of state institutions of higher education shall restrain 109740
increases in in-state undergraduate instructional and general 109741
fees. 109742

(1) For the 2025-2026 and 2026-2027 academic years, each 109743
community college established under Chapter 3354., state 109744
community college established under Chapter 3358., or technical 109745
college established under Chapter 3357. of the Revised Code may 109746
increase its in-state undergraduate instructional and general 109747
fees by not more than five dollars per credit hour over what the 109748
institution charged for the previous academic year. 109749

(2) The limitations under division (A) (1) of this section 109750
do not apply to student health insurance, fees for auxiliary 109751
goods or services provided to students at the cost incurred to 109752
the institution, fees assessed to students as a pass-through for 109753
licensure and certification examinations, fees in elective 109754
courses associated with travel experiences, elective service 109755
charges, fines, and voluntary sales transactions. 109756

(B) The limitations under this section shall not apply to 109757
increases required to comply with institutional covenants 109758
related to their obligations or to meet unfunded legal mandates 109759
or legally binding obligations incurred or commitments made 109760
prior to the effective date of this section with respect to 109761
which the institution had identified such fee increases as the 109762
source of funds. Any increase required by such covenants and any 109763
such mandates, obligations, or commitments shall be reported by 109764
the Chancellor of Higher Education to the Controlling Board. 109765
These limitations may also be modified by the Chancellor, with 109766
the approval of the Controlling Board, to respond to exceptional 109767

circumstances as identified by the Chancellor. 109768

(C) Institutions offering an undergraduate tuition 109769
guarantee pursuant to section 3345.48 of the Revised Code may 109770
increase instructional and general fees pursuant to that 109771
section. 109772

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES 109773

(A) Funds appropriated for instructional subsidies at 109774
colleges and universities may be used to provide such branch or 109775
other off-campus undergraduate courses of study and such 109776
master's degree courses of study as may be approved by the 109777
Chancellor of Higher Education. 109778

(B) In providing instructional and other services to 109779
students, boards of trustees of state institutions of higher 109780
education shall supplement state subsidies with income from 109781
charges to students. Except as otherwise provided in this act, 109782
each board shall establish the fees to be charged to all 109783
students, including an instructional fee for educational and 109784
associated operational support of the institution and a general 109785
fee for noninstructional services, including locally financed 109786
student services facilities used for the benefit of enrolled 109787
students. The instructional fee and the general fee shall 109788
encompass all charges for services assessed uniformly to all 109789
enrolled students. Each board may also establish special purpose 109790
fees, service charges, and fines as required; such special 109791
purpose fees and service charges shall be for services or 109792
benefits furnished individual students or specific categories of 109793
students and shall not be applied uniformly to all enrolled 109794
students. A tuition surcharge shall be paid by all students who 109795
are not residents of Ohio. 109796

The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each board may authorize a lower differential tuition rate of instructional or general fees equal to the default rate options provided under the College Credit Plus Program pursuant to Chapter 3365. of the Revised Code or equal to rates established pursuant to an agreement for an alternative payment structure pursuant to section 3365.07 of the Revised Code for nonpublic and home schooled students participating in that program that are not publicly funded. Each board may establish a lower differential tuition rate for in-state undergraduate instructional fees or general fees for students enrolled exclusively in online courses, as well as a lower differential tuition rate for the surcharge for nonresidents enrolled exclusively in online courses, provided a surcharge is still assessed.

Each board may authorize a lower tuition rate for courses taken by high school students that do not qualify for funding under the College Credit Plus program under section 3365.07 of the Revised Code. These tuition rates must align with the institution's tuition rates charged for courses eligible for funding under the College Credit Plus Program.

Each state institution of higher education in its 109827
statement of charges to students shall separately identify the 109828
instructional fee, the general fee, the tuition charge, and the 109829
tuition surcharge. Fee charges to students for instruction shall 109830
not be considered to be a price of service but shall be 109831
considered to be an integral part of the state government 109832
financing program in support of higher educational opportunity 109833
for students. 109834

(C) The boards of trustees of state institutions of higher 109835
education shall ensure that faculty members devote a proper and 109836
judicious part of their work week to the actual instruction of 109837
students. Total class credit hours of production per academic 109838
term per full-time faculty member is expected to meet the 109839
standards set forth in the budget data submitted by the 109840
Chancellor. 109841

(D) The authority of government vested by law in the 109842
boards of trustees of state institutions of higher education 109843
shall in fact be exercised by those boards. Boards of trustees 109844
may consult extensively with appropriate student and faculty 109845
groups. Administrative decisions about the utilization of 109846
available resources, about organizational structure, about 109847
disciplinary procedure, about the operation and staffing of all 109848
auxiliary facilities, and about administrative personnel shall 109849
be the exclusive prerogative of boards of trustees. Any 109850
delegation of authority by a board of trustees in other areas of 109851
responsibility shall be accompanied by appropriate standards of 109852
guidance concerning expected objectives in the exercise of such 109853
delegated authority and shall be accompanied by periodic review 109854
of the exercise of this delegated authority to the end that the 109855
public interest, in contrast to any institutional or special 109856
interest, shall be served. 109857

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED 109858
VETERANS' CHILDREN SCHOLARSHIPS 109859

The foregoing appropriation item 235504, War Orphans and 109860
Severely Disabled Veterans' Children Scholarships, shall be used 109861
to reimburse state institutions of higher education for waivers 109862
of instructional fees and general fees provided by them, to 109863
provide grants to institutions that have received a certificate 109864
of authorization from the Chancellor of Higher Education under 109865
Chapter 1713. of the Revised Code, in accordance with the 109866
provisions of section 5910.04 of the Revised Code, and to fund 109867
additional scholarship benefits provided by section 5910.032 of 109868
the Revised Code. 109869

During each fiscal year, the Chancellor, as soon as 109870
possible after cancellation, may certify to the Director of 109871
Budget and Management the amount of canceled prior-year 109872
encumbrances in appropriation item 235504, War Orphans and 109873
Severely Disabled Veterans' Children Scholarships. Upon receipt 109874
of the certification, the Director of Budget and Management may 109875
transfer cash, up to the certified amount, from the General 109876
Revenue Fund to the War Orphans and Severely Disabled Veterans' 109877
Children Scholarship Reserve Fund (Fund 5PW0). 109878

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION 109879

By the first day of September in each fiscal year, or as 109880
soon as possible thereafter, the Chancellor of Higher Education 109881
shall certify to the Director of Budget and Management the 109882
amount necessary to pay any outstanding prior-year obligations 109883
to higher education institutions under the State Share of 109884
Instruction formulas, as determined by the Chancellor. 109885
Notwithstanding any provisions of law to the contrary, the 109886
Director of Budget and Management, upon the request of the 109887

Chancellor, may transfer cash in an amount up to the amounts 109888
certified for State Share of Instruction reconciliation from the 109889
State Financial Aid Reconciliation Fund (Fund 5Y50) to the 109890
General Revenue Fund. The amounts certified for State Share of 109891
Instruction reconciliation are hereby appropriated to 109892
appropriation item 235505, State Share of Instruction 109893
Reconciliation. 109894

Section 381.300. OHIOLINK 109895

The foregoing appropriation item 235507, OhioLINK, shall 109896
be used by the Chancellor of Higher Education to support 109897
OhioLINK, a consortium organized under division (T) of section 109898
3333.04 of the Revised Code to serve as the state's electronic 109899
library information and retrieval system, which provides access 109900
statewide to an extensive set of electronic databases and 109901
resources, the library holdings of Ohio's public and 109902
participating private nonprofit colleges and universities, and 109903
the State Library of Ohio. 109904

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY 109905

(A) Of the foregoing appropriation item 235508, Air Force 109906
Institute of Technology, \$75,000 in each fiscal year shall be 109907
allocated to the Aerospace Professional Development Center in 109908
Dayton for statewide workforce development services in the 109909
aerospace industry. 109910

(B) The remainder of the foregoing appropriation item 109911
235508, Air Force Institute of Technology, shall be used to do 109912
both of the following: 109913

(1) Strengthen the research and educational linkages 109914
between the Wright Patterson Air Force Base and institutions of 109915
higher education in Ohio; and 109916

(2) Support the Defense Associated Graduate Student 109917
Innovators, an engineering graduate consortium of Wright State 109918
University, the University of Dayton, and the Air Force 109919
Institute of Technology, with the participation of the 109920
University of Cincinnati and The Ohio State University. 109921

Section 381.320. OHIO SUPERCOMPUTER CENTER 109922

The foregoing appropriation item 235510, Ohio 109923
Supercomputer Center, shall be used by the Chancellor of Higher 109924
Education to support the operation of the Ohio Supercomputer 109925
Center, a consortium organized under division (T) of section 109926
3333.04 of the Revised Code, located at The Ohio State 109927
University. The Ohio Supercomputer Center is a statewide 109928
resource available to Ohio research universities both public and 109929
private. It is also intended that the center be made accessible 109930
to private industry as appropriate. 109931

The Ohio Supercomputer Center's services shall support 109932
Ohio's colleges, universities, and businesses to make Ohio a 109933
leader in using computational science, modeling, and simulation 109934
to promote higher education, research, and economic 109935
competitiveness. 109936

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION 109937
SERVICE 109938

The foregoing appropriation item 235511, The Ohio State 109939
University Extension Service, shall be disbursed through the 109940
Chancellor of Higher Education to The Ohio State University in 109941
monthly payments, unless otherwise determined by the Director of 109942
Budget and Management under section 126.09 of the Revised Code. 109943

Section 381.340. CENTRAL STATE SUPPLEMENT 109944

The foregoing appropriation item 235514, Central State 109945

Supplement, shall be disbursed by the Chancellor of Higher 109946
Education to Central State University. Funds shall be used in a 109947
manner consistent with the goals of increasing enrollment, 109948
improving course completion, and increasing the number of 109949
degrees conferred. 109950

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 109951
MEDICINE 109952

The foregoing appropriation item 235515, Case Western 109953
Reserve University School of Medicine, shall be disbursed to 109954
Case Western Reserve University through the Chancellor of Higher 109955
Education in accordance with agreements entered into under 109956
section 3333.10 of the Revised Code, provided that the state 109957
support per full-time medical student shall not exceed that 109958
provided to full-time medical students at state universities. 109959

Section 381.360. FAMILY PRACTICE 109960

The foregoing appropriation item 235519, Family Practice, 109961
shall be distributed in each fiscal year, based on each medical 109962
school's share of residents placed in a family practice and 109963
graduates practicing in a family practice. 109964

Section 381.370. SHAWNEE STATE SUPPLEMENT 109965

The foregoing appropriation item 235520, Shawnee State 109966
Supplement, shall be disbursed by the Chancellor of Higher 109967
Education to Shawnee State University. Funds shall be used in a 109968
manner consistent with the goals of improving course completion, 109969
increasing the number of degrees conferred, and furthering the 109970
university's mission of service to the Appalachian region. 109971

Section 381.380. GERIATRIC MEDICINE 109972

The Chancellor of Higher Education shall distribute 109973

appropriation item 235525, Geriatric Medicine, consistent with 109974
existing criteria and guidelines. 109975

Section 381.390. PRIMARY CARE RESIDENCIES 109976

The foregoing appropriation item 235526, Primary Care 109977
Residencies, shall be distributed in each fiscal year, based on 109978
each medical school's share of residents placed in a primary 109979
care field and graduates practicing in a primary care field. 109980

Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP 109981

(A) The foregoing appropriation item 235530, Governor's 109982
Merit Scholarship, shall be used by the Chancellor of Higher 109983
Education to administer the Governor's Merit Scholarship and to 109984
award merit-based aid to qualifying institutions on behalf of 109985
eligible students. Funds awarded under this section shall be 109986
used in a manner consistent with the goal of allowing high- 109987
achieving high school graduates to remain in Ohio to pursue 109988
their post-secondary studies and contribute to Ohio's expanding 109989
economic opportunities. 109990

(B) In awarding funds under this section, and to the 109991
extent that funds are sufficient to do so, the Chancellor shall 109992
provide per-student awards of \$5,000 per academic year to 109993
eligible students determined to be in the top five per cent of 109994
their public or chartered nonpublic high school graduating class 109995
at the end of their junior year, as determined by their public 109996
or chartered nonpublic high school using criteria established by 109997
the Chancellor in consultation with the Director of Education 109998
and Workforce. School districts and chartered nonpublic high 109999
schools shall provide the information as requested by the 110000
Chancellor to determine scholarship eligibility. Eligible 110001
students shall receive an award for up to the equivalent of four 110002

academic years of instruction at a qualifying institution, 110003
contingent on satisfactory academic progress. 110004

(C) The Chancellor, in consultation with the Director, 110005
shall determine eligibility for graduating high school students 110006
who were home schooled to provide a level of access to the 110007
program described in this section that is reasonably 110008
commensurate with the merit-based criteria used to determine 110009
eligibility for students graduating from a public or chartered 110010
nonpublic high school. 110011

(D) The Governor's Merit Scholarship shall be used to pay 110012
eligible expenses, as determined by the Chancellor, included 110013
within the published cost of attendance at a qualifying 110014
institution. 110015

(E) A qualifying institution shall not make changes to 110016
scholarship or financial aid programs offered by that 110017
institution that have the goal or net effect of shifting the 110018
cost burden of those programs to the program described in this 110019
section. Institutions of higher education that enroll students 110020
receiving merit-based financial aid grants under this section 110021
shall maintain the same level of merit-based financial aid the 110022
institution provided in the most recent academic year in the 110023
aggregate to all students or on a per-student basis. 110024

(F) Notwithstanding any provision of law to the contrary, 110025
the Chancellor may establish guidelines for the purpose of 110026
implementing this section. 110027

(G) As used in this section, "qualifying institution" 110028
means any of the following: 110029

(1) A state institution of higher education, as defined in 110030
section 3345.011 of the Revised Code; 110031

(2) A private nonprofit institution of higher education 110032
holding a certificate of authorization under Chapter 1713. of 110033
the Revised Code. 110034

Section 381.410. PROGRAM AND PROJECT SUPPORT 110035

(A) Of the foregoing appropriation item 235533, Program 110036
and Project Support, \$500,000 in each fiscal year shall be used 110037
to support the Ohio Aerospace Institute's Space Grant 110038
Consortium. 110039

(B) Of the foregoing appropriation item 235533, Program 110040
and Project Support, \$2,000,000 in each fiscal year shall be 110041
distributed to The Ohio State University to support the Salmon 110042
P. Chase Center for Civics, Culture, and Society established 110043
under section 3335.39 of the Revised Code. 110044

(C) Of the foregoing appropriation item 235533, Program 110045
and Project Support, \$2,000,000 in each fiscal year shall be 110046
distributed to the University of Toledo to support the Institute 110047
of American Constitutional Thought and Leadership established 110048
under section 3364.07 of the Revised Code. 110049

(D) Of the foregoing appropriation item 235533, Program 110050
and Project Support, \$2,000,000 in each fiscal year shall be 110051
distributed to Miami University to support the center for 110052
civics, culture, and society established under section 3339.06 110053
of the Revised Code. 110054

(E) Of the foregoing appropriation item 235533, Program 110055
and Project Support, \$2,000,000 in each fiscal year shall be 110056
distributed to Cleveland State University to support the center 110057
for civics, culture, and society established under section 110058
3344.07 of the Revised Code. 110059

(F) Of the foregoing appropriation item 235533, Program 110060

and Project Support, \$2,000,000 in each fiscal year shall be 110061
distributed to Wright State University to support the center for 110062
civics, culture, and workforce development established under 110063
section 3352.16 of the Revised Code. 110064

(G) Of the foregoing appropriation item 235533, Program 110065
and Project Support, \$14,000,000 in fiscal year 2026 shall be 110066
distributed to Miami University to establish the Ohio Institute 110067
for Quantum Computing Research, Talent, and Commercialization 110068
and an urban bridge to Cleveland. 110069

Section 381.415. CENTERS FOR CIVICS, CULTURE AND SOCIETY 110070
AND WORKFORCE DEVELOPMENT CONSULTATION 110071

The Chancellor of Higher Education shall consult with the 110072
directors, or the directors' designees, of the centers created 110073
by sections 3335.39, 3339.06, 3344.07, 3352.16, and 3364.07 of 110074
the Revised Code. The consultation shall evaluate the extent to 110075
which the centers may be leveraged for the benefit of the entire 110076
state. 110077

By March 31, 2026, the directors, or their designees, 110078
shall prepare and submit to the Chancellor a summary of 110079
recommendations and a plan to achieve maximum statewide benefit, 110080
which shall include options to establish programming at other 110081
state institutions of higher education such as seminars, 110082
lectures, student courses and assisting faculty with curriculum 110083
development or sharing of curriculum developed by the centers. 110084
In developing the plan and summary of recommendations, the 110085
centers shall seek to achieve the broadest geographic coverage 110086
possible. Effective July 1, 2026, the Chancellor may require the 110087
centers to engage in activities included in their summary of 110088
recommendations that are intended to benefit the entire state. 110089

Each center shall use a portion of its funding in each 110090
fiscal year to benefit the entire state and shall report in its 110091
annual report required by the Revised Code the percentage of its 110092
funds used to assist other universities and a summary of the 110093
specific types of services and benefits provided. 110094

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH 110095

The foregoing appropriation item 235535, Ohio State 110096
Agricultural Research, shall be disbursed through the Chancellor 110097
of Higher Education to The Ohio State University in monthly 110098
payments, unless otherwise determined by the Director of Budget 110099
and Management under section 126.09 of the Revised Code. 110100

The Ohio Agricultural Research and Development Center, an 110101
entity of the College of Food, Agricultural, and Environmental 110102
Sciences of The Ohio State University, shall further its mission 110103
of enhancing Ohio's economic development and job creation by 110104
continuing to internally allocate on a competitive basis 110105
appropriated funding of programs based on demonstrated 110106
performance. Academic units, faculty, and faculty-driven 110107
programs shall be evaluated and rewarded consistent with agreed- 110108
upon performance expectations as called for in the College's 110109
Expectations and Criteria for Performance Assessment. 110110

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING 110111

The foregoing appropriation items 235536, The Ohio State 110112
University Clinical Teaching; 235537, University of Cincinnati 110113
Clinical Teaching; 235538, University of Toledo Clinical 110114
Teaching; 235539, Wright State University Clinical Teaching; 110115
235540, Ohio University Clinical Teaching; and 235541, Northeast 110116
Ohio Medical University Clinical Teaching, shall be distributed 110117
through the Chancellor of Higher Education. 110118

Of the foregoing appropriation item 235539, Wright State 110119
University Clinical Teaching, \$1,500,000 in each fiscal year 110120
shall be used to support the Aerospace Medicine and Human 110121
Performance Center at Wright State University. 110122

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND 110123
DEVELOPMENT 110124

The foregoing appropriation item 235546, Central State 110125
Agricultural Research and Development, shall be used in 110126
conjunction with appropriation item 235548, Central State 110127
Cooperative Extension Services, by Central State University for 110128
its state match requirement as an 1890 land grant university. 110129

Section 381.450. CAPITAL COMPONENT 110130

The foregoing appropriation item 235552, Capital 110131
Component, shall be used by the Chancellor of Higher Education 110132
to provide funding for prior commitments made pursuant to the 110133
state's former capital funding policy for state colleges and 110134
universities that was originally established in H.B. 748 of the 110135
121st General Assembly. The amounts provided to state colleges 110136
and universities in fiscal year 2026 and fiscal year 2027 shall 110137
cover the remaining obligations for the program, which shall 110138
cease to exist effective June 30, 2027. Funding shall consist 110139
of: 110140

(A) Appropriations from this item shall be distributed to 110141
all campuses for which the estimated campus debt service 110142
attributable to qualifying capital projects was less than the 110143
campus's formula-determined capital component allocation. Campus 110144
allocations shall be determined by subtracting the estimated 110145
campus debt service attributable to qualifying capital projects 110146
from the campus's formula-determined capital component 110147

allocation. Moneys distributed from this appropriation item 110148
shall be restricted to capital-related purposes. 110149

(B) Any campus for which the estimated campus debt service 110150
attributable to qualifying capital projects for the remainder of 110151
the program is greater than the campus's formula-determined 110152
capital component allocation shall have half the difference 110153
subtracted in each fiscal year of the biennium, after allowable 110154
adjustments by the Chancellor of Higher Education, from its 110155
State Share of Instruction allocation. If necessary, 110156
appropriation equal to the sum of all such amounts shall be 110157
transferred, after allowable adjustments by the Chancellor of 110158
Higher Education, from appropriation item 235501, State Share of 110159
Instruction, to appropriation item 235552, Capital Component. 110160

Section 381.460. LIBRARY DEPOSITORIES 110161

The foregoing appropriation item 235555, Library 110162
Depositories, shall be distributed to the state's five regional 110163
depository libraries for the cost-effective storage of and 110164
access to lesser-used materials in university library 110165
collections. The depositories shall be administrated by the 110166
Chancellor of Higher Education, or by OhioLINK at the discretion 110167
of the Chancellor. 110168

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 110169

The foregoing appropriation item 235556, Ohio Academic 110170
Resources Network, shall be used by the Chancellor of Higher 110171
Education to support the operations of the Ohio Academic 110172
Resources Network, a consortium organized under division (T) of 110173
section 3333.04 of the Revised Code, which shall include support 110174
for Ohio's colleges and universities in maintaining and 110175
enhancing network connections, using new network technologies to 110176

improve research, education, and economic development programs, 110177
and sharing information technology services. To the extent 110178
network capacity is available, OARnet shall support allocating 110179
bandwidth to eligible programs directly supporting Ohio's 110180
economic development. 110181

Section 381.480. LONG-TERM CARE RESEARCH 110182

The foregoing appropriation item 235558, Long-term Care 110183
Research, shall be disbursed to Miami University for long-term 110184
care research. 110185

Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT 110186

(A) (1) As used in this section: 110187

(a) "Eligible institution" means any institution described 110188
in divisions(B) (2) (a) to (c) of section 3333.122 of the Revised 110189
Code. 110190

(b) The three "sectors" of institutions of higher 110191
education consist of the following: 110192

(i) State colleges and universities, community colleges, 110193
state community colleges, university branches, and technical 110194
colleges; 110195

(ii) Eligible private nonprofit institutions of higher 110196
education; 110197

(iii) Eligible private for-profit career colleges and 110198
schools. 110199

(2) (a) Awards under section 3333.122 of the Revised Code 110200
shall be as follows for fiscal year 2026 and fiscal year 2027: 110201

(i) \$4,000 per student at a state institution of higher 110202
education; 110203

(ii) \$5,000 per student at an eligible nonprofit institution of higher education; 110204
110205

(iii) \$2,000 per student at a private for-profit career college or school. 110206
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(b) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted. 110208
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(3) Notwithstanding anything to the contrary in section 3333.122 of the Revised Code, the Chancellor of Higher Education shall make awards under that section in fiscal year 2026 and fiscal year 2027 to students with a student aid index, or any federal successor, of three thousand seven hundred fifty or less. 110211
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(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as specified under division (D) of section 3333.122 of the Revised Code, the Chancellor may follow methods established in division (C) (1) (a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A) (1) of this section in a manner determined by the Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of each academic year. 110217
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(B) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised 110231
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Code, the Chancellor shall use the foregoing appropriation item 110233
235563, Ohio College Opportunity Grant, to pay for waivers of 110234
tuition and student fees for eligible students under the Ohio 110235
Safety Officer's College Memorial Fund Program under section 110236
3333.26 of the Revised Code and for grants to qualifying 110237
institutions on behalf of eligible students under the adoption 110238
grant program established under section 3333.128 of the Revised 110239
Code. 110240

In each fiscal year, with the exception of sections 110241
3333.121 and 3333.124 of the Revised Code and the section of 110242
this act entitled "STATE FINANCIAL AID RECONCILIATION," the 110243
Chancellor shall not distribute or obligate or commit to be 110244
distributed an amount greater than what is appropriated under 110245
the foregoing appropriation item 235563, Ohio College 110246
Opportunity Grant. 110247

(C) The Chancellor shall establish, and post on the 110248
Department of Higher Education's web site, award tables based on 110249
the amounts specified under division (A) of this section. The 110250
Chancellor shall notify students and institutions of any 110251
reductions in awards. 110252

(D) Notwithstanding section 3333.122 of the Revised Code, 110253
no student shall be eligible to receive an Ohio College 110254
Opportunity Grant for more than ten semesters, fifteen quarters, 110255
or the equivalent of five academic years, less the number of 110256
semesters or quarters in which the student received an Ohio 110257
Instructional Grant. 110258

(E) During each fiscal year, the Chancellor, as soon as 110259
possible after cancellation, may certify to the Director of 110260
Budget and Management the amount of canceled prior-year 110261
encumbrances in appropriation item 235563, Ohio College 110262

Opportunity Grant. Upon receipt of the certification, the 110263
Director of Budget and Management may transfer cash, up to the 110264
certified amount, from the General Revenue Fund to the Ohio 110265
College Opportunity Grant Program Reserve Fund (Fund 5PU0). 110266

(F) No eligible institution that enrolls Ohio College 110267
Opportunity Grant recipients shall make any change to its 110268
scholarship or financial aid programs with the goal or net 110269
effect of shifting the cost burden of those programs to the Ohio 110270
College Opportunity Grant program. 110271

Each eligible institution that enrolls Ohio College 110272
Opportunity Grant recipients shall provide at least the same 110273
level of needs-based financial aid to its students as it 110274
provided in the immediately prior academic year in terms of 110275
either the aggregate aid to all students or on a per student 110276
basis. The Chancellor may grant an eligible institution a 110277
temporary waiver from that requirement if the Chancellor 110278
determines exceptional circumstances make it necessary. The 110279
Chancellor shall determine the terms of the waiver. 110280

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF 110281
VETERINARY MEDICINE SUPPLEMENT 110282

The foregoing appropriation item 235569, The Ohio State 110283
University College of Veterinary Medicine Supplement, shall be 110284
distributed through the Chancellor of Higher Education to The 110285
Ohio State University College of Veterinary Medicine to provide 110286
supplemental support for education, research, and operations. 110287

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 110288

The foregoing appropriation item 235572, The Ohio State 110289
University Clinic Support, shall be distributed through the 110290
Chancellor of Higher Education to The Ohio State University for 110291

support of dental and veterinary medicine clinics. 110292

Section 381.520. FEDERAL RESEARCH NETWORK 110293

The foregoing appropriation item 235578, Federal Research 110294
Network, shall be allocated to The Ohio State University to 110295
collaborate with federal installations in Ohio, state 110296
institutions of higher education as defined in section 3345.011 110297
of the Revised Code, private nonprofit institutions of higher 110298
education holding certificates of authorization under Chapter 110299
1713. of the Revised Code, and the private sector to align the 110300
state's research assets with emerging missions and job growth 110301
opportunities emanating from federal installations, strengthen 110302
related workforce development and technology commercialization 110303
programs, and better position the state's university system to 110304
directly impact new job creation in Ohio. A portion of the 110305
foregoing appropriation item 235578, Federal Research Network, 110306
shall be used to support the growth of small business federal 110307
contractors in the state and to expand the participation of Ohio 110308
businesses in the federal Small Business Innovation Research 110309
Program and related federal programs. 110310

Section 381.525. EDUCATOR PREPARATION PROGRAMS 110311

The foregoing appropriation item 235585, Educator 110312
Preparation Programs, shall be used by the Chancellor of Higher 110313
Education to implement and administer sections 3333.048, 110314
3333.049, 3333.0411, and 3333.0419 of the Revised Code or other 110315
educator preparation programs, such as the Ohio Teacher 110316
Apprenticeship Program, as determined by the Chancellor. 110317

Notwithstanding any provision of law to the contrary, 110318
beginning with the first full academic year following the 110319
adoption of new standards, each educator preparation program at 110320

an institution of higher education shall include in its 110321
curriculum standards for social studies that align with the 110322
standards adopted by the Department of Education and Workforce 110323
to ensure that educators and other school personnel are 110324
adequately prepared and trained in social studies. 110325

Within six months of the beginning of the first full 110326
academic year in which the new standards are used, the 110327
Chancellor shall complete a review and evaluation process to 110328
assess the degree to which every educator preparation program at 110329
an institution of higher education is teaching social studies in 110330
alignment with the standards. 110331

Section 381.530. CO-OP INTERNSHIP PROGRAM 110332

The foregoing appropriation item 235591, Co-Op Internship 110333
Program, shall be used to support the operations of Ohio 110334
University's Voinovich School. 110335

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID 110336
PROGRAM 110337

The foregoing appropriation item 235595, Commercial Truck 110338
Driver Student Aid Program, shall be used by the Chancellor of 110339
Higher Education to administer and provide grants and loans 110340
under the Commercial Truck Driver Student Aid Program 110341
established in section 3333.125 of the Revised Code. 110342

Section 381.550. RURAL UNIVERSITY PROGRAM 110343

The foregoing appropriation item 235598, Rural University 110344
Program, shall be used for the Rural University Program, a 110345
collaboration of Bowling Green State University, Kent State 110346
University, Miami University, and Ohio University that provides 110347
rural communities with economic development, public 110348
administration, and public health services. Each of the four 110349

participating universities shall receive \$103,000 in each fiscal 110350
year to support their respective programs. 110351

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM 110352

The Chancellor of Higher Education shall disburse funds 110353
from appropriation item 235599, National Guard Scholarship 110354
Program. During each fiscal year, the Chancellor, as soon as 110355
possible after cancellation, may certify to the Director of 110356
Budget and Management the amount of canceled prior-year 110357
encumbrances in appropriation item 235599, National Guard 110358
Scholarship Program. Upon receipt of the certification, the 110359
Director of Budget and Management may transfer cash, up to the 110360
certified amount, from the General Revenue Fund to the National 110361
Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the 110362
foregoing appropriation item 235599, National Guard Scholarship 110363
Program, may be used to administer the program with the 110364
concurrence of the Adjutant General. 110365

Section 381.565. FAFSA SUPPORT TEAMS 110366

The foregoing appropriation item 2355A1, FAFSA Support 110367
Teams, shall be used by the Chancellor of Higher Education 110368
pursuant to section 3333.303 of the Revised Code. 110369

CAMPUS COMMUNITY GRANT PROGRAM 110370

The foregoing appropriation item 2355A3, Campus Community 110371
Grant Program, shall be used by the Chancellor of Higher 110372
Education to support the Campus Community Grant Program pursuant 110373
to section 3333.801 of the Revised Code. 110374

Section 381.570. PLEDGE OF FEES 110375

Any new pledge of fees, or new agreement for adjustment of 110376
fees, made in the biennium ending June 30, 2027, to secure bonds 110377

or notes of a state institution of higher education for a 110378
project for which bonds or notes were not outstanding on the 110379
effective date of this section, to secure a refund of prior debt 110380
that is anticipated to increase the total cost of retiring the 110381
original debt, or to extend the period in which that full debt 110382
is retired shall be effective only after approval by the 110383
Chancellor of Higher Education, unless approved in a previous 110384
biennium. 110385

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND 110386
DEBT SERVICE 110387

The foregoing appropriation item 235909, Higher Education 110388
General Obligation Bond Debt Service, shall be used to pay all 110389
debt service and related financing costs during the period from 110390
July 1, 2025, through June 30, 2027, for obligations issued 110391
under sections 151.01 and 151.04 of the Revised Code. 110392

Section 381.590. SALES AND SERVICES 110393

The Chancellor of Higher Education is authorized to charge 110394
and accept payment for the provision of goods and services. Such 110395
charges shall be reasonably related to the cost of producing the 110396
goods and services. Except as otherwise provided by law, no 110397
charges may be levied for goods or services that are produced as 110398
part of the routine responsibilities or duties of the 110399
Chancellor. All revenues received by the Chancellor shall be 110400
deposited into Fund 4560 and may be used by the Chancellor to 110401
pay for the costs of producing the goods and services. 110402

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 110403
ADMINISTRATION 110404

The foregoing appropriation item 235602, Higher 110405
Educational Facility Commission Administration, shall be used by 110406

the Chancellor of Higher Education for operating expenses 110407
related to the Chancellor's support of the activities of the 110408
Ohio Higher Educational Facility Commission. Upon the request of 110409
the Chancellor, the Director of Budget and Management may 110410
transfer cash in an amount up to the amount appropriated from 110411
the foregoing appropriation item 235602, Higher Educational 110412
Facility Commission Administration, in each fiscal year from the 110413
HEFC Operating Expenses Fund (Fund 4610) to the HEFC 110414
Administration Fund (Fund 4E80). 110415

Section 381.630. TALENT READY GRANT PROGRAM 110416

(A) The foregoing appropriation item 235517, Talent Ready 110417
Grant Program, shall be used by the Chancellor of Higher 110418
Education to administer the Talent Ready Grant program to 110419
support workforce credential and certificate programs under 110420
thirty credit hours at a community college, state community 110421
college, technical college, university regional campus, or less 110422
than 900 clock hours at an Ohio Technical Center. Such funding 110423
shall be used to do both of the following: 110424

(1) Establish and operate workforce credential and 110425
certificate programs under thirty credit hours or less than 900 110426
clock hours, as identified by the Governor's Office of Workforce 110427
Transformation in consultation with the Chancellor. In 110428
identifying programs as eligible for funding, the Governor's 110429
Office of Workforce Transformation and the Chancellor shall 110430
review the top jobs list and prioritize programs that are 110431
particularly well-aligned with occupations determined to be most 110432
in-demand to meet statewide or regional workforce goals. An 110433
eligible entity may submit a request to the Chancellor to 110434
consider adding a program to the list identified as eligible for 110435
funding by providing information and justification in the form 110436

and manner required by the Chancellor, in consultation with the 110437
Governor's Office of Workforce Transformation; and 110438

(2) Provide additional support to short-term certificate 110439
programs determined to be eligible for funding, as identified by 110440
the Governor's Office of Workforce Transformation in 110441
consultation with the Chancellor pursuant to the process 110442
described in division (A) (1) of this section. 110443

(B) The Chancellor shall allocate funds among eligible 110444
entities in approximate proportion to each entity's share of 110445
eligible short-term certificate programs while also considering 110446
student enrollments, completions, and past utilization of short- 110447
term certificate funding disbursed under this line item, among 110448
other factors. For purposes of allocating funds between 110449
community colleges, state community colleges, and technical 110450
colleges, the Chancellor shall allocate the funding to each 110451
campus in proportion to each campus's share of the total 110452
sector's course completions for the most recent available year, 110453
as reported through the Higher Education Information System 110454
student enrollment file, weighted by the instructional cost of 110455
the subsidy models. 110456

Section 381.635. SUPER RAPIDS 110457

On July 1, 2025, or as soon as possible thereafter, the 110458
Chancellor of Higher Education shall certify to the Director of 110459
Budget and Management an amount up to the unexpended, 110460
unencumbered balance of appropriation item 235688, Super RAPIDS, 110461
at the end of fiscal year 2025 to be reappropriated to fiscal 110462
year 2026. The amount certified is hereby reappropriated to the 110463
same appropriation item for fiscal year 2026. 110464

On July 1, 2026, or as soon as possible thereafter, the 110465

Chancellor of Higher Education shall certify to the Director of 110466
Budget and Management an amount up to the unexpended, 110467
unencumbered balance of appropriation item 235688, Super RAPIDS, 110468
at the end of fiscal year 2026 to be reappropriated to fiscal 110469
year 2027. The amount certified is hereby reappropriated to the 110470
same appropriation item for fiscal year 2027. 110471

Section 381.640. STATE FINANCIAL AID RECONCILIATION 110472

By the first day of September in each fiscal year, or as 110473
soon as possible thereafter, the Chancellor of Higher Education 110474
shall certify to the Director of Budget and Management the 110475
amount necessary to pay any outstanding prior year obligations 110476
to higher education institutions for the state's financial aid 110477
programs. The amounts certified are hereby appropriated to 110478
appropriation item 235618, State Financial Aid Reconciliation, 110479
from revenues received in the State Financial Aid Reconciliation 110480
Fund (Fund 5Y50). 110481

Section 381.650. SECOND CHANCE GRANT PROGRAM 110482

The foregoing appropriation item 235494, Second Chance 110483
Grant Program, shall be distributed by the Chancellor of Higher 110484
Education to qualifying institutions of higher education and 110485
Ohio Technical Centers to provide grants to eligible students 110486
under the Second Chance Grant Program established in section 110487
3333.127 of the Revised Code. 110488

Section 381.655. GROW YOUR OWN TEACHER PROGRAM 110489

The foregoing appropriation item 235592, Grow Your Own 110490
Teacher Program, shall be used by the Chancellor of Higher 110491
Education to implement and administer the Grow Your Own Teacher 110492
Program pursuant to sections 3333.393 and 3333.394 of the 110493
Revised Code and the Ohio Teacher Apprenticeship Program. 110494

Section 381.660. NURSING LOAN PROGRAM 110495

The foregoing appropriation item 235606, Nursing Loan 110496
Program, shall be used to administer the nurse education 110497
assistance program. 110498

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX 110499

(A) The foregoing appropriation item 235639, Research 110500
Incentive Third Frontier - Tax, shall be used by the Chancellor 110501
of Higher Education to advance collaborative research at 110502
institutions of higher education. Of the foregoing appropriation 110503
item 235639, Research Incentive Third Frontier - Tax, a portion 110504
in each fiscal year shall be used by the Chancellor to support 110505
and promote research that is intended to be commercialized. 110506
Research funded under division (A) of this section shall include 110507
a condition that the discoveries, inventions, or patents 110508
developed therein be retained by the researcher, unless all or a 110509
portion of the interests therein are specifically granted to the 110510
state college or university at which the researcher is employed. 110511
In reviewing proposals and making awards under division (A) of 110512
this section, the Chancellor may enlist the assistance of the 110513
Ohio Technology Transfer Officer's Council. 110514

(B) Of the foregoing appropriation item 235639, Research 110515
Incentive Third Frontier - Tax, up to \$2,000,000 in each fiscal 110516
year may be allocated toward research regarding the improvement 110517
of water quality, up to \$750,000 in each fiscal year may be 110518
allocated for spinal cord research, up to \$750,000 in each 110519
fiscal year may be allocated toward research regarding cyber 110520
security initiatives, up to \$300,000 in each fiscal year may be 110521
allocated toward the I-Corps@Ohio program, and up to \$200,000 in 110522
each fiscal year may be allocated toward the Ohio Innovation 110523
Exchange program. 110524

Section 381.680. VETERANS PREFERENCES

110525

The Chancellor of Higher Education shall work with the
Department of Veterans Services to develop specific veterans
preference guidelines for higher education institutions. These
guidelines shall ensure that the institutions' hiring practices
are in accordance with the intent of Ohio's veterans' preference
laws.

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Section 381.690. (A) As used in this section:

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(1) "Board of trustees" includes the managing authority of
a university branch district.

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(2) "State institution of higher education" has the same
meaning as in section 3345.011 of the Revised Code.

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(B) The board of trustees of any state institution of
higher education, notwithstanding any rule of the institution to
the contrary, may adopt a policy providing for mandatory
furloughs of employees, including faculty, to achieve spending
reductions necessitated by institutional budget deficits.

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Section 381.700. EFFICIENCY REPORTS

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In each fiscal year, the board of trustees of each public
institution of higher education shall approve the institution's
efficiency report submitted to the Chancellor of Higher
Education under section 3333.95 of the Revised Code.

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MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

110547

For each fiscal year, each institution of higher education
that receives funds from the foregoing appropriation items
235515, Case Western Reserve University School of Medicine,
235519, Family Practice, 235525, Geriatric Medicine, 235526,
Primary Care Residencies, 235536, The Ohio State University

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Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235543, Kent State University College of Podiatric Medicine Clinic Subsidy, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating.

Section 381.710. The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine, and information technology, and to identify institutional research equipment available in the state.

Section 381.720. COLLEGE CREDIT PLUS PROGRAM

(A) The Chancellor of Higher Education, in consultation with the Director of Education and Workforce, may take action as necessary to ensure that public colleges and universities and school districts are fully engaging and participating in the College Credit Plus Program as required by Chapter 3365. of the Revised Code. Such actions may include publicly displaying program participation data by district and institution.

(B) For the purposes of model pathways required under section 3365.13 of the Revised Code, the Chancellor and Director shall work with public secondary schools and partnering public colleges and universities, as necessary, to encourage the

establishment of model pathways that prepare participants to 110583
successfully enter the workforce in certain fields, which may 110584
include any of the following: 110585

(1) Engineering technology and other fields essential to 110586
the superconductor industry; 110587

(2) Nursing, with particular emphasis on models that 110588
facilitate a participant's potential progression through 110589
different levels of nursing; 110590

(3) Teaching and other related education professions; 110591

(4) Social and behavioral or mental health professions; 110592

(5) Law enforcement or corrections; and 110593

(6) Other fields as determined appropriate by the 110594
Chancellor and Director, in consultation with the Governor's 110595
Office of Workforce Transformation. 110596

(C) Notwithstanding any provision of law to the contrary, 110597
students enrolled under a statewide innovative waiver pathway, 110598
as established in section 3365.131 of the Revised Code, shall 110599
follow a model pathway as established in section 3365.13 of the 110600
Revised Code. Priority shall be given to pathways aligned with 110601
engineering technology and other fields essential to the 110602
superconductor industry. 110603

Section 381.730. EASTERN GATEWAY COMMUNITY COLLEGE 110604

The Chancellor of Higher Education, in consultation with 110605
postsecondary educational institutions and other stakeholders as 110606
determined to be appropriate, shall monitor and evaluate the 110607
ongoing availability of postsecondary educational offerings 110608
within the four-county service district formerly served by 110609
Eastern Gateway Community College. To the extent practicable, 110610

the Chancellor shall seek to ensure a strong continuity of 110611
postsecondary educational access to residents of the region, 110612
with a particular focus on access to programs aligned with 110613
regional workforce priorities. If determined to be necessary, 110614
the Chancellor may seek to achieve favorable outcomes by 110615
engaging with other postsecondary educational institutions to 110616
encourage uninterrupted access to educational opportunities. 110617
This may include, but not be limited to, outcomes associated 110618
with academic program offerings, program-related equipment, or 110619
physical facilities. 110620

Section 381.740. CREDENTIAL AND WORK EXPERIENCE 110621
CONSIDERATION 110622

Prior to admitting any students applying for enrollment 110623
after July 1, 2025, each state institution of higher education, 110624
as defined in section 3345.011 of the Revised Code, shall 110625
consider an applicant's work experience and credentials earned 110626
as part of the admissions process. An applicant's work 110627
experience or credential does not need to align to the program 110628
or discipline the applicant is seeking to pursue to be 110629
considered by the state institution as a positive reason to 110630
accept the applicant as a student at the institution. 110631

At the time of the student's acceptance, an institution 110632
shall either grant credit for prior learning or experience or 110633
detail the potential opportunities and required documentation 110634
needed to grant such credit based on the review of the student's 110635
specific information provided in the application. 110636

Section 381.750. GENERAL EDUCATION REQUIREMENTS 110637

(A) Not later than December 31, 2025, the board of 110638
trustees of each state institution of higher education, as 110639

defined in section 3345.011 of the Revised Code, shall formally 110640
review and evaluate the components of the state institution's 110641
general education curriculum and adopt a resolution 110642
acknowledging the board's completion of that review. Each board 110643
shall submit a copy of its resolution to the Chancellor of 110644
Higher Education. 110645

(B) Not later than March 31, 2026, the board of trustees 110646
of each state institution of higher education shall formally 110647
evaluate the state institution's general education curriculum to 110648
enhance content that furthers the state's post-secondary 110649
education attainment and workforce goals. In conducting the 110650
evaluation, the board shall consider adjusting the general 110651
education curriculum in the following areas: 110652

(1) Civics, culture, and society, including United States 110653
and Ohio history, the foundations of American representative 110654
government, how to disagree in a civil manner, and the 110655
principles of civil discourse; 110656

(2) Artificial intelligence, STEM, and computational 110657
thinking; 110658

(3) Entrepreneurship and the principles of innovation; 110659

(4) Workforce readiness, including fundamental skills 110660
necessary for Ohio's graduates to gain employment in in-demand 110661
occupations. 110662

(C) Not later than June 30, 2026, the board of trustees of 110663
each state institution of higher education shall adopt a 110664
resolution summarizing changes to the state institution's 110665
general education curriculum resulting from the evaluation 110666
process and submit a copy of the resolution to the Chancellor. 110667

(D) The Chancellor shall provide a copy of each resolution 110668

submitted under this section to the Governor, the President of 110669
the Senate, and the Speaker of the House of Representatives. 110670

(E) Adjustments made to a state institution of higher 110671
education's general education curriculum pursuant to this 110672
section are not exempt from the requirements of the Chancellor's 110673
program approval process. 110674

Section 381.760. OHIO TECH TALENT INITIATIVE 110675

(A) The Ohio Tech Talent Initiative is created. The 110676
purpose of the initiative is to promote, prioritize, and expand 110677
engineering technician education for engineering technology and 110678
other fields essential to the semiconductor and advanced 110679
manufacturing industries. In administering the program, the 110680
Chancellor of Higher Education may determine the list of 110681
academic programs included, in consultation with the Governor's 110682
Office of Workforce Transformation, based on the Classification 110683
of Instructional Programs (CIP). 110684

(B) For the purposes of model and statewide innovative 110685
waiver pathways authorized under sections 3365.13 and 3365.131 110686
of the Revised Code, the Chancellor and Director of Education 110687
and Workforce, in consultation with the Governor's Office of 110688
Workforce Transformation, shall jointly collaborate with public 110689
secondary schools and partnering public colleges and 110690
universities, as necessary, to establish, promote, and 110691
prioritize pathways that prepare participants to successfully 110692
enter the workforce in engineering technology and other fields 110693
essential to the semiconductor or advanced manufacturing 110694
industries. The Chancellor and Director shall also leverage the 110695
one-year option credit articulation process for students 110696
enrolled in Ohio Technical Centers, as defined in section 110697
3333.94 of the Revised Code, who complete a 900-hour program of 110698

study and obtain an industry-recognized credential. 110699

(C) In administering the program, and notwithstanding any 110700
provision of law to the contrary, the Chancellor and Director of 110701
Development may utilize funds appropriated from the following 110702
appropriation items with the goal of reducing student costs and 110703
increasing the number of graduates in technician-aligned 110704
programs: 110705

(1) Appropriation item 235438, Choose Ohio First 110706
Scholarship; 110707

(2) Appropriation item 235517, Talent Ready Grant Program; 110708

(3) Appropriation item 235425, Ohio Work Ready Grant 110709
Program; 110710

(4) Appropriation item 235494, Second Chance Grant 110711
Program; 110712

(5) Appropriation item C23529, Workforce Based Training 110713
and Equipment; 110714

(6) Appropriation item 195556, TechCred Program; 110715

(7) Other appropriation items as determined to be 110716
necessary by the Chancellor, in consultation with the Governor's 110717
Office of Workforce Transformation. 110718

(D) The Chancellor may require a state institution of 110719
higher education, as defined in section 3345.011 of the Revised 110720
Code, and a private college as defined in section 3365.01 of the 110721
Revised Code, to establish a workforce-education partnership 110722
program, as defined in section 3333.93 of the Revised Code. In 110723
establishing a workforce-education partnership program, the 110724
Chancellor, in consultation with the Governor's Office of 110725
Workforce Transformation, may require college, university and 110726

employer participants to specifically focus on engineering 110727
technology and other fields essential to the semiconductor 110728
industry, advanced manufacturing industry, or both. 110729

Section 381.770. DIRECT ADMISSIONS 110730

(A) As used in this section: 110731

(1) "Academic record" includes grade point average, high 110732
school and college transcript information, standardized 110733
assessment scores, scores on the end-of-course examinations 110734
prescribed under section 3301.0712 of the Revised Code, and any 110735
other measure of postsecondary readiness determined appropriate 110736
by the Chancellor of Higher Education. 110737

(2) "Postsecondary institution" means any of the 110738
following: 110739

(a) A state institution of higher education, as defined in 110740
section 3345.011 of the Revised Code; 110741

(b) A private nonprofit institution of higher education 110742
that holds a certificate of authorization under Chapter 1713. of 110743
the Revised Code; 110744

(c) An Ohio technical center, as defined in section 110745
3333.94 of the Revised Code. 110746

(3) "School governing body" means the board of education 110747
of a city, local, exempted village, or joint vocational school 110748
district, the governing authority of a chartered nonpublic 110749
school, the governing authority of a community school 110750
established under Chapter 3314. of the Revised Code, or the 110751
governing body of a STEM school established under Chapter 3326. 110752
of the Revised Code. 110753

(B) The Chancellor of Higher Education, in consultation 110754

with the Director of Education and Workforce, shall establish a 110755
direct admissions pilot program to notify students enrolled at 110756
participating high schools about whether they meet the 110757
admissions criteria for participating postsecondary 110758
institutions. 110759

Under the pilot program, the Chancellor shall establish a 110760
process that uses a student's academic record to determine 110761
whether the student meets the admissions requirements. To the 110762
extent practicable, and in accordance with applicable law, the 110763
Chancellor shall use existing primary, secondary, and higher 110764
education student information systems to automate the process 110765
and use information held by a participating student's high 110766
school to minimize the need for the student to provide any 110767
additional information. 110768

The Chancellor shall endeavor to implement the pilot 110769
program so that students graduating in the 2026-2027 school year 110770
may participate in the program. 110771

(C) The Chancellor may do any of the following: 110772

(1) Establish eligibility requirements for students, 110773
school governing bodies, and postsecondary institutions who 110774
elect to participate in the pilot program; 110775

(2) Consult with stakeholders and form advisory councils 110776
as necessary to design and operate the pilot program; 110777

(3) Terminate the pilot program if the Chancellor 110778
determines its operation is impracticable. 110779

(D) A school governing body or postsecondary institution 110780
shall apply to participate in the pilot program in a form and 110781
manner prescribed by the Chancellor. 110782

A participating school governing body may adopt a written 110783
policy authorizing any high school it operates to participate in 110784
the pilot program. Not later than ninety days after the adoption 110785
of the policy, the school governing body shall transmit an 110786
electronic copy of the policy to the Chancellor and the Director 110787
of Education and Workforce. 110788

A participating school governing body shall develop a 110789
procedure to determine whether a student who wants to 110790
participate in the pilot program meets any eligibility 110791
requirements established under division (C) of this section. 110792

(E) At least once each school year, the Chancellor, in 110793
consultation with the Director of Education and Workforce, shall 110794
issue a report on the pilot program. The Chancellor shall set a 110795
deadline for the report's issuance. The report shall include 110796
information about the number of students who participate in the 110797
program. The report also shall evaluate, to the extent 110798
practicable, the impact of the program on postsecondary outcomes 110799
for students from populations traditionally underserved in 110800
higher education. 110801

The Chancellor shall submit the report to the Governor, 110802
the President of the Senate, the Speaker of the House of 110803
Representatives, the Director of Education and Workforce, the 110804
Director of Budget and Management, and the Governor's Office of 110805
Workforce Transformation. 110806

(F) No student, school governing body, or postsecondary 110807
institution shall be required to participate in the pilot 110808
program. 110809

Section 383.10. 110810
110811

1	2	3	4	5
A	DRC DEPARTMENT OF REHABILITATION AND CORRECTION			
B	General Revenue Fund			
C	GRF	501321 Institutional Operations	\$1,539,506,369	\$1,635,958,708
D	GRF	501405 Reentry, Housing, and Support Services	\$87,700,200	\$90,558,100
E	GRF	501406 Adult Correctional Facilities Lease Rental Bond Payments	\$42,000,000	\$60,000,000
F	GRF	501407 Community Nonresidential Programs	\$71,472,947	\$74,153,531
G	GRF	501408 Community Misdemeanor Programs	\$10,101,000	\$10,555,545
H	GRF	501411 Probation Improvement and Incentive Grants	\$5,512,500	\$5,760,562
I	GRF	501501 Community Residential Programs - Community Based Correctional Facilities	\$104,015,600	\$108,161,800
J	GRF	503321 Parole and Community Operations	\$139,658,771	\$149,249,137
K	GRF	504321 Administrative Operations	\$29,927,970	\$31,394,440
L	GRF	505321 Institution Medical	\$377,800,462	\$402,429,929

		Services		
M	GRF	506321 Institution Education	\$53,146,437	\$57,793,527
		Services		
N		General Revenue Fund Total	\$2,460,842,256	\$2,626,015,279
O		Dedicated Purpose Fund Group		
P	4B00	501601 Sewer Treatment Services	\$600,000	\$600,000
Q	4D40	501603 Prisoner Programs	\$400,000	\$400,000
R	4L40	501604 Transitional Control	\$2,450,000	\$2,450,000
S	4S50	501608 Education Services	\$4,660,000	\$4,660,000
T	5AF0	501609 State and Non-Federal Awards	\$1,300,000	\$1,300,000
U	5H80	501617 Offender Financial Responsibility	\$1,860,000	\$1,860,000
V	QG18	501631 County Jail Construction and Renovation Grants	\$62,437,500	\$92,500,000
W		Dedicated Purpose Fund Group Total	\$73,707,500	\$103,770,000
X		Internal Service Activity Fund Group		
Y	1480	501602 Institutional Services	\$3,500,000	\$3,500,000
Z	2000	501607 Ohio Penal Industries	\$46,515,000	\$46,515,000
AA	4830	501605 Leased Property	\$7,500,000	\$7,500,000

	Maintenance and Operating		
AB 5710 501606	Corrections Training	\$940,000	\$940,000
	Maintenance and Operating		
AC 5L60 501611	Information Technology	\$500,000	\$500,000
	Services		
AD Internal Service Activity Fund Group		\$58,955,000	\$58,955,000
Total			
AE Federal Fund Group			
AF 3230 501619	Federal Grants	\$4,500,000	\$4,500,000
AG 3CW0 501622	Federal Equitable Sharing	\$300,000	\$300,000
AH Federal Fund Group Total		\$4,800,000	\$4,800,000
AI TOTAL ALL BUDGET FUND GROUPS		\$2,598,304,756	\$2,793,540,279

Section 383.20. EXPEDITED PARDON INITIATIVE 110812

Of the foregoing appropriation item 501321, Institutional 110813
Operations, up to \$500,000 in each fiscal year may be used by 110814
the Department of Rehabilitation and Correction to support 110815
projects connecting rehabilitated citizens with community 110816
partners to advance the expedited pardon initiative and help 110817
eligible individuals navigate the process and access clemency. 110818

OSU MEDICAL CHARGES 110819

Notwithstanding section 341.192 of the Revised Code, at 110820
the request of the Department of Rehabilitation and Correction, 110821
the Ohio State University Medical Center, including the Arthur 110822

G. James Cancer Hospital and Richard J. Solove Research 110823
Institute and the Richard M. Ross Heart Hospital, shall provide 110824
necessary care to persons who are confined in state adult 110825
correctional facilities. The provision of necessary inpatient 110826
care billed to the Department shall be reimbursed at a rate not 110827
to exceed the authorized reimbursement rate for the same service 110828
established by the Department of Medicaid under the Medicaid 110829
Program. 110830

TRANSITIONAL HOUSING FUNDING 110831

Of the foregoing appropriation item 501405, Reentry, 110832
Housing, and Support Services, priority shall be given to 110833
residential providers that accept and place individuals released 110834
from institutions operated by the Department of Rehabilitation 110835
and Correction to the supervision of the Adult Parole Authority 110836
who were previously rejected by all other residential providers. 110837

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 110838

The foregoing appropriation item 501406, Adult 110839
Correctional Facilities Lease Rental Bond Payments, shall be 110840
used to meet all payments during the period from July 1, 2025, 110841
through June 30, 2027, by the Department of Rehabilitation and 110842
Correction pursuant to leases and agreements for facilities made 110843
under Chapters 152. and 154. of the Revised Code. These 110844
appropriations are the source of funds pledged for bond service 110845
charges on related obligations issued under Chapters 152. and 110846
154. of the Revised Code. 110847

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 110848

The foregoing appropriation item 501411, Probation 110849
Improvement and Incentive Grants, shall be allocated by the 110850
Department of Rehabilitation and Correction to municipalities as 110851

Probation Improvement and Incentive Grants with an emphasis on: 110852
(1) providing services to those addicted to opiates and other 110853
illegal substances, and (2) supplementing the programs and 110854
services funded by grants distributed from the foregoing 110855
appropriation item 501407, Community Nonresidential Programs. 110856

Section 387.10.

110857

110858

	1	2	3	4	5
A			RDF STATE REVENUE DISTRIBUTIONS		
B			General Revenue Fund		
C	GRF	110403	Personal Property Tax	\$3,770,000	\$3,170,000
			Replacement Phase Out -		
			Local Government		
D	GRF	110908	Property Tax	\$687,764,172	\$698,816,877
			Reimbursement - Local		
			Government		
E	GRF	200417	Personal Property Tax	\$46,478,241	\$42,618,185
			Replacement Phase Out -		
			School District		
F	GRF	200903	Property Tax	\$1,291,917,108	\$1,312,678,846
			Reimbursement - Education		
G			General Revenue Fund Total	\$2,029,929,521	\$2,057,283,908
H			Revenue Distribution Fund Group		
I	5JG0	110633	Gross Casino Revenue	\$168,320,000	\$166,460,000

Payments - County

J	5JH0	110634	Gross Casino Revenue	\$112,210,000	\$110,970,000
			Payments - School		
			Districts		
K	5JJ0	110636	Gross Casino Revenue -	\$16,530,000	\$16,400,000
			Host City		
L	7049	336900	Indigent Drivers Alcohol	\$1,800,000	\$1,800,000
			Treatment		
M	7050	762900	International	\$26,000,000	\$26,000,000
			Registration Plan		
			Distribution		
N	7051	762901	Auto Registration	\$379,000,000	\$391,000,000
			Distribution		
O	7060	110652	Gasoline Excise Tax Fund	\$413,400,000	\$421,900,000
			- Municipal		
P	7060	110653	Gasoline Excise Tax Fund	\$214,000,000	\$218,400,000
			- Township		
Q	7060	110654	Gasoline Excise Tax Fund	\$359,800,000	\$367,200,000
			- County		
R	7065	110965	Public Library Fund	\$531,700,000	\$549,100,000
S	7066	800966	Undivided Liquor Permits	\$14,600,000	\$14,600,000
T	7069	110969	Local Government Fund	\$531,700,000	\$549,100,000

U	7082	110982	Horse Racing Tax	\$31,200	\$31,200
V	7083	700900	Ohio Fairs Fund	\$471,000	\$471,000
W	Revenue Distribution Fund Group Total			\$2,769,562,200	\$2,833,432,200
X	Fiduciary Fund Group				
Y	4P80	001698	Cash Management Improvement Fund	\$1,000,000	\$1,000,000
Z	5VR0	110902	Municipal Net Profit Tax	\$241,330,000	\$253,400,000
AA	6080	001699	Investment Earnings	\$1,050,000,000	\$975,000,000
AB	7001	110996	Horse Racing Tax Local Government Payments	\$120,000	\$120,000
AC	7062	110962	Resort Area Excise Tax Distribution	\$2,540,000	\$2,650,000
AD	7063	110963	Permissive Sales Tax Distribution	\$3,706,800,000	\$3,788,700,000
AE	7067	110967	School District Income Tax Distribution	\$748,610,000	\$778,170,000
AF	7085	800985	Volunteer Firemen's Dependents Fund	\$300,000	\$300,000
AG	7094	110641	Wireless 9-1-1 Government Assistance	\$35,500,000	\$31,300,000
AH	7095	110995	Municipal Income Tax	\$8,100,000	\$8,100,000

AI 7099 762902 Permissive Tax	\$262,000,000	\$270,000,000
Distribution - Auto		
Registration		
AJ Fiduciary Fund Group Total	\$6,056,300,000	\$6,108,740,000
AK Holding Account Fund Group		
AL R045 110617 International Fuel Tax	\$101,700,000	\$108,200,000
Distribution		
AM Holding Account Fund Group Total	\$101,700,000	\$108,200,000
AN TOTAL ALL BUDGET FUND GROUPS	\$10,957,491,721	\$11,107,656,108

Section 387.20. ADDITIONAL APPROPRIATIONS 110859

Appropriation items in Section 387.10 of this act shall be 110860
used for the purpose of administering and distributing the 110861
designated revenue distribution funds according to the Revised 110862
Code. If it is determined that additional appropriations are 110863
necessary for this purpose in any appropriation items in Section 110864
387.10 of this act, such amounts are hereby appropriated. 110865

TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS 110866

The foregoing appropriation items 200417, Personal 110867
Property Tax Replacement Phase Out-School District, and 110403, 110868
Personal Property Tax Replacement Phase Out - Local Government, 110869
shall be used to make reimbursement payments to school districts 110870
and other local taxing units under sections 5709.92 and 5709.93 110871
of the Revised Code. If it is determined that additional 110872
appropriations are needed to make those reimbursement payments 110873
in full, such amounts are hereby appropriated. 110874

Notwithstanding division (I) of section 5709.92 of the Revised Code, any school district that has a nuclear power plant located within its territory shall receive no less under this section in fiscal year 2027 than paid in fiscal year 2026.

PROPERTY TAX REIMBURSEMENT - EDUCATION

The foregoing appropriation item 200903, Property Tax Reimbursement - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education and Workforce shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation item 200903, Property Tax Reimbursement - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby

appropriated. 110905

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 110906

The foregoing appropriation item 110908, Property Tax 110907
Reimbursement-Local Government, is hereby appropriated to pay 110908
for the state's costs incurred due to the Homestead Exemption, 110909
the Manufactured Home Property Tax Rollback, and the Property 110910
Tax Rollback. The Tax Commissioner shall distribute these funds 110911
directly to the appropriate local taxing districts, except for 110912
school districts, notwithstanding the provisions in sections 110913
321.24 and 323.156 of the Revised Code, which provide for 110914
payment of the Homestead Exemption, the Manufactured Home 110915
Property Tax Rollback, and Property Tax Rollback by the Tax 110916
Commissioner to the appropriate county treasurer and the 110917
subsequent redistribution of these funds to the appropriate 110918
local taxing districts by the county auditor. 110919

Upon receipt of these amounts, each local taxing district 110920
shall distribute the amount among the proper funds as if it had 110921
been paid as real property taxes. Payments for the costs of 110922
administration shall continue to be paid to the county treasurer 110923
and county auditor as provided for in sections 319.54, 321.26, 110924
and 323.156 of the Revised Code. 110925

Any sums, in addition to the amounts specifically 110926
appropriated in appropriation item 110908, Property Tax 110927
Allocation - Local Government, for the Homestead Exemption, the 110928
Manufactured Home Property Tax Rollback, and the Property Tax 110929
Rollback payments, which are determined to be necessary for 110930
these purposes, are hereby appropriated. 110931

MUNICIPAL INCOME TAX 110932

The foregoing appropriation item 110995, Municipal Income 110933

Tax, shall be used to make payments to municipal corporations 110934
under section 5745.05 of the Revised Code. If it is determined 110935
that additional appropriations are necessary to make such 110936
payments, such amounts are hereby appropriated. 110937

MUNICIPAL NET PROFIT TAX 110938

The foregoing appropriation item 110902, Municipal Net 110939
Profit Tax, shall be used to make payments to municipal 110940
corporations under section 718.83 of the Revised Code. If it is 110941
determined that additional amounts are necessary to make such 110942
payments, such amounts are hereby appropriated. 110943

During fiscal year 2026 and fiscal year 2027, if the Tax 110944
Commissioner determines that there is insufficient cash in the 110945
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 110946
distribution obligations under section 718.83 of the Revised 110947
Code, the Tax Commissioner shall certify to the Director of 110948
Budget and Management the amount of additional cash necessary to 110949
satisfy those obligations. In addition, the Commissioner shall 110950
submit a plan to the Director requesting the necessary cash be 110951
transferred from one or a combination of the following funds: 110952
the Municipal Income Tax Administrative Fund, the Local Sales 110953
Tax Administrative Fund, the General School District Income Tax 110954
Administrative Fund, the Motor Fuel Tax Administrative Fund, the 110955
Property Tax Administrative Fund, or the General Revenue Fund. 110956
This plan shall include a proposed repayment schedule to 110957
reimburse those funds for any cash transferred in accordance 110958
with this section. After receiving the certification and funding 110959
plan from the Tax Commissioner and if the Director determines 110960
that sufficient cash is available, the Director may transfer the 110961
cash to the Municipal Net Profit Tax Fund in accordance with the 110962
plan submitted by the Tax Commissioner or as otherwise 110963

determined by the Director of Budget and Management. The 110964
Director of Budget and Management may transfer cash from the 110965
Municipal Net Profit Tax Fund to reimburse the funds from which 110966
cash was transferred for the purpose outlined in this section. 110967

PUBLIC LIBRARY FUND 110968

Notwithstanding the requirement in division (B) of section 110969
131.51 of the Revised Code that the Director of Budget and 110970
Management credit to the Public Library Fund one and seven- 110971
tenths per cent of the total tax revenue credited to the General 110972
Revenue Fund during the preceding month, the Director shall 110973
instead calculate these amounts during fiscal year 2026 and 110974
fiscal year 2027 using one and seventy-five one-hundredths as 110975
the percentage. 110976

LOCAL GOVERNMENT FUND 110977

Notwithstanding the requirement in division (A) of section 110978
131.51 of the Revised Code that the Director of Budget and 110979
Management credit to the Local Government Fund one and seven- 110980
tenths per cent of the total tax revenue credited to the General 110981
Revenue Fund during the preceding month, the Director shall 110982
instead calculate these amounts during fiscal year 2026 and 110983
fiscal year 2027 using one and seventy-five one-hundredths as 110984
the percentage. 110985

Section 391.10. 110986
110987

1 2 3 4 5

A OSB DEAF AND BLIND EDUCATION SERVICES

B General Revenue Fund

C	GRF	226321 Operations	\$32,700,258	\$33,454,668
D		General Revenue Fund Total	\$32,700,258	\$33,454,668
E		Dedicated Purpose Fund Group		
F	4H80	226602 Blind School State Grants	\$350,000	\$350,000
G	4M00	226400 Deaf School Educational Program Expenses	\$250,000	\$250,000
H	4M10	226401 Deaf School State Grants	\$25,000	\$25,000
I	4M50	226601 Blind School Educational Program Expenses	\$330,000	\$340,000
J	5H60	226402 Early Childhood Education	\$65,000	\$65,000
K	5NJ0	226622 Employee Food Service Charges	\$22,467	\$23,141
L		Dedicated Purpose Fund Group Total	\$1,042,467	\$1,053,141
M		Federal Fund Group		
N	3100	226626 Blind School Federal Grants	\$1,099,000	\$1,099,000
O	3110	226403 Deaf School Federal Grants	\$574,000	\$574,000
P	3DT0	226621 Ohio Transition Collaborative	\$230,000	\$230,000
Q	3P50	226643 Medicaid Professional	\$459,500	\$459,500

Services Reimbursement

R	Federal Fund Group Total	\$2,362,500	\$2,362,500
S	TOTAL ALL BUDGET FUND GROUPS	\$36,105,225	\$36,870,309

Section 395.10.

110988

110989

	1	2	3	4	5
A	SOS SECRETARY OF STATE				
B	General Revenue Fund				
C	GRF	050321	Operating Expenses	\$3,505,147	\$3,510,274
D	GRF	050407	Poll Workers Training	\$0	\$500,000
E	GRF	050509	County Voting Systems	\$12,200,000	\$12,200,000
			Lease Rental Payments		
F	General Revenue Fund Total			\$15,705,147	\$16,210,274
G	Dedicated Purpose Fund Group				
H	4120	050609	Notary Commission	\$541,455	\$555,487
I	4S80	050610	Board of Voting Machine	\$14,400	\$14,400
			Examiners		
J	5990	050603	Business Services	\$28,686,668	\$29,281,310
			Operating Expenses		
K	5990	050629	Statewide Voter	\$705,000	\$730,000
			Registration Database		

L	5990 050630	Elections Support Supplement	\$4,458,687	\$4,545,000
M	5990 050631	Precinct Election Officials Training	\$0	\$500,000
N	5990 050636	County Election Officials Training	\$240,000	\$240,000
O	5SN0 050626	Address Confidentiality	\$375,000	\$400,000
P		Dedicated Purpose Fund Group Total	\$35,021,210	\$36,266,197
Q		Holding Account Fund Group		
R	R002 050606	Corporate/Business Filing Refunds	\$85,000	\$85,000
S		Holding Account Fund Group Total	\$85,000	\$85,000
T		Federal Fund Group		
U	3AS0 050616	Help America Vote Act (HAVA)	\$100,000	\$100,000
V		Federal Fund Group Total	\$100,000	\$100,000
W		TOTAL ALL BUDGET FUND GROUPS	\$50,911,357	\$52,661,471

Section 395.20. POLL WORKERS TRAINING

110990

The foregoing appropriation item 050407, Poll Workers
 Training, shall be used to provide funding to county boards of
 elections for precinct election official (PEO) training pursuant
 to section 3501.27 of the Revised Code.

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COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 110995

The foregoing appropriation item 050509, County Voting 110996
Systems Lease Rental Payments, shall be used to make payments 110997
during the period from July 1, 2025, through June 30, 2027, 110998
pursuant to leases and agreements entered into under Section 4 110999
of S.B. 135 of the 132nd General Assembly with respect to 111000
financing the costs associated with the acquisition, 111001
development, installation, and implementation of county voting 111002
systems. 111003

BOARD OF VOTING MACHINE EXAMINERS 111004

The foregoing appropriation item 050610, Board of Voting 111005
Machine Examiners, shall be used to pay for the services and 111006
expenses of the members of the Board of Voting Machine 111007
Examiners, and for other expenses that are authorized to be paid 111008
from the Board of Voting Machine Examiners Fund (Fund 4S80) 111009
created in section 3506.05 of the Revised Code. Moneys not used 111010
shall be returned to the person or entity submitting equipment 111011
for examination. If it is determined by the Secretary of State 111012
that additional appropriation amounts are necessary, the 111013
Secretary of State may request that the Director of Budget and 111014
Management approve such amounts. Upon approval of the Director 111015
of Budget and Management, such amounts are hereby appropriated. 111016

BALLOT ADVERTISING COSTS 111017

Notwithstanding division (G) of section 3501.17 of the 111018
Revised Code, upon requests submitted by the Secretary of State, 111019
the Controlling Board may approve cash and appropriation 111020
transfers from the Controlling Board Emergency 111021
Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot 111022
Advertising Fund (Fund 5FH0) in order to pay for the cost of 111023

public notices associated with statewide ballot initiatives. 111024

ABSENT VOTER'S BALLOT APPLICATION MAILING 111025

Notwithstanding division (B) of section 111.31 of the 111026
Revised Code, upon the request of the Secretary of State, the 111027
Controlling Board may approve cash and appropriation transfers 111028
from the Controlling Board Emergency Purposes/Contingencies Fund 111029
(Fund 5KM0) to the Absent Voter's Ballot Application Mailing 111030
Fund (Fund 5RG0) to be used by the Secretary of State to pay the 111031
costs of printing and mailing unsolicited applications for 111032
absent voters' ballots for the general election to be held in 111033
November 2026. 111034

ADDRESS CONFIDENTIALITY PROGRAM 111035

Upon the request of the Secretary of State, the Director 111036
of Budget and Management may transfer up to \$400,000 per fiscal 111037
year in cash from the Business Services Operating Expenses Fund 111038
(Fund 5990) to the Address Confidentiality Program Fund (Fund 111039
5SN0). 111040

CORPORATE/BUSINESS FILING REFUNDS 111041

The foregoing appropriation item 050606, 111042
Corporate/Business Filing Refunds, shall be used to hold 111043
revenues until they are directed to the appropriate accounts or 111044
until they are refunded. If it is determined by the Secretary of 111045
State that additional appropriation amounts are necessary, the 111046
Secretary of State may request that the Director of Budget and 111047
Management approve such amounts. Upon approval of the Director 111048
of Budget and Management, such amounts are hereby appropriated. 111049

HAVA FUNDS 111050

An amount equal to the unexpended, unencumbered portion of 111051

appropriation item 050616, Help America Vote Act (HAVA), at the 111052
end of fiscal year 2025 is hereby reappropriated for the same 111053
purpose in fiscal year 2026. 111054

An amount equal to the unexpended, unencumbered portion of 111055
appropriation item 050616, Help America Vote Act (HAVA), at the 111056
end of fiscal year 2026 is hereby reappropriated for the same 111057
purpose in fiscal year 2027. 111058

Section 395.30. ELECTRONIC POLLBOOKS 111059

The appropriation item 050638, Electronic Pollbooks, shall 111060
be used by the Secretary of State to pay eighty-five per cent of 111061
the calculated allocation cost of acquiring electronic 111062
pollbooks, as defined in section 3506.05 of the Revised Code, 111063
and ancillary equipment, for county boards of elections in 111064
accordance with this section. 111065

An amount equal to the unexpended, unencumbered portion of 111066
the appropriation item 050638, Electronic Pollbooks, at the end 111067
of fiscal year 2025 is hereby reappropriated to the Secretary of 111068
State for the same purpose in fiscal year 2026. 111069

When required, pursuant to state purchasing requirements 111070
and at the request of the Secretary of State, the Office of 111071
Procurement Services within the Department of Administrative 111072
Services shall initiate a competitive solicitation for the 111073
purpose of identifying and securing contracts with qualified 111074
vendors that can provide electronic pollbooks, as defined in 111075
section 3506.05 of the Revised Code, and ancillary equipment. 111076
The Department shall maintain such contracts for use by county 111077
boards of elections in accordance with this section. 111078

The Secretary of State shall calculate the portion of 111079
appropriation item 050638, Electronic Pollbooks, to be allocated 111080

to each county board of elections in proportion to the number of 111081
registered voters in each county as recorded in the statewide 111082
voter registration database as of July 1, 2022. The Secretary of 111083
State, in conjunction with the Office of Procurement Services 111084
within the Department of Administrative Services, shall use the 111085
funding allocated to each county board of elections to reimburse 111086
them for the cost of acquiring electronic pollbooks and 111087
ancillary equipment as follows: 111088

(A) For electronic pollbooks and ancillary equipment to be 111089
acquired from vendors identified through competitive 111090
solicitation by the Office of Procurement Services within the 111091
Department of Administrative Services after the effective date 111092
of this section, upon request by a county board of elections, 111093
the Secretary of State shall provide a list of the vendors and 111094
electronic pollbooks certified in accordance with section 111095
3506.05 of the Revised Code. The board of elections shall select 111096
electronic pollbooks from this list, notify the Secretary of 111097
State of its selection, and shall acquire the selected 111098
electronic pollbooks and any other necessary equipment. The 111099
board of elections shall enter into a memorandum of 111100
understanding with the applicable board of county commissioners 111101
and the Secretary of State concerning those acquisitions. The 111102
Secretary of State shall reimburse the board of elections for 111103
the lesser amount of either eighty-five per cent of the cost of 111104
those acquisitions, or the amount of the allocation as 111105
determined by the Secretary of State under this section. 111106

(B) If, between December 31, 2019 and July 1, 2023, a 111107
board of elections acquired electronic pollbooks or ancillary 111108
equipment and is otherwise in compliance with all applicable 111109
directives and statutes, the Secretary of State shall reimburse 111110
the board of elections for the lesser amount of either eighty- 111111

five per cent of the cost of that acquisition, or the amount of 111112
the allocation as determined by the Secretary of State under 111113
this section. Reimbursement shall be paid to the county board of 111114
elections. 111115

Section 397.10.

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1	2	3	4	5
A	SEN THE OHIO SENATE			
B	General Revenue Fund			
C	GRF 020321 Operating Expenses		\$27,000,000	\$27,000,000
D	General Revenue Fund Total		\$27,000,000	\$27,000,000
E	Internal Service Activity Fund Group			
F	1020 020602 Senate Reimbursement		\$425,800	\$425,800
G	4090 020601 Miscellaneous Sales		\$34,497	\$34,497
H	Internal Service Activity Fund Group		\$460,297	\$460,297
	Total			
I	TOTAL ALL BUDGET FUND GROUPS		\$27,460,297	\$27,460,297

Section 397.20. OPERATING EXPENSES

111118

On July 1, 2025, or as soon as possible thereafter, the 111119
Clerk of the Senate may certify to the Director of Budget and 111120
Management an amount up to the unexpended, unencumbered balance 111121
of the foregoing appropriation item 020321, Operating Expenses, 111122
at the end of fiscal year 2025 to be reappropriated to fiscal 111123

year 2026. The amount certified is hereby reappropriated to the 111124
same appropriation item for fiscal year 2026. 111125

On July 1, 2026, or as soon as possible thereafter, the 111126
Clerk of the Senate may certify to the Director of Budget and 111127
Management an amount up to the unexpended, unencumbered balance 111128
of the foregoing appropriation item 020321, Operating Expenses, 111129
at the end of fiscal year 2026 to be reappropriated to fiscal 111130
year 2027. The amount certified is hereby reappropriated to the 111131
same appropriation item for fiscal year 2027. 111132

Section 399.10. 111133
111134

1	2	3	4	5
A	CSV COMMISSION ON SERVICE AND VOLUNTEERISM			
B	General Revenue Fund			
C	GRF	866321 CSV Operations	\$731,407	\$747,115
D	General Revenue Fund Total		\$731,407	\$747,115
E	Dedicated Purpose Fund Group			
F	5GN0	866605 Serve Ohio Support	\$10,000	\$2,103
G	Dedicated Purpose Fund Group Total		\$10,000	\$2,103
H	Federal Fund Group			
I	3R70	866617 AmeriCorps Programs	\$13,923,794	\$13,956,503
J	Federal Fund Group Total		\$13,923,794	\$13,956,503

K	TOTAL ALL BUDGET FUND GROUPS	\$14,665,201	\$14,705,721
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Section 401.10.

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	1	2	3	4	5
A	CSF COMMISSIONERS OF THE SINKING FUND				
B	Debt Service Fund Group				
C	7070	155905	Third Frontier Research and Development Bond Retirement Fund	\$45,000,000	\$45,000,000
D	7072	155902	Highway Capital Improvement Bond Retirement Fund	\$118,500,000	\$131,500,000
E	7073	155903	Natural Resources Bond Retirement Fund	\$14,300,000	\$14,300,000
F	7074	155904	Conservation Projects Bond Retirement Fund	\$46,500,000	\$39,000,000
G	7076	155906	Coal Research and Development Bond Retirement Fund	\$4,050,000	\$2,525,000
H	7077	155907	State Capital Improvement Bond Retirement Fund	\$225,000,000	\$240,000,000
I	7078	155908	Common Schools Bond Retirement Fund	\$255,000,000	\$230,000,000

J	7079	155909	Higher Education Bond Retirement Fund	\$250,000,000	\$210,000,000
K	7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$975,000	\$0
L	Debt Service Fund Group Total			\$959,325,000	\$912,325,000
M	TOTAL ALL BUDGET FUND GROUPS			\$959,325,000	\$912,325,000

Section 401.20. ADDITIONAL APPROPRIATIONS 111137

Appropriation items in this section are for the purpose of 111138
paying debt service and financing costs during the period from 111139
July 1, 2025, through June 30, 2027, on bonds or notes of the 111140
state issued under the Ohio Constitution, Revised Code, and acts 111141
of the General Assembly. If it is determined that additional 111142
amounts are necessary for this purpose, such amounts are hereby 111143
appropriated. 111144

Section 404.10. 111145
111146

	1	2	3	4	5
A	SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	123609	Operating Expenses	\$649,200	\$665,400
D	Dedicated Purpose Fund Group Total			\$649,200	\$665,400

E	TOTAL ALL BUDGET FUND GROUPS	\$649,200	\$665,400
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Section 407.10.

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1	2	3	4	5
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A	BTA BOARD OF TAX APPEALS
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B	General Revenue Fund
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C	GRF 116321 Operating Expenses	\$2,110,000	\$2,160,000
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D	General Revenue Fund Total	\$2,110,000	\$2,160,000
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E	TOTAL ALL BUDGET FUND GROUPS	\$2,110,000	\$2,160,000
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Section 409.10.

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1	2	3	4	5
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A	TAX DEPARTMENT OF TAXATION
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B	General Revenue Fund
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C	GRF 110321 Operating Expenses	\$63,677,392	\$67,427,723
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D	GRF 110404 Tobacco Settlement Enforcement	\$163,000	\$166,271
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E	General Revenue Fund Total	\$63,840,392	\$67,593,994
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F	Dedicated Purpose Fund Group
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G	2280 110628 CAT Administration	\$13,368,132	\$13,072,718
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H	4350	110607	Local Tax Administration	\$38,632,001	\$39,008,489
I	4360	110608	Motor Vehicle Audit Administration	\$1,282,300	\$1,282,300
J	4380	110609	School District Income Tax Administration	\$9,651,710	\$9,732,886
K	4C60	110616	International Registration Plan Administration	\$697,635	\$706,187
L	4R60	110610	Tire Tax Administration	\$138,123	\$138,123
M	5BP0	110639	Wireless 9-1-1 Administration	\$251,418	\$251,418
N	5JM0	110637	Casino Tax Administration	\$101,000	\$101,000
O	5N50	110605	Municipal Income Tax Administration	\$115,848	\$115,848
P	5N60	110618	Kilowatt Hour Tax Administration	\$63,415	\$63,415
Q	5NY0	110643	Petroleum Activity Tax Administration	\$1,114,260	\$1,114,260
R	5V70	110622	Motor Fuel Tax Administration	\$6,713,625	\$6,871,008
S	5V80	110623	Property Tax Administration	\$5,677,332	\$5,759,569

T	5YQ0	110651	Sports Gaming Tax Administration Operating Expenses	\$5,000	\$5,000
U	5ZA0	110650	Ohio Tax System Operating Expenses	\$7,000,000	\$8,000,000
V	6390	110614	Cigarette Tax Enforcement	\$1,087,029	\$1,114,117
W	6880	110615	Local Excise Tax Administration	\$391,778	\$392,536
X	QG18	110658	Marijuana Control Administration - TAX	\$204,795	\$303,400
Y	Dedicated Purpose Fund Group Total			\$86,495,401	\$88,032,274
Z	Fiduciary Fund Group				
AA	4250	110635	Tax Refunds	\$3,082,044,000	\$3,082,044,000
AB	5CZ0	110631	Vendor's License Application	\$575,000	\$575,000
AC	Fiduciary Fund Group Total			\$3,082,619,000	\$3,082,619,000
AD	Holding Account Fund Group				
AE	R010	110611	Tax Distributions	\$25,000	\$25,000
AF	R011	110612	Miscellaneous Tax Receipts	\$500	\$500
AG	Holding Account Fund Group Total			\$25,500	\$25,500

Section 409.20. TAX REFUNDS 111151

VENDOR'S LICENSE PAYMENTS	111157
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INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 111163

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	111168
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Of the foregoing appropriation item 110607, Local Tax	111169
Administration, the Tax Commissioner may disburse funds, if	111170
available, for the purposes of paying travel expenses incurred	111171
by members of Ohio's delegation to the Streamlined Sales Tax	111172
Project, as appointed under section 5740.02 of the Revised Code.	111173
Any travel expense reimbursement paid for by the Department of	111174
Taxation shall be done in accordance with applicable state laws	111175
and guidelines.	111176

TOBACCO SETTLEMENT ENFORCEMENT 111177

The foregoing appropriation item 110404, Tobacco 111178
Settlement Enforcement, shall be used by the Tax Commissioner to 111179
pay costs incurred in the enforcement of divisions (F) and (G) 111180
of section 5743.03 of the Revised Code. 111181

OHIO TAX SYSTEM SUPPORT FUND 111182

The foregoing appropriation item 110650, Ohio Tax System 111183
Operating Expenses, shall be used to pay costs incurred in the 111184
maintenance and support of the department's Ohio Tax System. The 111185
Tax Commissioner shall submit a plan to the Director of Budget 111186
and Management requesting the necessary cash be transferred to 111187
the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby 111188
created in the state treasury. Cash shall be transferred from 111189
any fund used by the Department of Taxation that is otherwise 111190
allowable under state or federal law, except the General Revenue 111191
Fund. This plan shall include a schedule of cash transfers. 111192
After receiving the funding plan from the Tax Commissioner and 111193
if the Director determines that sufficient cash is available, 111194
the Director may transfer the cash to the Ohio Tax System 111195
Support Fund with the plan submitted by the Tax Commissioner or 111196
as otherwise determined by the Director of Budget and 111197
Management. The transfers of cash to the Ohio Tax System Support 111198
Fund shall not exceed \$15,000,000 in the fiscal year 2026-2027 111199
biennium. 111200

MISCELLANEOUS TAX RECEIPTS 111201

The foregoing appropriation item 110612, Miscellaneous Tax 111202
Receipts, shall be used to hold miscellaneous tax payments 111203
received by the Tax Commissioner until the appropriate account 111204
or fund is identified and the money can be transferred for the 111205

identified purpose. If the Director of Budget and Management 111206
determines that additional amounts are necessary for this 111207
purpose, such amounts are hereby appropriated. 111208

Section 411.10.

111209

111210

	1	2	3	4	5
A			DOT DEPARTMENT OF TRANSPORTATION		
B			General Revenue Fund		
C	GRF	772456	Unmanned Aerial Systems Center	\$500,000	\$500,000
D	GRF	775470	Public Transportation - State	\$37,014,636	\$37,014,636
E	GRF	776465	Rail Development	\$6,000,000	\$6,000,000
F	GRF	777471	Airport Improvements - State	\$10,000,000	\$10,000,000
G			General Revenue Fund Total	\$53,514,636	\$53,514,636
H			TOTAL ALL BUDGET FUND GROUPS	\$53,514,636	\$53,514,636

Section 413.10.

111211

111212

	1	2	3	4	5
A			TOS TREASURER OF STATE		
B			General Revenue Fund		

C	GRF	090321	Operating Expenses	\$5,432,000	\$5,432,000
D			General Revenue Fund Total	\$5,432,000	\$5,432,000
E			Dedicated Purpose Fund Group		
F	4E90	090603	Securities Lending Income	\$12,972,444	\$13,408,214
G	4E90	090639	STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
H	4X90	090614	Political Subdivision Obligation	\$38,332	\$39,460
I	5770	090605	Investment Pool Reimbursement	\$1,838,291	\$1,885,100
J	5BE1	090638	Ohio Treasurer of State Information Technology Reserve	\$1,459,000	\$1,459,000
K	5C50	090602	County Treasurer Education	\$250,000	\$250,000
L	6050	090609	Treasurer of State Administrative Fund	\$1,820,361	\$1,827,252
M			Dedicated Purpose Fund Group Total	\$19,278,428	\$19,769,026
N			Fiduciary Fund Group		
O	4250	090635	Tax Refunds	\$12,000,000	\$12,000,000
P			Fiduciary Fund Group Total	\$12,000,000	\$12,000,000

Q TOTAL ALL BUDGET FUND GROUPS \$36,710,428 \$37,201,026

Section 413.20. TAX REFUNDS 111213

The foregoing appropriation item 090635, Tax Refunds, 111214
shall be used to pay refunds under section 5703.052 of the 111215
Revised Code. If the Director of Budget and Management 111216
determines that additional amounts are necessary for this 111217
purpose, such amounts are hereby appropriated. 111218

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 111219
PAYMENTS 111220

The foregoing appropriation item 090406, Treasury 111221
Management System Lease Rental Payments, shall be used to make 111222
payments during the period from July 1, 2025, through June 30, 111223
2027, pursuant to leases and agreements entered into under 111224
Section 701.20 of H.B. 497 of the 130th General Assembly and 111225
other prior acts of the General Assembly with respect to 111226
financing the costs associated with the acquisition, 111227
development, implementation, and integration of the Treasury 111228
Management System. 111229

Section 414.10. 111230

111231

1 2 3 4 5

A VTO VETERANS' ORGANIZATIONS

B General Revenue Fund

C GRF 743501 American Ex-Prisoners of \$45,000 \$45,000
War

D	GRF	746501	Army and Navy Union, USA, Inc.	\$85,000	\$85,000
E	GRF	747501	Korean War Veterans	\$85,000	\$85,000
F	GRF	748501	Jewish War Veterans	\$62,000	\$62,000
G	GRF	749501	Catholic War Veterans	\$85,000	\$85,000
H	GRF	750501	Military Order of the Purple Heart	\$85,000	\$85,000
I	GRF	751501	Vietnam Veterans of America	\$310,000	\$310,000
J	GRF	752501	American Legion of Ohio	\$450,000	\$450,000
K	GRF	753501	AMVETS	\$450,000	\$450,000
L	GRF	754501	Disabled American Veterans	\$450,000	\$450,000
M	GRF	756501	Marine Corps League	\$214,000	\$214,000
N	GRF	757501	37th Division Veterans' Association	\$17,000	\$17,000
O	GRF	758501	Veterans of Foreign Wars	\$450,000	\$450,000
P			General Revenue Fund Total	\$2,788,000	\$2,788,000
Q			TOTAL ALL BUDGET FUND GROUPS	\$2,788,000	\$2,788,000

Section 415.10.

111232

111233

	1	2	3	4	5
A	DVS DEPARTMENT OF VETERANS SERVICES				
B	General Revenue Fund				
C	GRF	900321	Veterans' Homes	\$51,956,758	\$52,999,692
D	GRF	900402	Hall of Fame	\$74,317	\$75,966
E	GRF	900408	Department of Veterans Services	\$5,077,924	\$5,178,649
F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$1,559,990	\$1,559,990
G	GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$975,000	\$0
H	General Revenue Fund Total			\$59,643,989	\$59,814,297
I	Dedicated Purpose Fund Group				
J	4840	900603	Veterans' Homes Services	\$680,004	\$700,000
K	4E20	900602	Veterans' Homes Operating	\$14,000,000	\$14,000,000
L	5DB0	900643	Military Injury Relief Program	\$97,000	\$97,000
M	5YP0	900650	Sports Gaming - Veterans	\$75,000	\$75,000
N	Dedicated Purpose Fund Group Total			\$14,852,004	\$14,872,000

O Federal Fund Group

P	3680	900614	Veterans Training	\$980,404	\$1,021,705
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Q	3BX0	900609	Medicare Services	\$1,000,000	\$2,059,273
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R	3L20	900601	Veterans' Homes Operations - Federal	\$31,500,000	\$31,500,000
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S	Federal Fund Group Total			\$33,480,404	\$34,580,978
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T	TOTAL ALL BUDGET FUND GROUPS			\$107,976,397	\$109,267,275
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Section 415.20. VETERANS ORGANIZATIONS' RENT 111234

The foregoing appropriation item 900408, Department of 111235
Veterans Services, shall be used to pay veterans organizations' 111236
rent in buildings managed by the Department of Administrative 111237
Services. 111238

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 111239

The foregoing appropriation item 900901, Veterans 111240
Compensation General Obligation Bond Debt Service, shall be used 111241
to pay all debt service and related financing costs during the 111242
period from July 1, 2025, through June 30, 2027, on obligations 111243
issued under Section 2r of Article VIII, Ohio Constitution. 111244

Section 417.10. 111245
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A DVM STATE VETERINARY MEDICAL LICENSING BOARD

B Dedicated Purpose Fund Group

C	4K90 888609 Operating Expenses	\$532,551	\$554,811
D	5YG0 888603 Veterinarian Student Debt Assistance Program	\$100,000	\$100,000
E	Dedicated Purpose Fund Group Total	\$632,551	\$654,811
F	Internal Service Activity Fund Group		
G	5BU0 888602 Veterinary Student Loan Program	\$20,000	\$20,000
H	Internal Service Activity Fund Group Total	\$20,000	\$20,000
I	TOTAL ALL BUDGET FUND GROUPS	\$652,551	\$674,811

Section 419.10.

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A VPB STATE VISION PROFESSIONALS BOARD

B Dedicated Purpose Fund Group

C	4K90 129609 Operating Expenses	\$609,659	\$668,146
D	Dedicated Purpose Fund Group Total	\$609,659	\$668,146
E	TOTAL ALL BUDGET FUND GROUPS	\$609,659	\$668,146

Section 421.10.

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A	DYS DEPARTMENT OF YOUTH SERVICES		
B	General Revenue Fund		
C	GRF 470401 RECLAIM Ohio	\$218,505,972	\$220,528,981
D	GRF 470412 Juvenile Correctional Facilities Lease Rental Bond Payments	\$17,500,000	\$17,500,000
E	GRF 470510 Youth Services	\$16,702,000	\$16,702,000
F	GRF 472321 Parole Operations	\$11,547,202	\$11,926,365
G	GRF 477321 Administrative Operations	\$17,177,391	\$18,017,753
H	General Revenue Fund Total	\$281,432,565	\$284,675,099
I	Dedicated Purpose Fund Group		
J	1470 470612 Vocational Education	\$1,436,125	\$1,494,968
K	1750 470613 Education Services	\$4,140,884	\$4,317,416
L	4790 470609 Employee Food Service	\$30,300	\$30,300
M	4A20 470602 Child Support	\$95,000	\$95,000
N	4G60 470605 Juvenile Special Revenue - Non-Federal	\$115,000	\$115,000
O	5BN0 470629 E-Rate Program	\$71,000	\$71,000
P	Dedicated Purpose Fund Group Total	\$5,888,309	\$6,123,684

Q	Federal Fund Group		
R	3210 470601 Education	\$1,899,343	\$1,956,154
S	3210 470603 Juvenile Justice Prevention	\$2,473,806	\$2,481,942
T	3210 470606 Nutrition	\$1,551,000	\$1,551,000
U	3210 470614 Title IV-E Reimbursements	\$1,521,776	\$1,529,243
V	3V50 470604 Juvenile Justice/Delinquency Prevention	\$1,657,737	\$1,731,824
W	Federal Fund Group Total	\$9,103,662	\$9,250,163
X	TOTAL ALL BUDGET FUND GROUPS	\$296,424,536	\$300,048,946

Section 421.20. 111251

COMMUNITY PROGRAMS 111252

For purposes of implementing juvenile sentencing reforms, 111253
and notwithstanding any provision of law to the contrary, the 111254
Department of Youth Services may use up to \$1,375,000 of the 111255
unexpended, unencumbered balance of the portion of appropriation 111256
item 470401, RECLAIM Ohio, that is allocated to juvenile 111257
correctional facilities in each fiscal year to expand Targeted 111258
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 111259
other evidence-based community programs. 111260

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND 111261
PAYMENTS 111262

The foregoing appropriation item 470412, Juvenile 111263

Correctional Facilities Lease Rental Bond Payments, shall be 111264
used to meet all payments during the period from July 1, 2025, 111265
through June 30, 2027, by the Department of Youth Services under 111266
the leases and agreements for facilities made under Chapters 111267
152. and 154. of the Revised Code. These appropriations are the 111268
source of funds pledged for bond service charges on related 111269
obligations issued under Chapters 152. and 154. of the Revised 111270
Code. 111271

EDUCATION SERVICES 111272

The foregoing appropriation item 470613, Education 111273
Services, shall be used to fund the operating expenses of 111274
providing educational services to youth supervised by the 111275
Department of Youth Services. Operating expenses include, but 111276
are not limited to, teachers' salaries, maintenance costs, and 111277
educational equipment. 111278

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 111279

In collaboration with the county family and children first 111280
council, the juvenile court of that county that receives 111281
allocations from one or both of the foregoing appropriation 111282
items 470401, RECLAIM Ohio, and 470510, Youth Services, may 111283
transfer portions of those allocations to a flexible funding 111284
pool as authorized by the section of this act titled "FAMILY AND 111285
CHILDREN FIRST FLEXIBLE FUNDING POOL." 111286

Section 423.10. 111287

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A KID DEPARTMENT OF CHILDREN AND YOUTH

B General Revenue Fund

C	GRF	650400	Medicaid Program Support - State	\$1,393,000	\$1,393,000
D	GRF	830321	Children and Youth Program Management	\$57,020,372	\$57,790,676
E	GRF	830400	Child Care State/Maintenance of Effort	\$93,636,000	\$93,636,000
F	GRF	830402	Maternal and Infant Housing Assistance	\$500,000	\$500,000
G	GRF	830403	Help Me Grow	\$63,591,050	\$85,521,869
H	GRF	830404	Infant Vitality	\$22,032,544	\$22,111,256
I	GRF	830405	Part C Early Intervention	\$30,621,922	\$32,696,362
J	GRF	830406	Strong Families Strong Communities	\$13,600,000	\$3,600,000
K	GRF	830407	Early Childhood Education	\$130,319,450	\$130,320,617
L	GRF	830409	Early Care and Education Learning Standards	\$6,052,091	\$6,150,959
M	GRF	830410	Family and Children First	\$2,706,000	\$2,706,000
N	GRF	830411	Imagination Library	\$10,000,000	\$10,000,000
O	GRF	830415	Parenting and Pregnancy Program	\$10,000,000	\$10,000,000
P	GRF	830416	Adoption Grant Program	\$34,000,000	\$34,000,000

Q	GRF	830419	Children's Crisis Care	\$1,235,000	\$1,235,000
R	GRF	830500	Early Care and Education	\$141,285,000	\$141,285,000
S	GRF	830501	Kinship Permanency Incentive Program	\$1,000,000	\$1,000,000
T	GRF	830502	Court Appointed Special Advocates	\$1,000,000	\$1,000,000
U	GRF	830503	Adoption Services	\$23,992,000	\$23,992,000
V	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	\$4,000,000	\$4,000,000
W	GRF	830506	Family and Children Services	\$303,959,990	\$298,959,990
X	General Revenue Fund Total			\$951,944,419	\$961,898,729
Y	Dedicated Purpose Fund Group				
Z	1980	830600	Children's Trust Fund	\$5,770,407	\$5,800,246
AA	2320	830613	Family and Children First	\$2,485,214	\$2,514,051
AB	4E70	830615	Family and Children Services Collections	\$650,000	\$650,000
AC	4F10	830607	Family and Children Activities	\$655,000	\$655,000
AD	5BN1	830618	Child Welfare Training Support	\$7,387,465	\$7,387,465

AE 5B01 830620	Children and Youth Community Initiatives	\$20,000,000	\$10,000,000
AF 5BP1 830621	Agency Oversight and Support	\$12,000,000	\$10,000,000
AG 5CN0 830617	Choose Life	\$80,000	\$80,000
AH 5U60 830619	Family and Children Support	\$400,000	\$400,000
AI	Dedicated Purpose Fund Group Total	\$49,428,086	\$37,486,762
AJ	Federal Fund Group		
AK 3201 830608	Maternal and Child Health Block Grant	\$5,000,000	\$5,000,000
AL 3270 830601	Child Welfare	\$31,024,665	\$31,147,396
AM 3980 830612	Adoption Program	\$215,000,000	\$215,000,000
AN 3A91 830622	Mental Health Block Grant	\$1,698,892	\$1,698,892
AO 3C50 830610	Preschool Special Education	\$16,026,864	\$16,026,864
AP 3D30 830602	Children's Trust Fund	\$7,030,643	\$7,048,243
AQ 3F02 650600	Medicaid Program Support - Federal	\$1,393,000	\$1,393,000
AR 3H70 830604	Child Care	\$597,383,509	\$643,000,000
AS 3IT0 830609	Community Social Service	\$22,803,908	\$22,803,908

Programs

AT 3IU0 830623 Federal Children and Youth Grants	\$52,000,000	\$52,000,000
AU 3N00 830603 Foster Care Program	\$337,778,385	\$338,091,973
AV 3V62 830605 TANF Block Grant	\$427,850,000	\$427,850,000
AW Federal Fund Group Total	\$1,714,989,866	\$1,761,060,276
AX TOTAL ALL BUDGET FUND GROUPS	\$2,716,362,371	\$2,760,445,767

Section 423.20. MATERNAL AND INFANT HOUSING ASSISTANCE 111289

Of the foregoing appropriation item 830402, Maternal and 111290
Infant Housing Assistance, up to \$500,000 in each fiscal year 111291
shall be used to support stable housing initiatives for pregnant 111292
mothers and their families to improve maternal and infant health 111293
outcomes. 111294

Section 423.30. INFANT VITALITY GRANTS AND PROGRAMS 111295

Of the foregoing appropriation item, 830404, Infant 111296
Vitality, not less than \$7,500,000 in each fiscal year shall be 111297
used to support programming by community and local faith-based 111298
service providers that invests in maternal health programs, 111299
provides services and support to pregnant mothers, and improves 111300
both maternal and infant health outcomes. 111301

Of the foregoing appropriation item 830404, Infant 111302
Vitality, up to \$1,000,000 in each fiscal year shall be used to 111303
support the per diem nonmedical services provided by residential 111304
infant care centers. 111305

The remainder of appropriation item 830404, Infant 111306

Vitality, shall be used to fund a multi-pronged population 111307
health approach to address infant mortality. This approach may 111308
include the following: increasing awareness; supporting data 111309
collection; analysis and interpretation to inform decision- 111310
making and ensure accountability; targeting resources where the 111311
need is greatest; and implementing quality improvement science 111312
and programming that is evidence-based or based on emerging 111313
practices. Measurable interventions may include activities 111314
related to safe sleep, community engagement, group prenatal 111315
care, preconception education, continuous support for women 111316
during pregnancy and childbirth, patient navigators, community 111317
health workers, early childhood home visiting, safe birth 111318
spacing, gestational diabetes, smoking cessation tailored for 111319
pregnant women, breastfeeding, care coordination, and 111320
progesterone. 111321

Section 423.40. PART C EARLY INTERVENTION 111322

Of the foregoing appropriation item 830405, Part C Early 111323
Intervention, up to \$7,000,000 in fiscal year 2026 and up to 111324
\$9,000,000 in fiscal year 2027 may be used by the Department of 111325
Children and Youth to subgrant or contract with county boards of 111326
developmental disabilities for the provision of early 111327
intervention evaluations, assessments, and service coordination. 111328
County boards of developmental disabilities that accept these 111329
funds shall maintain the level of local funding for early 111330
intervention at the same funding level as the prior fiscal year. 111331

Of the foregoing appropriation item 830405, Part C Early 111332
Intervention, \$1,000,000 in total in each fiscal year shall be 111333
used to contract with the Cleveland Sight Center, the Cincinnati 111334
Association for the Blind and Visually Impaired, and the Sight 111335
Center of Northwest Ohio to provide early intervention special 111336

instruction services and family support to children under the 111337
age of three with blindness or low vision. 111338

Section 423.50. CHILDREN'S MENTAL HEALTH 111339

Of the foregoing appropriation item 830406, Strong 111340
Families Strong Communities, up to \$3,600,000 in each fiscal 111341
year shall be used to provide funding for community projects 111342
across the state that focus on support for families, assisting 111343
families in avoiding crisis, and crisis intervention. 111344

The foregoing appropriation item 830505, Infant and Early 111345
Childhood Mental Health, shall be used to promote identification 111346
and intervention for early childhood mental health and to 111347
enhance healthy social emotional development in order to reduce 111348
preschool expulsions and promote kindergarten readiness. Funds 111349
shall be used by the Department of Children and Youth, in 111350
coordination with Department of Behavioral Health, to support 111351
infant and early childhood mental health credentialed 111352
professionals and consultation services, as well as 111353
administration, workforce development for the program, and 111354
program evaluation. 111355

Section 423.60. PEDIATRIC CANCER RESEARCH 111356

Of the foregoing appropriation item 830406, Strong 111357
Families Strong Communities, up to \$10,000,000 in fiscal year 111358
2026 shall be used to provide funding to qualified entities in 111359
Ohio to support any of the following: 111360

(A) Research into causes, diagnoses, prevention, and 111361
treatment of pediatric cancer; 111362

(B) The study of new and novel approaches to researching 111363
and treating pediatric cancer, as well as the side effects of 111364
cancer treatment, including discovering and developing new 111365

drugs, clinical trials, neurosurgery, and other surgical 111366
interventions, diagnostics, care management, and learning 111367
disabilities. 111368

Section 423.70. EARLY CHILDHOOD EDUCATION 111369

The foregoing appropriation item 830407, Early Childhood 111370
Education, shall be used to pay the costs of the Early Childhood 111371
Education Grant Program to provide quality preschool instruction 111372
to improve kindergarten readiness. The Department shall 111373
distribute such funds directly to qualifying providers as 111374
specified in section 5104.53 of the Revised Code. 111375

Section 423.80. EARLY CARE AND EDUCATION LEARNING 111376
STANDARDS 111377

The foregoing appropriation item 830409, Early Care and 111378
Education Learning Standards, shall be used to support the 111379
state's early learning assessment work, the assessments required 111380
under section 3301.0715 of the Revised Code, and the 111381
implementation of curricula, assessments, and learning 111382
activities that are aligned with the science of reading and the 111383
early learning and development standards. 111384

Section 423.90. PARENTING AND PREGNANCY PROGRAM 111385

The foregoing appropriation item 830415, Parenting and 111386
Pregnancy Program, shall be used, in accordance with section 111387
5180.71 of the Revised Code, to support the Ohio Parenting and 111388
Pregnancy Program. 111389

An amount equal to the unexpended, unencumbered balance of 111390
appropriation item 830415, Parenting and Pregnancy Program, at 111391
the end of fiscal year 2026 is hereby reappropriated to the same 111392
appropriation item for the same purpose in fiscal year 2027. 111393

Section 423.100. ADOPTION GRANT PROGRAM 111394

The foregoing appropriation item 830416, Adoption Grant 111395
Program, shall be used to administer grants to adoptive parents 111396
through the Adoption Grant Program, in accordance with sections 111397
5180.451 and 5180.452 of the Revised Code. 111398

Section 423.110. COURT APPOINTED SPECIAL ADVOCATES 111399

Of the foregoing appropriation item 830502, Court 111400
Appointed Special Advocates, up to \$333,333 in each fiscal year 111401
shall be used to support administrative costs associated with 111402
existing court-appointed special advocate programs. 111403

Of the foregoing appropriation item 830502, Court 111404
Appointed Special Advocates, up to \$666,667 in each fiscal year 111405
shall be used to establish court-appointed special advocate 111406
programs in areas of the state that are not served by an 111407
existing program and to support existing programs. 111408

Section 423.120. FAMILY AND CHILDREN SERVICES AND 111409
ACTIVITIES 111410

Of the foregoing appropriation item 830506, Family and 111411
Children Services, up to \$25,000,000 in each fiscal year shall 111412
be provided to assist with the expense of providing services to 111413
youth requiring support from multiple systems. These funds may 111414
be used for youth currently in the custody of a public children 111415
services agency or to prevent children from entering into the 111416
custody of a public children services agency by custody 111417
relinquishment or another mechanism. The Director of Children 111418
and Youth shall adopt rules in accordance with section 111.15 of 111419
the Revised Code to administer the funding. 111420

Of the foregoing appropriation item 830506, Family and 111421
Children Services, up to \$10,000,000 in each fiscal year may be 111422

used to incentivize best practices. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item 830506, Family and Children Services, \$150,000 in each fiscal year shall be distributed to Cleveland State University for the Sullivan-Deckard Scholarship Opportunity Program and the Helen Packer Scholarship Program to provide tuition and wrap-around services to young adults who have aged out of foster care.

Of the foregoing appropriation item, 830506, Family and Children Services, not less than \$180,000,000 in fiscal year 2026 and not less than \$185,000,000 in fiscal year 2027 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5180.41 of the Revised Code.

If the funds available for distribution under section 5180.41 of the Revised Code in fiscal year 2026 and fiscal year 2027 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5180.411 of the Revised Code.

The Director of Children and Youth, in consultation and coordination with the Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must

contribute to the children services fund based on past 111453
contributions. Rules must include a hardship provision 111454
identifying circumstances in which the county contribution may 111455
be waived or reduced. 111456

Of the foregoing appropriation item 830506, Family and 111457
Children Services, up to \$35,309,990 in each fiscal year shall 111458
be used to support activities associated with the delivery of 111459
children services activities, including recruiting and retaining 111460
foster parents, identifying and supporting kinship providers, 111461
family preservation, prevention, direct services, and best 111462
practices. 111463

Of the foregoing appropriation item 830506, Family and 111464
Children Services, up to \$20,000,000 in fiscal year 2026 and up 111465
to \$10,000,000 in fiscal year 2027 shall be used to assist with 111466
the establishment of regional child wellness campuses. The 111467
Department of Children and Youth shall provide one-time funding 111468
to establish regional child wellness campuses across the state 111469
to serve children and youth who are in the custody of a public 111470
children services agency and who are not placed in a licensed 111471
residential setting and are otherwise spending one or more 111472
nights in an unlicensed setting. Regional child wellness 111473
campuses shall support children in crisis in or near the 111474
communities in which the children reside and create additional 111475
capacity for short-term treatment. The Department of Children 111476
and Youth shall select entities applying to establish regional 111477
child wellness campuses through a competitive process. An entity 111478
shall provide proof of local funding commitments that fulfill 111479
all necessary start-up costs and ongoing community commitments 111480
to ensure timely and appropriate delivery of service to meet the 111481
needs of the child, family, and community. 111482

Of the foregoing appropriation item 830506, Family and 111483
Children Services, at least \$17,000,000 in each fiscal year 111484
shall be used for federal match requirements for Title IV-B and 111485
Title IV-E of the "Social Security Act," 42 U.S.C. 601-687 111486
funding. 111487

Of the foregoing appropriation item 830506, Family and 111488
Children Services, up to \$3,000,000 in each fiscal year shall be 111489
provided to the Ohio Network of Children's Advocacy Centers to 111490
administer and distribute grants to Child Advocacy Centers to 111491
coordinate statewide access to investigation, prosecution, and 111492
treatment of child sexual abuse, while helping children heal. 111493

The foregoing appropriation item 830607, Family and 111494
Children Activities, shall be used to expend miscellaneous 111495
foundation funds and grants to support family and children 111496
services activities. 111497

Section 423.130. KINSHIP CARE NAVIGATOR PROGRAM 111498

Of the foregoing appropriation item 830506, Family and 111499
Children Services, up to \$8,500,000 in each fiscal year shall be 111500
used to support the Kinship Care Navigator Program, and may be 111501
used to match eligible federal Title IV-E of the "Social 111502
Security Act," 42 U.S.C. 601-687 funds. 111503

Section 423.140. WENDY'S WONDERFUL KIDS 111504

Of the foregoing appropriation items 830506, Family and 111505
Children Services, 830601, Child Welfare, and 830612, Adoption 111506
Program, a total of up to \$10,000,000 in each fiscal year may be 111507
used to provide funds to the Dave Thomas Foundation for Adoption 111508
to implement statewide the Wendy's Wonderful Kids program of 111509
professional recruiters who use a child-focused model to find 111510
permanent homes for children in Ohio foster care. 111511

Section 423.150. FAMILY AND CHILDREN FIRST FLEXIBLE	111512
FUNDING POOL	111513
A county family and children first council may establish	111514
and operate a flexible funding pool in order to assure access to	111515
needed services by families, children, and older adults in need	111516
of protective services. The operation of the flexible funding	111517
pools is subject to the following restrictions:	111518
(A) The county council shall establish and operate the	111519
flexible funding pool in accordance with formal guidance issued	111520
by the Family and Children First Cabinet Council;	111521
(B) The county council shall produce an annual report on	111522
its use of the pooled funds. The annual report shall conform to	111523
a format prescribed in the formal guidance issued by the Family	111524
and Children First Cabinet Council;	111525
(C) Unless otherwise restricted, funds transferred to the	111526
flexible funding pool may include state general revenues	111527
allocated to local entities to support the provision of services	111528
to families and children;	111529
(D) The amounts transferred to the flexible funding pool	111530
shall be limited to amounts that can be redirected without	111531
impairing the achievement of the objectives for which the	111532
initial allocation is designated; and	111533
(E) Each amount transferred to the flexible funding pool	111534
from a specific allocation shall be approved for transfer by the	111535
director of the local agency that was the original recipient of	111536
the allocation.	111537
In collaboration with the county family and children first	111538
council, a county department of job and family services or	111539
public children services agency that receives an allocation from	111540

the Department of Children and Youth, in consultation and 111541
coordination with the Department of Job and Family Services, 111542
from the foregoing appropriation item 830506, Family and 111543
Children Services, or 830502, Court Appointed Special Advocates, 111544
may transfer a portion of either or both allocations to a 111545
flexible funding pool as authorized by this section. 111546

Section 423.160. CHILDRENS CRISIS CARE 111547

The foregoing appropriation item 830419, Childrens Crisis 111548
Care, shall be allocated by the Department of Children and Youth 111549
in each fiscal year to children's crisis care facilities as 111550
defined in section 5103.13 of the Revised Code. The Director of 111551
Children and Youth shall calculate funds semi-annually and 111552
allocate funds quarterly based on the total number of days of 111553
care for each child residing in the facility, which is 111554
determined by calculating the total days each child resides at 111555
the crisis care facility, including the date of admission, but 111556
not the day of discharge. A children's crisis care facility may 111557
decline to receive funds provided under this section. A 111558
children's crisis care facility that accepts funds provided 111559
under this section shall use the funds in accordance with 111560
section 5103.13 of the Revised Code and any rules adopted under 111561
that section. 111562

Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT 111563

Of the foregoing appropriation item 830608, Maternal and 111564
Child Health Block Grant, up to \$5,000,000 in each fiscal year 111565
shall be used to implement Title V Maternal and Child Health 111566
Services Block Grant activities in the prenatal, maternal, 111567
perinatal, and infant domains. 111568

Section 423.180. MENTAL HEALTH BLOCK GRANT 111569

The foregoing appropriation item 830622, Mental Health 111570
Block Grant, shall be used for infant and early childhood mental 111571
health activities. 111572

Section 423.190. CHILD CARE CHOICE VOUCHER PROGRAM 111573

(A) Of the foregoing appropriation item, 830604, Child 111574
Care, a portion in each fiscal year shall be used by the 111575
Department of Children and Youth to establish and administer the 111576
Child Care Choice Voucher Program. Subject to available funds, 111577
the program shall provide support, in the form of vouchers, to 111578
families to assist them with child care costs. To be eligible to 111579
participate in the program, a family must meet all of the 111580
following conditions: 111581

(1) The caretaker parent is employed or participating in a 111582
program of education or training for an amount of time 111583
reasonably related to the time that the parent's children are 111584
receiving child care. 111585

(2) The family does not meet the income conditions for 111586
initial eligibility under the Publicly Funded Child Care Program 111587
administered by the Department as described in section 5104.30 111588
of the Revised Code, but the maximum amount of the family's 111589
income does not exceed two hundred percent of the federal 111590
poverty line. 111591

(3) The family meets any other condition established by 111592
the Department. 111593

(B) In providing vouchers under this section, the program 111594
shall utilize, not later than November 1, 2026, the publicly 111595
funded child care payment rates established in section 5104.30 111596
of the Revised Code and adjusted as described in section 111597
5104.302 of the Revised Code. 111598

Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS 111599

A portion of the foregoing appropriation item 830609, 111600
Community Social Service Programs, may be used by the Early 111601
Intervention Services Advisory Council for the following 111602
purposes: 111603

(A) In addition to other necessary and allowed uses of 111604
funds and in accordance with 20 U.S.C. 1441(d), the Early 111605
Intervention Services Advisory Council established pursuant to 111606
section 5123.0422 of the Revised Code, may, in its discretion, 111607
use budgeted funds to do all of the following: 111608

(1) Conduct forums and hearings; 111609

(2) Reimburse council members for reasonable and necessary 111610
expenses, including child care expenses for parent 111611
representatives, for attending council meetings and performing 111612
council duties; 111613

(3) Pay compensation to a council member if the member is 111614
not employed or must forfeit wages from other employment when 111615
performing official council business; 111616

(4) Hire staff; 111617

(5) Obtain the services of professional, technical, and 111618
clerical personnel as necessary to carry out the performance of 111619
its lawful functions. 111620

(B) Except as provided in division (A) of this section, 111621
council members shall serve without compensation or 111622
reimbursement. 111623

Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS 111624

Of the foregoing appropriation item 830623, Federal 111625

Children and Youth Grants, up to \$195,000 in each fiscal year 111626
shall be used for the training of guardians ad litem and court- 111627
appointed special advocates as well as to conduct a study to 111628
demonstrate the impact of court-appointed special advocate 111629
volunteers on outcomes for children who are in child welfare 111630
custody as a result of abuse, neglect, or dependency. 111631

Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 111632
BLOCK GRANT 111633

Of the foregoing appropriation item 830605, TANF Block 111634
Grant, at least \$5,000,000 in each fiscal year shall be used for 111635
the Kinship Permanency Incentive Program established under 111636
section 5180.52 of the Revised Code to promote a permanent 111637
commitment by kinship caregivers through becoming guardians and 111638
custodians over minor children who would otherwise be unsafe or 111639
at risk of harm if they remained in their own homes. 111640

Of the foregoing appropriation item 830605, TANF Block 111641
Grant, not less than \$2,500,000 in each fiscal year shall be 111642
provided, in accordance with sections 5101.80 and 5101.801 of 111643
the Revised Code, to the Ohio Commission on Fatherhood. 111644

Of the foregoing appropriation item 830605, TANF Block 111645
Grant, not less than \$2,000,000 in each fiscal year shall be 111646
used, in accordance with sections 5101.80 and 5101.801 of the 111647
Revised Code, to support the Independent Living Initiative, 111648
including life skills training and work supports for older 111649
children in foster care and those who have recently aged out of 111650
foster care who meet TANF eligibility requirements. 111651

Of the foregoing appropriation item 830605, TANF Block 111652
Grant, not less than \$1,000,000 in each fiscal year shall be 111653
provided, in accordance with sections 5101.80 and 5101.801 of 111654

the Revised Code, to the Ohio Children's Trust Fund. 111655

Section 423.230. PUBLICLY FUNDED CHILD CARE ELIGIBILITY 111656

Beginning on the effective date of this section and 111657
through June 30, 2027, all of the following apply to a family's 111658
eligibility for publicly funded child care as described in 111659
division (A) of section 5104.38 of the Revised Code: 111660

(A) Except as provided in division (B) of this section, 111661
the maximum amount of income that a family may have for initial 111662
eligibility shall not exceed one hundred sixty per cent of the 111663
federal poverty line; 111664

(B) For special needs child care, as defined in section 111665
5104.01 of the Revised Code, the maximum amount of income that 111666
the family may have for initial eligibility shall not exceed one 111667
hundred sixty per cent of the federal poverty line; 111668

(C) The maximum amount of income that a family may have 111669
for continued eligibility shall not exceed three hundred per 111670
cent of the federal poverty line. 111671

Section 425.10. 111672

111673

1	2	3	4	5
A	NAI NEW AFRICAN IMMIGRANTS COMMISSION			
B	General Revenue Fund			
C	GRF	061501 Operating Expenses	\$250,000	\$250,000
D	General Revenue Fund Total		\$250,000	\$250,000
E	TOTAL ALL BUDGET FUND GROUPS		\$250,000	\$250,000

Section 503.10. PERSONAL SERVICE EXPENSES 111674

Unless otherwise prohibited by law, any appropriation from 111675
which personal service expenses are paid shall bear the 111676
employer's share of public employees' retirement, workers' 111677
compensation, disabled workers' relief, and insurance programs; 111678
the costs of centralized financial services, centralized payroll 111679
processing, and related reports and services; centralized human 111680
resources services, including affirmative action and equal 111681
employment opportunity programs; the Office of Collective 111682
Bargaining; centralized information technology management 111683
services; administering the enterprise resource planning system; 111684
and administering the state employee merit system as required by 111685
section 124.07 of the Revised Code. These costs shall be 111686
determined in conformity with the appropriate sections of law 111687
and paid in accordance with procedures specified by the Office 111688
of Budget and Management. Expenditures from appropriation item 111689
070601, Public Audit Expense - Intra-State, may be exempted from 111690
the requirements of this section. 111691

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 111692
AGAINST THE STATE 111693

Except as otherwise provided in this section, an 111694
appropriation in this act may be used for the purpose of 111695
satisfying judgments, settlements, or administrative awards 111696
ordered or approved by the Court of Claims or by any other court 111697
of competent jurisdiction in connection with civil actions 111698
against the state. This authorization does not apply to 111699
appropriations to be applied to or used for payment of 111700
guarantees by or on behalf of the state, or for payments under 111701
lease agreements relating to, or debt service on, bonds, notes, 111702
or other obligations of the state. Notwithstanding any other 111703

statute to the contrary, this authorization includes 111704
appropriations from funds into which proceeds of direct 111705
obligations of the state are deposited only to the extent that 111706
the judgment, settlement, or administrative award is for, or 111707
represents, capital costs for which the appropriation may 111708
otherwise be used and is consistent with the purpose for which 111709
any related obligations were issued or entered into. Nothing 111710
contained in this section is intended to subject the state to 111711
suit in any forum in which it is not otherwise subject to suit, 111712
and is not intended to waive or compromise any defense or right 111713
available to the state in any suit against it. 111714

Section 503.30. CAPITAL PROJECT SETTLEMENTS 111715

This section specifies an additional and supplemental 111716
procedure to provide for payments of judgments and settlements 111717
if the Director of Budget and Management determines, pursuant to 111718
division (C) (4) of section 2743.19 of the Revised Code, that 111719
sufficient unencumbered moneys do not exist in the fund to 111720
support a particular appropriation to pay the amount of a final 111721
judgment rendered against the state or a state agency, including 111722
the settlement of a claim approved by a court, in an action upon 111723
and arising out of a contractual obligation for the construction 111724
or improvement of a capital facility if the costs under the 111725
contract were payable in whole or in part from a state capital 111726
projects appropriation. In such a case, the Director may either 111727
proceed pursuant to division (C) (4) of section 2743.19 of the 111728
Revised Code or apply to the Controlling Board to increase an 111729
appropriation or create an appropriation out of any unencumbered 111730
moneys in the state treasury to the credit of the capital 111731
projects fund from which the initial state appropriation was 111732
made. The amount of an increase in appropriation or new 111733
appropriation approved by the Controlling Board is hereby 111734

appropriated from the applicable capital projects fund and made 111735
available for the payment of the judgment or settlement. 111736

If the Director does not make the application authorized 111737
by this section or the Controlling Board disapproves the 111738
application, and the Director does not make application under 111739
division (C) (4) of section 2743.19 of the Revised Code, the 111740
Director shall for the purpose of making that payment make a 111741
request to the General Assembly as provided for in division (C) 111742
(5) of that section. 111743

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 111744

In order to provide funds for the reissuance of voided 111745
warrants under section 126.37 of the Revised Code, there is 111746
hereby appropriated, out of moneys in the state treasury from 111747
the fund credited as provided in section 126.37 of the Revised 111748
Code, that amount sufficient to pay such warrants when approved 111749
by the Office of Budget and Management. 111750

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 111751
BALANCES OF OPERATING APPROPRIATIONS 111752

(A) Notwithstanding the original year of appropriation or 111753
encumbrance, the unexpended balance of an operating 111754
appropriation or reappropriation that a state agency lawfully 111755
encumbered prior to the close of fiscal year 2025 or fiscal year 111756
2026 is hereby reappropriated on the first day of July of the 111757
following fiscal year from the fund from which it was originally 111758
appropriated or reappropriated for the period of time listed in 111759
this section and shall remain available only for the purpose of 111760
discharging the encumbrance: 111761

(1) For an encumbrance for personal services, maintenance, 111762
equipment, or items for resale not otherwise identified in this 111763

section, for a period of not more than five months from the end 111764
of the fiscal year; 111765

(2) For an encumbrance for an item of special order 111766
manufacture not available on state contract or an item not 111767
available in the open market, for a period of not more than five 111768
months from the end of the fiscal year or, with the written 111769
approval of the Director of Budget and Management, for a period 111770
of not more than twelve months from the end of the fiscal year; 111771

(3) For an encumbrance for reclamation of land or oil and 111772
gas wells, for a period ending when the encumbered appropriation 111773
is expended; 111774

(4) For an encumbrance for any other type of expense not 111775
otherwise identified in division (A) (1), (2), or (3) of this 111776
section, for such period as the Director approves, provided such 111777
period does not extend beyond the FY 2026 - FY 2027 biennium. 111778

(B) Any operating appropriations for which unexpended 111779
balances are reappropriated in fiscal year 2026 or fiscal year 111780
2027 pursuant to division (A) (2) of this section shall be 111781
reported to the Controlling Board by the Director of Budget and 111782
Management by the thirty-first day of December of each year. The 111783
report shall include the item, the cost of the item, and the 111784
name of the vendor. The report shall be updated on a quarterly 111785
basis for encumbrances remaining open. 111786

(C) Upon the expiration of the reappropriation period set 111787
out in division (A) of this section, a reappropriation made by 111788
this section lapses and the Director of Budget and Management 111789
shall cancel the encumbrance of the unexpended reappropriation 111790
not later than the end of the weekend following the expiration 111791
of the reappropriation period. 111792

(D) If the Controlling Board approved a purchase, that 111793
approval remains in effect so long as the appropriation used to 111794
make that purchase remains encumbered. 111795

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 111796

(A) The Director of Budget and Management may correct 111797
accounting errors committed by the staff of the Office of Budget 111798
and Management, such as reestablishing encumbrances or 111799
appropriations canceled in error, during the cancellation of 111800
operating encumbrances in November and of non-operating 111801
encumbrances in December. 111802

(B) The Director of Budget and Management may at any time 111803
correct accounting errors committed by staff or a state agency 111804
or state institution of higher education, as defined in section 111805
3345.011 of the Revised Code, such as reestablishing prior year 111806
non-operating encumbrances canceled or modified in error. The 111807
reestablished encumbrance amounts are hereby appropriated. 111808

Section 503.70. TEMPORARY REVENUE HOLDING 111809

The Director of Budget and Management may create funds in 111810
the state treasury solely for the purpose of temporarily holding 111811
revenue required to be credited to a fund in the state treasury, 111812
whose disposition is not immediately known at the time of 111813
receipt. Once identified, the Director shall credit the revenue 111814
to the appropriate fund in the state treasury. 111815

Notwithstanding section 153.63 of the Revised Code or any 111816
other provision of law to the contrary, upon certification by a 111817
director or head of a state agency, in lieu of banks, buildings 111818
and loan associations, or other institutions, the Director of 111819
Budget and Management may create funds in the state treasury on 111820
behalf of an agency when the agency is required by law to detain 111821

funds in escrow. All investment earnings of the fund shall be 111822
credited to the fund while the detained amounts remain in 111823
escrow. The Director of Budget and Management may transfer cash 111824
between funds within the state treasury to satisfy escrow 111825
requirements. 111826

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS 111827
AND RE-ESTABLISHMENT OF ENCUMBRANCES 111828

Any cash transferred by the Director of Budget and 111829
Management under section 126.15 of the Revised Code is hereby 111830
appropriated. Any amounts necessary to re-establish 111831
appropriations or encumbrances under section 126.15 of the 111832
Revised Code are hereby appropriated. 111833

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 111834

The Director of Budget and Management may transfer 111835
appropriations between the Third Frontier Research and 111836
Development Fund (Fund 7011) and the Third Frontier Research and 111837
Development Taxable Bond Fund (Fund 7014) as necessary to 111838
maintain the exclusion from the calculation of gross income for 111839
federal income taxation purposes under the Internal Revenue Code 111840
with respect to obligations issued to fund projects appropriated 111841
from the Third Frontier Research and Development Fund (Fund 111842
7011). 111843

The Director may also create new appropriation items 111844
within the Third Frontier Research and Development Taxable Bond 111845
Fund (Fund 7014) and make transfers of appropriations to them 111846
for projects originally funded from appropriations made from the 111847
Third Frontier Research and Development Fund (Fund 7011). 111848

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 111849

There are hereby appropriated out of any moneys in the 111850

state treasury to the credit of the General Revenue Fund, which 111851
are not otherwise appropriated, funds sufficient to make any 111852
payment required by division (B) (2) of section 5747.03 of the 111853
Revised Code. 111854

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 111855
APPROVED BY THE CONTROLLING BOARD 111856

Any money that the Controlling Board approves for 111857
expenditure or any increase in appropriation that the 111858
Controlling Board approves under sections 127.14, 131.35, and 111859
131.39 of the Revised Code or any other provision of law is 111860
hereby appropriated for the period ending June 30, 2027. 111861

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 111862
RESIDENCE 111863

If the Governor's Residence Fund (Fund 4H20) receives 111864
payment for use of the residence pursuant to section 107.40 of 111865
the Revised Code, the amounts so received are hereby 111866
appropriated to appropriation item 100604, Governor's Residence 111867
Gift. 111868

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 111869

Certain appropriations are in this act for the purpose of 111870
paying debt service and financing costs on general obligation 111871
bonds or notes of the state issued pursuant to the Ohio 111872
Constitution, Revised Code, and acts of the General Assembly. If 111873
it is determined that additional appropriations are necessary 111874
for this purpose, such amounts are hereby appropriated. 111875

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 111876

Certain appropriations are in this act for the purpose of 111877
making lease rental payments pursuant to leases and agreements 111878

relating to bonds, notes, or other obligations issued by or on 111879
behalf of the state pursuant to the Ohio Constitution, Revised 111880
Code, and acts of the General Assembly. If it is determined that 111881
additional appropriations are necessary for this purpose, such 111882
amounts are hereby appropriated. 111883

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND 111884
OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 111885

The Office of Budget and Management shall process payments 111886
from general obligation and lease rental payment appropriation 111887
items during the period from July 1, 2025, through June 30, 111888
2027, relating to bonds, notes, or other obligations issued by 111889
or on behalf of the state pursuant to the Ohio Constitution, 111890
Revised Code, and acts of the General Assembly. Payments shall 111891
be made upon certification by the Treasurer of State of the 111892
dates and the amounts due on those dates. 111893

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 111894

If it is determined that a payment is necessary in the 111895
amount computed at the time to represent the portion of 111896
investment income to be rebated or amounts in lieu of or in 111897
addition to any rebate amount to be paid to the federal 111898
government in order to maintain the exclusion from gross income 111899
for federal income tax purposes of interest on those state 111900
obligations under section 148(f) of the Internal Revenue Code, 111901
such an amount is hereby appropriated from those funds 111902
designated by or pursuant to the applicable proceedings 111903
authorizing the issuance of state obligations. 111904

Payments for this purpose shall be approved and vouchered 111905
by the Office of Budget and Management. 111906

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 111907

Whenever the Director of Budget and Management determines 111908
that an appropriation made to a state agency from a fund of the 111909
state is insufficient to provide for the recovery of statewide 111910
indirect costs under section 126.12 of the Revised Code, the 111911
amount required for such purpose is hereby appropriated from the 111912
available receipts of such fund. 111913

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE 111914
INDIRECT COST ALLOCATION PLAN 111915

The total transfers made from the General Revenue Fund by 111916
the Director of Budget and Management under this section shall 111917
not exceed the amounts transferred into the General Revenue Fund 111918
under section 126.12 of the Revised Code. 111919

The director of an agency may certify to the Director of 111920
Budget and Management the amount of expenses not allowed to be 111921
included in the Statewide Indirect Cost Allocation Plan under 111922
federal regulations, from any fund included in the Statewide 111923
Indirect Cost Allocation Plan, prepared as required by section 111924
126.12 of the Revised Code. 111925

Upon determining that no alternative source of funding is 111926
available to pay for such expenses, the Director of Budget and 111927
Management may transfer cash from the General Revenue Fund into 111928
the fund for which the certification is made, up to the amount 111929
of the certification. The director of the agency receiving such 111930
funds shall include, as part of the next budget submission 111931
prepared under section 126.02 of the Revised Code, a request for 111932
funding for such activities from an alternative source such that 111933
further federal disallowances would not be required. 111934

The director of an agency may certify to the Director of 111935
Budget and Management the amount of expenses paid in error from 111936

a fund included in the Statewide Indirect Cost Allocation Plan. 111937
The Director of Budget and Management may transfer cash from the 111938
fund from which the expenditure should have been made into the 111939
fund from which the expenses were erroneously paid, up to the 111940
amount of the certification. 111941

The director of an agency may certify to the Director of 111942
Budget and Management the amount of expenses or revenues not 111943
allowed to be included in the Statewide Indirect Cost Allocation 111944
Plan under federal regulations, for any fund included in the 111945
Statewide Indirect Cost Allocation Plan, for which the federal 111946
government requires payment. If the Director of Budget and 111947
Management determines that an appropriation made to a state 111948
agency from a fund of the state is insufficient to pay the 111949
amount required by the federal government, the amount required 111950
for such purpose is hereby appropriated from the available 111951
receipts of such fund, up to the amount of the certification. 111952

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 111953

Notwithstanding any provision of law to the contrary, on 111954
or before the first day of September of each fiscal year, the 111955
Director of Budget and Management, in order to reduce the 111956
payment of adjustments to the federal government, as determined 111957
by the plan prepared under division (A) of section 126.12 of the 111958
Revised Code, may designate such funds as the Director considers 111959
necessary to retain their own interest earnings. 111960

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 111961

Pursuant to the plan for compliance with the Federal Cash 111962
Management Improvement Act required by section 131.36 of the 111963
Revised Code, the Director of Budget and Management may cancel 111964
and re-establish all or part of encumbrances in like amounts 111965

within the funds identified by the plan. The amounts necessary 111966
to re-establish all or part of encumbrances are hereby 111967
appropriated. 111968

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 111969

Notwithstanding section 113.09 of the Revised Code, the 111970
Director of Budget and Management may designate any fund within 111971
the state treasury that receives federal revenue to be credited 111972
with investment earnings to comply with federal law. 111973

Section 505.70. REPAYMENT OF FEDERAL FUNDS 111974

Any unexpended federal revenue received into the state 111975
treasury remaining at the end of its applicable period for 111976
expenditure which must be returned in compliance with federal 111977
law, is hereby appropriated to the fund in which it was 111978
received, for that purpose. 111979

Section 505.75. STATE FISCAL RECOVERY FUND 111980

An amount equal to the unexpended and unencumbered 111981
portions of appropriation items under the State Fiscal Recovery 111982
Fund (Fund 5CV3) plus an amount equal to cash previously 111983
expended but returned to the fund at the end of fiscal year 2025 111984
are hereby reappropriated for the same purpose in fiscal year 111985
2026. An amount equal to the unexpended and unencumbered 111986
portions of appropriation items under Fund 5CV3 plus an amount 111987
equal to cash previously expended but returned to the fund at 111988
the end of fiscal year 2026 are hereby reappropriated for the 111989
same purpose in fiscal year 2027. 111990

The Director of Budget and Management may create new 111991
appropriation items under Fund 5CV3. In each fiscal year, the 111992
Director may transfer appropriation among newly created or 111993
existing appropriation items under Fund 5CV3. The Director shall 111994

report appropriation transfers made under this section to the 111995
Controlling Board no later than January 30, 2027. 111996

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF 111997
FUNDS 111998

Amounts equal to the unexpended portions of appropriation 111999
items under the following recovery and relief funds, at the end 112000
of fiscal year 2025 are hereby reappropriated to the same 112001
appropriation items and shall be used for the same purposes in 112002
fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), 112003
Governor's Emergency Education Relief Fund (Fund 3HQ0), 112004
Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects 112005
Fund (5CV5), ARPA Home and Community Based Services - Federal 112006
Fund (Fund 3HC8), and ARPA Home and Community Based Services 112007
Fund (Fund 5HC8). 112008

Amounts equal to the unexpended portions of appropriation 112009
items under the following recovery and relief funds, at the end 112010
of fiscal year 2026, are hereby reappropriated to the same 112011
appropriation items and shall be used for the same purposes in 112012
fiscal year 2027: ARPA Home and Community Based Services - 112013
Federal Fund (Fund 3HC8), Governor's Emergency Education Relief 112014
Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), 112015
Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital 112016
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 112017
Services Fund (Fund 5HC8). 112018

Section 509.10. TRANSFERS IN TO GENERAL REVENUE FUND 112019

INTEREST EARNED 112020

Notwithstanding any provision of law to the contrary, the 112021
Director of Budget and Management, through June 30, 2027, may 112022
transfer interest earned by any state fund to the General 112023

Revenue Fund. This section does not apply to funds whose source 112024
of revenue is restricted or protected by the Ohio Constitution, 112025
federal tax law, or the "Cash Management Improvement Act of 112026
1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as 112027
amended. 112028

NON-GRF FUNDS 112029

Notwithstanding any provision of law to the contrary, the 112030
Director of Budget and Management may transfer up to 112031
\$200,000,000 cash, during the biennium ending June 30, 2027, 112032
from non-General Revenue Funds that are not constitutionally 112033
restricted to the General Revenue Fund. 112034

SCHOOL DISTRICT TANGIBLE PROPERTY TAX REPLACEMENT FUND 112035

During the biennium ending June 30, 2027, the Director of 112036
Budget and Management may transfer cash as necessary from the 112037
School District Tangible Property Tax Replacement Fund (Fund 112038
7047) to the General Revenue Fund. 112039

LOCAL GOVERNMENT TANGIBLE PROPERTY TAX REPLACEMENT FUND 112040

During the biennium ending June 30, 2027, the Director of 112041
Budget and Management may transfer cash as necessary from the 112042
Local Government Tangible Property Tax Replacement Fund (Fund 112043
7081) to the General Revenue Fund. 112044

Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND 112045

STATE MARKETING OFFICE FUND 112046

On July 1, 2025, or as soon as possible thereafter, the 112047
Director of Budget and Management shall transfer up to 112048
\$15,000,000 cash from the General Revenue Fund to the State 112049
Marketing Office Fund (Fund 5MJ0). 112050

FOUNDATION FUNDING - ALL STUDENTS FUND	112051
Notwithstanding any provision of law to the contrary, the	112052
Director of Budget and Management may transfer up to	112053
\$600,000,000 cash, in each fiscal year, from the General Revenue	112054
Fund to the Foundation Funding - All Students Fund (Fund 5VS0).	112055
OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND	112056
On July 1, 2025, or as soon as possible thereafter, the	112057
Director of Budget and Management shall transfer \$20,000,000	112058
cash from the General Revenue Fund to the OhioMeansJobs	112059
Workforce Development Revolving Loan Fund (Fund 5NH0) to support	112060
the Talent Ready Grant Program.	112061
SECOND CHANCE GRANT PILOT PROGRAM FUND	112062
On July 1, 2025, or as soon as possible thereafter, the	112063
Director of Budget and Management shall transfer up to	112064
\$4,000,000 cash from the General Revenue Fund to the Second	112065
Chance Grant Pilot Program Fund (Fund 5YD0).	112066
PROFESSIONAL DEVELOPMENT FUND	112067
On July 1, 2025, or as soon as possible thereafter, the	112068
Director of Budget and Management shall transfer \$2,000,000 cash	112069
from the General Revenue Fund to the Professional Development	112070
Fund (Fund 5L70).	112071
MARCS ADMINISTRATION FUND	112072
On July 1 of each fiscal year, or as soon as possible	112073
thereafter, the Director of Budget and Management may transfer	112074
up to \$10,500,000 cash from the General Revenue Fund to the	112075
MARCS Administration Fund (Fund 5C20).	112076
WILDLIFE FUND	112077

On July 1 of each fiscal year, or as soon as possible 112078
thereafter, the Director of Budget and Management may transfer 112079
\$500,000 cash from the General Revenue Fund to the Wildlife Fund 112080
(Fund 7015). 112081

TRANSCRANIAL MAGNETIC STIMULATION FUND 112082

On July 1 of each fiscal year, or as soon as possible 112083
thereafter, the Director of Budget and Management may transfer 112084
\$4,000,000 cash from the General Revenue Fund to the 112085
Transcranial Magnetic Stimulation Fund (Fund 5VV0). 112086

EWARRANT LOCAL INTEGRATION FUND 112087

On July 1, 2025, or as soon as possible thereafter, the 112088
Director of Budget and Management may transfer \$4,000,000 cash 112089
from the General Revenue Fund to the eWarrant Local Integration 112090
Fund (Fund 5AZ1). 112091

H2OHIO FUND 112092

On July 1, 2025, or as soon as possible thereafter, the 112093
Director of Budget and Management may transfer \$270,276,066 from 112094
the General Revenue Fund to the H2Ohio Fund (Fund 6H20). 112095

Section 513.10. FISCAL YEARS 2025 AND 2026 GENERAL REVENUE 112096
FUND ENDING BALANCE 112097

Notwithstanding section 131.44 of the Revised Code, the 112098
cash balance of the General Revenue Fund on June 30, 2025, and 112099
on June 30, 2026, shall remain in the General Revenue Fund. 112100

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD 112101
ASSESSMENTS 112102

Unless the agency and nuclear electric utility mutually 112103
agree to a higher amount by contract, the maximum amounts that 112104

may be assessed against nuclear electric utilities under 112105
division (B) (2) of section 4937.05 of the Revised Code and 112106
deposited into the specified funds are as follows: 112107
112108

	1	2	3	4
A	Fund	User	FY 2026	FY 2027
B	Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$136,000	\$142,000
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,551,682	\$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$274,997	\$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,420,000	\$1,467,000

Section 515.20. TRANSFER TO HOUSING INVESTMENT PROGRAM 112109
FUND 112110

Notwithstanding any provision of law to the contrary, on 112111
July 1, 2025, or as soon as possible thereafter, the Director of 112112
Budget and Management may transfer up to \$100,000,000 cash from 112113
the Expanded Sales Tax Holiday Fund (Fund 5AX1) to the Housing 112114
Investment Program Fund (Fund 5CH1). 112115

Section 515.30. TEMPORARY TRANSFER TO UNEMPLOYMENT 112116
COMPENSATION SPECIAL ADMINISTRATIVE FUND 112117

On July 1, 2025, or as soon as possible thereafter, the 112118

Director of Budget and Management may transfer up to \$15,000,000 112119
cash from the Controlling Board Emergency Purposes/Contingencies 112120
Fund (Fund 5KM0) to the Unemployment Compensation Special 112121
Administrative Fund (Fund 4A90) to pay the costs of building and 112122
developing a new unemployment insurance information technology 112123
system. 112124

Not later than June 30, 2027, the Director of Budget and 112125
Management, upon the request of the Director of Job and Family 112126
Services, shall transfer cash equal to the amount previously 112127
transferred to Fund 4A90 from Fund 5KM0 in fiscal year 2026, 112128
from Fund 4A90 back to Fund 5KM0. 112129

Section 515.40. EMPLOYEE BENEFITS FUNDS CASH TRANSFERS 112130

Notwithstanding any provision of law to the contrary, upon 112131
request of the Director of Administrative Services, the Director 112132
of Budget and Management may make temporary cash transfers 112133
between the Accrued Leave Liability Fund (Fund 8060), the State 112134
Employee Health Benefit Fund (Fund 8080), the Dependent Care 112135
Spending Fund (Fund 8090), the Life Insurance Investment Fund 112136
(Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and 112137
the Health Care Spending Account Fund (Fund 8130) to ensure 112138
appropriate and supportable cash flow. 112139

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 112140

(A) On July 1, 2025, or as soon as possible thereafter, 112141
the Director of Budget and Management may transfer the cash 112142
balance from each of the funds as indicated in the table below 112143
to the fund also indicated in the table below. Upon completion 112144
of each transfer and on the effective date of its repeal by this 112145
act, where applicable, the fund from which the cash balance was 112146
transferred is hereby abolished. 112147

112148

	1	2	3	4	5
A	Transfer from:			Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund
F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective Bargaining Fund	1250	Human Resources Services Fund
H	DMH	3A60	Federal- Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund
J	DPS	5RS0	Community Police Relations Fund	5AZ1	eWarrant Local Integration Fund

K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site Development Bond Retirement Fund	GRF	General Revenue Fund

(B) The following funds are hereby abolished on the	112149
effective date of their repeal by this act:	112150
	112151

	1	2	3
A	User Agency Fund	Fund Name	
B	AGR	5HP0	Ohio Livestock Care Standards Fund
C	DDD	4U40	Developmental Disabilities Trust Fund
D	MCD	3ER0	Health Information Technology Fund
E	OBM	5AT1	Statewide Children's Vision Initiative Fund
F	OBM	5CV1	Coronavirus Relief Fund
G	PRX	3DV0	Enhancing Ohio's PMP Fund
H	PRX	3BC0	Dangerous Drug Database Fund
I	PRX	3EB0	NASPER Fund
J	PRX	3EY0	Administration of PMIX HUB Fund

K PRX 3EZ0 NASPER 10 Fund

L PRX 3CT0 2008 Developing/Enhancing PMP Fund

Section 518.10. OHIO STATE SMALL BUSINESS CREDIT 112152
INITIATIVE VENTURE CAPITAL PROGRAM FUND 112153

The Ohio State Small Business Credit Initiative Venture 112154
Capital Program Fund (Fund 3IC0) is hereby created in the state 112155
treasury. Money in the fund shall be used to pay the expenses of 112156
the Ohio Department of Development for the Ohio Growth Capital, 112157
Ohio Early-Stage Focus, Certified Development Financial 112158
Institution Loan, and Collateral Enhancement programs, including 112159
administrative expenses. All federal funds received from the 112160
State Small Business Credit Initiative of the United States 112161
Department of the Treasury shall be credited to the fund. All 112162
investment earnings of the fund shall be credited to the fund. 112163

Section 525.10. (A) As used in this section, "Ohio 112164
Benefits Program" means the integrated enterprise solution 112165
administered by the Department of Administrative Services that 112166
assists individuals in verifying eligibility for, and applying 112167
for, benefits offered through various programs administered by 112168
the Department of Job and Family Services and the Department of 112169
Medicaid, including the Medicaid program, Supplemental Nutrition 112170
Assistance Program, and Temporary Assistance for Needy Families. 112171

(B) Not later than July 1, 2026, the Director of 112172
Administrative Services and the Director of Job and Family 112173
Services shall develop a detailed organizational plan and enter 112174
into a memorandum of understanding to transfer administration of 112175
the Ohio Benefits Program from the Department of Administrative 112176
Services to the Department of Job and Family Services. 112177

(C) Not later than July 1, 2027, the Director of
Administrative Services may transfer the Director's
responsibility for administering the Ohio Benefits Program to
the Director of Job and Family Services. If the Director of
Administrative Services transfers the program, all of the
following apply:

(1) All contracts, records, documents, files, equipment,
assets, materials, and staff resources that relate to the Ohio
Benefits Program shall be transferred to the Director of Job and
Family Services.

(2) Any business commenced, but not completed, by July 1,
2027, by the Director of Administrative Services with respect to
the Ohio Benefits Program shall be completed by the Director of
Job and Family Services in the same manner, and with the same
effect, as if completed by the Director of Administrative
Services.

(3) No validation, cure, right, privilege, remedy,
obligation, or liability is lost or impaired by reason of the
transfer of the Ohio Benefits Program.

(D) If the Director of Administrative Services transfers
the program, no action or proceeding pending on the date of the
transfer is affected by the transfer, and any such action or
proceeding shall be prosecuted or defended in the name of the
Director of Job and Family Services or Department of Job and
Family Services. In all such actions or proceedings, the
Director or Department, on application to the court, shall be
substituted as a party.

(E) If the Director of Administrative Services transfers
the program, all rules, orders, and determinations issued with

respect to the Ohio Benefits Program continue in effect as if 112207
issued by the Director of Job and Family Services until modified 112208
or rescinded by the Director. Pursuant to section 103.05 of the 112209
Revised Code, the Director of the Legislative Service Commission 112210
may renumber any rules related to the Ohio Benefits Program to 112211
reflect its transfer. 112212

(F) If the Director of Administrative Services transfers 112213
the program, the Director of Administrative Services and the 112214
Director of Job and Family Services, jointly or separately, may 112215
enter into a contract with a public or private entity for staff 112216
training and development to facilitate the transfer of the Ohio 112217
Benefits Program. Division (B) of section 127.16 of the Revised 112218
Code does not apply to a contract entered into under this 112219
division. 112220

(G) Subject to the layoff provisions of sections 124.321 112221
to 124.328 of the Revised Code, if the Director of 112222
Administrative Services transfers the program, all of the 112223
Director of Administrative Service's employees, as identified by 112224
the Director, whose primary responsibilities include 112225
administering the Ohio Benefits Program are transferred to the 112226
Department of Job and Family Services. Except as provided in 112227
division (H) of this section, employees transferred under this 112228
division retain their positions and all of the benefits accruing 112229
thereto. Any changes to an employee's position or benefits that 112230
occur after the employee is transferred to the Department under 112231
this division are subject to Chapter 124. of the Revised Code. 112232
Any actions taken under this division are not appealable to the 112233
State Personnel Board of Review. 112234

(H) If the Director of Administrative Services transfers 112235
the program, the Director of Job and Family Services may do all 112236

of the following: 112237

(1) Establish, change, or abolish positions within the 112238
Department of Job and Family Services; 112239

(2) Assign, reassign, classify, reclassify, transfer, 112240
reduce, promote, or demote employees of the Department who are 112241
not subject to Chapter 4117. of the Revised Code; 112242

(3) Assign or reassign an exempt employee, as defined in 112243
section 124.152 of the Revised Code, to a bargaining unit for 112244
purposes of Chapter 4117. of the Revised Code if the Director 112245
determines the bargaining unit is the appropriate bargaining 112246
unit with respect to that exempt employee. 112247

(I) If, in accordance with division (H) of this section, 112248
the Director of Job and Family Services assigns, reassigns, 112249
classifies, reclassifies, transfers, reduces, or demotes an 112250
employee paid in accordance with schedule E-1 of section 124.152 112251
of the Revised Code to a position in a lower classification, 112252
both of the following apply: 112253

(1) The Director of Job and Family Services, or if the 112254
employee is transferred outside of the Department of Job and 112255
Family Services, the Director of Administrative Services, shall 112256
assign the employee to the appropriate classification and place 112257
the employee in pay step X. 112258

(2) The employee shall not receive an increase in 112259
compensation until the maximum rate of pay for that 112260
classification exceeds the employee's compensation. 112261

(J) If the Director of Administrative Services transfers 112262
the program, the Director of Job and Family Services, with the 112263
approval of the Director of Budget and Management, may establish 112264
a retirement incentive plan for employees transferred to the 112265

Department of Job and Family Services under division (G) of this 112266
section. Notwithstanding any provision to the contrary in 112267
section 145.297 of the Revised Code, if the Director establishes 112268
such a plan under this division, it shall remain in effect until 112269
December 31, 2027. 112270

(K) Notwithstanding any provision to the contrary in 112271
sections 4117.08 and 4117.10 of the Revised Code, the transfer 112272
of the Ohio Benefits Program and the transfer of employees 112273
described under division (J) of this section, and the 112274
reassignment of administering the Ohio Benefits Program, are not 112275
appropriate subjects for collective bargaining under Chapter 112276
4117. of the Revised Code. 112277

(L) Notwithstanding any provision of law to the contrary, 112278
if the Director of Administrative Services transfers the 112279
program, the Director of Budget and Management shall make budget 112280
and accounting changes to implement the transfer. The Director 112281
may rename funds, create new funds, transfer funds, consolidate 112282
funds, or make other administrative changes. If necessary, the 112283
Director may cancel or establish encumbrances or parts of 112284
encumbrances in the appropriate funds and appropriation items 112285
for the same purposes and for payments to the same vendor. Such 112286
encumbrances are hereby appropriated. If necessary for the 112287
continued efficient administration of the Ohio Benefits Program, 112288
the Director may transfer appropriations between the Department 112289
of Job and Family Services and the Department of Administrative 112290
Services to continue levels of program services and efficiently 112291
deliver funding to the program as appropriated under this 112292
division. Such changes are hereby appropriated. 112293

Section 525.20. PROGRAM TRANSFERS 112294

(A) Notwithstanding any provision of law to the contrary, 112295

before July 1, 2027, the Department of Development shall 112296
transfer the entirety of its responsibility of managing the 112297
following programs to the Ohio Department of Job and Family 112298
Services: 112299

(1) Low-income customer assistance programs; 112300

(2) Electric Partnership Plan Fund; 112301

(3) Consumer Education Program; 112302

(4) Community Services Block Grant. 112303

(B) Any business commenced but not completed by July 1, 112304
2027, within the Department of Development that is planned to be 112305
transferred pursuant to this section shall be completed by the 112306
Department of Job and Family Services in the same manner and 112307
with the same effect as if completed by the Department of 112308
Development. 112309

(C) By July 1, 2026, the Director of Job and Family 112310
Services and the Director of Development, or their designees, 112311
shall develop a detailed organizational plan to implement the 112312
transfer of duties and functions of the programs listed in this 112313
section from the Department of Development to the Department of 112314
Job and Family Services. Pursuant to this plan, the directors of 112315
the respective departments shall enter into a memorandum of 112316
understanding to implement the transfer of duties and functions 112317
of the programs listed in this section from the Department of 112318
Development to the Department of Job and Family Services. 112319

(D) The Director of Job and Family Services and the 112320
Director of Development may jointly or separately enter into one 112321
or more contracts with public or private entities for staff 112322
training and development to facilitate the transfer of duties 112323
and functions of the programs listed in this section from the 112324

Department of Development to the Department of Job and Family
Services. Division (B) of section 127.16 of the Revised Code
does not apply to contracts entered into under this section.

(E) All Department of Development employees and resources
identified by the Director of Development to be associated with
the work of the programs listed in this section are transferred
to the Department of Job and Family Services on July 1, 2027, or
an earlier date identified by the respective directors. Subject
to the layoff provisions of sections 124.321 to 124.381 of the
Revised Code, employees who are transferred retain their same
positions and all benefits accruing thereto. Once transferred to
the Department of Job and Family Services, changes to positions
or benefits for employees shall be controlled by Chapter 124. of
the Revised Code, or other applicable Revised Code or
Administrative Code sections. Actions taken under this section
are not subject to appeal to the State Personnel Board of
Review.

(1) Notwithstanding division (E) of this section, the
Director of Job and Family Services has the authority to
establish, change, and abolish positions for the Department of
Job and Family Services, and to assign, reassign, classify,
reclassify, transfer, reduce, promote, or demote all employees
of the Department of Job and Family Services who are not subject
to Chapter 4117. of the Revised Code.

(2) The authority granted under division (E)(1) of this
section includes assigning or reassigning an exempt employee, as
defined in section 124.152 of the Revised Code, to a bargaining
unit classification if the Director of Job and Family Services
determines that the bargaining unit classification is the proper
classification for that employee. If an employee in the E-1 pay

range is to be assigned, reassigned, classified, reclassified, 112355
transferred, reduced, or demoted to a position in a lower 112356
classification, the Director of Job and Family Services, or in 112357
the case of a position transferred outside of the Department, 112358
the Director of Development, shall assign the employee to the 112359
appropriate classification and place the employee in Step X. The 112360
employee shall not receive any increase in compensation until 112361
the maximum rate of pay for that classification exceeds the 112362
employee's compensation. 112363

(3) Notwithstanding any provision to the contrary in 112364
sections 4117.08 and 4117.10 of the Revised Code, the transfer 112365
of programs and employees under this section, and the 112366
reassignment of certain functions and duties, are not 112367
appropriate subjects for collective bargaining under Chapter 112368
4117. of the Revised Code. 112369

(4) The Director of Job and Family Services may, with the 112370
approval of the Office of Budget and Management, establish a 112371
retirement incentive plan for eligible employees of those 112372
agencies who are members of the Public Employee Retirement 112373
System whose job duties will be transferred to the Department of 112374
Job and Family Services. Notwithstanding any provision of 112375
section 145.297 of the Revised Code to the contrary, a 112376
retirement incentive plan established pursuant to this section 112377
shall remain in effect until December 31, 2027. 112378

(F) No validation, cure, right, privilege, remedy, 112379
obligation, or liability is lost or impaired by reason of the 112380
transfer required by this section but shall be administered by 112381
the Department of Job and Family Services. No action or 112382
proceeding pending on the effective date of the transfer of 112383
duties, functions, and programs to the Department of Job and 112384

Family Services is affected by the transfer and shall be 112385
prosecuted or defended in the name of the Department or 112386
Director, as appropriate. In all such actions for those 112387
transferred duties, functions, and programs, the Department or 112388
Director shall be substituted as a party. 112389

(G) Effective July 1, 2027, or on an earlier date 112390
determined by the directors identified in this division, all 112391
contracts, records, documents, files, equipment, assets, and 112392
other materials of the programs and staff resources transferred 112393
under this section are to be transferred to the Department of 112394
Job and Family Services. 112395

(H) All rules, orders, and determinations made or 112396
undertaken related to programs listed in this section shall 112397
continue in effect as rules, orders, and determinations of the 112398
Department of Job and Family Services until modified or 112399
rescinded by the Department of Job and Family Services. If 112400
necessary to ensure the integrity of the numbering of the 112401
Administrative Code, the Director of the Legislative Service 112402
Commission shall renumber the rules related to the programs 112403
listed in this section to reflect this transfer. 112404

(I) Notwithstanding any provision of law to the contrary, 112405
the Director of Budget and Management shall make budget and 112406
accounting changes to implement the transfer of duties, 112407
functions, and program of the programs listed in this section to 112408
the Department of Job and Family Services as described in this 112409
section, including administrative organization, renaming of 112410
funds, creation of new funds, transfer of state funds, and 112411
consolidation of funds. The Director of Budget and Management 112412
may, if necessary, cancel or establish encumbrances or parts of 112413
encumbrances in the appropriate funds and appropriation items 112414

for the same purposes and for payment to the same vendor. Such 112415
encumbrances are hereby appropriated. If necessary for the 112416
continued efficient administration of programs listed in this 112417
section, the Director of Budget and Management may transfer 112418
appropriations between the Department of Job and Family Services 112419
and the Department of Development to continue levels of program 112420
services and efficiently deliver state funding to those programs 112421
as appropriated herein. Such changes are hereby appropriated. 112422

Section 610.10. That Sections 125.10 (as amended by H.B. 112423
33 of the 135th General Assembly) and 125.11 (as amended by H.B. 112424
33 of the 135th General Assembly) of H.B. 59 of the 130th 112425
General Assembly are hereby repealed. The repeal removes the 112426
limitation imposed on the continued existence of sections 112427
5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 112428
5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.20, 5168.21, 112429
5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, 5168.28, 112430
5168.99, and 5168.991 of the Revised Code. 112431

Section 701.10. As soon as practicable after the effective 112432
date of this section, the Director of the Legislative Service 112433
Commission shall remove rules adopted before the effective date 112434
of this section by a state institution of higher education or 112435
its governing body that the state institution of higher 112436
education posted on its web site in accordance with section 112437
3345.033 of the Revised Code from the electronic Administrative 112438
Code published by or under contract with the Director. 112439

Section 701.20. (A) As used in this section: 112440

(1) "Member of a police department" and "member of a fire 112441
department" have the same meanings as in section 742.01 of the 112442
Revised Code. 112443

(2) "PERS law enforcement officer" and "PERS public safety officer" have the same meanings as in section 145.01 of the Revised Code.

(B) (1) Except as provided in division (B) (2) of this section, a member of the Public Employees Retirement System who meets all the requirements of division (B) or (C) of section 145.295 of the Revised Code other than the requirement of division (B) (1) or (C) (1) of that section may obtain service credit under that section for one of the following:

(a) If the member, on the effective date of this section, is a PERS law enforcement officer or PERS public safety officer, service for which the member contributed to the Ohio Police and Fire Pension Fund as a member of a police department;

(b) If the member was a member of the System and made an election under section 145.013 of the Revised Code to remain in the System as a firefighter, service for which the member contributed to the Fund as a member of a fire department.

(2) A member of the System is ineligible to obtain service credit under division (B) of this section if the member is eligible to obtain service credit under division (C) of this section.

(C) (1) A member of the Fund who meets all the requirements of division (C) or (D) of section 742.21 of the Revised Code or division (B) or (C) of section 742.214 of the Revised Code other than the requirement that the member be in the active service of a police or fire department may obtain service credit under those sections if both of the following apply:

(a) The member, on the effective date of this section, is a PERS law enforcement officer.

(b) The member is eligible, or with the credit will be 112473
eligible, to retire under Chapter 742. of the Revised Code. 112474

(2) The amount to be transferred or paid to the Fund to 112475
obtain service credit under this section is the amount specified 112476
in division (C) (1), (D) (1), or (I) of section 742.21 of the 112477
Revised Code, except that the Fund shall use the appropriate 112478
employer contribution under section 742.33 or 742.34 of the 112479
Revised Code, instead of meeting the requirement of divisions 112480
(C) (1) (d), (D) (1) (b), and (I) of section 742.21 of the Revised 112481
Code to use the amount the employer would have contributed for 112482
the service had the member been employed by the member's current 112483
employer as a member of a police or fire department. 112484

(D) To obtain service credit under this section, a member 112485
shall apply to the System or the Fund not later than ninety days 112486
after the effective date of this section. 112487

Section 701.30. (A) As used in this section, "exempt 112488
employee" has the same meaning as in section 124.152 of the 112489
Revised Code, as amended by this act. 112490

(B) To the extent the pay schedules the Director of 112491
Administrative Services creates under section 124.152 of the 112492
Revised Code, as amended by this act, result in a pay rate 112493
change for an exempt employee who is paid in accordance with 112494
section 124.152 of the Revised Code, the change shall apply to 112495
the pay period that includes July 1, 2025. 112496

(C) If the pay schedules the Director of Administrative 112497
Services creates under section 124.152 of the Revised Code, as 112498
amended by this act, include a pay range 17, an exempt employee 112499
paid in accordance with section 124.152 of the Revised Code who 112500
is being paid a salary or wage at step 6 of pay range 17 of the 112501

version of pay schedule E-1 that was in effect before the 112502
effective date of this section is eligible to move to step 7 of 112503
pay range 17 in the pay schedule created by the Director 112504
provided the exempt employee did not advance a step within the 112505
twelve-month period immediately preceding the date on which the 112506
Director creates the pay schedule. A step increase pursuant to 112507
this division applies to the first day of the pay period 112508
immediately following the pay period that includes July 1, 2025. 112509

(D) An exempt employee paid in accordance with section 112510
124.152 of the Revised Code who is being paid a salary or wage 112511
at step 6 of pay range 17 of the version of pay schedule E-1 112512
that was in effect before the effective date of this section who 112513
is ineligible under division (C) of this section to move up to 112514
step 7 of pay range 17 in the pay schedule created by the 112515
Director is eligible for advancement in accordance with division 112516
(G) of section 124.15 of the Revised Code, as amended by this 112517
act. 112518

Section 709.10. Of the two additional members appointed to 112519
the Ohio Grape Industries Committee under section 924.51 of the 112520
Revised Code as amended by this act, the initial term of office 112521
of one member shall be for a term of one year and the initial 112522
term of office of one member shall be for a term of two years. 112523
Thereafter, terms of those members shall be for three years as 112524
provided in that section. 112525

Section 731.10. A county prevention specialist who is 112526
serving an existing term on a child abuse and child neglect 112527
regional prevention council in accordance with section 3109.172 112528
of the Revised Code as of the effective date of this section may 112529
complete the council member's term of office. 112530

Section 733.20. (A) Notwithstanding the repeal of former 112531

sections 3313.902, 3314.38, and 3345.86 of the Revised Code and 112532
sections 3317.23, 3317.231, and 3317.24 of the Revised Code by 112533
this act, any individual enrolled in a program established under 112534
one of those sections may do either of the following: 112535

(1) Complete the program in accordance with the applicable 112536
section, as it existed prior to the section's repeal or repeal 112537
and reenactment by this act, provided the individual completes 112538
the program not later than June 30, 2027; 112539

(2) Complete a program described in section 3313.902, 112540
3314.38, or 3345.86 of the Revised Code in accordance with the 112541
applicable section, as enacted by this act. 112542

(B) The Department of Education and Workforce shall pay an 112543
eligible institution or eligible provider as required by the 112544
section under which the individual completes the program. 112545

Section 733.30. Notwithstanding anything to the contrary 112546
in division (D) of section 3301.079 and section 3301.0715 of the 112547
Revised Code, as amended by this act, for the 2025-2026 school 112548
year, school districts, community schools established under 112549
Chapter 3314., and STEM schools established under Chapter 3326. 112550
of the Revised Code shall administer each diagnostic assessment 112551
in accordance with those sections as they existed prior to the 112552
effective date of their amendment by this act. 112553

Section 733.40. Notwithstanding anything to the contrary 112554
in Revised Code, nothing prohibits any other community college, 112555
as defined in section 3333.168 of the Revised Code, from serving 112556
the counties previously served by Eastern Gateway Community 112557
College under section 3354.24 of the Revised Code. 112558

Nothing in this section exempts a community college from 112559
academic program approval by the Chancellor of Higher Education 112560

under section 3333.04 of the Revised Code or from seeking 112561
approval under rules adopted by the Chancellor. 112562

Section 747.10. TRANSITION OF PEER SUPPORTER CERTIFICATION 112563

(A) (1) Beginning one year after the effective date of this 112564
section, an individual who holds, on the effective date of this 112565
section, a valid certificate that is accepted under rules 112566
adopted pursuant to section 5119.36 of the Revised Code as 112567
authority to practice as a peer recovery supporter, youth peer 112568
supporter, or family peer supporter, may apply to the Chemical 112569
Dependency Professionals Board to continue practicing as a peer 112570
supporter under the certificate issued by the Department of 112571
Mental Health and Addiction Services. 112572

(2) At the Board's discretion and notwithstanding section 112573
4758.02 of the Revised Code, the Board may allow an individual 112574
to continuing practicing as a peer recovery supporter, youth 112575
peer supporter, or family peer supporter until a date the Board 112576
specifies. The date the Board specifies shall not be later than 112577
the date that is one year after the effective date of the 112578
Board's initial rules regarding peer recovery supporters, youth 112579
peer supporters, or family peer supporters adopted under section 112580
4758.20 of the Revised Code. 112581

(3) An individual who is permitted to continue practicing 112582
under a certificate issued by the Department of Mental Health 112583
and Addiction Services under this section may perform services 112584
within the scope, standards, and ethics of the certificate 112585
issued by the Department until the date specified by the Board. 112586

(B) Notwithstanding the amendments made by this act to 112587
sections 4758.10, 4758.11, and 4758.13 of the Revised Code, both 112588
of the following apply regarding the position on the Board that 112589

is to be held by a peer recovery supporter, youth peer 112590
supporter, or family peer supporter certified by the Board: 112591

(1) The Governor may delay filling the position until the 112592
Board's certification of such individuals has been initiated or 112593
may choose to fill the position before that time by appointing 112594
an individual who otherwise meets the same qualifications. 112595

(2) If the Governor delays filling the position on the 112596
Board as described in division (B)(1) of this section, the Board 112597
shall operate by making corresponding adjustments to the 112598
required number of members who must be present to constitute a 112599
quorum. 112600

Section 751.10. PRETRIAL BEHAVIORAL HEALTH INTERVENTION 112601
PILOT PROGRAM 112602

(A) As used in this section: 112603

(1) "Clinical nurse specialist" means an advanced practice 112604
registered nurse who holds a current, valid license issued under 112605
Chapter 4723. of the Revised Code and is designated as a 112606
clinical nurse specialist in accordance with section 4723.42 of 112607
the Revised Code and rules adopted by the Board of Nursing. 112608

(2) "Certified nurse practitioner" means an advanced 112609
practice registered nurse who holds a current, valid license 112610
issued under Chapter 4723. of the Revised Code and is designated 112611
as a certified nurse practitioner in accordance with section 112612
4723.42 of the Revised Code and rules adopted by the Board of 112613
Nursing. 112614

(3) "Major life activities" means activities of daily 112615
living, such as eating, bathing, or dressing; instrumental 112616
activities of daily living, such as maintaining a household, 112617
managing money, or taking prescribed medications; or functioning 112618

in social, family, vocational, or educational contexts. 112619

(4) "Physician" means an individual who is authorized 112620
under Chapter 4731. of the Revised Code to practice medicine and 112621
surgery or osteopathic medicine and surgery. 112622

(5) "Physician assistant" means an individual who is 112623
authorized under Chapter 4730. of the Revised Code to practice 112624
as a physician assistant. 112625

(6) "Serious mental illness" means a mental, behavioral, 112626
or emotional disorder resulting in serious functional 112627
impairment, which substantially interferes with or limits one or 112628
more major life activities. 112629

(B) Subject to appropriations by the General Assembly, the 112630
Department of Behavioral Health shall establish and operate a 112631
pretrial behavioral health intervention pilot program. On 112632
request of the Department of Behavioral Health, the Department 112633
of Rehabilitation and Correction shall assist the Department of 112634
Behavioral Health with any aspect of this responsibility and the 112635
report described in division (H) of this section. The purpose of 112636
the pilot program is to divert defendants who are booked in 112637
jails and have serious mental illnesses and co-occurring 112638
substance use disorders from the criminal justice system into 112639
community-based treatment and support services, with the 112640
objectives of reducing criminal justice recidivism and improving 112641
behavioral health outcomes. 112642

(C) The pilot program shall be established in up to three 112643
areas of the state, selected by the Director of Behavioral 112644
Health, and shall begin not later than October 1, 2026. The 112645
pilot program shall end June 30, 2029. 112646

(D) Through a competitive bidding process, the Department 112647

of Behavioral Health may select one or more entities that are 112648
community mental health services providers or community 112649
addiction services providers, or both, to operate one or more 112650
components of the pilot program on the Department's behalf. The 112651
pilot program shall include the following components: 112652

(1) An initial screening process, whereby each defendant 112653
identified by a local prosecutor as a potential candidate for 112654
the program is screened for signs and symptoms of serious mental 112655
illnesses and co-occurring substance use disorders using a 112656
screening tool approved by the Department. The Department may 112657
develop criteria that local prosecutors can use to identify 112658
potential candidates. 112659

(2) A medical screening process, whereby each defendant 112660
determined to be showing signs and symptoms of serious mental 112661
illness through the initial screening process described in 112662
division (D) (1) of this section undergoes an examination by a 112663
physician, physician assistant, clinical nurse specialist, or 112664
certified nurse practitioner to determine if medical 112665
contraindications exist to the defendant participating in the 112666
program; 112667

(3) The development of an individualized transition plan 112668
for each eligible defendant aimed at reducing criminal justice 112669
recidivism and improving psychiatric outcomes, recovery, and 112670
community integration; 112671

(4) A treatment and stabilization period, whereby at the 112672
conclusion of the period criminal charges against the eligible 112673
defendant may be dismissed or modified contingent on the 112674
defendant's successful completion of treatment and other 112675
elements of the individualized transition plan; 112676

(5) Monitoring of the eligible defendant's progress 112677
throughout the program and periodic reporting of such progress, 112678
as determined appropriate by the Department, to the relevant 112679
court; 112680

(6) Any other component the Department determines is 112681
appropriate. 112682

(E) Before a defendant is admitted to the pilot program, 112683
the defendant shall be advised of the program's purpose and the 112684
consequences to the defendant if the defendant does not comply 112685
with the defendant's individualized transition plan, including 112686
treatment. The defendant shall also agree, in writing, to 112687
participate in the program and sign a consent for release of 112688
records including, if applicable, consent for release of 112689
substance use disorder patient records. 112690

(F) The Department of Behavioral Health shall specify 112691
eligibility criteria for the pilot program. In doing so, and in 112692
establishing all other aspects of the program, the Department 112693
may consult with other jurisdictions that have implemented 112694
similar programs. The Department may also seek input from judges 112695
and magistrates, prosecutors, defense attorneys, law enforcement 112696
officials, behavioral health professionals, social services 112697
agencies, and any other entities the Department determines 112698
appropriate. 112699

(G) The Department of Behavioral Health may adopt any 112700
rules it considers necessary to implement the pilot program. If 112701
the Department adopts rules, the rules shall be adopted in 112702
accordance with Chapter 119. of the Revised Code. 112703

(H) Not later than March 1, 2029, the Department of 112704
Behavioral Health shall submit a report to the Governor, the 112705

Speaker of the House of Representatives, the President of the 112706
Senate, and the chairpersons of the committees of each house 112707
with responsibility for behavioral health care and criminal 112708
justice policy. The report shall evaluate the pilot program and 112709
make recommendations on whether the program should be continued 112710
or expanded into a statewide program. 112711

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 112712

There is hereby established in the Highway Operating Fund 112713
(Fund 7002), used by the Department of Transportation, a Diesel 112714
Emissions Reduction Grant Program. The Director of Environmental 112715
Protection shall administer the program and shall solicit, 112716
evaluate, score, and select projects submitted by public and 112717
private entities that are eligible for the federal Congestion 112718
Mitigation and Air Quality (CMAQ) Program. The Director of 112719
Transportation shall process Federal Highway Administration- 112720
approved projects as recommended by the Director of 112721
Environmental Protection. 112722

In addition to the allowable expenditures set forth in 112723
section 122.861 of the Revised Code, Diesel Emissions Reduction 112724
Grant Program funds also may be used to fund projects involving 112725
the purchase or use of hybrid and alternative fuel vehicles that 112726
are allowed under guidance developed by the Federal Highway 112727
Administration for the CMAQ Program. 112728

Public entities eligible to receive funds under section 112729
122.861 of the Revised Code and CMAQ shall be reimbursed from 112730
moneys in Fund 7002 designated for the Department of 112731
Transportation's Diesel Emissions Reduction Grant Program. 112732

Private entities eligible to receive funds under section 112733
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 112734

direction of the local public agency sponsor and upon approval 112735
of the Department of Transportation, through direct payments. 112736
These reimbursements shall be made from moneys in Fund 7002 112737
designated for the Department of Transportation's Diesel 112738
Emissions Reduction Grant Program. Total expenditures from Fund 112739
7002 for the Diesel Emissions Reduction Grant Program shall not 112740
exceed \$10,000,000 in both fiscal year 2026 and fiscal year 112741
2027. 112742

Any allocations under this section represent CMAQ program 112743
moneys within the Department of Transportation for use by the 112744
Diesel Emissions Reduction Grant Program by the Environmental 112745
Protection Agency. These allocations shall not reduce the amount 112746
of such moneys designated for metropolitan planning 112747
organizations. 112748

The Director of Environmental Protection, in consultation 112749
with the Director of Transportation, shall develop guidance for 112750
the distribution of funds and for the administration of the 112751
Diesel Emissions Reduction Grant Program. The guidance shall 112752
include a method of prioritization for projects, acceptable 112753
technologies, and procedures for awarding grants. 112754

Section 757.10. The amendment by this act of section 112755
5747.05 of the Revised Code is intended to clarify the meaning 112756
of that section as it existed before the effective date of this 112757
section and is not intended to change the meaning in any way. 112758

Section 757.20. The amendment by this act of section 112759
5747.40 of the Revised Code is intended to clarify the meaning 112760
of that section as it existed prior to the effective date of 112761
this section. It is not intended to change the meaning of 112762
section 5747.40 of the Revised Code in any way. 112763

Section 757.30. The Tax Commissioner may issue assessments 112764
pursuant to the amendment by this act of divisions (A) and (F) 112765
of section 5736.09 of the Revised Code on or after the effective 112766
date of that amendment, subject to the four-year time limitation 112767
prescribed in division (F) of that section. 112768

Section 757.40. BUSINESS INCENTIVE TAX CREDITS 112769

In order to facilitate an understanding of business 112770
incentive tax credits, as defined in section 107.036 of the 112771
Revised Code, the following table provides an estimate of the 112772
amount of credits that may be authorized in each fiscal year of 112773
the 2026-2027 biennium, an estimate of the credits expected to 112774
be claimed in each fiscal year of that biennium, and an estimate 112775
of the amount of credits authorized that will remain outstanding 112776
at the end of that biennium. In totality, this table provides an 112777
estimate of the state revenue forgone due to business incentive 112778
tax credits in the 2026-2027 biennium and future bienniums. 112779
112780

	1	2	3	4	5	6
A	Biennial Business Incentive Tax Credit Estimates					
	(All Figures in Thousands of Dollars)					
B		Estimate of total value of tax credits authorized		Estimate of tax credits issued/claimed		Expected Out- standing Credits
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	\$170,000	\$175,000	\$139,200	\$145,000	\$705,000

E	Job Retention	\$0	\$0	\$15,300	\$10,710	\$23,000
F	Historic Preservation	\$60,000	\$60,000	\$122,300	\$86,100	\$372,000
G	Film	\$50,000	\$50,000	\$40,000	\$35,000	\$100,000
H	Film and Theatre	\$25,000	\$25,000	\$15,000	\$25,000	\$70,000
I	New Markets	\$10,000	\$10,000	\$7,500	\$7,500	\$46,000
J	R&D Loan	\$0	\$0	\$0	\$0	\$5,000
K	InvestOhio Program	\$5,000	\$5,000	\$3,750	\$3,750	\$7,500
L	Ohio Rural Business Growth	\$0	\$0	\$18,750	\$18,750	\$7,500
M	Ohio Opportunity Zone	\$25,000	\$25,000	\$25,000	\$25,000	\$0
N	Transformational Mixed-Use Development	\$0	\$0	\$136,200	\$110,600	\$237,500

Section 801.10. Section 4141.29 of the Revised Code, as 112781
amended by this act, applies to valid applications for 112782
determination of benefit rights filed on or after the effective 112783
date of this section. 112784

Section 801.20. (A) The amendment by this act of division 112785
(A) (18) of section 5747.01 of the Revised Code is intended to 112786
clarify the meaning of that division as it existed before the 112787
effective date of this section and is not intended to change its 112788
meaning in any way. 112789

(B) The amendment by this act of division (S) (14) of 112790
section 5747.01 of the Revised Code applies to taxable years 112791
beginning on and after January 1, 2025. 112792

Section 801.30. The amendment or enactment by this act of 112793
section 5747.051 of the Revised Code applies to taxable years 112794
beginning on or after January 1, 2025. 112795

Section 801.40. The amendment by this act of section 112796
5747.09 and division (C) of section 5747.43 of the Revised Code 112797
applies to taxable years beginning on or after January 1, 2025. 112798

Section 801.50. The amendment by this act of sections 112799
5753.021 and 5753.031 of the Revised Code applies to sports 112800
gaming receipts received on and after July 1, 2025. 112801

Section 801.60. The repeal and reenactment by this act of 112802
section 3780.22 and the amendment by this act of section 3780.23 112803
of the Revised Code apply on and after July 1, 2025. 112804

Section 801.70. The amendment by this act of sections 112805
5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised 112806
Code involving notice to the tax commissioner applies to 112807
resolutions adopted under sections 5748.02, 5748.021, 5748.08, 112808
and 5748.09 and petitions filed under section 5748.04 of the 112809
Revised Code on or after the effective date of those amendments. 112810

Section 801.80. (A) The amendment by this act of sections 112811
5743.02, 5743.025, and 5743.32 and division (S) of section 112812
5743.01 of the Revised Code applies beginning on and after 112813
October 1, 2025. 112814

(B) Except as provided in division (A) of this section, 112815
the amendment by this act of sections 5743.01, and 5743.63, 112816
division (A) of sections 5743.51, and division (A) of section 112817
5743.62 of the Revised Code applies to invoices dated on or 112818

after October 1, 2025. 112819

(C) The amendment by this act of section 5743.05 of the 112820
Revised Code applies to cigarette tax stamps sold on and after 112821
the effective date of that amendment. 112822

Section 801.90. The amendment by this act of division (B) 112823
of section 5747.43 of the Revised Code applies to taxable years 112824
beginning on or after January 1, 2026. 112825

Section 801.100. The amendment by this act of sections 112826
5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 112827
5748.081, and 5748.09 of the Revised Code involving eliminating 112828
school district income taxes on estates applies to any school 112829
district income tax, as defined in section 5748.01 of the 112830
Revised Code, in effect, levied, or renewed on or after January 112831
1, 2026. The amendments do not invalidate or modify any portions 112832
of a properly enacted tax in effect on that date, other than 112833
those applicable to estates. For any school district income tax 112834
in effect on that date, the school district is not required to 112835
adopt a new resolution or obtain voter approval for the tax in 112836
order to effectuate those amendments. 112837

Section 801.110. The amendment by this act of divisions 112838
(A) and (E) of section 3734.904 of the Revised Code applies on 112839
and after January 1, 2026. 112840

Section 801.120. The amendment by this act of sections 112841
718.031, 3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 112842
3770.10, 3770.25, 3775.16, 5747.062, 5747.063, and 5747.064 of 112843
the Revised Code and the enactment by this act of sections 112844
3770.074 and 3770.075 of the Revised Code apply to amounts 112845
deducted and withheld on or after January 1, 2026. 112846

Section 801.130. The amendment by this act of section 112847

5747.071 of the Revised Code applies to withholding requests 112848
made under that section on or after January 1, 2026. 112849

Section 801.140. The amendment by this act of sections 112850
5743.52 and 5743.62 of the Revised Code applies to returns 112851
required to be filed under those sections on or after January 1, 112852
2026. 112853

Section 801.150. The enactment by this act of section 112854
5747.073 of the Revised Code applies to income tax withholding 112855
returns, reports, or payments filed or remitted on or after 112856
January 1, 2026. 112857

Section 801.160. The amendment by this act of section 112858
5739.07 of the Revised Code applies to refunds made pursuant to 112859
applications that are filed on or after the effective date of 112860
this section. 112861

Section 805.10. SEVERABILITY 112862

The items of law contained in this act, and their 112863
applications, are severable. If any item of law contained in 112864
this act, or if any application of any item of law contained in 112865
this act, is held invalid, the invalidity does not affect other 112866
items of law contained in this act and their applications that 112867
can be given effect without the invalid item of law or 112868
application. 112869

Section 810.10. NO EFFECT AFTER END OF BIENNIUM 112870

An item of law, other than an amending, enacting, or 112871
repealing clause, that composes the whole or part of an 112872
uncodified section contained in this act has no effect after 112873
June 30, 2027, unless its context clearly indicates otherwise. 112874

Section 820.10. Sections of this act prefixed with numbers 112875

in the 200s, 300s, 400s, and 500s of this act are exempt from 112876
the referendum under Ohio Constitution, Article II, Section 1d, 112877
and therefore take immediate effect when this act becomes law. 112878

Section 820.20. The amendment, enactment, or repeal by 112879
this act of the sections listed below is exempt from the 112880
referendum under Ohio Constitution, Article II, section 1d and 112881
section 1.471 of the Revised Code and therefore takes effect 112882
immediately when this act becomes law or, if a later effective 112883
date is specified below, on that date. 112884

Sections 3302.03, 3706.46, 3780.02, 3780.03, 3780.10, 112885
3780.18, 3780.19, 3780.22, 3780.23, 3780.25, 3780.26, 3780.30, 112886
5119.211, 5124.15, 5709.93, 5743.01, 5743.02, 5743.025, 5743.32, 112887
5743.51, 5743.62, 5743.63, 5751.02, 5753.021, and 5753.031 of 112888
the Revised Code and Section 701.10 of this act. 112889

Section 820.30. SUBJECT TO REFERENDUM 112890

Except as otherwise provided in this act, the amendment, 112891
enactment, or repeal by this act of a section is subject to the 112892
referendum under Ohio Constitution, Article II, section 1c and 112893
therefore takes effect on the ninety-first day after this act is 112894
filed with the Secretary of State or, if a later effective date 112895
is specified below, on that date. 112896

Section 820.40. The enactment by this act of sections 112897
3793.01, 3793.02, 3793.03, 3793.04, 3793.05, 3793.06, 3793.20, 112898
3793.21, 3793.22, 3793.23, 3793.24, 3793.25, 3793.30, 3793.40, 112899
3793.41, 3793.42, 3793.43, 3793.44, 3793.45, 3793.46, 3793.47, 112900
and 3793.90 of the Revised Code take effect July 1, 2026. 112901

Section 820.50. Sections 3301.221, 3313.60, 3313.6611, 112902
3314.0311, 3314.0312, 3319.073, 3326.092, and 3326.093 of the 112903
Revised Code as amended or enacted by this act take effect on 112904

July 1, 2026. 112905

Section 820.60. Sections 3312.01, 3312.02, 3312.03, 112906
3312.04, 3312.05, 3312.06, 3312.07, 3312.08, 3312.09, 3312.10, 112907
and 3312.13 of the Revised Code as amended, enacted, reenacted, 112908
and repealed by this act take effect on July 1, 2026. 112909

Section 820.70. Sections 1546.01, 1547.531, and 1547.54 of 112910
the Revised Code, as amended by this act, take effect January 1, 112911
2027. 112912

Section 820.80. Sections 4503.511, 4505.09, 4507.41, and 112913
4519.59 of the Revised Code as amended or enacted by this act 112914
take effect on January 1, 2026. 112915

Section 830.10. The General Assembly, applying the 112916
principle stated in division (B) of section 1.52 of the Revised 112917
Code that amendments are to be harmonized if reasonably capable 112918
of simultaneous operation, finds that the following sections, 112919
presented in this act as composites of the sections as amended 112920
by the acts indicated, are the resulting versions of the 112921
sections in effect prior to the effective date of the sections 112922
as presented in this act: 112923

Section 123.28 of the Revised Code as amended by both H.B. 112924
64 and H.B. 141 of the 131st General Assembly. 112925

Section 124.385 of the Revised Code as amended by both 112926
H.B. 1 and H.B. 16 of the 128th General Assembly. 112927

Section 149.43 of the Revised Code as amended by H.B. 265, 112928
H.B. 315, S.B. 29, and S.B. 109, all of the 135th General 112929
Assembly. 112930

Section 173.38 of the Revised Code as amended by both H.B. 112931
110 and S.B. 217 of the 134th General Assembly. 112932

Section 173.381 of the Revised Code as amended by both	112933
H.B. 110 and S.B. 217 of the 134th General Assembly.	112934
Section 921.26 of the Revised Code as amended by both H.B.	112935
507 and S.B. 131 of the 134th General Assembly.	112936
Section 1533.71 of the Revised Code as amended by both	112937
H.B. 389 and S.B. 310 of the 129th General Assembly.	112938
Section 3302.03 of the Revised Code as amended by both	112939
S.B. 104 and S.B. 168 of the 135th General Assembly.	112940
Section 3314.03 of the Revised Code as amended by H.B. 8,	112941
H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	112942
all of the 135th General Assembly.	112943
Section 3326.11 of the Revised Code as amended by H.B. 8,	112944
H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	112945
all of the 135th General Assembly.	112946
Section 3328.24 of the Revised Code as amended by both	112947
H.B. 47 and H.B. 214 of the 135th General Assembly.	112948
Section 4141.29 of the Revised Code as amended by both	112949
H.B. 49 and H.B. 158 of the 132nd General Assembly.	112950
Section 4510.17 of the Revised Code as amended by both	112951
H.B. 29 and H.B. 37 of the 135th General Assembly.	112952
Section 4751.20 of the Revised Code as amended by both	112953
H.B. 509 and S.B. 131 of the 134th General Assembly.	112954
Section 4758.46 of the Revised Code as amended by both	112955
H.B. 113 and H.B. 230 of the 131st General Assembly.	112956
Section 5101.35 of the Revised Code as amended by both	112957
H.B. 33 and S.B. 21 of the 135th General Assembly.	112958
Section 5117.07 of the Revised Code as amended by both	112959

H.B. 283 and S.B. 3 of the 123rd General Assembly.	112960
Section 5122.03 of the Revised Code as amended by both	112961
H.B. 281 and S.B. 2 of the 134th General Assembly.	112962
Section 5122.15 of the Revised Code as amended by both	112963
H.B. 7 and H.B. 281 of the 134th General Assembly.	112964
Section 5123.169 of the Revised Code as amended by H.B.	112965
263 of the 133rd General Assembly and S.B. 3 of the 134th	112966
General Assembly.	112967
Section 5123.41 of the Revised Code as amended by both	112968
H.B. 158 and H.B. 483 of the 131st General Assembly.	112969
Section 5123.42 of the Revised Code as amended by both	112970
H.B. 158 and H.B. 483 of the 131st General Assembly.	112971
Section 5739.31 of the Revised Code as amended by both	112972
S.B. 143 and S.B. 200 of the 124th General Assembly.	112973
Section 5739.99 of the Revised Code as amended by both	112974
S.B. 143 and S.B. 200 of the 124th General Assembly.	112975
Section 5747.01 of the Revised Code as amended by both	112976
H.B. 101 and S.B. 154 of the 135th General Assembly.	112977
Section 6111.04 of the Revised Code as amended by both	112978
H.B. 49 and S.B. 2 of the 132nd General Assembly.	112979